



# 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](http://www.wicklow.ie)

Eamonn Purcell  
Honorary Secretary  
Bray Golf Club  
Greystones Road  
Bray  
Co. Wicklow  
A98 YX76

 26 July 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act  
2000 (As Amended) – EX59/2024

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 Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





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

**Applicant:** Bray Golf Club

**Location:** Greystones Road, Bray, Co. Wicklow A98 YX76

**CHIEF EXECUTIVE ORDER NO. CE/PERD/959/2024**

Section 5 Declaration as to whether “replacement of existing shipping container” at Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YX76 constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

### Having regard to:

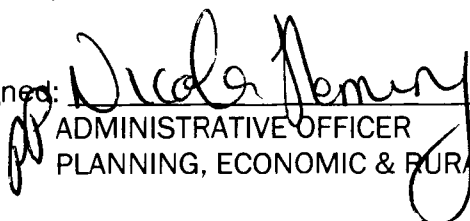
- The details submitted with the Section 5 Application.
- PL27.112864 (PRR 98/ 9016), PRR 07/1999,PRR 01/5372, PRR 00/3625, PRR 98/9017, EX 12/ 14
- An Bord Pleanála Referrals ABP-317248-23, RL3521, RL 2167, RL2252
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6,9 and Schedule 2, Part1, Class 34 of the Planning and Development Regulations 2001(as amended).

### Main Reasons with respect to Section 5 Declaration:

- The levelling of the lands, the placement of a container thereon, and removal of the existing container would come within the definition of works, and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- The placement of a container on the lands would not come within the description set out under Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) as the container is for the enclosure of a pump for water supply to the Golf clubhouse and maintenance structure and is not for the maintenance of the golf course itself which is irrigated by way of existing wells / lake storage.

The Planning Authority considers that “replacement of existing shipping container” at Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YX76 **is development and is Not exempted development**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  July 2024





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACT 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/959/2024

Reference Number: EX59/2024

Name of Applicant: Bray Golf Club

Location of Subject Site: Greystones Road, Bray, Co. Wicklow A98 YX76

Nature of Application: Section 5 Declaration request as to whether or not "replacement of existing shipping container" constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "replacement of existing shipping container" at **Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YX76** is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details submitted with the Section 5 Application.
- ii. PL27.112864 (PRR 98/ 9016), PRR 07/1999,PRR 01/5372, PRR 00/3625, PRR 98/9017  
EX 12/ 14
- iii. An Bord Pleanala Referrals ABP-317248-23, RL3521, RL 2167, RL2252
- iv. Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- v. Article 6,9 and Schedule 2, Part1, Class 34 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

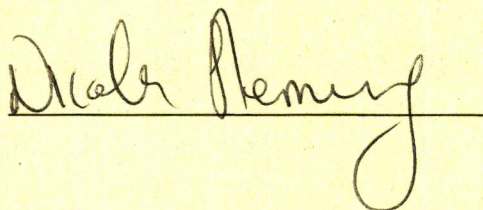
- (a) The levelling of the lands, the placement of a container thereon, and removal of the existing container would come within the definition of works, and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- (b) The placement of a container on the lands would not come within the description set out under Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) as the container is for the enclosure of a pump for water supply to the Golf clubhouse and maintenance structure and is not for the maintenance of the golf course itself which is irrigated by way of existing wells / lake storage.



**Recommendation:**

The Planning Authority considers that "replacement of existing shipping container" at Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YX76 is development and is Not exempted development as recommended in the report by the SEP.

Signed



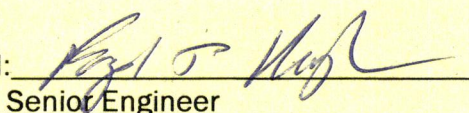
Dated 24<sup>th</sup> day of July 2024

**ORDER:**

**I HEREBY DECLARE:**

That "replacement of existing shipping container" at Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YX76 is development and is Not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer  
Planning, Economic & Rural Development

Dated 24<sup>th</sup> day of July 2024

## **Section 5 Application : EX 59/2024**

Date : 18<sup>th</sup> July 2024.

