



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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John Flynn
Rockyvalley Drive
Bray
Co. Wicklow
A98 TC94

16th Of April 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 37/2026 for John Moran**

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: John Moran

Location: Templecarrig, Upper Greystones, Co. Wicklow

Reference Number: EX 37/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/431

A question has arisen as to whether “*provision of a laneway and agricultural shed for storage of machinery*” at Templecarrig, Upper Greystones, Co. Wicklow is or is not exempted development.

Having regard to:

- A. The details submitted with the Section 5 Declaration.
- B. An Coimisiún Pleanála Referral ABP-310365-21
- C. County Development Plan 2022-2028, Landscape Classification Area of Outstanding Natural Beauty: The Bray Mountains Group
- D. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- E. Article 6, 9, Schedule 2; Part 1; Class 13 and Part 3: Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The provision of an laneway and agricultural shed for storage of machinery would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- iii. Given the historic usage of the lands as a golf course, and lack of evidence of any existing agricultural operations on the lands, or information on the agricultural activity the shed is linked to, it is not considered that the structure would come within limitation No. 1 under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The laneway would not come within the description set out in Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) as it is not the repair or improvement of any private street, road or way but the provision of a new lane.
- v. The works would interfere with the character of a landscape at this point given its location on the lower slopes of the Little Sugarloaf which is designated under the County Development Plan 2022-2028 as an Area of Outstanding Natural Beauty : The Bray Mountains Group, and therefore Article 9(1)(a)(vi) would be applicable ,which restricts exempted development where it would interfere with the character of a landscape.

The Planning Authority considers that “provision of a laneway and agricultural shed for storage of machinery” at Templecarrig, Upper Greystones, Co. Wicklow is development and IS NOT exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 16/04/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/431

Reference Number: EX 37/2026

Name of Applicant: John Moran

Nature of Application: Section 5 Referral as to whether "*provision of a laneway and agricultural shed for storage of machinery*" is or is not development and is or is not exempted development.

Location of Subject Site: Templecarrig, Upper Greystones, Co. Wicklow

Report from: Chris Garde, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*provision of a laneway and agricultural shed for storage of machinery*" at Templecarrig, Upper Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- A. The details submitted with the Section 5 Declaration.
- B. An Coimisiún Pleanála Referral ABP-310365-21
- C. County Development Plan 2022-2028, Landscape Classification Area of Outstanding Natural Beauty: The Bray Mountains Group
- D. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- E. Article 6, 9, Schedule 2; Part 1; Class 13 and Part 3: Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The provision of an laneway and agricultural shed for storage of machinery would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- iii. Given the historic usage of the lands as a golf course, and lack of evidence of any existing agricultural operations on the lands, or information on the agricultural activity the shed is linked to, it is not considered that the structure would come within limitation No. 1 under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The laneway would not come within the description set out in Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) as it is not the repair or improvement of any private street, road or way but the provision of a new lane.
- v. The works would interfere with the character of a landscape at this point given its location on the lower slopes of the Little Sugarloaf which is designated under the County Development Plan 2022-2028 as an Area of Outstanding Natural Beauty : The Bray Mountains Group, and therefore Article 9(1)(a)(vi) would be applicable ,which restricts exempted development where it would interfere with the character of a landscape.

Recommendation

The Planning Authority considers that "provision of a laneway and agricultural shed for storage of machinery" at Templecarrig, Upper Greystones, Co. Wicklow **is development and is not exempted development** as recommended in the planning reports.

Signed: *Nicola Parny*

Date: *15/07/2026*

ORDER:

I HEREBY DECLARE:

THAT "provision of a laneway and agricultural shed for storage of machinery" at Templecarrig, Upper Greystones, Co. Wicklow is **development and is not exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: *Stella Bernini*
T/Senior Planner

Date: *16/4/2026*

Planning, Economic & Rural Development



WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham T.S.P / Patrice Ryan S.E.P.
FROM: Chris Garde EP.
REF: EX37/2026
DECISION DUE DATE: 19/04/2026
APPLICANT: JOHN MORAN
DEVELOPMENT: PROPOSED AGRICULTURAL SHED FOR STORAGE OF MACHINERY
LOCATION: TEMPLECARRIG UPPER, GREYSTONES, CO. WICKLOW
EXEMPTION QUERY (actual): *Agricultural Shed (Machinery Class 9: 122sqm Area).*

The site

The subject site relates to part of the former Glen of the Downs Golf Club site, located on the southern side of Bohilla Lane local road (L-5529-0). The site comprises the northern section of the former Glen of the Downs Golf Club site that falls (steeply in places) away from the laneway.

