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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Janet Halpin & Leo Halpin,
c/o Brendan Byrne Buck,
BPS Planning & Development Consultants Ltd,
PO Box 13658,
Dublin 14,
D14 NY27

19TH Of November 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 134/2026

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,

pp Deirdre Byrne
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Applicant: Janet Halpin & Leo Halpin

Location: The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow

Reference Number: EX134/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1384

A question has arisen as to whether

1) *The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House/ Conservatory. Laragh East.Glendalough, Co. Wicklow, Ag8 F786, including the breaking through of the roadside boundary. the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access:*
2) *The excavation, removal and relocation of approximately 60-80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance:*
3) *The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks. grading and contour changes to the field:*
4) *The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and*
5) *Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, and the planning history of the lands."* is or is not development and is or is not exempted development.

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow is or is not exempted development.

Having regard to:

a) The details received with the Section 5 Declaration Application on 22/10/2026.
b) Sections 2, 3, 4, and 57(1) of the Planning & Development Act 2000 (as amended)
c) Article 6, Article 9, Schedule 2: Part 1: Class 5 and Class 6, and Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

i. The proposed items would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).

ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

iii. The opening of a new vehicular entrance onto private laneway and placement of a new embankment retaining structure / boundary wall along the laneway and entrance would come within the description and limitations set out under Schedule 2: Part 1: Class 5 of the Planning and Development Regulations 2001(as amended).

iv. The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area and formation of a new internal driveway / roadway of medium-density hardcore or similar surface would come within the description and limitations set out under Schedule 2: Part 1: Class 6 of the Planning and Development Regulations 2001(as amended).

v. The cleaning out / alteration of an open drain would come within the description and limitations set out under Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001(as amended).

vi. The new vehicular entrance would not be onto a public road wider than 4m and would not give rise to a traffic hazard. Having regard to the minor and limited nature of the works the development would not give rise to any impacts on the conservation values of any Natura 2000 site. The proposed items are not considered to interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, nor shall they consist of or comprise of the alteration / demolition of features 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. Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended) is applicable in this instance.

vii. The subject site is not located in the curtilage of the site of a Protected Structure and as such shall not materially affect the character of any such structure or any element of such a structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Therefore, nothing under Section 57(1) of the Planning and Development Act 2000 (as amended) would negate any exemption on site.

<u>The Planning Authority considers that</u>

a) The opening of a new vehicular entrance onto private laneway **is development** and **is exempted development.**
b) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance **is development** and **is exempted development.**

c) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area **is development** and **is exempted development.**

d) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface **is development** and **is exempted development.**

e) The cleaning out / alteration of an open drain **is development** and **is exempted development.**

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow **is development and is exempted development.**

Signed: Jeanne Byrne. Date: 18/11/2026

pp ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1384

Reference Number: EX 134/2026

Name of Applicant: Janet Halpin & Leo Halpin

Nature of Application: Section 5 Referral as to whether

1) *The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House/ Conservatory. Laragh East.Glendalough, Co. Wicklow, Ag8 F786, including the breaking through of the roadside boundary. the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access:*
2) *The excavation, removal and relocation of approximately 60-80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance:*
3) *The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks. grading and contour changes to the field:*
4) *The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and*
5) *Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, and the planning history of the lands."* is or is not development and is or is not exempted development.

Location of Subject Site: The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow

Report from: Billy Slater A.P

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether:

1) *The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House/ Conservatory. Laragh East.Glendalough, Co. Wicklow, Ag8 F786, including the breaking through of the roadside boundary. the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access:*

2) *The excavation, removal and relocation of approximately 60-80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance:*
3) *The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks. grading and contour changes to the field:*
4) *The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and*
5) *Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, and the planning history of the lands."* at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, 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 received with the Section 5 Declaration Application on 22/10/2026.
b) Sections 2, 3, 4, and 57(1) of the Planning & Development Act 2000 (as amended)
c) Article 6, Article 9, Schedule 2: Part 1: Class 5 and Class 6, and Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

i. The proposed items would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).

ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

iii. The opening of a new vehicular entrance onto private laneway and placement of a new embankment retaining structure / boundary wall along the laneway and entrance would come within the description and limitations set out under Schedule 2: Part 1: Class 5 of the Planning and Development Regulations 2001(as amended).

iv. The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area and formation of a new internal driveway / roadway of medium-density hardcore or similar surface would come within the description and limitations set out under Schedule 2: Part 1: Class 6 of the Planning and Development Regulations 2001(as amended).

v. The cleaning out / alteration of an open drain would come within the description and limitations set out under Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001(as amended).

vi. The new vehicular entrance would not be onto a public road wider than 4m and would not give rise to a traffic hazard. Having regard to the minor and limited nature

ORDER:
I HEREBY DECLARE:

a) "The opening of a new vehicular entrance onto private laneway **is development** and **is exempted development.**
b) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance **is development** and **is exempted development.**
c) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area **is development** and **is exempted development.**
d) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface **is development** and **is exempted development.**
e) The cleaning out / alteration of an open drain **is development** and **is exempted development.**

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____ Date: 18/11/2020

T/ Senior Planner
Planning, Economic & Rural Development

of the works the development would not give rise to any impacts on the conservation values of any Natura 2000 site. The proposed items are not considered to interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, nor shall they consist of or comprise of the alteration / demolition of features 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. Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended) is applicable in this instance.

vii. The subject site is not located in the curtilage of the site of a Protected Structure and as such shall not materially affect the character of any such structure or any element of such a structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Therefore, nothing under Section 57(1) of the Planning and Development Act 2000 (as amended) would negate any exemption on site.

Recommendation

The Planning Authority, as recommended by the above named, considers that:

a) The opening of a new vehicular entrance onto private laneway **is development** and **is exempted development.**
b) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance **is development** and **is exempted development.**
c) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area **is development** and **is exempted development.**
d) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface **is development** and **is exempted development.**
e) The cleaning out / alteration of an open drain **is development** and **is exempted development.**

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow **is development and is exempted development** in accordance with reports prepared by the Planning Department.

Signed: Dianne Byrne Date: 18/11/2026

WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

To:	Edel Bermingham A/S.P. / Patrice Ryan S.E.P.
From:	Billy Slater A.P.
Type:	Section 5 Application
REF:	EX 134/2026
Applicant:	Janet Halpin and Leo Halpin
Date of Application:	22/10/2026
Decision Due Date:	18/11/2026
Address:	The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow

Exemption Query:

1) The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House/ Conservatory. Laragh East.Glendalough, Co. Wicklow, Ag8 F786, including the breaking through of the roadside boundary. the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access:
2) The excavation, removal and relocation of approximately 60-80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance:
3) The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks. grading and contour changes to the field:
4) The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and
5) Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, and the planning history of the lands.

Application Site:

The application site is located in the eastern parameters of the level 7 rural settlement of Laragh Village town and is accessed via a private laneway in turn accessed off of the R-115-2 regional public road. The subject site is occupied by a vehicular entrance off of siad laneway with associated driveway and garden area noting that the site occupies the rear curtilage of the 'The Old School House', a private dwelling fronting onto the R-115-2. The site is bound by a neighbouring dwelling to the northeast, St. Johns Church of Ireland to the east and Glendalough Café to the southeast.

Aerial / Site Image





Section 5 Referral
From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

1) Opening of a new vehicular entrance onto private laneway,
2) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance,
3) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward or meadow area,
4) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface, and
5) The cleaning out / alteration of an open drain.