Applicant : Bray Golf Club

Address : Greystones Road, Bray, Co. Wicklow.

Exemption Whether or not :

Replacement of existing shipping container.

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

## **Planning History**

PRR18/1183 Permission granted for the development of new 4<sup>th</sup> Hole comprising of a new tee, fairway, green, pathways and ancillary works.

PRR 07/1999 Permission granted for enclosure of part of existing terraced area at ground/ lower level , enclosure of part of the exiting open yard, construction of a permanent bin store enclosure, removal of timber shed used to house pumping machinery and construction of permanent single storey pitched roof building to house pumping machinery, construction of water storage pond for supplementary irrigation, erection of lighting bollards, installation of uplighters.

PRR 01/5372 Permission granted for maintenance shed

PRR 00/3625 Approval granted for golf clubhouse, carpark and alterations to access road

PRR 98/9017 Outline permission granted for golf clubhouse

PL27.112864 (PRR 98/ 9016) Permission granted for golf course

EX 12/ 14 The Planning Authority declared that the carrying out of golf course improvement works to golf holes 4 and 5 on Bray Golf Course Is development and is not exempted development.

## **Relevant Referrals**

ABP-317248-23 - An Bord Pleanala concluded that the removal of the old wooden and paladin fence, etc. above the old stone wall and the erection of circa 56 linear metres of a replacement timber fence affixed to and above the old stone boundary wall at Milltown Golf Club, Lower Churchtown Road, Churchtown, Dublin is development and is not exempted development as :

- (a) the works of alteration to the golf course comprising the removal of old wooden and paladin fence, etc. above the old stone wall and the erection of circa 56 linear metres of a replacement timber fence affixed to and above the old stone boundary wall comes within the meaning of



- Section 3 of the Planning and Development Act 2000, as amended, and are, therefore, development,
- (b) the works to the golf course, not being works replacing a fence that shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed two metres, do not come within the scope of Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
  - (c) the works to the golf course, being works different in character and height to the pre-existing fence, and for which sufficient information has not been presented to demonstrate that such works are not material, are not, therefore, considered works of an incidental nature to the maintenance and management of the golf course, and do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

RL3521 An Bord Pleanála hereby decides that (a) the conversion of 12 bedrooms to "recreation suites" is development and is not exempted development, (b) the construction of a car park on former putting green area is development which is permitted development under planning register reference number 91/6781 and (c) the construction of a car park on former tee area at Charlesland Golf Club, Ballynerrin (ED Kilcoole), Greystones, County Wicklow is development and is not exempted development as :

- (a) the permitted use is as hotel accommodation ancillary to and associated with the golf club use of the site as granted under planning register reference number 91/6781,
- (b) the alterations to the hotel bedrooms involving the removal of internal partitions and en-suites constitute development as defined in Section 3 of the Planning and Development Act 2000 and come within the scope of the exemptions provided for in Section 4(1)(h) of the said Act being internal works which do not affect the external appearance of the structure,
- (c) however, the conversion of all of the hotel bedrooms to "recreation suites" for the provision of an independent recreational and indoor sports facility for both members of the club and for visiting members of the public constitutes a change in the nature and character of the permitted use and an intensification of the use, and this change would raise material planning considerations, including traffic and parking implications and would, therefore, constitute a material change of use, which is development,
- (d) this material change of use does not fall within the scope of any one of the classes of use specified in Part 4 of the Second Schedule of the Planning and Development Regulations 2001, and is not, therefore, exempted development,
- (e) the works of alteration to the golf course comprising the construction of a car park on the former Tee Area and the adjoining grassed area constitute works that come within the meaning of Section 3 of the Planning and Development Act, 2000 and are, therefore, development,
- (f) the works to the former Tee Area do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, not being works incidental to the maintenance or management of the golf course and are, therefore, not exempted development, and
- (g) the construction of the car park on the former putting green is in accordance with the layout permitted under the permission granted under planning register reference number 91/6781 and is permitted development.

