



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
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Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Aidan Bracken (ABBD)
Clonsshanny
Clara
Co. Offaly

19th Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX28/2026

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: Kiltegan Community Rural Future Network CLG

Location: Kiltegan, Co. Wicklow

Reference Number: EX28/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/311

A question has arisen as to whether "the demolition of an existing derelict building which is in a dangerous and structurally unsound state" at Kiltegan, Co. Wicklow is or is not exempted development.

Having regard to:

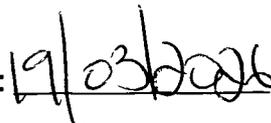
- i) The details submitted with the Section 5 Declaration Application.
- ii) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- iii) Article 6, 9 and Schedule 2: Part 1 Class 50 (a) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- a) The proposed demolition of an existing derelict building which is in a dangerous and structurally unsound state is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such building exceeds 100 square metres, and is therefore not exempted development.

The Planning Authority considers that "the demolition of an existing derelict building which is in a dangerous and structurally unsound state" at Kiltegan, Co. Wicklow is development and IS NOT exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/311

Reference Number: EX 28/2026

Name of Applicant: Kiltegan Community Rural Future Network CLG

Nature of Application: Section 5 Referral as to whether "*the demolition of an existing derelict building which is in a dangerous and structurally unsound state*" is or is not development and is or is not exempted development.

Location of Subject Site: Kiltegan, Co. Wicklow

Report from: Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the demolition of an existing derelict building which is in a dangerous and structurally unsound state*" at Kiltegan, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

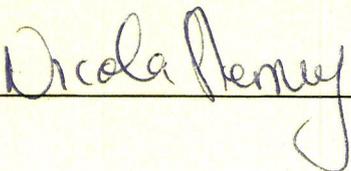
- i) The details submitted with the Section 5 Declaration Application.
- ii) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- iii) Article 6, 9 and Schedule 2: Part 1 Class 50 (a) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- a) The proposed demolition of an existing derelict building which is in a dangerous and structurally unsound state is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such building exceeds 100 square metres, and is therefore not exempted development.

Recommendation

The Planning Authority considers that "*the demolition of an existing derelict building which is in a dangerous and structurally unsound state*" at Kiltegan, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

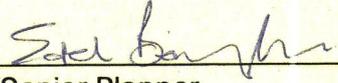
Signed: 

Date: 19/03/2026

ORDER:

I HEREBY DECLARE:

THAT *"the demolition of an existing derelict building which is in a dangerous and structurally unsound state"* at Kiltegan, Co. Wicklow is **development and is not exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Date: 14/12/2026

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

FROM: Patrice Ryan SEP

SUBJECT REF: EXEC28/2026

DECISION DUE DATE: 25/03/2026

APPLICANT: Kiltegan Community Rural Future Network CLG.

ADDRESS: Kiltegan, Co. Wicklow.

EXEMPTION QUERY: Whether the demolition of an existing derelict building which is in a dangerous and structurally unsound state is or is not exempt development.

Application Site:

The subject site is located within the village of Kiltegan on the eastern side of the R747 on approach to the Junction with Hillview from the south. The structure on site is a former commercial building and according to the planning History was in use as a service station circa 2003 but according to Google street view was later on occupied by a light industrial use. The building on site comprises of a part single storey and part double height. The building on site is detached and directly abuts the lands associated with a pub to the north.

The application site is not located in an ACA and the building on site is not a protected structure.

Relevant Plans/ Policies:

County Development Plan 2022-2028

Located within the Settlement Boundary of Kiltegan: Level 7

Heritage: The application site is not located in an ACA and the building on site is not a protected structure

Planning History:

None relevant to this Section 5

Question:

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

“The demolition of an existing derelict building which is in a dangerous and structurally unsound state”.