Planning History

Applications (overlapping subject site)

Ref	98/8166
Development	temporary golf clubhouse, associated temporary site works to include
Proposed	sewage holding tank
Decision	Grant
Ref	98/8125
Development	retention of existing sign with adjacent flagpoles
Proposed	Golf pavilion to include bar and restaurant and associated works
Decision	Grant
Ref	97/7033
Development	retention and completion of golf course development and outline
Proposed	permission for golf clubhouse and two dwellings
Decision	Refused
Ref	95/2523
Development	retention and completion of golf course development and outline
Proposed	permission for golf clubhouse and two dwellings
Decision	Grant
Ref	95/2131
Development	Proposed golf course
Proposed	
Decision	NEW APPLICATION

Recent Applications (relevant to historic site)

Ref	25/67
Development Proposed	(a) change of use of the existing golf pavilion to a community oriented Health & Wellness Centre providing pilates, yoga and fitness facilities, indoor hamman style spa and therapy unit, reuse of the existing bar/café facilities, reuse of the existing changing and sanitary facilities together with all ancillary requirements within the existing structure and also, re-use of the existing effluent treatment system. (b) three new freestanding structures accommodating an outdoor sauna/spa with plunge-pool and changing booths. (c) three full size, external, padel courts. The existing parking facilities to be supplemented with secure cycle racks and EV charge points.
Decision	Refusal
Reasons	<ol style="list-style-type: none">1. Having regard to:<ol style="list-style-type: none">i. The location of the proposed development in a rural area, with a Landscape Category of Area of Outstanding Natural Beauty and which is within the listed view, ID 8 View of Great Sugarloaf and Little Sugarloaf from the L1028,ii. The proposed use, which would primarily serve the residents of urban areas and which is a use more suited to an urban locationiii. The absence of any specific Objectives in the County Development Plan 2022 to support the development of existing vacant buildings and brownfield sites in the rural area for uses with no need to locate in the rural area and uses with no connection to the rural areaiv. The proposed new structures on the site, in particular, the proposed Padel Courts<p>it is considered that the proposed development would not represent a suitable use of the existing development on site for this rural area, would result in the further erosion of the amenities of this rural area, and would not represent a sustainable development for this location. Therefore the proposed development would be contrary to proper planning and sustainable development.</p>2. The proposed development would be prejudicial to public health because the applicant has failed to demonstrate that the existing waste water treatment system would be in compliance with EPA CoP Treatment Systems for Small Communities, Business, Leisure Centres & Hotels 1999 and adequate to serve the proposed development. Consequently, the proposed development would be prejudicial to public health and contrary to the proper planning and development of the area.

Ref	22/691
Development Proposed	Change of use, conversion, and refurbishment of the former golf pavilion/clubhouse to a publicly accessible Science, Environment, Heritage and Education Exhibition and Visitor Centre. Permission is also sought for the temporary provision of an 'Air-Dome Planetarium' inflatable temporary structure located to the rear of the existing building on existing hardstanding. Facilities to be provided within the existing building will include Science, Water and Local Heritage Museums, visitor reception and retail areas, research and study areas, restoration and conversion of the existing bar to visitors café/bar, restoration of the existing Restaurant facility to cater for visitors and also private functions, restoration of the existing outdoor deck to cater for food and beverage consumption.
Decision Reasons	<p>WITHDRAWN subsequent to Planner's Report Recommending Refusal</p> <p>1. Objectives CPO 11.3 and 11.4 of the County Development Plan 2022-2028 require that new tourism and recreation related developments are sustainable economically, environmentally and socially and, where located in a rural area, that such development does not adversely affect the character, environmental quality and amenity of the area. Having regard to the lack of information submitted to describe the development and its potential impacts on the environment and local amenity, particularly in relation to staff and visitor numbers, the frequency and scale of events, opening hours and seasonality, the design of the proposed temporary dome and the suitability of the wastewater treatment system, it has not been demonstrated that the proposed development would be in accordance with the objectives of the County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and development of the area.</p> <p>2. The proposed development would be prejudicial to public health because the applicant has failed to demonstrate that the existing waste water treatment system would be in compliance with EPA CoP Treatment Systems for Small Communities, Business, Leisure Centres & Hotels 1999 and adequate to serve the proposed development. Consequently, the proposed development would be prejudicial to public health and contrary to the proper planning and development of the area.</p>

Section 5's

Ref: EX 85/2024

EXEMPTION QUERY: Is the use of existing building as a Health & Fitness Centre, without structural or external alterations, exempt development. The use of the building as a sports facility does not alter its current designation?