RL 2167        An Bord Pleanála consider that the works carried out on the lands of Doonbeg Golf Club involving the closure of the existing public right of way and the movement and alteration of the natural line of the public vehicular right of way at this location are development and are not exempted development as -

- (a) the said works comprise the laying of a gravel path/road; the construction of a dry stone wall; the raising of ground levels and the laying out of grass on lands between the end of Caherfeenick Road (L6 1041) and Doughmore Beach,
- (b) the laying of grass does not constitute development not being works within the meaning of section 3 of the Planning and Development Act, 2000,
- (c) all of the works (apart from the laying of grass) come within the meaning of section 3 of the said Act, but do not come within the scope of section 4(1) of the said Act,
- (d) all of the works (apart from the laying of grass) do not come within the scope of Class 34 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, not being works incidental to the maintenance or management of the golf course, and
- (e) in any event, the construction of the dry stone wall and the raising of ground levels come within the restrictions of exemption in article 9(1)(a)(xi) of the said Regulations in that the works obstruct a public right of way:

RL2252 –        Whether site excavation works to accommodate regrading and alteration to golf course layout at Narin, Portnoo, Co. Donegal is or is not development and is or is not exempted development.

- (a) the works carried out to the Narin and Portnoo Golf Course constitute development within the meaning of section 3 of the Planning and Development Act, 2000,
- (b) the said works constitute works of alteration which are not incidental to the maintenance and management of the golf course, and
- (c) the said works of alteration constitute an extension to the area of the golf course:

## **Relevant Legislation**

### Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

“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 (iii)*;

"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 except where the context otherwise requires, , "development" means,

(a) 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;

4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Planning and Development Regulations, 2001 (as amended):

Article 6(1) states that certain classes of development which are specified in Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9 (1) & (2) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply.

Part 1 (Classes 1-57) of Schedule 2 describes general classes of development which are exempted development, provided that such development complies with the associated conditions and limitations;

*Development for amenity or recreational purposes*

CLASS 34

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.



### **Assessment :**

The querist seeks confirmation that the replacement of an existing shipping container is or is not development and is or is not exempted development at Bray Golf Club.

From review of the details submitted , the proposal consists of the removal of an existing shipping container which contains a pump house and replacement with a new container located adjoining the location of the original container, and removal of old container upon completion. The works are required as the original shipping container is in a poor state. The pumphouse is required to pump water from the lower location to the clubhouse for general consumption and then onto the maintenance shed.

The first question therefore to be asked is whether development as defined under Section 3 of the Planning and Development Act 2000(as amended) is taking place. Development is defined as

*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*

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. The levelling of the lands, the placement of a container thereon, and removal of the existing container would come within the definition of works, and is therefore development.

The development would not come within the provisions of Section 4(1)(h) as it is a new structure.

The Planning and Development Regulations 2001 (as amended) provide the following exemption under Schedule 2 : Part 1 : Class 34 -

#### **CLASS 34**

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

The pumphouse and related shipping container are required to provide a pumped water supply to the Golf Clubhouse, and Maintenance Structure at Bray Golf Club. From a review of the planning history PRR PL27.112864 (PRR 98/ 9016) PRR 00/3675 PRR 01/5372 PRR 07/1999 of Bray Golf Club the irrigation of the golf course is provided for by way of existing wells / lake storage. The structure therefore is not considered to be incidental to the maintenance / management of the golf course itself, and would therefore not come within the description set out under Class 34.