Legislative Context

Planning and Development Act 2000 (as amended)

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

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

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

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

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

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

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

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

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

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

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

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

Planning and Development Regulations 2001(as amended)

Article 6 (1):

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

Article 9 (1):

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

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

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

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

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

Schedule 2: Part 1, Class 1 and Class 50

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>CLASS 50 (a)</p> <p><i>The demolition of a building, or buildings, within the curtilage of—</i></p> <p><i>(i) a house,</i></p> <p><i>(ii) an industrial building,</i></p> <p><i>(iii) a business premises, or</i></p> <p><i>(iv) a farmyard complex.</i></p> | <p>1. <i>No such building or buildings shall abut on another building in separate ownership.</i></p> <p>2. <i>The cumulative floor area of any such building, or buildings, shall not exceed:</i></p> <p><i>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</i></p> <p><i>(b) in all other cases, 100 square metres.</i></p> <p>3. <i>No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</i></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Assessment

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

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

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

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

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

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

The proposal consists of the following:

“The demolition of an existing derelict building which is in a dangerous and structurally unsound state”.

Schedule 2: Part 1, Class 50 (a)

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

Relevant Conditions and Limitations:

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

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

2. *The cumulative floor area of any such building, or buildings, shall not exceed:*
 - (b) *in all other cases, 100 square metres.*

No: The floor area to be demolished is indicated as 553sq.m and exceeds the 100 sq.m threshold.

3. *No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.*

Yes:

Environmental Impact Assessment: It is not considered that having regard the location, nature and extent of the building on site that the demolition of the buildings on site would have a significant impact on the environment , requiring the carrying out of an Environmental Impact Assessment.

Appropriate Assessment:

Slaney River SAC located circa 320 metres to the south of the site. There is no direct hydrological pathway indicated between the site and the Slaney Rive SAC.

Having regard to the nature and scale of the proposed development, which comprises of the demolition of an existing building, its location in an existing settlement and its distance from designated Natura 2000 sites, it is considered that the proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any natura site and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

RECOMMENDATION:

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

"The demolition of an existing derelict building which is in a dangerous and structurally unsound state".

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

The Planning Authority considers that the proposal to

demolish an existing derelict building which is in a dangerous and structurally unsound state **is development and is NOT exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i) The details submitted with the Section 5 Declaration Application.
- ii) Section 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- iii) Article 6, 9 and Schedule 2: Part 1 Class 50 (a) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- a) The proposed *demolition of an existing derelict building which is in a dangerous and structurally unsound state* is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).

- b) The proposed demolition would come within the description as set out under Schedule 2, Part 1, Class 50(a), of the Planning and Development Regulations 2001 (as amended), but would not meet the restrictions set out in limitation 2, as the cumulative floor area of such building exceeds 100 square metres, and is therefore not exempted development.



Patrice Ryan

Senior Executive Planner

Date: 18/03/2025

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Patrice Ryan
Senior Executive Planner

FROM: Aoife Kinsella
Clerical Officer

**RE: - EX28/2026 - 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 26/02/2026.

The due date on this declaration is the 25/03/2026.

Aoife Kinsella

Clerical 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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Suíomh / Website: www.wicklow.ie

Aidan Bracken (ABBD)
Clonsshanny
Clara
Co. Offaly

26th February 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX28/2026**

A Chara

I wish to acknowledge receipt on 26/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 25/03/2026.

Mise, le meas



Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

26/02/2026 13:11:39

Receipt No L1/0/359573
***** REPRINT *****

AIDAN BRACKEN (ABBD)
CLONSHANNY
CLARA
CO OFFALY

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

Total 80 00 EUR

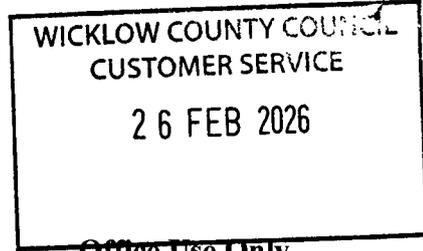
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Cheque 80 00
KILTEGAN COMMUNITY

Change 0 00

Issued By Annmarie Ryan
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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

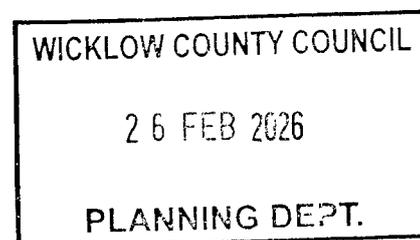
- (a) Name of applicant: **Kiltegan Community Rural Future Network CLG**
Address of applicant: **Kiltegan, Co. Wicklow.**