The Section 5 Planner's Report made the following recommendation:

*The Planning Authority considers that the change of use of the Golf Club usage to Health & Fitness Centre is **Development** and is **NOT Exempted Development**.*

Main Considerations with respect to Section 5 Declaration:

- a) *The details submitted with the Section 5 Declaration*

- b) PRR 22/691, PRR 98/8125
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 10, and Schedule 2: Part 4 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- i. *The change of use from former Golf Club Pavilion to a Health & Fitness Centre would result in a material change of use, as the character of use would be different to that of a Golf Club, and use as a Health & Fitness Centre would give rise to differing planning effects in particular increased intensity of use, traffic movements, and noise. The change of use would therefore be development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended)*
- ii. *There are no exemptions within the Planning and Development Act 2000(as amended) or the associated Regulations which would allow for the change of use (i.e. the said 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 (as amended), and is not therefore exempted development).*

Unauthorised development

None identified on iPlan

Question

The applicant has applied to see whether or not the following is or is not development and exempted development:

Agricultural Shed (Machinery Class 9: 122sqm Area)

The above is detailed in drawings (plans and elevation).

The finishes and colour of all above are detailed (green coloured metal elements and 2M high concrete walls).

Development plan:

Wicklow County Development Plan 2022-2028

Landscape category:

Hierarchy	1
Landscape Category	Areas Of Outstanding Natural Beauty (AONB)
Landscape Area	The Bray Mountains Group

Views and Prospects

Protected View No. 36 (Origin of view: L5529, Templecarrig, Southern Slopes of Little Sugarloaf) located adjoining north of the site (Description: View to the south and southeast of Kindlestown Hill and the coast).

Protected View No. 8 (Origin of view: L1028 at Ballydonagh and Coolnaskeagh) located south east of the site (Description: View of Great SugarLoaf and Little SugarLoaf).

Listed prospect no. 12 – from L5529 Little Sugarloaf Kilmacanogue (Prospect of Little Sugarloaf and the coast) is located to the north west of the site.

Monuments:

Ringfort - rath (ref. WI03071) located c. 0.3km to south of subject site (and within former golf course grounds).

Dwelling (nearest):

Snowdrop Cottage is indicated as being located c.27m to the northeast from the proposed development.

EYRIE, TEMPLECARRIG UPPER, ADDR_LINE_3 BRAY is located c.195m to the northwest.

Watercourse:

Watercourse is located c.375m to the southeast

Legislative Context

Planning and Development Act, 2000 (as amended):

Section 2

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

“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);

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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(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) (a)

“development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;”

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

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

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

Section 4 (4) Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001(as amended)

Article 6 (3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (1) Restrictions on exemption

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

- (a) (i) to (xii)

Schedule 2, Part 3 outlines classes of exempt development in the rural area as well as associated conditions and limitations. The following are of relevance.

Agricultural structures

- Class 9

Details submitted

Floor areas structures

Agricultural Shed (Machinery Class 9: 122sqm Area)

The finishes and colour of all above are detailed (green coloured metal elements and 2M high concrete walls).

Assessment

Is or is not development

The proposal would involve ‘works’ and therefore the proposal does constitute development.

Is or is not exempted development

The Regulation set out exemptions.

Schedule 2, Part 3, Class 3 and 9 are of relevance.

CLASS 3 (Minor works and structures)

Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.

CLASS 9 (Agricultural Structures)

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

Consideration: complies

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

Consideration: complies

3. No such structure shall be situated within 10 metres of any public road.

Consideration: complies

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

Consideration: complies.

5. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

Consideration: complies

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Consideration: complies.

The proposed structure's height (c.7.2m) and location (appears to be located at the foot of steeper section of the site) are specified, the finishes and colour of above are also detailed (green coloured metal elements and 2m high concrete walls). The structure is over 100m from any dwellings and over 10m from the public road.

Planning and Development Regulations 2001(as amended)

Article 6 (1) "Subject to Article 9, development of a class specified in column 1 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) Restrictions on Exemption 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 the 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,

(iiia) N/A

(iv) N/A

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments

(Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(viii) 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,

(ix) N/A

(x) N/A

(xi) N/A

(xii) N/A

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these regulations) to comply with the procedures for the purposes of giving effect to the Council Directive.

(d) N/A

Article 9(2) N/A

Article 9(3) N/A

The Planning Officer is concerned that the 2m high concrete walls of the proposed structure may be overly visible from the protected views and prospects surrounding the site, however, after a site visit it was noted that the proposed location will serve to mitigate this concern.

The proposed access track of permeable stone (linking the structure to the existing agricultural entrance) also likely to have minimal visibility from the protected views and prospects surrounding the site.

The development is located within an AONB and there are a listed views and a protected prospect; however, given the description of the views/prospect, and the type of works it is considered that the development would not interfere with this views/prospect or with the landscape designation.

