

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1151

Reference Number: EX 112/2025

Name of Applicant: David Browne

Nature of Application: Section 5 Referral as to whether "*change of use from residential use to use as a children's residential centre*" is or is not development and is or is not exempted development.

Location of Subject Site: 1 Season Park, Newtownmountkennedy, Co. Wicklow
A63 ND74

Report from: Michael Woods O'Rourke, AP & Sorchá Walsh, SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*change of use from residential use to use as a children's residential centre*" at 1 Season Park, Newtownmountkennedy, Co. Wicklow, A63 ND74 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) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Class 14 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

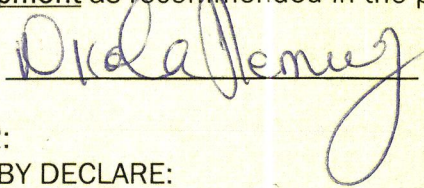
Main Reasons with respect to Section 5 Declaration:

- (i) The change of use from residential use to use as a children's residential centre is a material change of use, the making of which to a structure fall under the definition of development under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (ii) Inadequate details have been submitted to confirm that the development would come within the description and limitations set out under Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (iii) Having regard to the shared entrance to 1 Season Park and 1A Season Park, and non-compliance with Condition Nos. 1 and 11 of PRR 06/6002:
 - It cannot be determined that no traffic hazard would arise from the referred development, which therefore is not exempted development under Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended).
 - The development would consolidate unauthorised development, and therefore the proposed development would not comprise exempted development having regard to Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "*change of use from residential use to use as a children's residential centre*" is development and is NOT exempted development as recommended in the planning reports.

Signed



Dated:



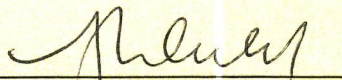
day of October 2025

ORDER:

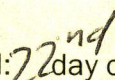
I HEREBY DECLARE:

That "*change of use from residential use to use as a children's residential centre*" is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



Dated:



day of October 2025

Senior Planner

Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Wicklow County Council

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Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
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Suíomh / Website www.wicklow.ie

David Browne
1A Season Park,
Newtownmountkennedy,
Co. Wicklow
A63 EC67

22nd October 2025

RE: Declaration in accordance with Section 5 of the Planning & Development
Acts 2000 (As Amended) -EX 112/2025

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 DEVELOPMENT & ENVIRONMENT.





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: David Browne

Location: 1 Season Park, Newtownmountkennedy, Co. Wicklow, A63 ND74

Reference Number: EX 112/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1151

A question has arisen as to whether “*change of use from residential use to use as a children’s residential centre*” at 1 Season Park, Newtownmountkennedy, Co. Wicklow, A63 ND74, is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Class 14 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The change of use from residential use to use as a children’s residential centre is a material change of use, the making of which to a structure fall under the definition of development under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (ii) Inadequate details have been submitted to confirm that the development would come within the description and limitations set out under Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (iii) Having regard to the shared entrance to 1 Season Park and 1A Season Park, and non-compliance with Condition Nos. 1 and 11 of PRR 06/6002:
 - It cannot be determined that no traffic hazard would arise from the referred development, which therefore is not exempted development under Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended).
 - The development would consolidate unauthorised development, and therefore the proposed development would not comprise exempted development having regard to Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that “Change of use from residential use to use as a children’s residential centre” is development and IS NOT exempted development.

Signed: pp Aoife Kinsella
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 22nd day of October 2025





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO: Sorcha Walsh SP
FROM: Michael Woods O'Rourke AP
REF: EX 112/2025
DECISION DUE DATE: 26/10/2025
APPLICANT: DAVID BROWNE
DEVELOPMENT: CHANGE OF USE FROM RESIDENTIAL USE TO USE AS A CHILDREN'S RESIDENTIAL CENTRE
LOCATION: 1 SEASON PARK, NEWTOWNMOUNTKENNEDY

Exemption Whether or not:

(1) Change of use from residential use to use as a children's residential centre

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

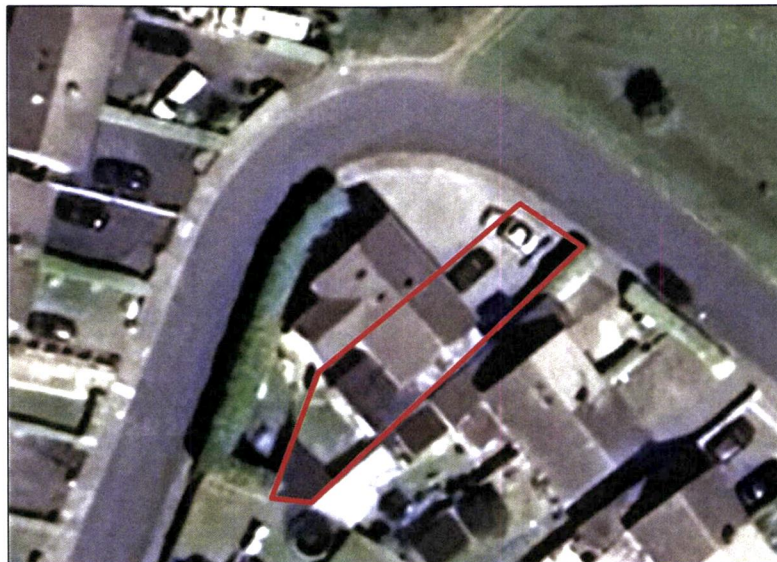


Figure 1: Site Location. (Source: Google Earth Imagery 21st May 2025)



Figure 2: Shared gravel entrance and parking to 1 Season Park (left) & 1A Season Park (right). (Source: Google Street View Imagery June 2023. The same layout was evident on a site visit of the 20th October 2025)

Relevant Planning History:

06/6002 – A two storey dwelling attached to the side and extending to the rear at 1 Season Park Newtownmountkennedy Co. Wicklow. – Granted 08/02/2007. [In relation to the adjacent dwelling at 1A Season Park, constructed to be semi-detached with 1 Season Park within the same ownership]

UD3107 – Non-compliance with conditions no. 8 and 11 of 06/6002 [In relation to the adjacent dwelling at 1A Seasons Park, constructed to be semi-detached with 1 Season Park within the same ownership]. – Case Closed, Enforcement Notice Enf 2692/2013 issued on 17/09/2013 to be left in place in relation to shared entrance to 1 & 1A Season Park.

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

“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 situated, and

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F26[or under F27[*section 34, 37G, 37N or 293*] of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

Section 3:

3.—

(1) In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4:

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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required,
to be exempted development.

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 14

Development consisting of a change of use –

[...]

(f) From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

[...]

Conditions/ Limitations

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Schedule 2: Part 4 – Exempted Development – Classes of Use

Class 9:

Use –

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(b) as a hospital or nursing home,

(c) as a residential school, residential college or residential training centre.

Assessment

The Section 5 application seeks a declaration as to whether or not

- (1) Change of use from residential use to use as a children's residential centre

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

The subject site is located in Season Park estate, Newtownmountkennedy. The residential dwelling subject of this referral (1 Season Park) is a modern two storey dwelling, which is terraced with an adjacent dwelling (1A Season Park) permitted under WCC Reg. Ref. 06/6002, all within the same ownership and sharing a gravelled car parking area in front of the dwellings. The residential dwelling is not listed on the Record of Protected Structures, nor is it located within an Architectural Conservation Area, an Area of Archaeological Potential, or the Zoned of Notification for a monument listed on the RMP or SMR. It is located within the 'Urban Areas' Landscape Character Areas as per the Wicklow County Development Plan 2022-2028.

- (a) 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 2000 (as amended).

The outlined change of use would be from residential use to use as a children's residential centre of 1 Season Park, a structure situated on land. To determine whether this change of use is material, changes to the (i) character and (ii) impact of the use of the structure can be considered in turn:

- (i) The change of use from residential use to use as a children's residential centre would both involve the accommodation of persons, however the character of the structure would effectively change from a house in use as a dwelling only to a workplace of any carers employed there.
- (ii) The change of use from residential use to use as a children's residential centre could result in additional traffic movements and parking requirements arising from staff movements and/or visitors to those accommodated by the centre.

On the basis of the above, it is considered that the change of use is material.