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) **Aidan Bracken (ABBD)**
Address of Agent: **Clonshanny, Clara, Co. Offaly.**

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



3. Declaration Details

- i. Location of Development subject of Declaration: **Kiltegan, Co. Wicklow.**

- 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*

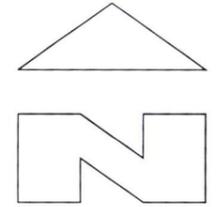
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration **Seeking permission to demolish existing derelict building, its current state is dangerous and structurally unsound.**

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:

Additional details may be submitted by way of separate submission.

Planning Pack Map



CENTRE COORDINATES:
ITM 693745,684552

PUBLISHED: 19/02/2026
ORDER NO.: 50519231_1

MAP SERIES: 1:2,500
MAP SHEETS: 4188-C

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

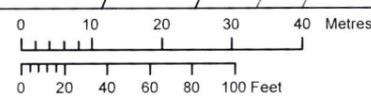
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OUTPUT SCALE: 1:1,000

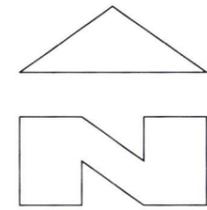
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

Site shown outlined thus (0.295 Hectares):

| | | | |
|--------------------|---------------------------------------------|---------------------------------------------------------------------------------|-------------------|
| | | Clonshanny, Clara, Co. OFFALY TEL. 057 93 36903 / 52825 E-mail: info@abbd.ie | |
| CLIENT | Kiltegan Community Rural Future Network CLG | | |
| JOB TITLE | Section 5 - Plans | DATE | 19/02/2026 |
| LOCATION | Kiltegan, Co. Wicklow (W91 XH33) | | |
| STATUS | PLANNING | CHECKED | AB |
| DRAWN | WH | APPROVED | AB |
| DRAWING No. | KCR-26-001 | DRAWING TITLE | SITE LOCATION MAP |
| | | REVISION | A |

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LEGEND

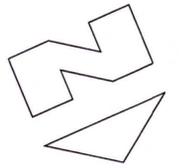
Site shown outlined thus (0.295 Hectares):

Area which Section 5 is sought shown outlined thus:

Existing Floor Area: 553.0m²

F.F.L. - 147.72m

| | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------|------------------------|------------------------------------------------|
|  | | Clonshanny, Clara, Co. OFFALY | | TEL. 057 93 36903 / 52825 E-mail: info@abbd.ie |
| | | | | |
| CLIENT Kiltegan Community Rural Future Network CLG | | | | |
| JOB TITLE Section 5 - Plans | | | | DATE 19/02/2026 |
| LOCATION Kiltegan, Co. Wicklow (W91 XH33) | | | | |
| STATUS PLANNING | | CHECKED AB | SCALE 1:500 @A3 | |
| DRAWN WH | | APPROVED AB | REVISION A | |
| DRAWING NO. KCR-26-002 | | DRAWING TITLE SITE LAYOUT PLAN | | |
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EXISTING GROUND FLOOR PLAN
1:100

LEGEND

Area which Section 5 is sought shown outlined thus:

Existing Floor Area: 553.0m²

F.F.L. - 147.72m

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------------|----------------------------|
| | | Clonaherry, Clara, Co OFFALY TEL: 057 53 36903 / 52825 E-mail: info@abbd.ie | |
| CLIENT | Kiltegan Community Rural Future Network CLG | | |
| JOB TITLE | Section 5 - Plans | DATE | 19/02/2026 |
| LOCATION | Kiltegan, Co. Wicklow (W91 XH33) | | |
| STATUS | PLANNING | DESIGNED | AB |
| DRAWN | WH | APPROVED | AB |
| DRAWING No. | KCR-26-003 | DRAWING TITLE | EXISTING GROUND FLOOR PLAN |
| | | REVISION | A |
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