Other (having regard to Article 9(1) (a) (viiB):

Environmental Impact Assessment or an Appropriate Assessment of the development would not be required.

The development is located c.1.9Km to the north east of Glen of the Downs SAC (Site Code 000719) and c.2Km to the south west of Bray Head SAC (Site Code 000714). There are no hydrologic connections to the SACs, and existing boundaries, structures and agricultural fields are located between the SAC and the works the subject of this referral. Given the distance, and intervening lands/structures, and lack of any hydrological connection it is considered that the works would not have any impact on the qualifying interest of the Natura 2000 site, on its own or in combination with other developments, and therefore the need for a Stage 2 Appropriate Assessment can be ruled out.

In light of the above assessment the *Agricultural Machinery Shed* is development and is exempted development.

Recommendation

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

the proposed agricultural shed for storage of machinery
at Templecarrig Upper, Greystones, Co. Wicklow

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

The Planning Authority consider that the construction of a *proposed agricultural shed for storage of machinery* at Templecarrig Upper, Greystones, Co. Wicklow

is Development and is Exempted Development.

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Section 5 Declaration EX 37/2026
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 6, 9 Schedule 2, Part 1, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The provision of a *proposed agricultural shed for storage of machinery* would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- iii. The *proposed agricultural shed for storage of machinery* would come within the description/ limitations set out under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. Nothing in Article 9 of the Planning and Development Regulations 2001 (as amended) would restrict the exemption under Class 9: Part 3 of Schedule 2 of the Regulations.



Chris Garde, Executive Planner, Date: 13/04/2026

15/4/2026

The report of the Ex Planner is noted and recommendation therein. I inspected the site on the 14/4/2026.



From review of the site history, the lands were previously used as a golf course, this facility is not in operation on the lands at present but evidence of this use is still visible. The referral details refer to the provision of an agricultural shed for storage of machinery. Agriculture is defined under Section 2 of the Planning and Development Act 2000(as amended) as

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land); the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

From inspection there was no evidence that agricultural operations were taking place on the lands, and the submitted details do not include information on what agricultural operations the structure is to serve. Given the historic usage and lack of existing agricultural operations on the lands, it is not considered that the structure would come within the limitation No. 1 of Class 9. This conclusion is further reinforced by Referral ABP-310365-21 under which it was concluded that a agricultural shed at Glenmacnass, Laragh was not exempted development as *the shed is not linked to any agricultural activity and therefore could not be considered within the scope of Class 9, Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended*. It is considered that the same issue is applicable to the current proposed structure.

In addition, not referred to in the exemption referral but evident from the layout details, the development includes the provision of a laneway to access the shed, which is indicated on the drawings to be 4m. There is no existing laneway to the location of the shed from site inspection, and therefore this would be the provision of a new laneway. Class 13 is the relevant class for such works i.e.

CLASS 13

The repair or improvement of any private street, road or way, being works

carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

Limitation :

The width of any such private footpath or paving shall not exceed 3 metres.

As the works are not for the repair or improvement of any existing private street, road or way the works would not come within this exemption .

In addition it is noted that the shed is located within an Area of Outstanding Natural Beauty i.e The Bray Mountains Group i.e.

The area of land covering the Great and Little Sugarloafs and Bray Head, comprising of the mountainous region surrounding the town of Bray. These areas are important locations for recreation amenity both locally and for visiting tourists with Bray Head having a 'Special Area Amenity Order' designation.

This landscape categorisation is the highest designation.

Article 9 of the Planning and Development Regulations 2001(as amended) provides that 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—

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

The location of the development is on lands which form part of the lower slopes of the Little Sugarloaf and given the location of the overall development both the accessway and proposed machinery shed they would interfere with the character of the landscape at this point which would be visible from public areas.

In light of the above assessment it is considered that the proposed works are not exempted development .

Recommendation :

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

Provision of a laneway and agricultural shed for storage of machinery
at Templecarrig Upper , Greystones, Co. Wicklow

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

The Planning Authority consider that the provision of an laneway and agricultural shed for storage of machinery **is Development and is Not Exempted Development.**

Main Considerations with respect to Section 5 Declaration :

- A. The details submitted with the Section 5 Declaration.
- B. An Coimisiún Pleanála Referral ABP-310365-21

- C. County Development Plan 2022-2028 , Landscape Classification Area of Outstanding Natural Beauty : The Bray Mountains Group
- D. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- E. Article 6. 9 , Schedule 2; Part 1; Class 13 and Part 3 : Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The provision of an laneway and agricultural shed for storage of machinery would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- iii. Given the historic usage of the lands as a golf course, and lack of evidence of any existing agricultural operations on the lands, or information on the agricultural activity the shed is linked to, it is not considered that the structure would come within limitation No. 1 under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The laneway would not come within the description set out in Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) as it is not the repair or improvement of any private street, road or way but the provision of a new lane.
- v. The works would interfere with the character of a landscape at this point given its location on the lower slopes of the Little Sugarloaf which is designated under the County Development Plan 2022-2028 as an Area of Outstanding Natural Beauty : The Bray Mountains Group, and therefore Article 9(1)(a)(vi) would be applicable which restricts exempted development where it would interfere with the character of a landscape.