Relevant Planning History:

Ref	25/180
Applicant	Lisa De La Haye
Development	Utility room extension to the side of existing dwelling and associated works
Decision	Grant
Ref	04/475
Applicant	Lisa De La Haye
Development	Change of use from restaurant to dwelling and for construction of 48.30 m2 single storey extension, comprising a conservatory and utility room with lobby, to existing 354 m2 two storey building together with a new site entrance to replace existing,
Decision	Grant
Ref	95/3035
Applicant	Jerry Mitchell
Development	retention of tea rooms/restaurant, accommodation, signs and treatment plant and new treatment plant
Decision	Grant
Ref	90/5665
Applicant	Jerry Mitchell
Development	Tea-rooms/Restaurant & waste water treatment plant
Decision	Grant

Enforcement:

Enf no.	UD11077
Owner	Lisa De La Haye
Description	Alleged unauthorised development, consisting of the carrying out of the following works within and on the eastern/non-public road boundary of the rear/northeastern garden within the curtilage of a residential site at, the Conservatory, The Old School House, Laragh East, Glendalough, Bray, Co. Wicklow, A98F786; without authorisation by planning permission: 1. The upgrading-enhancement of an existing vehicular entrance to the garden-meadow area of this site that opens onto an adjoining cul-de-sac private shared road, including the realignment, restoration and improvement of part of the subject dry stone embankment party boundary with that road.

2. The development of internal driveway with a medium density hardcore surface dressing leading inwards from the said roadway entrance opening.
3. The carrying out of ground works to develop of new grass sward and maintenance works (cleaning out) of an open drain along the northeastern party boundary thereof.

Status Case Closed.

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

1) Opening of a new vehicular entrance onto private laneway,
2) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance,
3) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area,
4) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface, and
5) The cleaning out / alteration of an open drain.

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow is or is not exempted development:

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) states:
"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 57(1)

Notwithstanding *section 4(1)(a), (h), (i),(ia), (j), (k),* or *(l)* and any regulations made under *section 4(2),* the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

a) the structure, or
b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations, 2001 (as amended)

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

Article 9(1) details a number of circumstances under which the 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,

Schedule 2, Part 1 outlines classes of exempt development in the curtilage of a dwelling as well as associated conditions and limitations. The following are of relevance.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Associated conditions and limitations:

1. *The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.*
2. *Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.*
3. *No such structure shall be a metal palisade or other security fence.*

CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

(b) Any works within the curtilage of a house for—

(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,

(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

Associated conditions and limitations:

a) The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

b) *Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,*

Or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

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

CLASS 3
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.

Associated conditions and limitations:
N/A

Details submitted in support of the application:
- Section 5 Application Form.
- Planning Report
- Site location / planning pack map

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

1) Opening of a new vehicular entrance onto private laneway,
2) The placement of a new embankment retaining structure or boundary wall along the laneway and entrance,
3) The importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area,
4) The formation of a new internal driveway or roadway of medium-density hardcore or similar surface, and
5) The cleaning out or alteration of an open drain.

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow.

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.

I am satisfied that the above elements would involve works of excavation, alteration, and renewal. and would therefore constitute development falling within the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

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

1) Opening of a new vehicular entrance onto private laneway
2) The placement of a new embankment retaining structure or boundary wall along the laneway and entrance

The opening of a new entrance and placement of a new embankment retaining structure or boundary wall along the laneway and entrance would fall under the description of Schedule 2, Part 1, Class 5 of the Planning & Development Regulations 2001(as amended) being *'The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.'*

The following conditions and limitations apply;

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.	New stone embankment retaining structure or boundary wall does not exceed 2 meters in height.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.	Boundary wall is a dry or natural stone wall bounding.
3. No such structure shall be a metal palisade or other security fence.	N/A

3) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area.
4) The formation of a new internal driveway or roadway of medium-density hardcore or similar surface.

The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area would fall under the description of Schedule 2, Part 1, Class 6 (a) of the Planning & Development Regulations 2001(as amended) being *'The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.'*

The formation of a new internal driveway or roadway of medium-density hardcore or similar surface would fall under the description of Schedule 2, Part 1, Class 6 (b)(i) of the Planning & Development

Regulations 2001(as amended) being *'Any works within the curtilage of a house for the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such'.*

The following conditions and limitations apply;

a) The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.	The landscaping works carried out has not seen to alter the level of the ground by more than 1 metre above or below the level of the adjoining ground.
b) Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller, Or if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.	N/A - surfaced area is located to the rear of the building line of the existing dwelling abutting the subject site to the southwest.

5) The cleaning out or alteration of an open drain.

The cleaning out / alteration of an open drain would fall under the description of Schedule 2, Part 3, Class 3 of the Planning & Development Regulations 2001(as amended) being *'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.'*

No associated conditions and limitations apply to this class of development.

Other considerations

The provision of Article 9(1) of the Planning & Development Regulations 2001(as amended) is noted. The opening of a new entrance onto the adjoining roadway is deemed not to come within the scope of the restrictions on exempted development provided by Article 9(1)(a)(ii) or (iii) of the Planning Regulations as the proposed entrance concerns access onto a non-public roadway of less than 4 metres in width which, having regard to the limited traffic volumes and speed experienced on same, is not considered to result in traffic hazard.

Notwithstanding the proximity of the development site to the nearby Glenmacnass (River) and Wicklow Mountains SAC to the west it is considered that, given the minor and limited nature of the works and absence of a clear hydrological link to same, impacts on the conservation values of this Natura 2000 site by its own or in combination can be ruled out and the proposal as such does not to come within the scope of the restrictions on exempted development provided by Article 9(1)(a)(viiB) of the Regulations.

The proposal is deemed not to come within the scope of the restrictions on exempted development provided by Article 9(1)(a)(vi) or (vii) of the Planning Regulations as the proposed items are not considered to interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, nor shall they consist of or comprise of the alteration / demolition of features 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.

The potential restrictions on otherwise exempted developments on the site of Protected Structures (as defined in Section 2(1) of the PDA 2000), provided by Section 57(1) of that Act, (i.e. works that materially affect the character of a Protected Structure/any special structural element thereof), are considered to be inapplicable in this case, because:

(a) The subject site is not included in Wicklow County Council's current Record of Protected Structures in Appendix 4 to Chapter 8 (Built Heritage) of the Wicklow County Development Plan 2022-2028.
(b) The subject site is **not** located in the curtilage of the site of a Protected Structure and as such shall not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

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

1) Opening of a new vehicular entrance onto private laneway,
2) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance,
3) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area,
4) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface, and
5) The cleaning out / alteration of an open drain.

at The Old School House and Laneway serving Laragh Castle, Laragh East, Laragh, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

a) The opening of a new vehicular entrance onto private laneway **is development** and **is exempted development.**
b) The placement of a new embankment retaining structure / boundary wall along the laneway and entrance **is development** and **is exempted development.**
c) The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area **is development** and **is exempted development.**
d) The formation of a new internal driveway / roadway of medium-density hardcore or similar surface **is development** and **is exempted development.**
e) The cleaning out / alteration of an open drain **is development** and **is exempted development.**

Main Considerations with respect to Section 5 Declaration :

a) The details received with the Section 5 Declaration Application on 22/10/2026.

b) Sections 2, 3, 4, and 57(1) of the Planning & Development Act 2000 (as amended)

c) Article 6, Article 9, Schedule 2: Part 1: Class 5 and Class 6, and Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

i. The proposed items would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).

ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

iii. The opening of a new vehicular entrance onto private laneway and placement of a new embankment retaining structure / boundary wall along the laneway and entrance would come within the description and limitations set out under Schedule 2: Part 1: Class 5 of the Planning and Development Regulations 2001(as amended).

iv. The excavation of approximately 60-80 large granite boulders from the sloping field, importation of topsoil, hardcore and other material, the covering of boulder clay and the formation of a new grassed sward / meadow area and formation of a new internal driveway / roadway of medium-density hardcore or similar surface would come within the description and limitations set out under Schedule 2: Part 1: Class 6 of the Planning and Development Regulations 2001(as amended).

v. The cleaning out / alteration of an open drain would come within the description and limitations set out under Schedule 2: Part 3: Class 3 of the Planning and Development Regulations 2001(as amended).

vi. The new vehicular entrance would not be onto a public road wider than 4m and would not give rise to a traffic hazard. Having regard to the minor and limited nature of the works the development would not give rise to any impacts on the conservation values of any Natura 2000 site. The proposed items are not considered to interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, nor shall they consist of or comprise of the alteration / demolition of features 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. Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended) is applicable in this instance.

vii. The subject site is not located in the curtilage of the site of a Protected Structure and as such shall not materially affect the character of any such structure or any element of such a structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Therefore, nothing under Section 57(1) of the Planning and Development Act 2000 (as amended) would negate any exemption on site.