### **Recommendation :**

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

the replacement of an existing shipping container is or is not development and is or is not exempted development at Bray Golf Club, Greystones Road, Bray, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the replacement of an existing shipping container is development and is **Not exempted development**

Main Considerations with respect to Section 5 Declaration :

- i. The details submitted with the Section 5 Application.
- ii. PL27.112864 (PRR 98/ 9016), PRR 07/1999, PRR 01/5372, PRR 00/3625, PRR 98/9017 EX 12/ 14
- iii. An Bord Pleanála Referrals ABP-317248-23, RL3521, RL 2167, RL2252
- iv. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- v. Article 6, 9 and Schedule 2, Part 1, Class 34 of the Planning and Development Regulations 2001 (as amended)


Main Reasons with respect to Section 5 Declaration :

- (a) The levelling of the lands, the placement of a container thereon, and removal of the existing container would come within the definition of works, and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000 (as amended).
- (b) The placement of a container on the lands would not come within the description set out under Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) as the container is for the enclosure of a pump for water supply to the Golf clubhouse and maintenance structure and is not for the maintenance of the golf course itself which is irrigated by way of existing wells / lake storage.

*18/7/2024*

18/7/2024

*Issue declaration is recommended  
18/7/24*



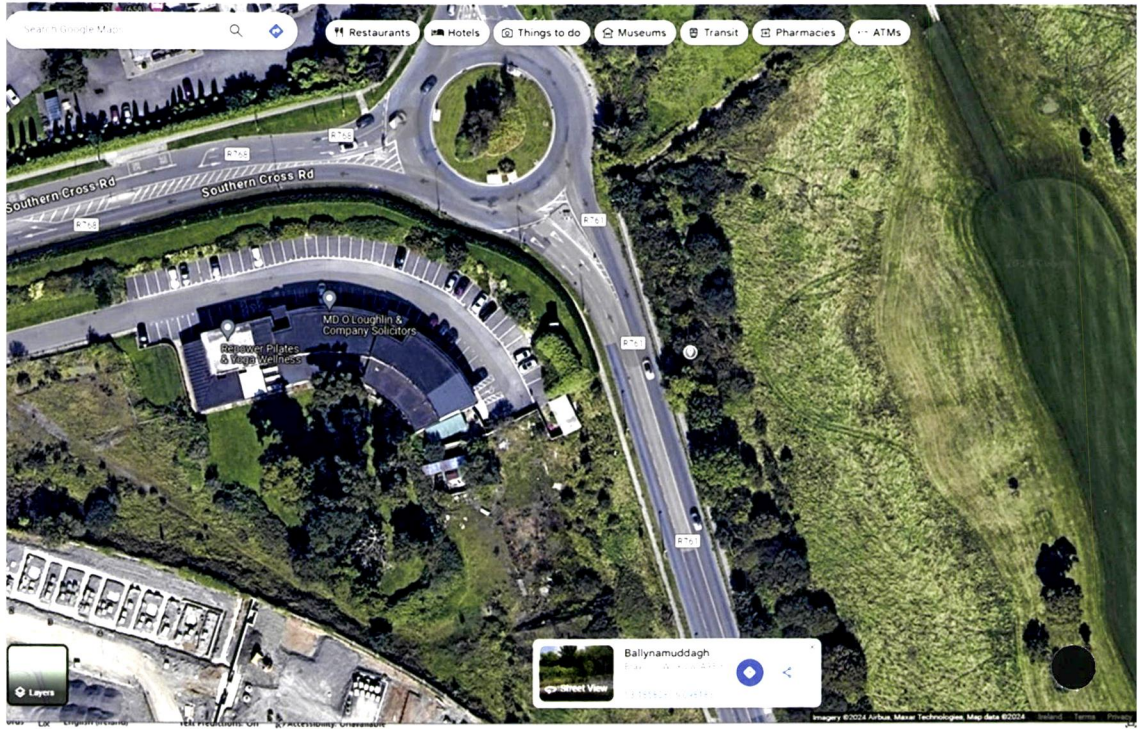
EXISTING PUMPHOUSE

An aerial photograph showing a dark, rectangular building with a corrugated metal roof, labeled 'EXISTING PUMPHOUSE'. The building is situated next to a dense line of green trees. To the right of the building is a paved area, and below it is a grassy field. A white rectangular box with a dashed border is overlaid on the right side of the image, containing the text 'PROPOSED REPLACEMENT' and a small 'SCF' logo in the top left corner. The box also features a vertical list of names and a small logo on the right side.

