



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
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Zoe Conroy and Darragh Smith

Of March 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX34/2026**

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.**





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

Applicant: Zoe Conroy and Darragh Smith

Location: Tomriland, Roundwood, Co. Wicklow

Reference Number: EX 34/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/362

A question has arisen as to whether “*the removal of two chimneys, and replacement of one with a flue for an existing stove*” at Tomriland, Roundwood, Co. Wicklow is or is not exempted development.


Having regard to:

- a) The details submitted with the Section 5 declaration
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 2(a) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- d) The removal of two chimneys and replacement of one with a flue consists of operations of demolition/alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- e) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- f) The removal of the chimneys would affect the exterior of the structure but would 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 and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- g) The construction of a flue to serve the existing stove would come within the description set out in Class 2(a): Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) that provides the following is exempt i.e. the provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

The Planning Authority considers that “the removal of two chimneys, and replacement of one with a flue for an existing stove” at Tomriland, Roundwood, Co. Wicklow is development and IS exempted development.

Signed 

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Date: 02/04/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/362

Reference Number: EX 34/2026

Name of Applicant: Zoe Conroy and Darragh Smith

Nature of Application: Section 5 Referral as to whether "*the removal of two chimneys, and replacement of one with a flue for an existing stove*" is or is not development and is or is not exempted development.

Location of Subject Site: Tomriland, Roundwood, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the removal of two chimneys, and replacement of one with a flue for an existing stove*" at Tomriland, Roundwood, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

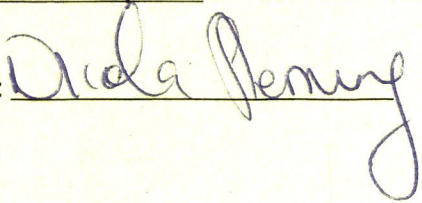
- (a) The details submitted with the Section 5 declaration
- (b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)
- (c) Article 6, 9 and Schedule 2: Part 1: Class 2(a) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The removal of two chimneys and replacement of one with a flue consists of operations of demolition/alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- (iii) The removal of the chimneys would affect the exterior of the structure but would 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 and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (iv) The construction of a flue to serve the existing stove would come within the description set out in Class 2(a): Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) that provides the following is exempt i.e. the provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Recommendation

The Planning Authority considers that "*the removal of two chimneys, and replacement of one with a flue for an existing stove*" at Tomriland, Roundwood, Co. Wicklow is development and is exempted development as recommended in the planning reports.

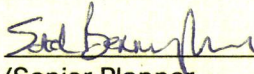
Signed: 

Date: 30/03/2026

ORDER:

I HEREBY DECLARE:

THAT "*the removal of two chimneys, and replacement of one with a flue for an existing stove*" at Tomriland, Roundwood, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner

Date: 21/4/2026

Planning, Economic & Rural Development

Section 5 Application EX 34 /2026

Date : 27/3/2026

Applicant : Zoe Conroy & Darragh Smith.

Address : Tomriland, Roundwood, Co. Wicklow , A98 TX25

Exemption Whether or not :

the removal of two chimneys, and replacement of one with a flue for an existing stove.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History

PRR 24/60494

Permission granted for retention of an extension to side of existing dwelling (facing South) as built, an extension to side of existing dwelling (facing North) as built, and permission for removal of existing septic tank and installation of a new treatment unit and soil polishing filter

Relevant legislation :

Planning and Development Act 2000 (as amended)

“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

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (ii)*;

“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.

Section 3 :

3.—(1) 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 land or structures situated on land, or

Section 4 :

- 4.— (1) The following shall be exempted developments for the purposes of this Act—
(h) 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;

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) Note see Regulations for full Article

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—
< See Regulations for List>

Schedule 2 : Part 1

CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Assessment

The Section 5 application seeks a declaration as to whether the removal of external chimney stack is or is not development or is or is not exempted development .

Cottage – Streetview Aug 2025



The removal of the chimneys and external elements within the roof and insertion of a flue are works of demolition/ alteration, and therefore come within the definition of development having regard to Section 3 (1) of the Planning and Development Act 2000(as amended).

Section 4 of the Planning and Development Act 2000 (as amended) provides that

- 4.— (1) The following shall be exempted developments for the purposes of this Act—
- (h) 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;

The removal of the chimneys is for maintenance/ improvement, and whilst they effect the exterior of the structure, having regard to the location within the roof plane, the removal of the chimney stack would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures.