Billy Slater

Billy Slater A.P.
12/11/2026

Agd 13/11/2026 T/SP

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Joanne Byrne
A/ Staff Officer

RE:- EX134/2026 - 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 22/10/2026.

The due date on this declaration is the **18/11/2026.**

Joanne Byrne

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

Janet Halpin & Leo Halpin,
C/o Brendan Byrne Buck,
BPS Planning & Development Consultants Ltd,
PO Box 13658,
Dublin 14,
D14 NY27

21st October 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX134/2026

A Chara

I wish to acknowledge receipt on 22/10/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 18/11/2026.

Mise, le meas

Joanne Byrne

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development

Wicklow County Council
County Buildings
Wicklow
0404-20100

22/10/2026 10 38 09

Receipt No L1/0/371176
***** REPRINT *****

JANET AND LEO HALPIN
LARAGH CASTLE
LARAGH EAST
GLENDALOUGH
CO WICKLOW

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable

Total 80 00 EUR

Tendered
Cheque 80 00
BPS PLANNING MR BRENDAN BUCK

Change 0 00

Issued By Samantha Duffy
From Customer Service Hub
Vat reg No 0015233H

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

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Date Received _____

Fee Received _____

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

1. Applicant Details

(a) Name of applicant: **Janet Halpin and Leo Halpin.**

(b) Address of applicant: [redacted]

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable): **Brendan Byrne Buck MIPI.**

Address of Agent: **BPS Planning & Development Consultants LTD, PO Box 13658, Dublin 14, D14NY27.**

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

3. Declaration Details

i. Location of Development subject of Declaration: **Lands adjoining a private laneway serving Laragh Castle (a protected structure) and its attendant grounds at The Old School House / Conservatory, Laragh East, Glendalough, Co. Wicklow, A98 F786,**

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: **Janet Halpin and Leo Halpin have a right of way over the relevant section of the laneway but are not the owners of the subject lands adjoining it.**

WICKLOW COUNTY COUNCIL
22 OCT 2026
PLANNING DEPT.

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.

A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development: (1) The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory, Laragh East, Glendalough, Co. Wicklow, A98 F786, including the breaking through of the roadside boundary, the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access; (2) The excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance; (3) The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field; (4) The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and (5) Whether any of the above works constitute development that requires planning permission, having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended), articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and the planning history of the lands including Wicklow County Council register reference 18/1427 and An Bord Pleanála case reference ABP-304135-19; and (6) What was the previous use of the lands at The Old School House / Conservatory that the new entrance now serves, what is their current use, and whether any material change of use has occurred.

Additional details may be submitted by way of separate submission.

Please find a covering letter attached which has been prepared by BPS Planning & Development Consultants LTD.

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

Please refer to the attached covering letter which has been prepared by BPS

Planning & Development Consultants LTD.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure): **Yes. Laragh Castle is entered on the Record of Protected Structures as 23-05.**

vii. List of Plans, Drawings submitted with this Declaration Application:

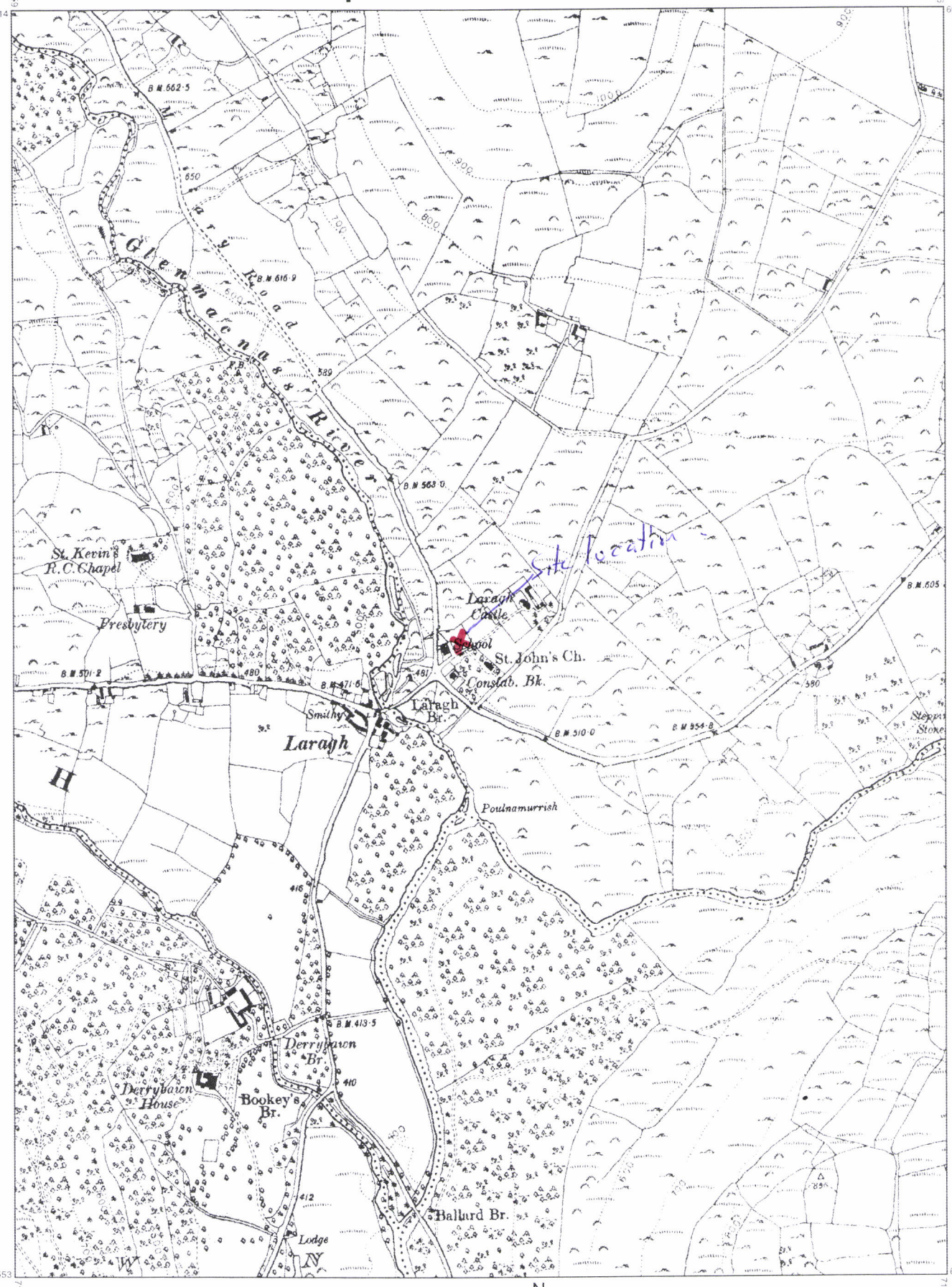
- Copy of an OS based site location map with the subject lands outlined in red.
- Relevant details, drawings, and photographs contained in the attached BPS covering letter.

viii. Fee of € 80 Attached? **Cheque for €80 attached.**

Signed: Dated: 21/10/2026

Brendan Byrne Buck MIPI

Site Location Map



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CENTRE COORDINATES:
ITM 714468,696784