PROPOSED REPLACEMENT







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Planning, Economic and Rural Development

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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Edel Bermingham**  
**Senior Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX59/2023**

I enclose herewith application for Section 5 Declaration received completed  
on 01/07/2024

The due date on this declaration is 28<sup>th</sup> July 2024.

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**Staff Officer**  
**Planning Development & Environment**



*Ta an doiciméad seo ar fáil i bhformáidí eile ar iarratas*  
*This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development







# Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Eamonn Purcell (Honorary Secretary)**  
**Bray Golf Club**  
**Greystones Road**  
**Co. Wicklow**  
**A98 YX76**

2<sup>nd</sup> July 2024

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX59/2024**

A Chara

I wish to acknowledge receipt of your application and details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 28<sup>th</sup> July 2024.

Mise, le meas

**Nicola Fleming**  
**Staff Officer**  
**Planning, Economic & Rural Development**



*Tá an doiciméad seo ar fáil i bhformáid eile ar iarratas*  
*This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



## Nicola Fleming

---

**From:** James Murphy <James.Murphy@braygolfclub.com>  
**Sent:** 02 July 2024 13:01  
**To:** Honorary Secretary; Nicola Fleming  
**Subject:** RE: EX59/2024 - application for exemption certificate  
**Attachments:** Eircode finder Maps.pdf

**External Sender - From: (James Murphy**  
**<James.Murphy@braygolfclub.com>)**  
This message came from outside your organisation.

Dear Nicola,

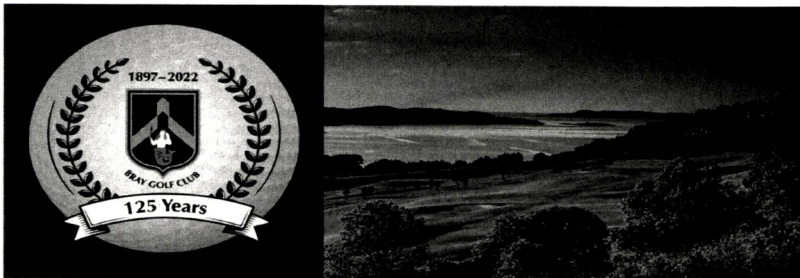
On behalf of Bray Golf Club, I have been asked to forward the following documents on to you as requested;

1. The address & Eircode of the property
2. An Eircode overhead of the site
3. A zoom in on an Eircode Map where the container will be placed and marked.

I hope this is of help to you and if you need anything further, please do not hesitate to contact me.

Best regards,

**James Murphy**  
**General Manager**  
Bray Golf Club | Greystones Road | Bray | Co. Wicklow



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*This email and any files transmitted are confidential and intended solely for the addressee. If you have received this email in error please delete it and contact the sender. It is our policy to encrypt and password protect sensitive information. Whilst this email has been swept for known computer viruses, it is possible for email data to be corrupted or intercepted, and we do not accept responsibility for any breach of confidentiality which may arise.*

---

**From:** Honorary Secretary <hon.secretary@braygolfclub.com>  
**Sent:** Tuesday, July 2, 2024 12:00 PM  
**To:** James Murphy <James.Murphy@braygolfclub.com>  
**Subject:** Fwd: EX59/2024 - application for exemption certificate

Sent from Outlook for iOS

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**From:** Nicola Fleming <[NFleming@wicklowcoco.ie](mailto:NFleming@wicklowcoco.ie)>  
**Sent:** Tuesday, July 2, 2024 11:00 a.m.  
**To:** Honorary Secretary <[hon.secretary@braygolfclub.com](mailto:hon.secretary@braygolfclub.com)>  
**Subject:** EX59/2024 - application for exemption certificate

You don't often get email from [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie). [Learn why this is important](#)

I refer to your application to the Planning Authority for Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended). Please be advised that a site location map is required (an eircode map will suffice) show the location of the site.