As the making of a material change in the use of a structure situated on land constitutes development under Section 3(1)(a) of the Planning and Development Act 2000 (as amended), **it is therefore considered that this is development.**

- (b) The second assessment is to determine whether or not the referred development would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations. Section 4 of the PDA (as amended) does not provide any relevant exemptions. The exemptions in the associated Regulations that may be relevant in respect to the development are as follows:

Class 14(f) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

- (i) Firstly, Class 14(f) states that the exempted change of use is *'from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.'*

Information provided in this referral does not indicate whether any such children's residential centre would care for those with an intellectual or physical disability or mental illness, although it does indicate that the centre will be operated by a provider of services to the HSE. Publicly accessible information generally indicates that a children's residential centre would not necessarily always involve the care for persons with such a disability/illness, e.g.

'A children's residential centre provides a home for children and young people who come into care and ensures that their needs are met when they cannot live with their own family. These centres are run by Tusla or a voluntary or private agency.' (Your guide to children's residential care, HIQA, 2018)

As information in this regard has not been provided, it is not possible to determine if the development would meet this stipulation.

- (ii) There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations: *'The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.'*

Information provided in this referral does not include any reference to the numbers of residents/carers to reside at the centre. Therefore, it is not possible to determine if the development would meet this limitation.

On the basis of (i) and (ii) above, **it cannot be determined based the information provided, whether the development is or is not exempted development.**

- (c) Restrictions on Exemption:

Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended) restricts the exemption of development where it would *'endanger public safety by reason of traffic hazard or obstruction of road users.'*

Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended) restricts the exemption of development where it would *'consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use'*.

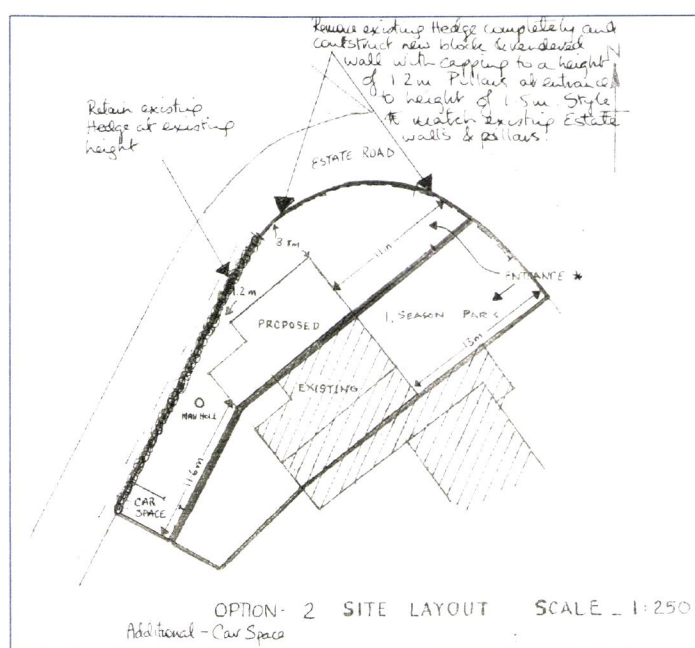
Enforcement Notice Enf 2692/2013 issued on 17/09/2013 remained in place, until its expiry, on the adjacent dwelling 1A Season Park, in the same ownership, in relation to non-compliance with Conditions Nos. 1 and 11 of PRR 06/6002. Condition No. 11 is as follows:

'Before development commences, revised proposals for the site entrance, including as a minimum, widening to 6m and full details of any pillars, walls and gates, shall be submitted to and agreed in writing with the Planning Authority.

REASON: In the interests of traffic safety.'

The current entranceway to both 1 Season Park and 1A Season Park is a shared gravel area open to the public road along the full frontage of both houses.

This layout, providing entrance to both units, does not accord with revised proposals for shared site entrance and car parking submitted on the 17th July 2008 (and agreed with the Planning Authority), namely in relation to the non-construction of a new block wall and entrance pillars restricting entrance to the east of the units, away from the bend of the road. On this basis, it cannot be determined that no traffic hazard exists under the current unauthorised layout.



