



Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Suíomh / Website: www.wicklow.ie

Siobhain Topping

19th Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX24/2026

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning &
Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under
subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be
prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of
the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





COMHAIRLE CONTAE CHILL MCHANTÁIN
Wicklow County Council

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Planning, Economic and Rural Development

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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &
DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Siobhain Topping

Location: Ivy Cottage, Delgany, Co. Wicklow

Reference Number: EX 24/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/303

A question has arisen as to whether “to demolish the existing outbuildings” at Ivy Cottage, Delgany, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application.
- b) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Section 82(1) of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2: Part 1 Class 50 of the Planning and Development Regulations 2001 (as amended).
- e) Delgany Village Architectural Conservation Area as set out in the Greystones-Delgany and Kilcoole Local Framework Plan.
- f) Report of the Architectural Conservation Officer received on the 5th of March 2026.

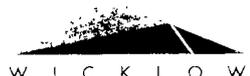
Main Reasons with respect to Section 5 Declaration:

- i. The proposed demolition of existing coach house/outbuilding and shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such buildings exceeds 40 square metres, and is therefore not exempted development.

The Planning Authority considers that “to demolish the existing outbuildings” at Ivy Cottage, Delgany, Co. Wicklow is development and IS NOT exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 19/03/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/303

Reference Number: EX 24/2026

Name of Applicant: Siobhain Topping

Nature of Application: Section 5 Referral as to whether "to demolish the existing outbuildings" is or is not development and is or is not exempted development.

Location of Subject Site: Ivy Cottage, Delgany, Co. Wicklow

Report from: Lyndsey Blackmore, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "to demolish the existing outbuildings" at Ivy Cottage, Delgany, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

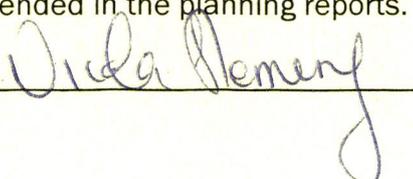
- a) The details submitted with the Section 5 Declaration Application.
- b) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Section 82(1) of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2: Part 1 Class 50 of the Planning and Development Regulations 2001 (as amended).
- e) Delgany Village Architectural Conservation Area as set out in the Greystones-Delgany and Kilcoole Local Framework Plan.
- f) Report of the Architectural Conservation Officer received on the 5th of March 2026.

Main Reasons with respect to Section 5 Declaration:

- i. The proposed demolition of existing coach house/outbuilding and shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such buildings exceeds 40 square metres, and is therefore not exempted development.

Recommendation

The Planning Authority considers that "to demolish the existing outbuildings" at Ivy Cottage, Delgany, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

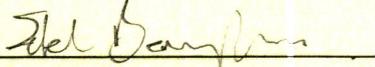
Signed: 

Date: 16/03/2026

ORDER:

I HEREBY DECLARE:

THAT "to demolish the existing outbuildings" at Ivy Cottage, Delgany, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner
Planning, Economic & Rural Development

Date: 19/3/2026.

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham A.S.P / Patrice Ryan S.E.P
FROM: Lyndsey Blackmore E.P.
SUBJECT REF: EX24/2026
DECISION DUE DATE: 19/03/2026
APPLICANT: Siobhan Topping
ADDRESS: Ivy Cottage, Delgay, Co. Wicklow
EXEMPTION QUERY: Whether the demolition of several existing outbuildings currently is a dilapidated condition within an ACA is exempt development.

Application Site:

The subject site is located within the village of Delgany A63KF59.

Ivy Cottage is a semi-detached, single-storey house. It is sited within Delgany's ACA, it is not a protected structure. The outhouses listed within this Section 5 Declaration request are located in the north-east corner of the northern section of the site.

Relevant Plans/ Policies:

County Development Plan 2022-2028

Land Use Plan Greystones, Delgany and Kilcoole Local Area Plan 2013-2019 ('LAP').

Zoning Village Centre

Zoning Objective The LAP states that the purpose of this zoning objective is :

To provide for the development and improvement of appropriate village centre uses in areas that are secondary or subsidiary area to the main town centre

Heritage:

The subject site is located within the:

Greystones-Delgany - Architectural Conservation Area (ACA) While the structure is not a protected structure under the current Greystones - Delgany 2013-2019 or Wicklow County Development Plan, it is included on the NIAH Register.