Class 2: Part 1: Schedule 2 is the relevant exemption for the provision of a flue. This exemption provides that -

- (a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

As the provision of a flue is to service an existing stove which is part of the heating system for the dwelling, and therefore would come within this exemption, and nothing within Article 9 would restrict this exemption.

The works are therefore development and are exempted development.

Recommendation :

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

the removal of two chimneys, and replacement of one with a flue for an existing stove at Tomriland, Roundwood, Co. Wicklow , A98 TX25

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the the removal of two chimneys, and replacement of one with a flue for an existing stove **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part1: Class 2(a) of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The removal of two chimneys and replacement of one with a flue consists of operations of demolition/ alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The removal of the chimneys would affect the exterior of the structure, but would 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)
- (iv) The construction of a flue to serve the existing stove would come within the description set out in Class 2(a): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) that provides the following is exempt i.e. the provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

John Cunningham
27/3/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

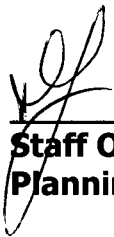
**TO: Edel Bermingham
A/Senior Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX~~34~~4/2026 - 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 11/03/2026.

The due date on this declaration is the 07/04/2026.



**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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Zoe Conroy & Darragh Smith

12th of March 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX34/2026

A Chara

I wish to acknowledge receipt on 11/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 07/04/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



To Whom it may Concern,

I wish to enquire about the removal of 2 Chimneys from my house at A98TX25.

The house has 3 Chimneys. 1 on the flat roof extension that is leaking quite badly and the chimney breast extends into the bathroom, we wish to remove the full chimney and replace it with a flue for the existing stove. The second Chimney is in the bedroom and has a crack running the whole way up it, we wish to take that one down entirely as it is dangerous. The third Chimney will be left as is. Would we be required to apply for planning to remove the Chimneys? We will be renovating the house through the Vacant Property grant so I want to make sure we are compliant where necessary.

Kind regards,

Lois Conroy

Wicklow County Council
County Buildings
Wicklow
0404-20100

11/03/2026 13 10 53

Receipt No L1/0/360322
***** REPRINT *****

ZOE CONROY & DARRAGH SMITH
GLENN ALUINN
KILMACANOGUE
WICKLOW

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

Total 80 00 EUR

Tendered
Cash 100 00

Change 20 00

Issued By Adam Copeland
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

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: Zoe Conroy & Darragh Smith
Address of applicant: Gleann Aluinn,
Kilmacanogue, Wicklow, A98TP97

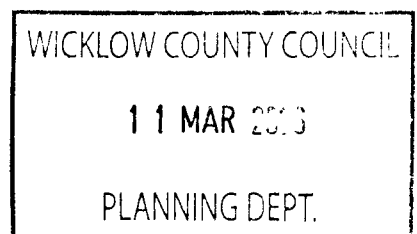
Note Phone number and email to be filled in on separate page.

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 Tomriland,
ROUNDWOOD, CO. W. CKLOW, A98 TX 25

re you the owner and/or occupier of these lands at the location under i. above ?
 Yes No.

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, an 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 wish to remove two of the three Chimneys in my small cottage. I would like to replace one of them with a flue and remove the other entirely. Would I need to seek Planning permission to carry out these works?

Additional details may be submitted by way of separate submission.

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

Additional details may be submitted by way of separate submission.

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.

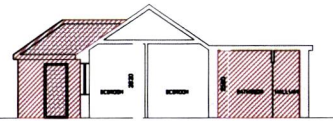
RECEIVED: 14/08/2024



FRONT ELEVATION
SCALE 1:100



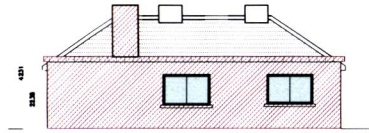
SIDE ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100



REAR ELEVATION
SCALE 1:100

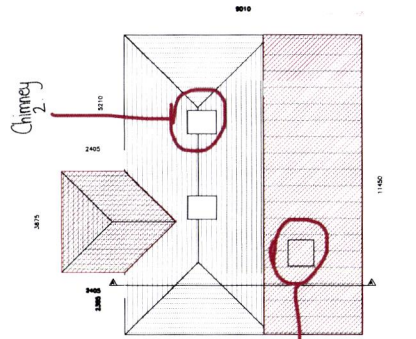


SIDE ELEVATION
SCALE 1:100

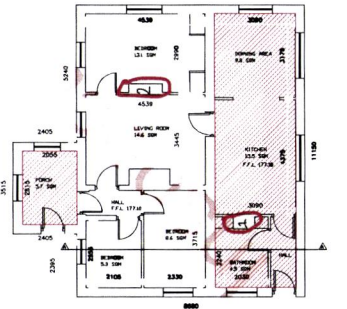
FINISHES:
ROOF: Brown Tiles and Felt flat roof
WALLS: Plaster render
CILLS: Concrete
WINDOWS: PVC windows