*Agreed, especially as access by vehicles is now possible very close to bend in road, restricting visibility
Julian SP. 21.10.25*

Figure 3: Shared entrance and parking layout as agreed under Condition No. 11 of PRR 06/6002

On this basis, it is considered that the development is not exempted development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether or not:

- (1) Change of use from residential use to use as a children's residential centre

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

The Planning Authority consider that the change of use **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) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Class 14 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The change of use from residential use to use as a children's residential centre is a material change of use, the making of which to a structure falls under the definition of development under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (ii) Inadequate details have been submitted to confirm that the development would come within the description and limitations set out under Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (iii) Having regard to the shared entrance to 1 Season Park and 1A Season Park, and non-compliance with Condition Nos. 1 and 11 of PRR 06/6002:
 - It cannot be determined that no traffic hazard would arise from the referred development, which therefore is not exempted development under Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended).
 - The development would consolidate unauthorised development, and therefore the proposed development would not comprise exempted development having regard to Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

Michael Woods O'Rourke

Michael Woods O'Rourke AP
21/10/25

Michael 8P
21.10.25

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Michael Woods O'Rourke
Assistant Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX112/2025 - 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 29/09/2025

The due date on this declaration is the 26/10/2025.



Staff Officer
Planning Development & Environment



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

David Browne
1A Season Park
Newtownmountkennedy
Co. Wicklow
A63 EC67

2nd October 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX112/2025**

A Chara

I wish to acknowledge receipt on 29/09/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 26/10/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Nicola Fleming

From: Nicola Fleming
Sent: Thursday 2 October 2025 09:14
To: 'David Browne'
Subject: RE: Section 5 application

Perfect thank you David

From: David Browne <
Sent: Thursday 2 October 2025 09:06
To: Nicola Fleming <NFleming@wicklowcoco.ie>
Subject: Re: Section 5 application

External Sender - From: (David Browne

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Hi Nicola

Yes, that is correct regarding change of use to a children's residential centre. It is intended for the house to be used by a provider of services to the HSE.

Regards

David

Sent from [Outlook for Android](#)

From: Nicola Fleming <NFleming@wicklowcoco.ie>
Sent: Thursday, October 2, 2025 8:47:06 am
To:
Subject: RE: Section 5 application

Hi David, can you please confirm details outlined in my previous email.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin Wicklow County Council

From: Nicola Fleming
Sent: Monday 29 September 2025 16:16
To: David Browne
Subject: RE: Section 5 application

Thank you David.

Can you just confirm are you asking for 'change of use from residential use to use as a children's residential centre'.

Regards,

Nicola Fleming

Staff Officer
Planning, Economic & Rural Development
WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96
Ph☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie
Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin Wicklow County Council

From: David Browne
Sent: Monday 29 September 2025 16:13
To: Nicola Fleming
Subject: Re: Section 5 application

External Sender - From: (David Browne

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Hi Nicola

Please see attached as requested. If you need anything else, please let me know.

Regards

David

avid Browne
Chartered Surveyor MSCSI
Mob:
Email: avid.browne@wccoco.ie
PSRA License no 004700

From: Nicola Fleming <NFleming@wicklowcoco.ie>

Sent: Monday, September 29, 2025 2:34 PM

To: avid.browne@wccoco.ie <avid.browne@wccoco.ie>

Subject: Section 5 application

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 on 29/09/2025.

Please submit a site location map (eircode map will suffice). Also can I clarify are you asking for 'change of use from residential us to use as a children's residential centre'.

Application is currently classed as incomplete and decision date cannot be noted until documentation is received.

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin
Wicklow County Council

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Is d'úsáid an duine/na ndaoine chuig a bhfuil sí seolta agus sin amháin atá an teachtaireacht seo. D'fhéadfadh go bhfuil faisnéis faoi phribhléid nó faoi rún de réir bhrí an dlí is infheidhme inti. Má fuair tú an ríomhphost seo de bharr earráide, téigh i dteagmháil leis an seoltóir chomh luath agus is féidir, le do thoil. Ní gá gurb ionann na dearcaí a léirítear sa ríomhphost seo agus dearcaí Comhairle Contae Chill Mhantáin. Tá aon iatáin seiceáilte ag scanóir víris agus dealraíonn sé go bhfuil siad glan. Bí cinnte go ndéanfaidh tusa scanáil ar gach teachtaireacht chomh maith, le do thoil, mar ní ghlacann an Chomhairle dliteanas ar bith i leith éilliú ná dámáiste do do chuid córas.