Planning History:

None relevant to this Section 5

Question:

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

The demolition of several existing outbuildings currently is a dilapidated condition within an ACA.

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act states the following in respect of ‘development’:

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4 (1) (h) is relevant for the purposes of this declaration:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Section 4(3) A reference in this Act to exempted development shall be construed as a reference to development which is—

- a) any of the developments specified in subsection (1), or
- b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 82(1) Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Planning and Development Regulations 2001(as amended)

Article 6 (1):

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1):

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) If the carrying out of such development would—

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

Schedule 2: Part 1, Class 1 and Class 50

<p><i>CLASS 50 (a)</i> <i>The demolition of a building, or buildings, within the curtilage of—</i> <i>(i) a house,</i> <i>(ii) an industrial building,</i> <i>(iii) a business premises, or</i> <i>(iv) a farmyard complex.</i></p> <p><i>Class 50 (b)</i> <i>The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</i></p>	<p>1. <i>No such building or buildings shall abut on another building in separate ownership.</i></p> <p>2. <i>The cumulative floor area of any such building, or buildings, shall not exceed:</i> <i>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</i> <i>(b) in all other cases, 100 square metres.</i></p> <p><i>No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</i></p>
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Architectural Conservation Officer Assessment:

Please see the attached report from the Architectural Conservation Officer.

The recommendation of same is that the proposed demolition of the two outbuildings within the curtilage of Ivy Cottage would constitute as exempted development. The outhouses do not form part of the original building of Ivy Cottage and are not in keeping with the vernacular style of the house. The outhouse structures are in a dilapidated state and detract from the visual character of the ACA, their removal would not negatively impact but positively contribute towards the enhancement of Ivy Cottage and Delgany's ACA.

1.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

I am satisfied that the proposal **involve works** to the existing structure and land and **therefore constitutes development.**

2.

The second stage of the assessment is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

The proposal consists of the following item:

Demolition of existing outbuildings within an ACA

Section 82(1)

As this structure is located within an Architectural Conservation Area one of the primary considerations in this case is whether or not the proposed works would not materially affect the character of the area having regard to Section 82(1) of the Planning and Development Act 2000 (as amended). In this regard I am satisfied, based on the information submitted with this section 5 application together with the report of the Architectural Conservation Officer that the proposed:

- Demolition works outlined above **would not** materially affect the character of the Architectural Conservation Area.

Schedule 2: Part 1, Class 50 (b)

The demolition of these outbuildings , is a type of development which could come under Schedule 2: Part 1 and Part 2(a), Class 50 (a) & (b) of the Planning & Development Regulations 2001(as amended). Refer to above table.

Relevant Conditions and Limitations:

1. No such building or buildings shall abut on another building in separate ownership.

Yes (it does not appear that any part of the outbuildings abut another building in separate ownership)

2. The cumulative floor area of any such building, or buildings (within the curtilage of a house), shall not exceed (a) 40 square metres.

No.

While the floor area of the structures has not been provided, from a rough measurement of the outbuildings it is estimated from the details provided that the floor area is in excess of 90msq.

RECOMMENDATION:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether the proposal to:

demolition of the existing outbuildings
at Ivy Cottage, Delgany, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that the proposal to
demolish the existing outbuildings **is development and is NOT exempted development.**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application.
- b) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Section 82(1) of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2: Part 1-Class 50 of the Planning and Development Regulations 2001 (as amended).
- (e) Delgany Village Architectural Conservation Area as set out in the Greystones-Delgany and Kilcoole Local Framework Plan
- (f) Report of the Architectural Conservation Officer received on the 5th March 2026

Main Reasons with respect to Section 5 Declaration:

- The proposed demolition of existing coach house/outbuilding and shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such buildings exceeds 40 square metres, and is therefore not exempted development.



Lyndsey Blackmore
Executive Planner
Date: 12/03/2025

Agreed Su N TTS
7 12/3/2025

Ref: EX24/2026

Applicant: Siobhan Topping

Site Location: Ivy Cottage, Delgany, Co. Wicklow, A63 KF59

Date: 5th March 2026

Subject: Request for a Section 5 Declaration on whether the demolition of several outbuildings on the property located within an Architectural Conservation Area (ACA) of Delgany constitutes exempted development under the Planning and Development Act.