J.H. Cunningham TSE

15/4/2026



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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

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

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Chris Garde
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE: - EX37/2026 - 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 23/03/2026.

The due date on this declaration is the 19/04/2026.

**Staff Officer
Planning Development & Environment**



*To an doic meá sear at fóill bhformáideile 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.



W I C K L O W



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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

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

John Flynn
Rockyvalley Drive
Bray
Co. Wicklow
A98 TC94

25th March 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX37/2026 for John Moran

A Chara

I wish to acknowledge receipt on 23/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 19/04/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

25/03/2026 10 30 53

Receipt No L1/0/361026

JOHN FLYNN
ROCKY VALLEY DRIVE
BRAY
CO WICKLOW

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

Total 80 00 EUR

Tendered
Credit Card 80 00
EX37/2026

Change 0 00

Issued By Ruth Graham
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

RECEIVED 23 MAR 2026

**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: _____ John Moran _____

Address of applicant: _____ Templecarrig Upper Greystones 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) _____ John Flynn _____

Address of Agent : _____ Rockyvalley Drive Bray co Wicklow A98TC94 _____

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

3. Declaration Details

i. Location of Development subject of Declaration Templecarrig Upper
Greystones Co Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Owner

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

Yes

iv. Section 5 of the Planning and Development Act provides that : If any question
arises as to what, in any particular case, is or is not development and is or is not
exempted development, within the meaning of this act, any person may, an
payment of the prescribed fee, request in writing from the relevant planning
authority a declaration on that question. You should therefore set out the query
for which you seek the Section 5 Declaration _____

We seek confirmation that the proposed agricultural shed for storage of
machinery is exempted development

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 _____

Schedule 2 part 1 class 9 of 2001 P and D regulations

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 _____

Drg 01 Location, 02 site layout and 03 Plans elevations section

viii. Fee of € 80 Attached ? Phone in payment

Signed : John Moran Dated : 16/03/2026 (Agent)
John Moran (Applicant)

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.

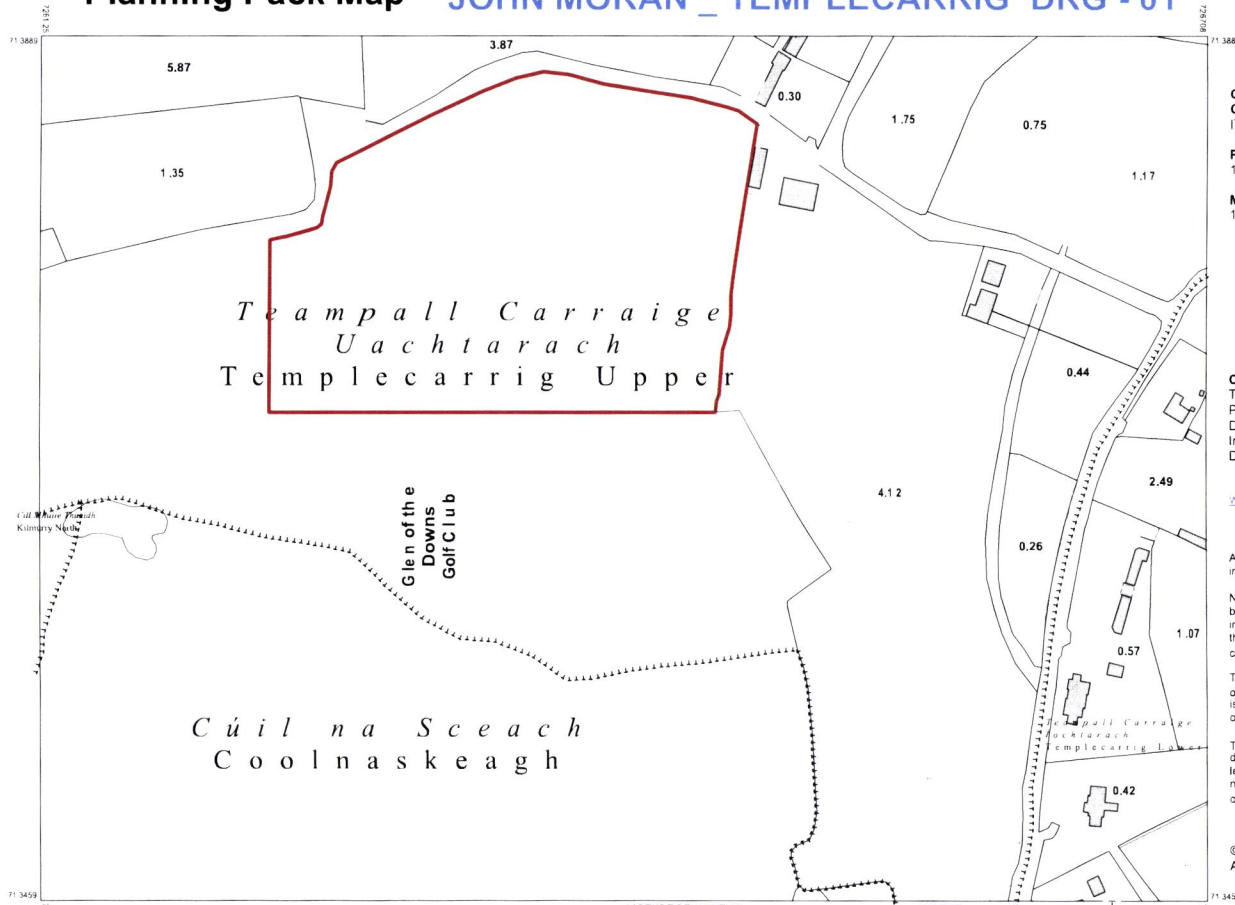
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.
-