We also require a map showing where you are proposing to put the container (again eircode map will suffice as long as it is cleared marked where the container is being placed.)

Regards,

*Nicola Fleming*

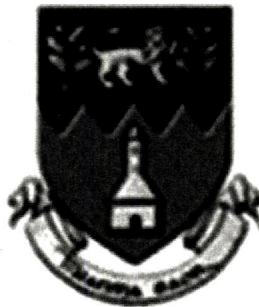
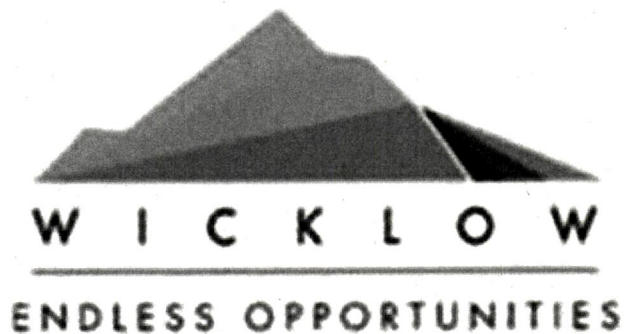
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



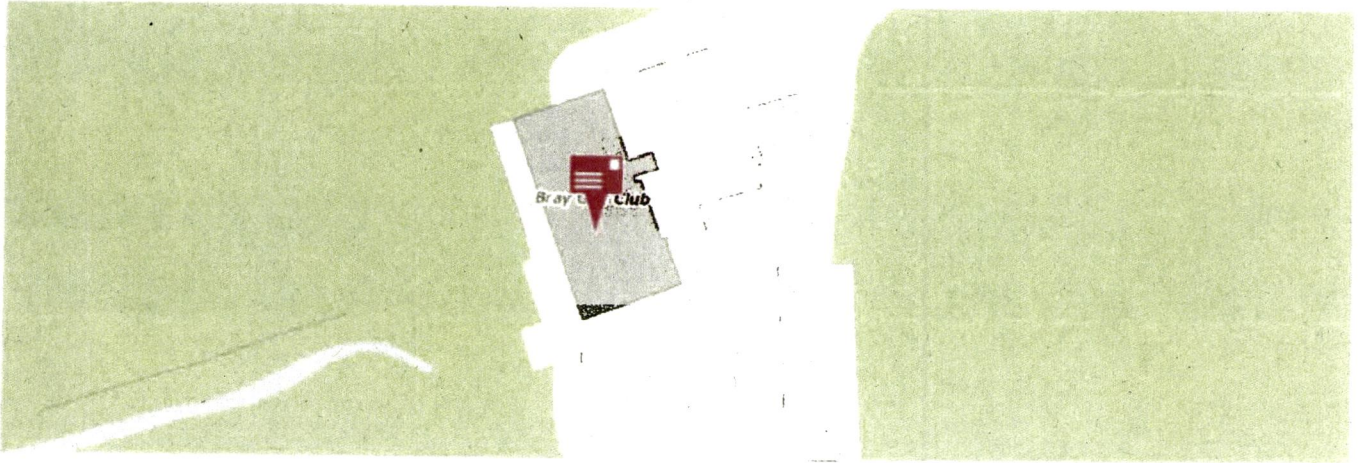


English | Gaeilge

THE CLUBHOUSE  
GREYSTONES ROAD  
BRAY

CO. WICKLOW

A98 YX76



Satellite



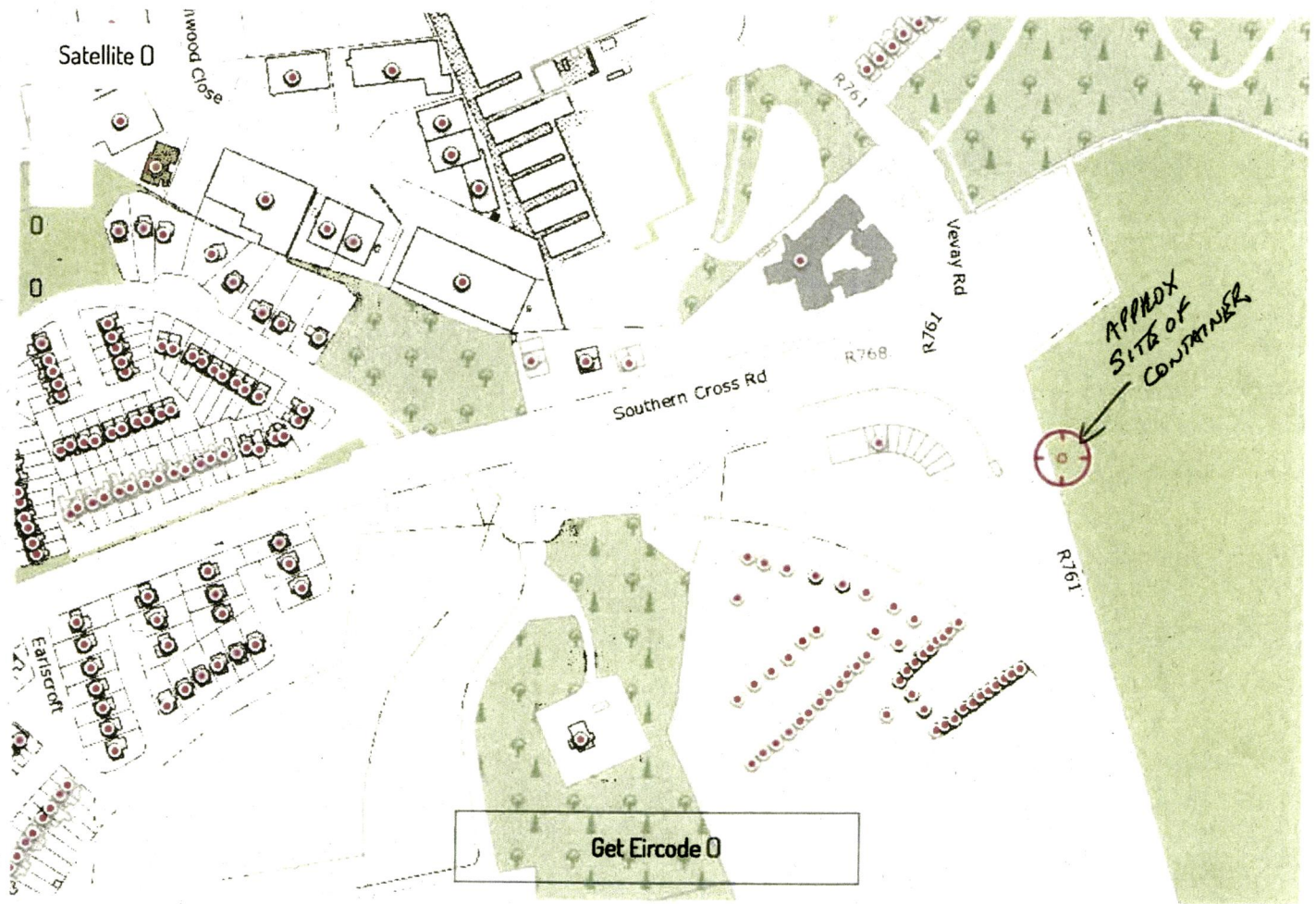
Glendale Drive  
Roselawn Pk  
Berkwood Close  
Riddlesford  
Southern Cross Rd  
Enliscap  
Svenbrook  
Hollybrook Pk  
Oak Glen View  
Belmont  
Oak Glen Rd  
Bentley Pk  
Bentley Ave  
Sentinel Rd  
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Wolfe Rd  
Avoca Drive  
Brier Wood  
Veevy Rd  
W76H

KILRUDDERY  
DEMESNE EAST

BALLYNAMUDDAGH

Get Eircode







## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** 02 July 2024 11:01  
**To:** 'Hon.secretary@braygolfclub.com'  
**Subject:** EX59/2024 - application for exemption certificate

I refer to your application to the Planning Authority for Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended). Please be advised that a site location map is required (an eircode map will suffice) show the location of the site.