Ivy Cottage Description

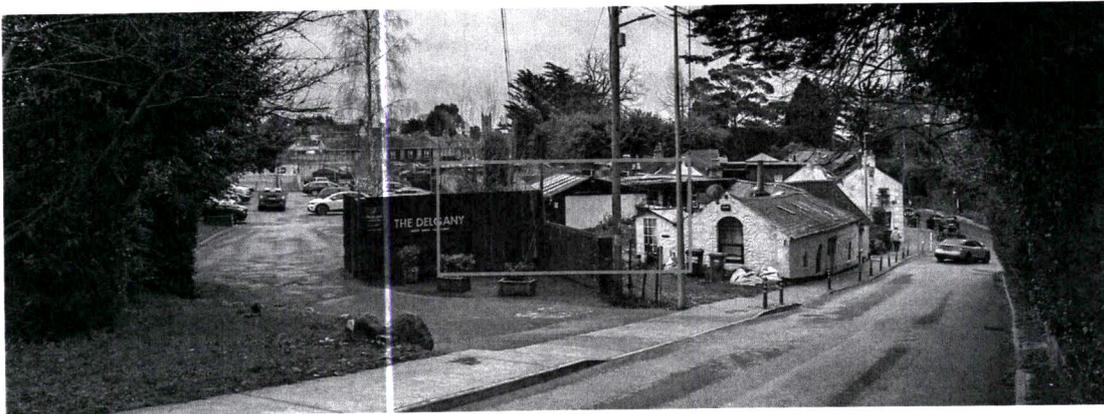
Originally built c.1760 as three/four potential dwellings, Ivy Cottage is a semi-detached, single-storey house which was amalgamated and partly formalised by c.1850. The structure is rated of 'regional' importance with a category of 'architectural' special interest in the NIAH. It is sited within Delgany's ACA, it is not a protected structure. The 'L' shaped house is defined by two distinct sections meeting at a unique hipped-roof intersection. The long, vernacular northern portion of the house lies on a north-south axis along the roadside of Bellevue Hill, rising to higher ground to the north end. The southern section lies on an east-west axis parallel to Glen Road. The outhouses listed within this Section 5 Declaration request lie stepped back to the north-east corner of the northern section of the building.



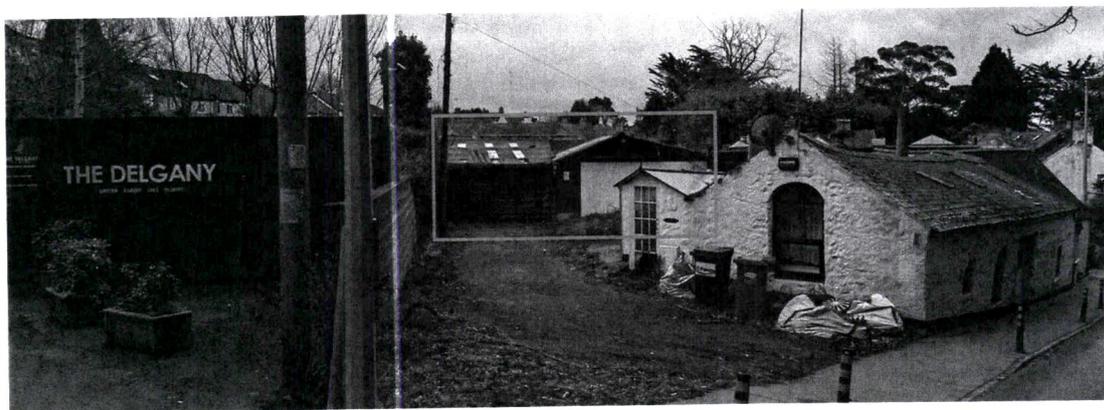
Ivy Cottage, aerial shot with the two main outhouse structures (lean-to and pitched roof) located to the far north-east upper corner of the site.



Ivy Cottage, south/west elevation, looking northwards from the bottom of Bellevue Hill. The outhouses are located stepped back from the western elevation and not visible from Glen Road.