Planning Pack Map JOHN MORAN _ TEMPLECARRIG DRG - 01



Tailte Éireann



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ORDER NO. : 50524886_1

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MAP SHEETS: 3673-B

COMPILED AND PUBLISH ED BY:
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Ireland.
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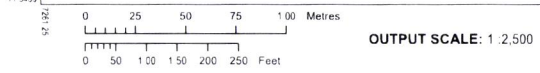
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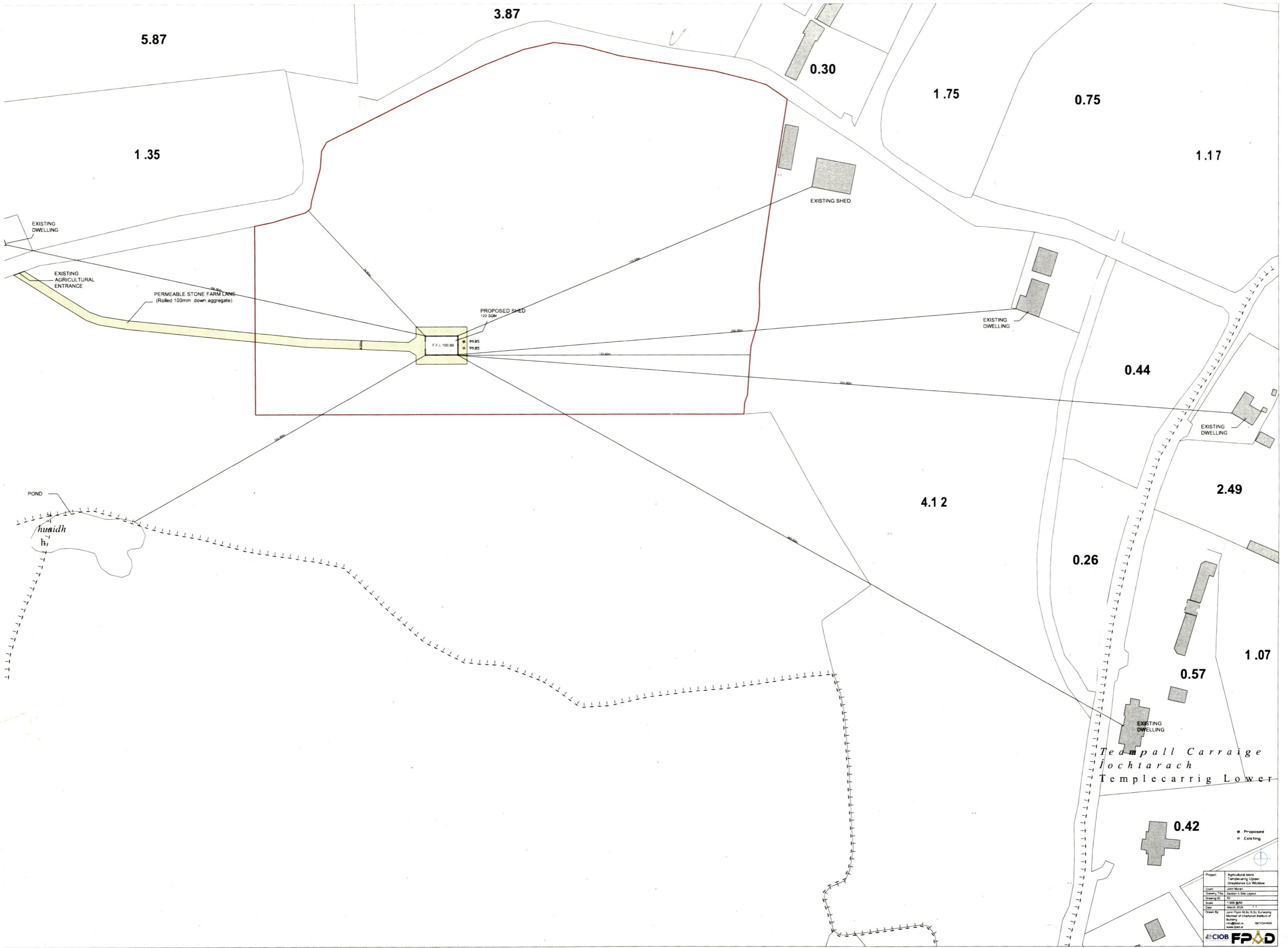