PUBLISHED: 14/10/2026

ORDER NO.: 50564872_1

MAP SERIES: 6 Inch Raster

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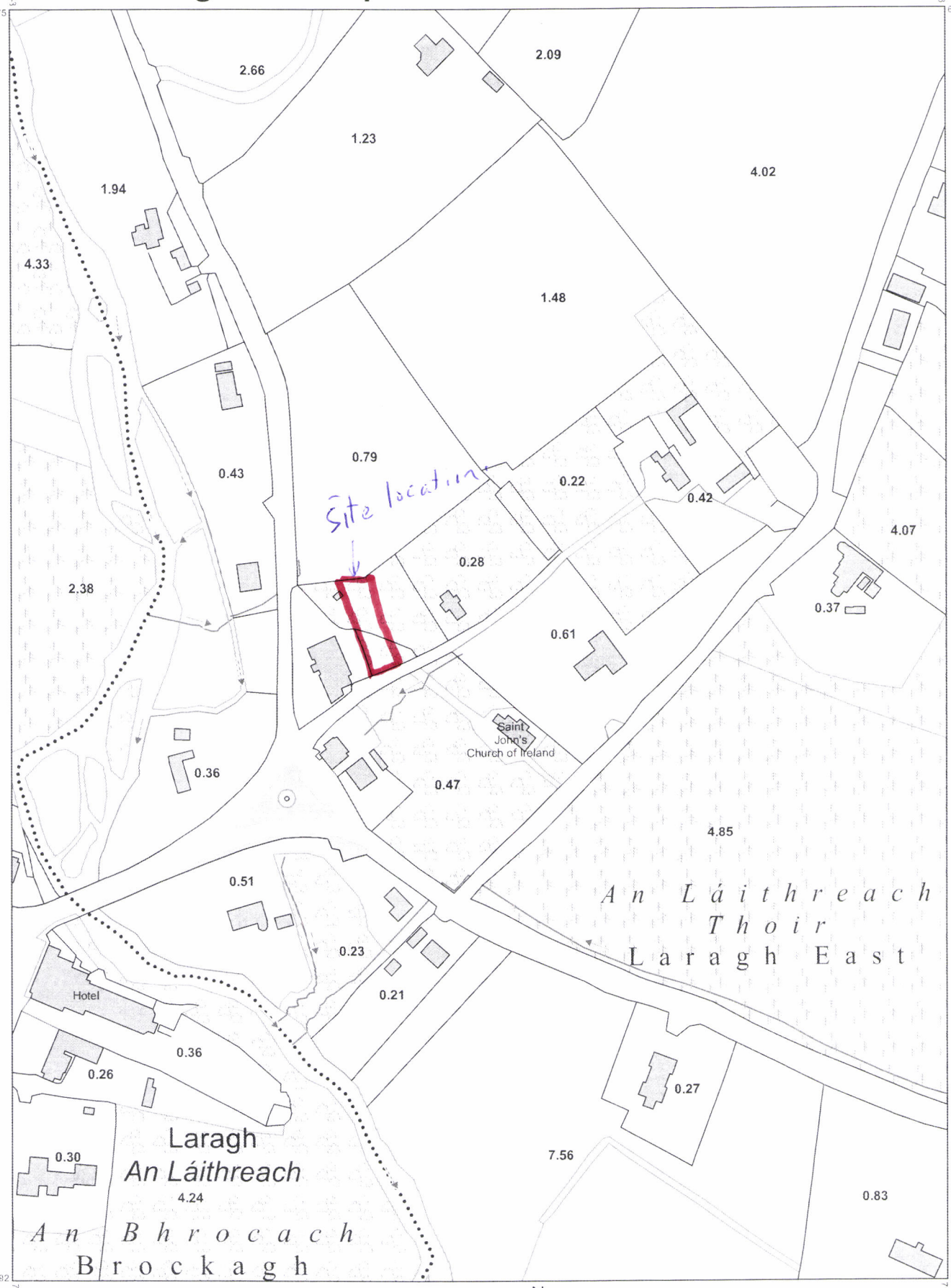
Planning Pack Map



OUTPUT SCALE: 1:2,500

CENTRE COORDINATES:
ITM 714468,696784

PUBLISHED: 14/10/2026

ORDER NO.: 50564872_1

MAP SERIES: 1:2,500

MAP SHEETS: 3959-D

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Tailte Éireann

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Invoice #: 50564872
Invoice Date: 14 Oct 2026, 12:25:22
Order Date: 14 Oct 2026, 12:22:48

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wicklow, Wicklow, A67 W662
Ireland
T: 0872615871

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Subtotal:	€48.50
Tax:	€11.16
Grand Total:	**€59.66**

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Dublin 14

BY HAND

The Secretary
Planning Department,
Wicklow County Council,
County Buildings, Station Road,
Whitegates, A67FW96,
Wicklow Town, County Wicklow

21 October 2026

Dear Sir/Madam,

Section 5 referral / exemption declaration in respect of works at The Old School House / Conservatory, Laragh East, Glendalough, Co. Wicklow, A98 F786, and the laneway serving Laragh Castle, Laragh East, Glendalough, Co. Wicklow, A98 DH63. A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development: (1) The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory, Laragh East, Glendalough, Co. Wicklow, A98 F786, including the breaking through of the roadside boundary, the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access; (2) The excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance; (3) The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field; (4) The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and (5) Whether any of the above works constitute development that requires planning permission, having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended), articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and the planning history of the lands including Wicklow County Council register reference 18/1427 and An Bord Pleanála case reference ABP-304135-19; and (6) What was the previous use of the lands at The Old School House / Conservatory that the new entrance now serves, what is their current use, and whether any material change of use has occurred.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been retained by Janet Halpin and Leo Halpin of Laragh Castle, Laragh East, Glendalough, Co Wicklow, A98 DH63 (hereafter "the referrers" or "our clients") to prepare and lodge this section 5 referral with Wicklow County Council (hereafter "WCC")

The referral relates to works carried out on lands adjoining the private laneway serving Laragh Castle (a protected structure) and its attendant grounds

Those works include the opening of a new vehicular entrance onto the laneway from the property known as The Old School House / Conservatory, Laragh East, Glendalough, Co Wicklow, A98 F786, together with extensive earthworks, the excavation and relocation of large granite boulders, the formation of a hardcore driveway, the alteration of drainage, and the construction or reconstruction of embankments and boundary treatment The works have been carried out without the benefit of planning permission

This referral arises because Wicklow County Council's enforcement section, under file UD11077, has concluded that the works do not constitute unauthorised development and has closed the file The Council has expressed the opinion that the works fall within exempted development classes (including Class 6 of Part 1 of Schedule 2 relating to landscaping and hard-surfaced driveways within the curtilage of a dwelling, Class 3 of Part 3 relating to maintenance of a drain, and section 4(1)(h) of the Planning and Development Act 2000 relating to works that do not materially affect the character of a structure) Our clients do not accept that opinion. They contend that the works constitute development that is not exempted development, having regard in particular

to the scale of the earthworks and boulder relocation, the creation of a new entrance onto a private laneway that is not a public road, the alteration of the character of the boundary and field, the absence of any pre-existing vehicular entrance at that location, the interaction with drainage on the laneway, and the planning history of the wider lands

The planning history is material Under register reference 18/1427 Janet Halpin applied for permission for vehicular access entrances off the R115 and L1059 roads into Laragh Castle (a protected structure) That application was the subject of third-party objections, including from the owner of adjoining lands who stated that there was no right of way or wayleave across her land and that previous works had caused flooding and damage. The application was appealed to An Bord Pleanála under reg ref ABP-304135-19 The present works have proceeded by way of a new entrance onto the private laneway rather than by the means for which permission was previously sought The referrers have a right of way over the relevant section of that laneway They have not consented to the works or to the creation of the entrance

Our clients ask WCC to determine whether the works set out in the question above constitute development and are or are not exempted development If the declaration is that the works are development and are not exempted development, our clients reserve the right to consider section 160 proceedings.