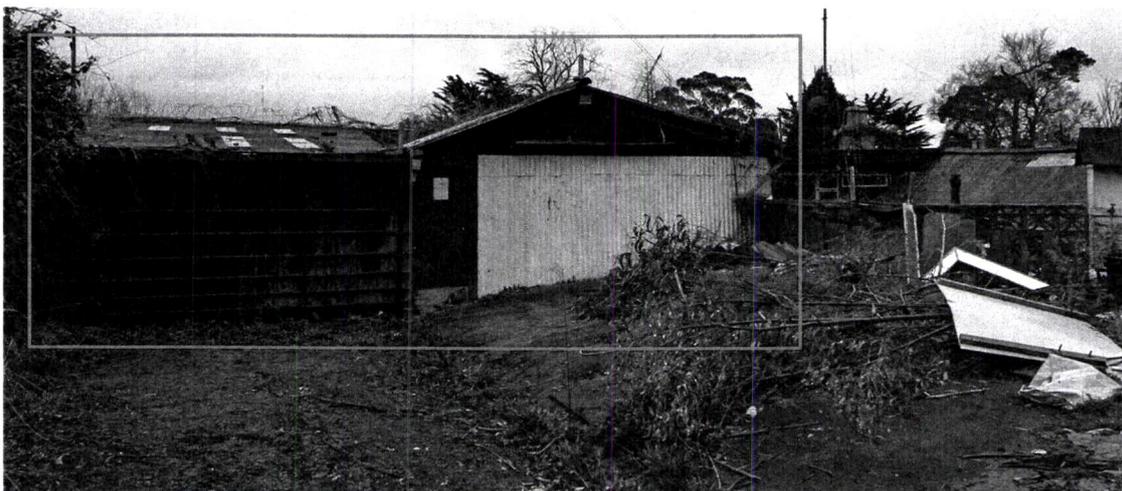
Ivy Cottage, north elevation, looking southwards down Bellevue Hill. The roof of the lean-to outhouse is partially visible behind 'The Delgany' entrance fencing and the outhouse with the pitched roof is fully visible.



Ivy Cottage, on approach to north elevation of the cottage, once passed the 'The Delgany' entrance and boundary wall, both outhouses are fully visible from Bellevue Hill.

Outhouses

The subject properties of the two outhouses are located to the north at the highest point of the site. The outhouses are included within Delgany's ACA. The main house which is sited sloping downwards towards the bottom of Bellevue Hill obscures both outhouses from view as you approach Delgany Village via Glen Road. The front elevation of one outhouse and side elevation/leaning roof of the other are visible from the north-west of Bellevue Hill, most notably when travelling south down the hill. The main house obscures both outhouses from view when travelling northwards up the hill, with the outhouses only visible once passed the main house and turning to face the right.



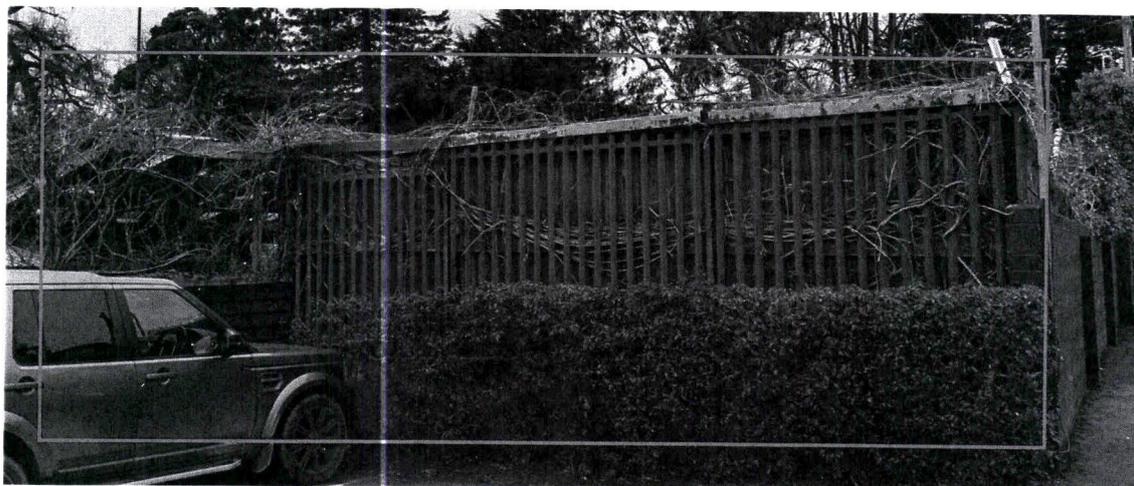
The two outhouses located to the north-east corner of the site, with the north elevation of Ivy Cottage located to the right out of view of the photo, and the roof of the southern section of the Ivy Cottage visible in the background to the right.