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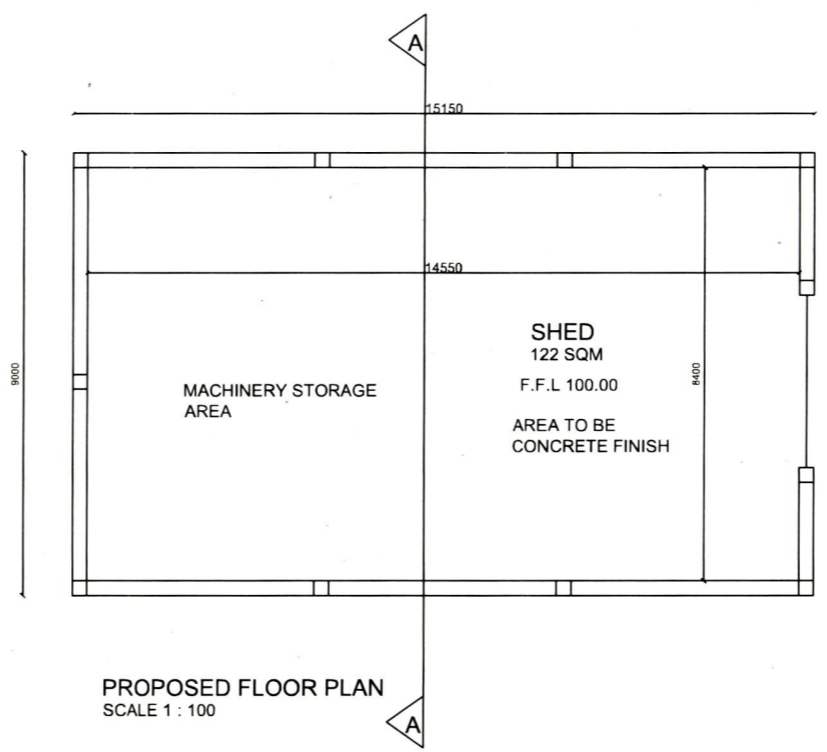
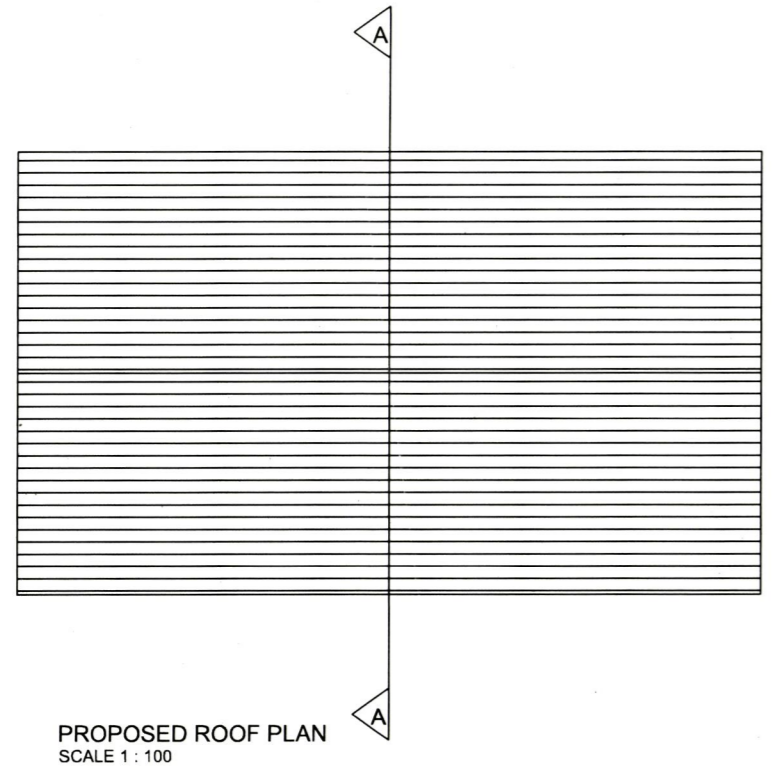
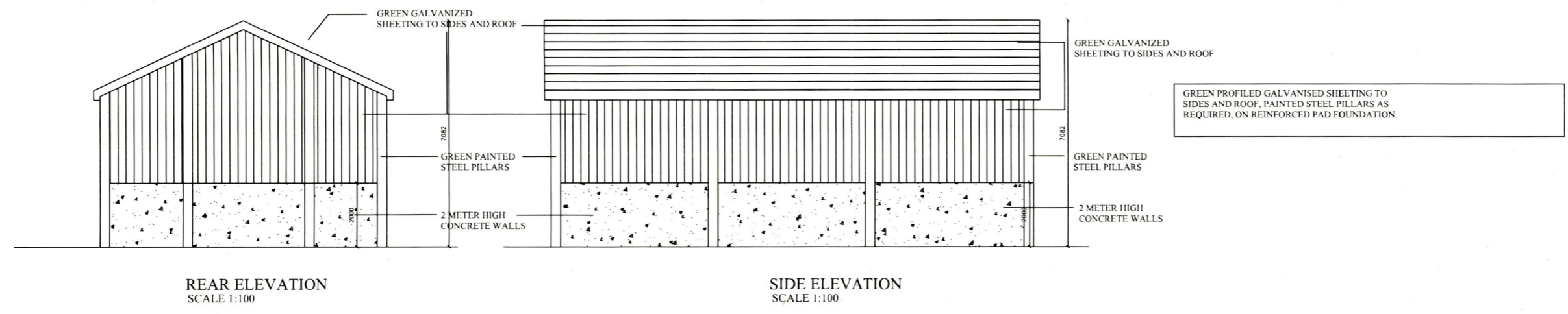
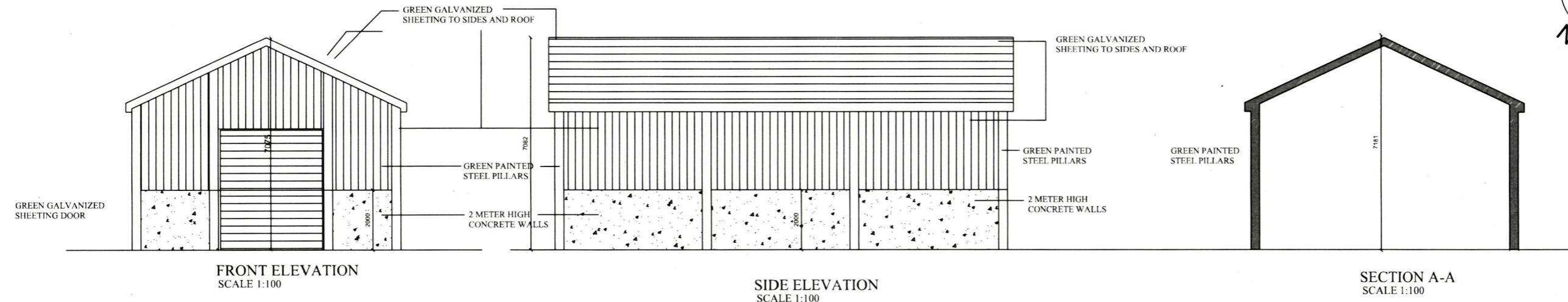
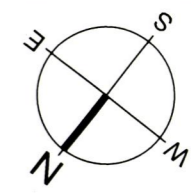




Temppall Carraige
Iochtarach
Templecarrig Lower

Project	Agricultural stone Tempering Upper Greystones Co Wicklow
Client	John Moran
Drawing Title	Section 5 Site Layout
Drawing ID	01
Scale	1:500 @A0
Date	March 2020
Drawn by	John Moran M.S.C. R.I.C. Surveying Member of Chartered Institute of Building info@moran.ie 0874348858 www.moran.ie





Project:	Agricultural store Templecarrig Upper Greystones Co Wicklow
Client:	John Moran
Drawing Title:	Section 5 Plans Section Elevations
Drawing ID:	03
Scale:	1:100 @A2
Date:	March 2026
Drawn By:	John Flynn M.Sc B.Sc Surveying Member of Chartered Institute of Building info@fpad.ie 0874344858 www.fpad.ie