Section 1 of this letter addresses validation Sections 2 0 to 6 0 set out the facts, the site description, the planning history, the enforcement correspondence, the legal tests under the Planning and Development Act 2000 and the Planning and Development Regulations 2001, and the reasons why the works are not exempted development Section 7.0 offers a conclusion and Section 8 0 a recommendation If WCC requires any further detail, photographs or mapping, it can be provided on request

1 Validation of this Section 5

In terms of validation of this section 5, we refer to section 5 —(1) of the Planning and Development Act 2000 (as amended) which states

> *If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter*

Please find a cheque for €80 attached, which is the statutory fee payable for a section 5

To support this referral, BPS has

- Provided a completed Wicklow County Council section 5 form
- Set out in this letter the question which has arisen, namely whether the following, taken separately and together, constitute development and are or are not exempted development

    1) The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory Laragh East, Glendalough, Co. Wicklow, A98 F786, including the breaking through of the roadside boundary, the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access,
    2) The excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance,
    3) The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field,
    4) The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and
    5) Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, and the planning history of the lands

Set out in this letter the facts relevant to that question, including the description of the works, the fact that Janet Halpin and Leo Halpin have a right of way over the relevant section of the laneway, the enforcement correspondence under file UD11077 (including the letter of 25 September 2026 closing the file on the basis that the works were deemed not to be unauthorised development), the photographs of the earthworks, boulder placement, hardcore roadway and entrance and the planning history under Wicklow County Council register reference 18/1427 and An Bord Pleanála case reference ABP-304135-19

Attached an Ordnance Survey site location map identifying the laneway, Laragh Castle, The Old School House / Conservatory and the location of the new entrance and works, together with photographs of the works, the enforcement letter of 25 September 2026, and relevant extracts from the reg ref 18/1427 / ABP-304135-19 planning file

WCC may require more detail Section 5(2)(b) allows the planning authority to request further information in order to issue the declaration Any such request can be met promptly

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Appendices

Appendix 1: Photographs of the development undertaken on the private laneway / driveway to Laragh Castle, Protected Structure
Appendix 2 Copy of Enforcement Section letter
Appendix 3. Relevant details and drawings pertaining to planning permission reg refs. 18/1427 and ABP-304135-19

1.0 Site location & description

This section 5 relates to works carried out on lands at The Old School House / Conservatory, Laragh East, Glendalough, Co Wicklow, A98 F786, and to the private laneway serving Laragh Castle, Laragh East, Glendalough, Co Wicklow, A98 DH63 (over the relevant section of which the referrers have a right of way) (see the attached Ordnance Survey site location map and Figs 1–3)

Laragh Castle is a protected structure in residential use with attendant grounds The referrers, Janet Halpin and Leo Halpin have a right of way over the relevant section of the private laneway that provides access to Laragh Castle and its lands That laneway is not a public road It runs past the entrance to the lands now the subject of the works and continues to serve the Castle and the adjoining church lands (see Figs 1 and 2 and the sketch map at Fig 2)

The works the subject of this referral have been carried out on the lands adjoining the laneway at The Old School House / Conservatory They include the opening of a new vehicular entrance from the private laneway, the removal or demolition of the pre-existing dry-stone wall or embankment at that location, the excavation and relocation of a large number of granite boulders (approximately 60–80) from the sloping field, their placement as a new embankment or boundary treatment along the laneway and entrance, the importation of hardcore and topsoil, the formation of a medium-density hardcore internal driveway leading inwards from the new entrance, extensive earthworks and contour changes to the field, the cleaning out or alteration of an open drain, and the direction of land drainage towards the drain on the laneway (see Appendix 1)

There was no pre-existing vehicular entrance at this location onto the laneway The pre-existing boundary at the point of the new opening was a dry-stone wall or embankment That wall has been broken through and the stone removed or buried. The new entrance and associated works open directly onto the private laneway over the relevant section of which the referrers have a right of way The referrers have not consented to the works or to the creation of the entrance

Wicklow County Council's enforcement file UD11077 concerned alleged unauthorised development at The Old School House / Conservatory consisting of the upgrading of an existing vehicular entrance onto an adjoining cul-de-sac private shared road, the development of an internal hardcore driveway, and ground works including the cleaning out of an open drain. By letter dated 25 September 2026 the Council closed the file on the basis that the works were deemed not to constitute unauthorised

development, relying on exempted development classes including Class 6 (landscaping and hard-surfaced driveway within the curtilage of a dwelling), Class 3 (maintenance of a drain), and section 4(1)(h) of the Planning and Development Act 2000. That opinion is not accepted. This referral asks whether the works, as carried out, constitute development and are or are not exempted development.

The planning history of the wider lands is relevant. Under Wicklow County Council register reference 18/1427 Janet Halpin applied for permission for vehicular access entrances off the R115 and L1059 roads into Laragh Castle (a protected structure). That application was the subject of third-party objections concerning the absence of any right of way or wayleave across adjoining land and previous works that had caused flooding. The decision was appealed to An Coimisiún Pleanála under ABP-304135-19. The works now the subject of this referral have proceeded by the opening of a new entrance onto the private laneway rather than by the means for which permission was previously sought.

The lands at The Old School House / Conservatory are not themselves a protected structure and do not form part of the curtilage of Laragh Castle. The works, however, open onto and affect the private laneway serving the protected structure and its grounds, alter the roadside boundary, involve substantial earthworks and the relocation of large quantities of stone, and change the drainage relationship with the laneway.

Photographs of the works are contained in Appendix 1 (Figs. 1–13). Relevant extracts from the planning file for register reference 18/1427 and ABP-304135-19 are contained in Appendix 3. A copy of the enforcement letter of 25 September 2026 is contained in Appendix 2. If further photographs, a measured survey of the entrance and embankment, or additional mapping are required, they can be provided.

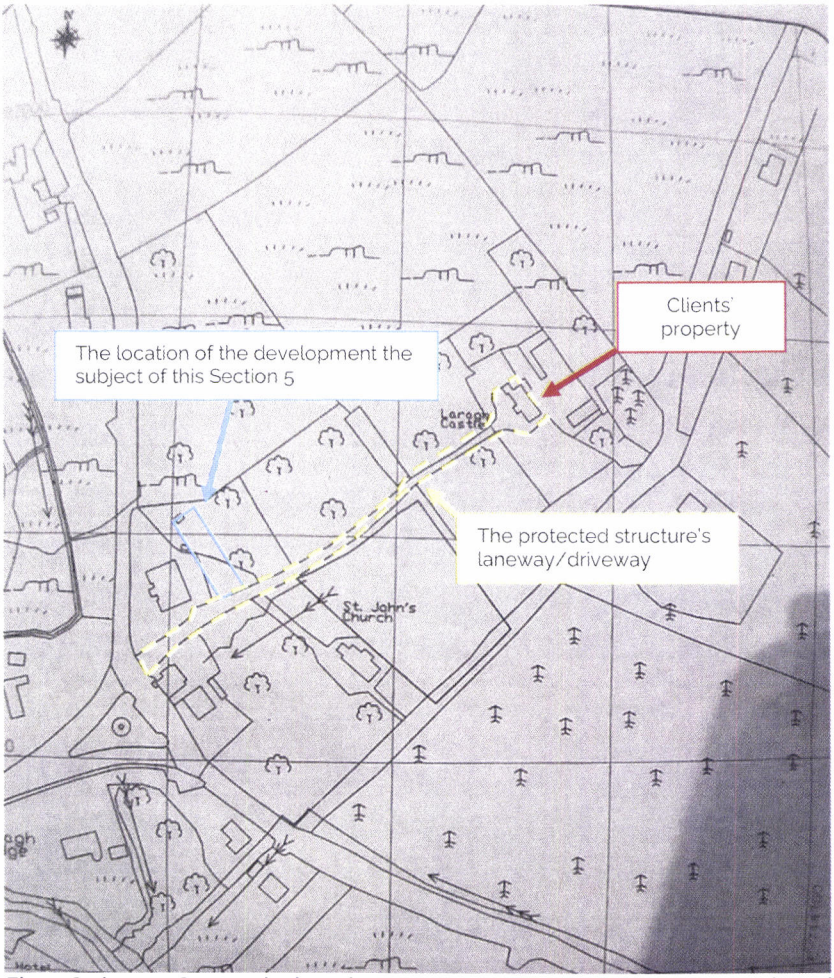


Fig. 1: Ordnance Survey site location map identifying Laragh Castle, the private laneway, The Old School House / Conservatory, and the location of the new entrance and works (source: client records)