We also require a map showing where you are proposing to put the container (again eircode map will suffice as long as it is clearly marked where the container is being placed.)

Regards,

*Nicola Fleming*

Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

01/07/2024 14:30:45

Receipt No L1/0/331306

BRAY GOLF CLUB  
GREYSTONES ROAD  
BRAY  
WICKLOW  
A98 YX76

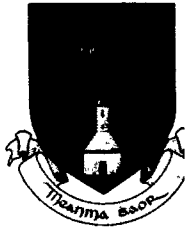
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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Issued By VANESSA PORTER  
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**Wicklow County Council**  
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**Co Wicklow**  
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**Fax 0404 69462**

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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**

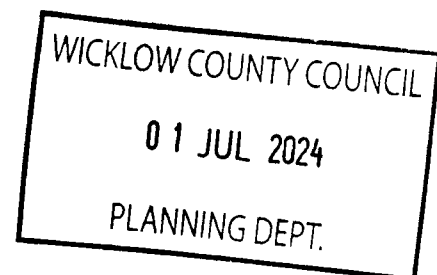
(a) Name of applicant: Eamonn Purcell (Honorary Secretary)

Address of applicant: Bray Golf Club,  
Greystones Road, Bray, Co. Wicklow A98 YN 76

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

**2. Agents Details (Where Applicable) – N/A**

**3. Declaration Details**



- i. Location of Development subject of Declaration  
Bray Golf Club, Greystones Road, Bray, Co. Wicklow A98 YN 76
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
No.

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier.

Bray Golf Club is owned by the Ordinary Members of the Club.

Under Rule 3.2 in the Club's Constitution, all lands, buildings and investments of the Club shall be vested in the Trustees on behalf of the Ordinary Members.

The Trustees shall deal with the property of the Club solely as directed by the general body at a General Meeting.

- 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.

Bray Golf Club moved to its current location in 2004. During construction, a pump house was installed on the property by way of a 20 foot shipping container. The purpose of this is to pump mains water from this lower location to the Clubhouse for general consumption and then on to the Maintenance Sheds as required.

Over time the original shipping container has aged considerably. From an environmental & Health & Safety perspective, we are seeking to level the ground & replace the existing shipping container with a 'like for like' shipping container adjacent to it. Once done, we intend to transfer the pumps and tank into the replacement container.

Once completed the original container will be removed from the site.

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

As we are replacing 'like with like' and to serve the same purpose, we are submitting our Declaration that we may be eligible for exemption.

We also understand that this may be covered in CI ASS 34 Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

The above is mentioned in SCHEDULE 2 Article 6 PART 1 Exempted Development --- General of Part 1 - Planning Regulations 2001 which can be found [here](https://www.wicklow.ie/Portals/0/Documents/Planning/Planning%20Applications/Exempted-Development/Part%201%20-%20Planning%20Regulations%202001.pdf)

<https://www.wicklow.ie/Portals/0/Documents/Planning/Planning%20Applications/Exempted-Development/Part%201%20-%20Planning%20Regulations%202001.pdf>



- 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
- 1) Over head image of original site overgrown
  - 2) Image of Existing 20 Foot Container exposed
  - 3) Image of Existing container with Proposed siting of replacement, adjacent to the services
  - 4) Approximate coordinates of the Container are 53.185837, -6.098234
- viii. Fee of € 80 Attached ? Attached

Signed :  Dated : 11/7/2024

**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.