AREA FOR
RETENTION
PERMISSION

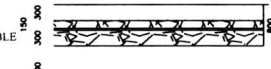


ROOF PLAN
SCALE 1:100

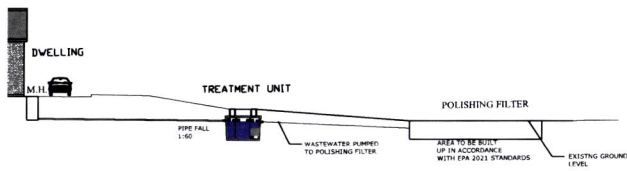


GROUND FLOOR PLAN
SCALE 1:100
FLOOR AREA 90.5 SQM

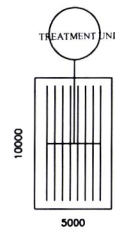
POLISHING FILTER BUILD UP
300MM TOPSOIL
GEOTEXTILE LAYER
150MM GRADED 20-30MM PEBBLE
32MM PIPEWORK - 600MM
CENTRE TO CENTRE
300MM GRADED 20-30MM PEBBLE
900MM UNSATURATED SUSOIL



POLISHING FILTER
SECTION
SCALE 1:50



PROPOSED POLISHING FILTER SECTION
SCALE 1:200



PROPOSED SOIL
POLISHING FILTER PLAN
SCALE 1:200

PROPOSED 50 SQM
SOIL POLISHING FILTER
IN ACCORDANCE WITH
EPA 2021 STANDARDS

POLISHING FILTER BUILD UP
300MM TOPSOIL
GEOTEXTILE LAYER
150MM GRADED 20-30MM PEBBLE
32MM PIPEWORK - 600MM
CENTRE TO CENTRE
300MM GRADED 20-30MM PEBBLE
900MM UNSATURATED SUSOIL

NOTE: FIGURED DIMENSIONS ONLY.
DO NOT SCALE DRAWING.
CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPANCIES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PRIOR TO THE COMMENCEMENT OF
WORK.

DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
MARKED CONTRACT ARE TO BE USED
FOR CONSTRUCTION.

DRAWING:
EXISTING DWELLING AND
WASTEWATER DETAILS
SCALE 1:200, 100, 50

PROJECT:
WILLIAM BELTON,
TOMRILAND,
ROUNDWOOD,
CO. WICKLOW.

DRAWING NO. SHEET NO.
002 2

DRAWING BY:
LIAM KENNA
DATE:
25.04.24

RECEIVED: 14/08/2024



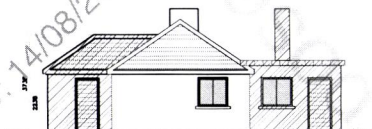
FRONT ELEVATION
SCALE 1:100



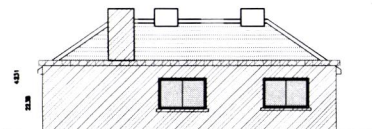
SIDE ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100



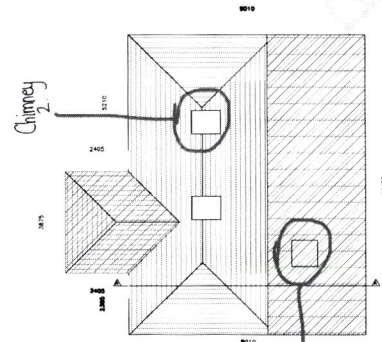
REAR ELEVATION
SCALE 1:100



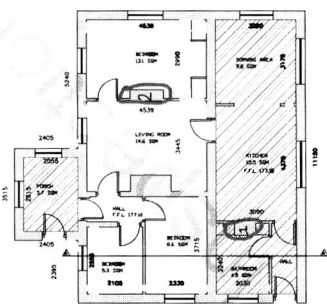
SIDE ELEVATION
SCALE 1:100

FINISHES:
ROOF: Brown Tiles and Felt flat roof
WALLS: Plaster render
CILLS: Concrete
WINDOWS: PVC windows