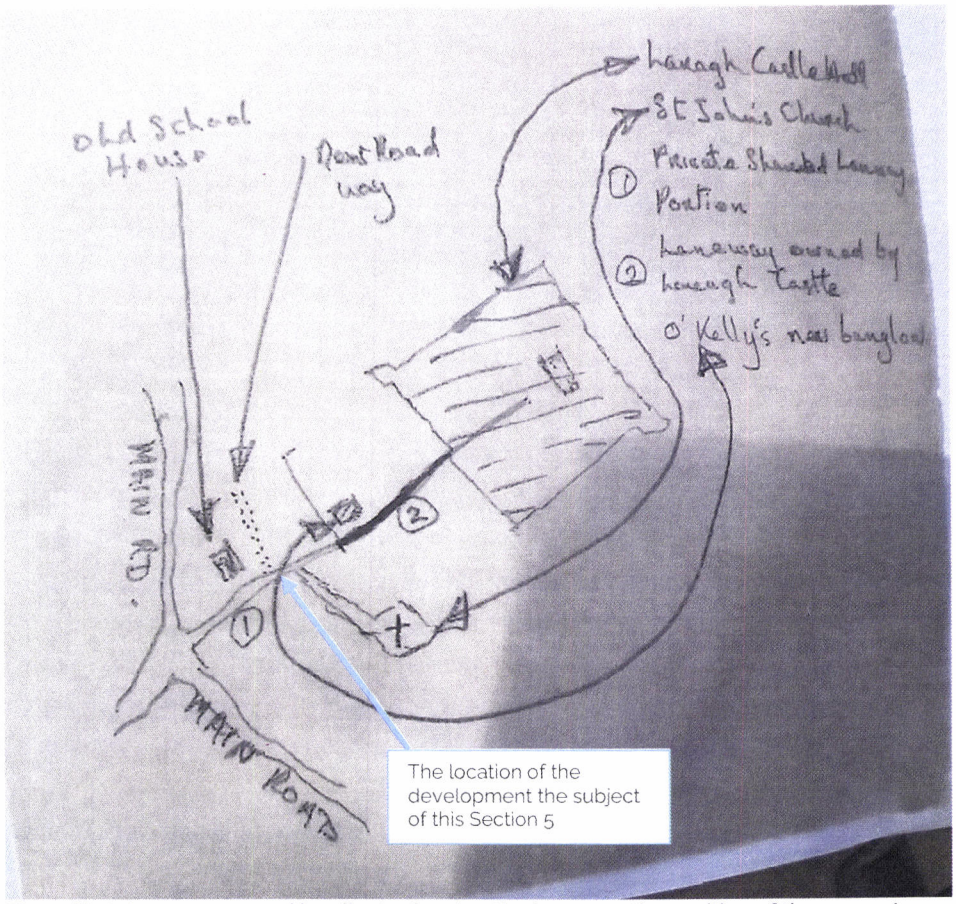


Fig. 2: Sketch map prepared by clients showing the laneway, the position of the new entrance, O'Kelly's bungalow, the Castle, the church, and the relationship of the works to the lane (source: client notes)

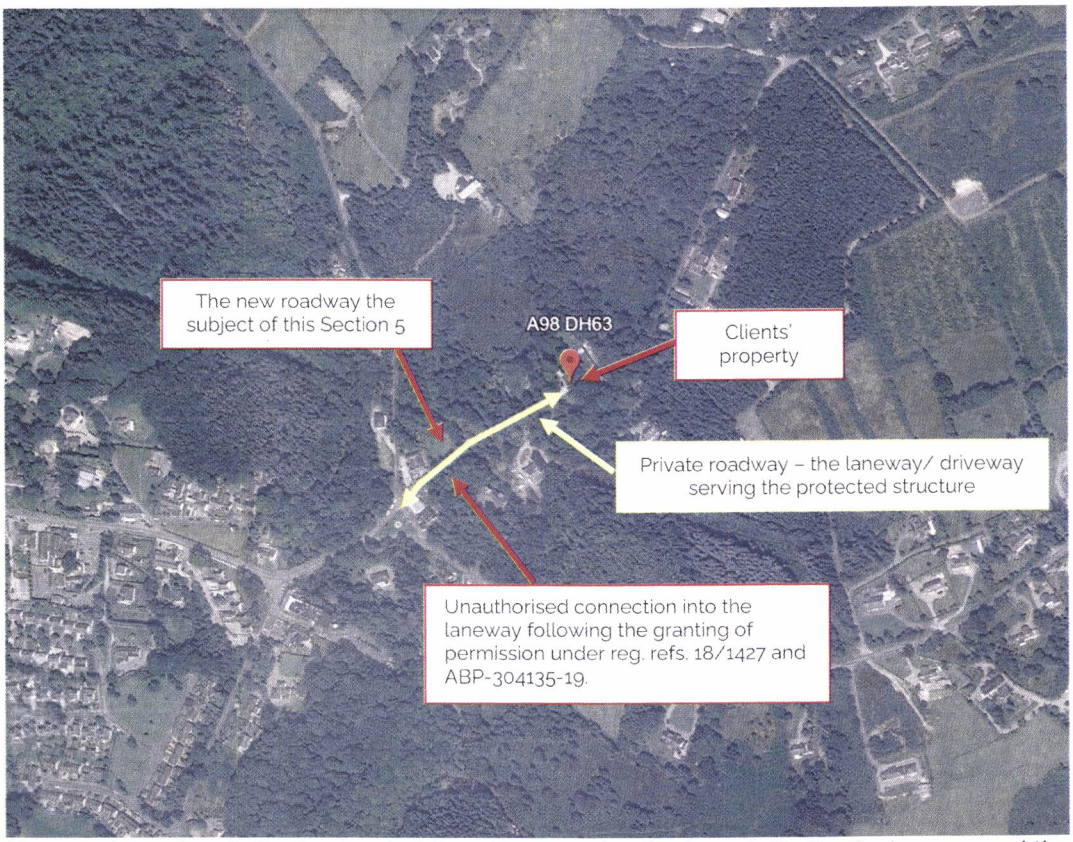


Fig. 3: Aerial or Google Earth extract of the wider area showing Laragh Castle, the laneway and the adjoining lands (source: Google Earth)

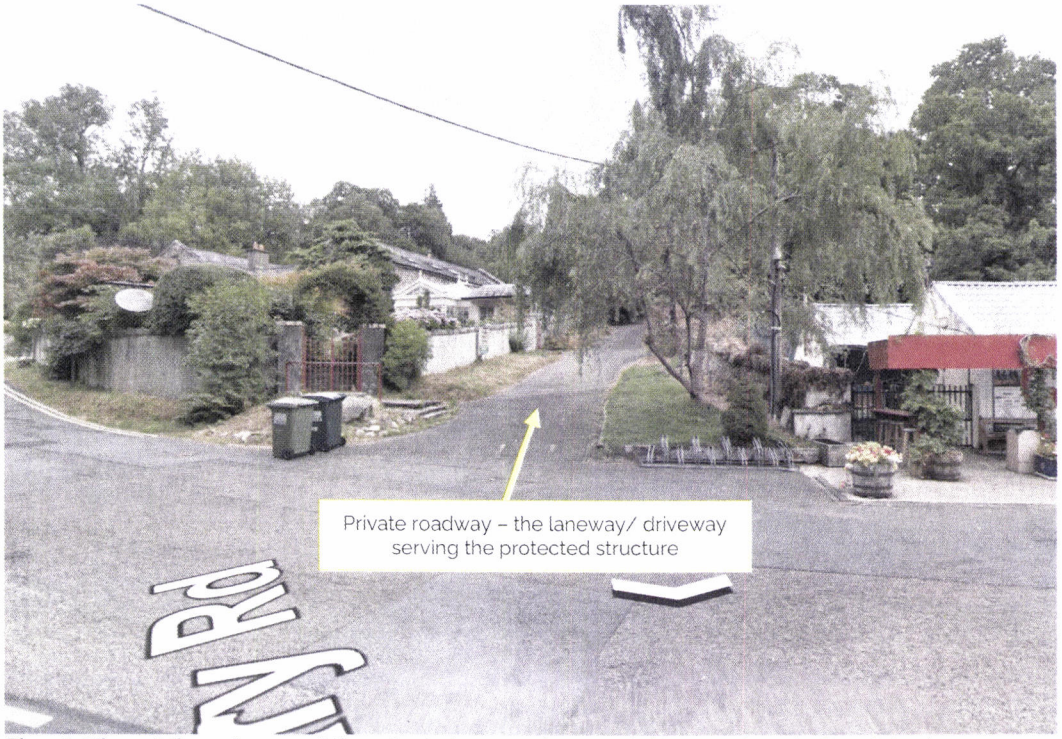


Fig. 4A: View at the entrance of the private laneway in Laragh (Source: Google Streetview)