The outhouses are also visible from the adjoining carpark of the 'The Delgany', directly north behind Ivy Cottage. There is a contemporary boundary wall of concrete block enclosing the perimeter of Ivy Cottage to the north, which the first outhouse (lean-to structure) lies flush to. The side elevation of this lean-to roof and the pitched roof of the second outhouse are visible over the wall.



View from 'The Delgany' car park, looking south, with the side elevation of the lean-to outhouse, and the pitched roof of the adjacent outhouse visible over the wall.

To the north-east there is metal fencing and some low hedging, which the corrugated clad east elevation of the lean-to outhouse is visible through. The side elevation of the second pitched roof outhouse is also partially visible through the overgrowth.



View from 'The Delgany' carpark, looking west outwards onto Bellevue Hill, the side elevation of the lean-to outhouse is visible through the metal fencing, and the gable end of the pitched roof outhouse is also partially visible through the overgrowth.

The outhouses are not original buildings to Ivy Cottage, both comprise of contemporary materials with corrugated metal cladding. The first outhouse is a lean-to structure, with a sloping roof (east-west) and several rooflights/opes. The roof is felted and this felt extends down the north side of the elevation, running parallel to the perimeter wall. The roof is warping, with the felt ripped in exposed locations and rotted timber sheeting visible underneath. The outhouse is clad in black corrugated metal sheeting.



The first outhouse (lean-to structure), furthest north on the site, is enclosed with a concrete block wall to the north, and metal fencing with hedging to the east corner. The bad condition of the roof is visible in this photograph.

The second outhouse is located directly south in front of the first outhouse. It has a pitched roof, with the front elevation facing west onto Bellevue Hill, there is a small door on this elevation. The entire structure is clad in corrugated metal sheeting in varying colours (dark red, white and green). This structure extends deeper into the building's plan, running parallel to the south section of the main house. There is also a smaller adjoining structure with an exposed frame and corrugated roof cladding running alongside the south elevation of this outhouse, which seems to face onto the sunken garden of the south section of the house forming a small courtyard, and a further smaller lean-to structure located in the upper east corner (not visible from 'The Delgany' carpark), all forming part of this outhouse.



The second outhouse, between the first outhouse and Ivy Cottage on the site extends further back eastwards alongside the back of the southern elevation of the house.



The exposed frame and corrugated roof that is attached to the second outhouse is only partially visible from Bellevue Hill.

There is barbed wire placed on the outer edges of both roofs, with extensive overgrowth present around the back of the second outhouse. Both outhouses are visually unsightly, of mismatched construction, in a state of disrepair, and not in keeping with the vernacular style of the original house.

Context: Delgany ACA

The dwelling and outhouses lies within Delgany's ACA, which protects the historic core of Delgany Village. The ACA features 18th and 19th century buildings, an 'S'-shaped street layout (which Ivy Cottage features prominently), and a strong, unique village character. The ACA covers the village area and its surrounds.

It is noted that the following objectives for ACAs are described in the *Greystones, Delgany and Kilcoole Local Area Plan 2013-2019*:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.

Appraisal

Unusual single-storey dwelling house, possibly originally three or more houses, whose vernacular character is still evident despite mid-19th and late 20th-century alterations. This property is one of the village's most memorable, featuring prominently on the 'S' shaped street layout of the village and remains a good asset to the streetscape. The two outhouses are not original to the structure; they are more recent additions made from contemporary materials, not in keeping with the vernacular style of the original house and are in a dilapidated state and visually unsightly.

Recommendation to Planner for Section 5 Declaration: Exempted Development

Following a site inspection held on the 5th March 2026, photos included within this report for reference above, I would suggest the proposed demolition of the two outbuildings within the curtilage of Ivy Cottage would constitute as exempted development. The outhouses do not form part of the original building of Ivy Cottage and are not in keeping with the vernacular style of the house. The outhouse structures are in a dilapidated state and detract from the visual character of the ACA, their removal would not negatively impact but positively contribute towards the enhancement of Ivy Cottage and Delgany's ACA.