 AREA FOR RETENTION PERMISSION

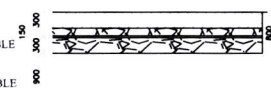


ROOF PLAN
SCALE 1:100

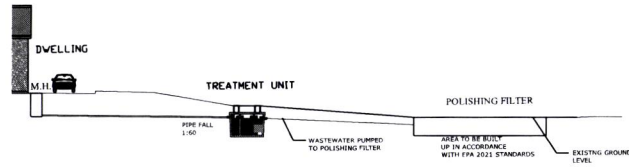


GROUND FLOOR PLAN
SCALE 1:100
FLOOR AREA 90.5 SQM

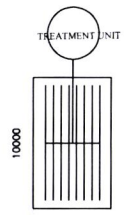
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900MM UNSATURATED SUSOIL



POLISHING FILTER SECTION
SCALE 1:50



PROPOSED POLISHING FILTER SECTION
SCALE 1:200



PROPOSED SOIL POLISHING FILTER PLAN
SCALE 1:200

PROPOSED 50 SQM SOIL POLISHING FILTER IN ACCORDANCE WITH EPA 2021 STANDARDS

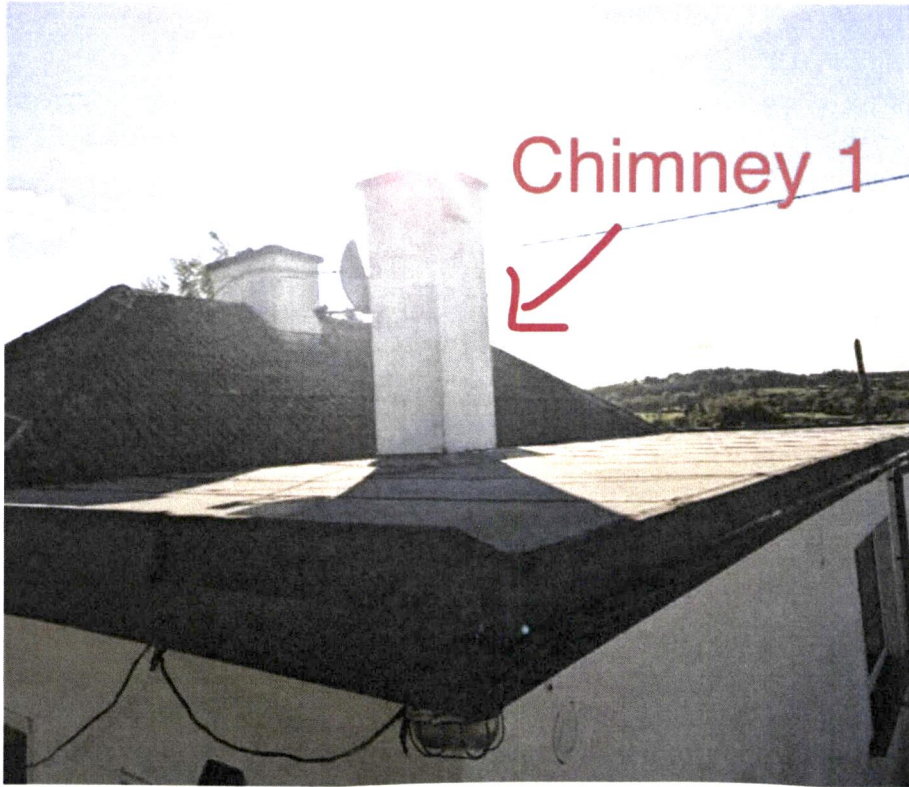
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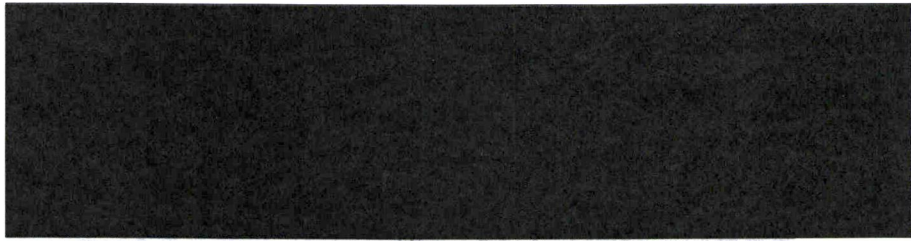
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DRAWING IS INTENDED SOLEY FOR PURPOSE NOTED. ONLY DRAWINGS MARKED CONTRACT ARE TO BE USED FOR CONSTRUCTION.

DRAWING: EXISTING DWELLING AND WASTEWATER DETAILS SCALE 1:200, 100, 50	DRAWING BY: LIAM KENNA	DATE: 25.04.24
	PROJECT: WILLIAM BELTON, TOMRILAND, ROUNDWOOD, CO. WICKLOW.	DRAWING NO.: 002







Chimney 2