Fig. 4B: View along the private laneway showing the location of the new entrance and new section of internal road (source: client photographs)



Fig. 4C: Drone photo – the location of the new entrance and new section of internal road (source: client photographs)



Fig. 5: Photograph of the new entrance opening onto the laneway, showing the break-through of the boundary and the hardcore surface (source: client photographs)

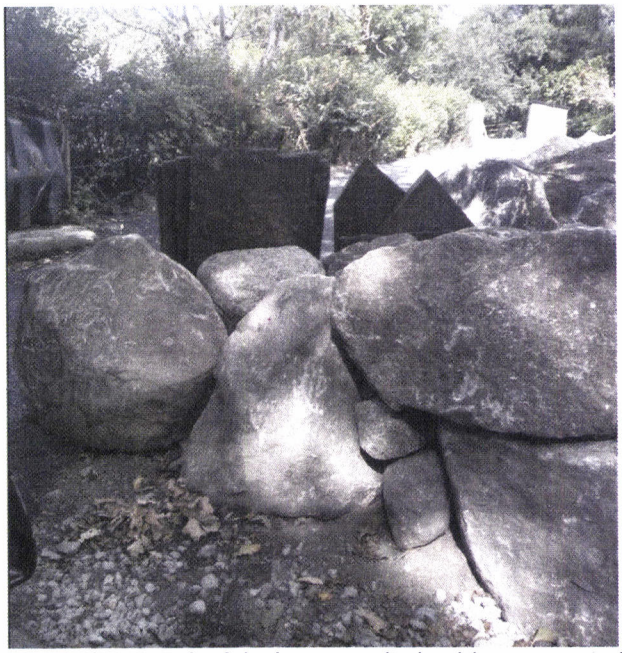


Fig. 6: Photograph of the large granite boulders excavated from the field and placed as an embankment / retaining structure along the laneway (source: client photographs)



Fig. 7: Photograph of plant (CASE excavator and dumper) engaged in earthworks, boulder placement and the formation of the hardcore roadway (source: client photographs)



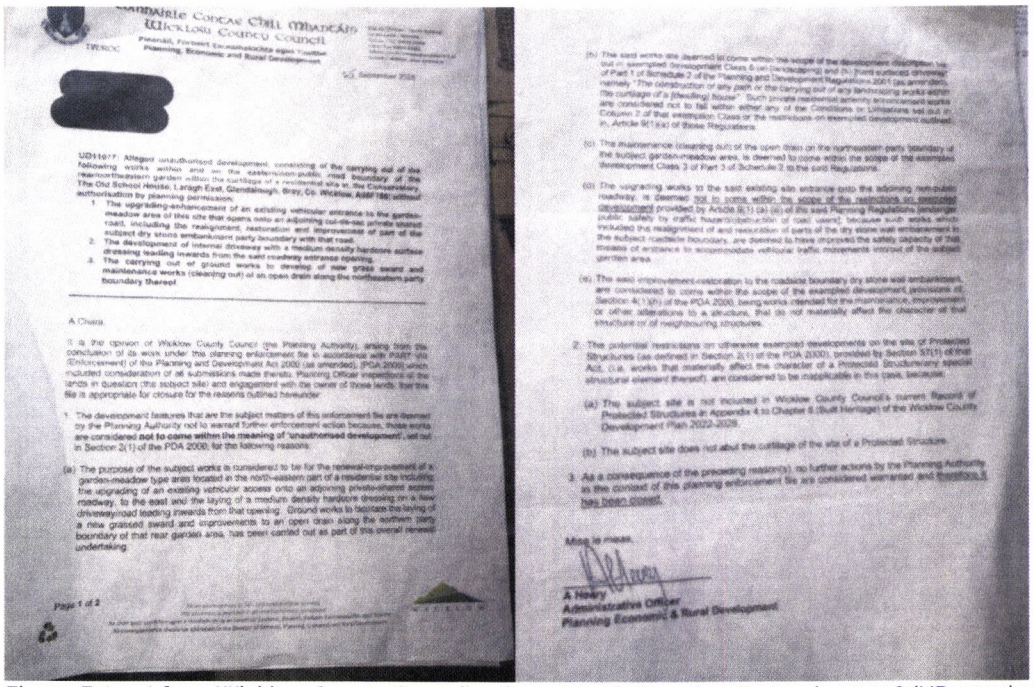
Fig. 8: Photograph of the hardcore / gravel driveway and associated piles of material and contour changes within the field (source: client photographs)



Fig. 9: Photograph of the dry-stone wall / embankment works and boulder placement along the roadside boundary (source: client photographs)



Fig. 10: Photograph showing drainage works and the relationship of the open drain to the laneway (source: client photographs).



Wicklow County Council

UD11077: Alleged unauthorised development, consisting of the carrying out of the following works within and on the easternmost public road boundary of the rear/northeastern garden within the curtilage of a residential site at, the Conservatory, The Old School House, Laragh East, Glendalough, Bray, Co. Wicklow, A98 FR6, without authorisation by planning permission:

1. The upgrading-enhancement of an existing vehicular entrance to the garden-meadow area of this site that opens onto an adjoining cul-de-sac private laneway road, including the realignment, restoration and improvement of part of the subject dry stone embankment party boundary with that road.
2. The development of internal driveway with a medium density hardcore surface dressing leading inwards from the said roadway entrance opening.
3. The carrying out of ground works to develop of new grass sward and maintenance works (cleaning out) of an open drain along the northeastern party boundary thereof.

A Chara,

It is the opinion of Wicklow County Council (the Planning Authority), arising from the conclusion of its work under this planning enforcement file in accordance with PART VIII (Enforcement) of the Planning and Development Act 2000 (as amended), PDA 2000, which included consideration of all submissions made thereto, Planning Officer inspections of the lands in question (the subject site) and engagement with the owner of those lands, that this file is appropriate for closure for the reasons outlined hereunder:

1. The development features that are the subject matters of this enforcement file are deemed by the Planning Authority not to warrant further enforcement action because, those works are considered **not to come within the meaning of 'unauthorised development'**, set out in Section 2(1) of the PDA 2000, for the following reasons:

(a) The purpose of the subject works is considered to be for the renewal-improvement of a garden-meadow type area located in the north-eastern part of a residential site including the upgrading of an existing vehicular access onto an adjoining private-shared access roadway, to the east and the laying of a medium density hardcore dressing on a new driveway-road leading inwards from that opening. Ground works to facilitate the laying of a new grassed sward and improvements to an open drain along the northern party boundary of that rear garden area, has been carried out as part of this overall renewal undertaking.

Page 1 of 2

(b) The said works are deemed to come within the scope of the development description set out in exempted development Class 6 (re landscaping) and (b) (hard surfaced driveway) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), namely "The construction of any path or the carrying out of any landscaping works within the curtilage of a [dwelling] house". Such private residential amenity enhancement works are considered not to fall within either any of the Conditions or Limitations set out in Column 2 of that exemption Class or the restrictions on exempted development outlined in, Article 9(1)(a) of these Regulations.

(c) The maintenance (cleaning out) of the open drain on the northeastern party boundary of the subject garden-meadow area, is deemed to come within the scope of the exempted development Class 3 of Part 3 of Schedule 2 to the said Regulations.

(d) The upgrading works to the said existing site entrance onto the adjoining non-public roadway, is deemed not to come within the scope of the restrictions on exempted development provided by Article 9(1) (a) (iii) of the said Planning Regulations (endanger public safety by traffic hazard/obstruction of road users), because such works, which included the realignment of and restoration of parts of the dry stone wall embankment in the subject roadside boundary, are deemed to have improved the safety capacity of that invasive of entrance to accommodate vehicular traffic movements in/out of the subject garden area.