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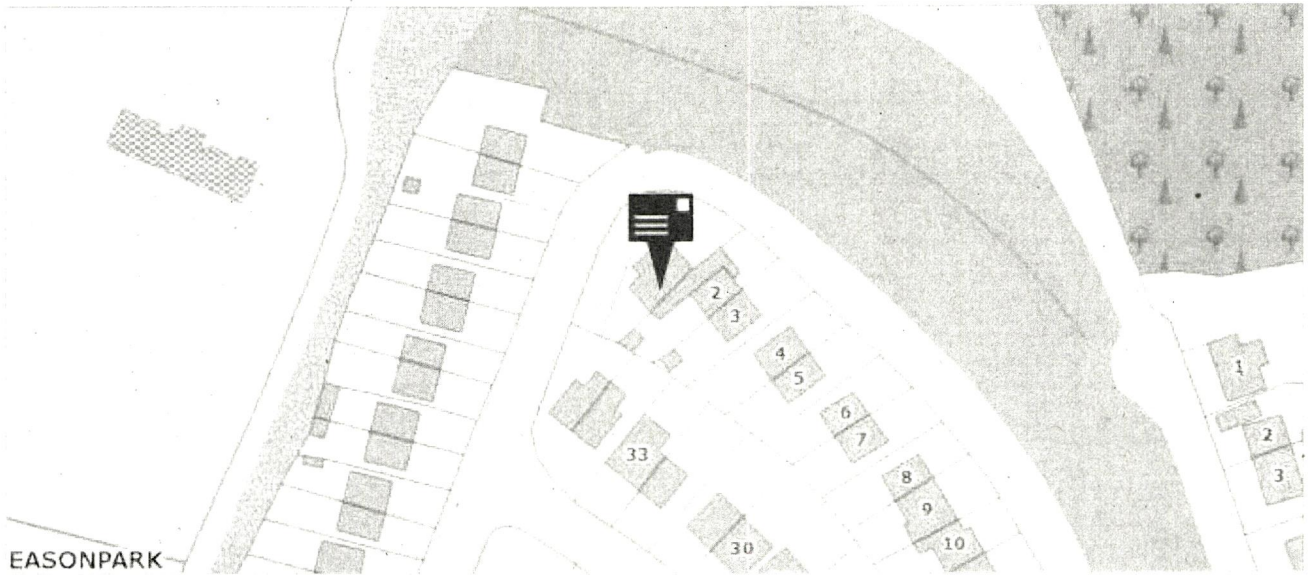
English | Gaeilge

1 SEASON PARK

NEWTOWNMOUNTKENNEDY

CO. WICKLOW

A63 ND74



EIRCODE

Nicola Fleming

From: Nicola Fleming
Sent: Monday 29 September 2025 14:22
To:
Subject: Section 5 application

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 on 29/09/2025.

Please submit a site location map (eircode map will suffice). Also can I clarify are you asking for 'change of use from residential use to use as a children's residential centre'.

Application is currently classed as incomplete and decision date cannot be noted until documentation is received.

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin
Wicklow County Council

Wicklow County Council
County Buildings
Wicklow
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29/09/2025 14 25 14

Receipt No L1/0/352294
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DAVID BROWN
1A SEASON PARK
NEWTOWNMOUNTKENNEDY
WICKLOW

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

Total	80 00 EUR
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Tendered	
Cash	80 00

Change	0 00
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Date Received _____

Fee Received _____

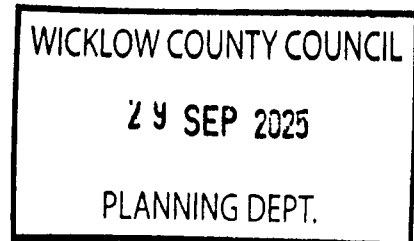
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: DAVID BROWNE

Address of applicant: 1A Seasa Pk, Newtownmoneedy
Co. Wicklow A63 EC67

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



2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) N/A.

Address of Agent : _____

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

3. Declaration Details

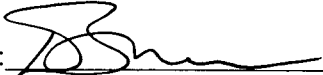
- i. Location of Development subject of Declaration 1 Season Park
Newtownmounckeneedy, Co Wicklow A63 ND74
- ii. Are you the owner and/or occupier of these lands at the location under i. above?
☒ Yes/ No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier N/A.
- 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 intend if permissible to use this property as a children's Residential Centre.
- 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 The house will continue to be used as a residential property.

Additional details may be submitted by way of separate submission.

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 N/A.
The house was previously used as a residence
only.

viii. Fee of € 80 Attached ? Yes .

Signed :  Dated : 29.09.2025.

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.