Sophie Kelliher

Architectural Conservation Officer

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Sophie Kelliher
Architectural Conservation Officer

FROM: Nicola Fleming
Staff Officer

**RE:- EX24/2026 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration received 20/02/2026.

The due date on this declaration is the 19/03/2026.

Lyndsey Blackmore is the Planner assessing the application.



Staff Officer
Planning Development & Environment



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Lyndsey Blackmore FROM: Nicola Fleming
Executive Planner Staff Officer

**RE:- EX24/2026 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration received 20/02/2026.

The due date on this declaration is the 19/03/2026.



Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin
Wicklow County Council

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Suíomh / Website: www.wicklow.ie

Siobhan Topping
65 Marlton Demesne
Wicklow Town
A67 K020

24th February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX24/2026

A Chara

I wish to acknowledge receipt on 20/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 19/03/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
Courthouse Buildings
Wick
0404-20100

20/02/2026 14 52 54

Receipt No L1/0/359326

***** REPRINT *****

SIOBHAN TOPPING
65 MARLTON DEMESNE
WICKLOW TOWN

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

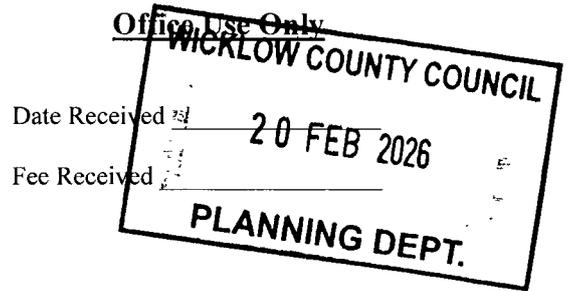
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Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462



**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: SIOBHAIN TOPPING
Address of applicant: 65 MARLTON DEMESNE, WICKLOW TOWN,
A67 K020
-

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____
Address of Agent : _____
-

Note Phone number and email to be filled in on separate page.

3. Declaration Details

- i. Location of Development subject of Declaration
Rear of Ivy Cottage, Delgany, Co. Wicklow A63 KF59
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
YES
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier:
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

I am requesting confirmation on whether the demolition of several outbuildings located on my property within an Architectural Conservation Area (ACA) constitutes exempted development under the Planning and Development Act.

The structures in question are:

- **In a severely dilapidated and unsafe condition**
- **Partially collapsing and structurally unsound**
- **Containing asbestos materials that present a health and safety risk**
- **Visually unsightly and detracting from the character of the ACA**

Given these circumstances, I am seeking a formal declaration on whether their removal is considered exempt development, or whether planning permission is required.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

I consider the following provisions of the Planning and Development Act 2000 (as amended) and associated Regulations to be relevant:

- **Section 2 & Section 3 – Definitions of *development* and *exempted development***
- **Section 4(1)(h) – Exempted development relating to the maintenance, improvement or other alteration of a structure, including works that do not materially affect the external appearance**
- **Article 6 & Schedule 2 of the Planning and Development Regulations 2001 (as amended) – Classes of exempted development, including demolition in certain circumstances**

- **Section 82 – Provisions relating to Architectural Conservation Areas (ACAs) and restrictions on works that would materially affect the character of the area**

- **Any relevant provisions concerning demolition of unsafe or dangerous structures, particularly where public safety is a factor**

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ?

No

vii. List of Plans, Drawings submitted with this Declaration Application _____

viii. Fee of € 80 Attached ? _____

Signed :

S. Topping

Dated :

20/2/26

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.
 - Site Layout Plan showing distance to boundaries, rear garden area, adjoining

dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoiné



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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Sub-Leasehold
- 'S' Register

(See Section 8(b) (II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010)

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act 1964). As inserted by Section 62 of the registration of Deed and Title Act 2006.

Folio Number	WW41631F
Title Level	Freehold
Plan Number	See Folio
Property Number	1
Area of selected plans	0.11 hectares.
Number of Plans on this folio:	3
Address	Not Available

xBL=727394.09703502&yBL=710720.18686862&xTR=727667.41216498&yTR=71097.6.56863138

This is not an official copy of the PRA map and is not printed to scale. This map and plan numbers must be read with the accompanying folio.
Date Printed 05/02/2020