(e) The said improvement-relocation to the roadside boundary dry stone wall embankment, are considered to come within the scope of the exempted development provisions of Section 4(1)(h) of the PDA 2000, being works intended for the maintenance, improvement or other alterations to a structure, that do not materially affect the character of that structure or of neighbouring structures.

2. The potential restrictions on otherwise exempted developments on the site of Protected Structures (as defined in Section 2(1) of the PDA 2000), provided by Section 57(1) of that Act, (i.e. works that materially affect the character of a Protected Structure/any special structural element thereof), are considered to be inapplicable in this case, because:

(a) The subject site is not included in Wicklow County Council's current Record of Protected Structures in Appendix 4 to Chapter 8 (Built Heritage) of the Wicklow County Development Plan 2022-2028.

(b) The subject site does not abut the curtilage of the site of a Protected Structure.

3. As a consequence of the preceding reason(s), no further actions by the Planning Authority in the context of this planning enforcement file are considered warranted and therefore it has been closed.

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A Neary
Administrative Officer
Planning Economic & Rural Development

Fig. 11: Extract from Wicklow County Council enforcement letter of 25 September 2026 (UD11077) closing the file (source: client records)

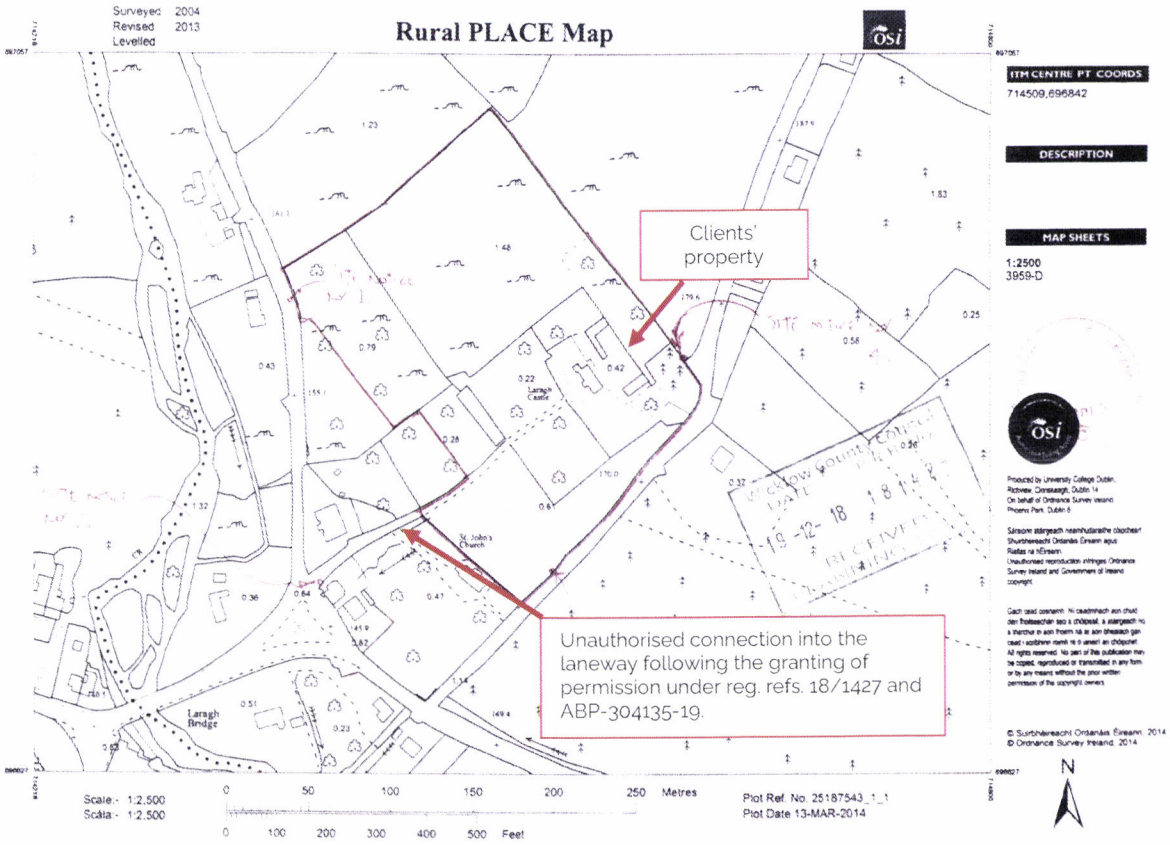


Fig. 12: Extract from the site layout / overall site plan submitted with register reference 18/1427 showing the previously proposed entrances off the public roads (source: WCC planning file reg. ref. 18/1427)

2.0 Section 5 question arising

The question referred to the planning authority pursuant to section 5(1) of the Planning and Development Act 2000, as amended ("the Act"), for review is as follows: A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development:

1. The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory, Laragh East, Glendalough, Co. Wicklow, A98 F786, including the breaking through of the roadside boundary, the removal or demolition of an existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access;
2. The excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance;
3. The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field;
4. The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and
5. Whether any of the above works constitute development that requires planning permission, having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended), articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and the planning history of the lands including Wicklow County Council register reference 18/1427 and An Bord Pleanála case reference ABP-304135-19; and
6. What was the previous use of the lands at The Old School House / Conservatory that the new entrance now serves, what is their current use, and whether any material change of use has occurred.

Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended), to articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and to the enforcement correspondence under Wicklow County Council file UD11077.

3.0 Background to the referral

3.1 Planning history

The planning history that matters for this declaration is the previous application for vehicular entrances off the public roads (register reference 18/1427 / ABP-304135-19), the objections raised at that time concerning rights of access and drainage, and the subsequent carrying out of works by way of a new entrance onto the private laneway rather than by the means for which permission was sought. Other permissions on the wider Laragh lands are not included except insofar as they relate to Laragh Castle itself

3.1.1 Laragh Castle and the private laneway

Laragh Castle is a protected structure in residential use at Laragh East, Glendalough, Co Wicklow A98 DH63, together with its attendant grounds. The referrers, Janet Halpin and Leo Halpin, have a right of way over the relevant section of the private laneway that provides access to Laragh Castle and its lands That laneway is not a public road It provides the principal means of access to the Castle and continues past the lands now the subject of the works (see the attached Ordnance Survey map and the sketch map prepared by the referrers).

The private laneway onto which the new entrance has been opened is the historic and continuing means of access to Laragh Castle, a protected structure, and its attendant grounds The referrers have a right of way over the section of the laneway where the works have been undertaken, they do not hold freehold ownership of that section

Under section 2(1) of the Planning and Development Act 2000 (as amended), a protected structure includes the land lying within its curtilage and other structures within that curtilage, and, where the Record so indicates, specified features within the attendant grounds. "Attendant grounds" expressly includes land lying outside the curtilage of the structure

Chapter 13 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011), to which a planning authority must have regard under section 52 of the Act, provides that the curtilage is "the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure." **The Guidelines identify access routes such as laneways and driveways, together with boundary walls and related features, as capable of forming part of the curtilage where there is a functional and historical connection.** Attendant grounds are described as lands outside the curtilage that are associated with the structure and intrinsic to its function, setting or appreciation, including designed approaches and boundary features

The High Court in *North Great George's Street Preservation Society v An Bord Pleanala* [2023] IEHC 241 adopted the Guidelines' approach and confirmed that laneways and driveways can constitute curtilage where the relevant tests are met physical layout and proximity, functional connection, historical relationship, and ownership (past and present) In that case the laneway failed the tests because it had long ceased to serve the protected structure and was functionally dissociated The laneway continues to serve Laragh Castle and is the principal means of access to the protected structure and its grounds The referrers have a right of way over the section of the laneway where the works have been undertaken, they do not hold freehold ownership of that section. On the tests of physical layout and proximity, functional connection and historical relationship, the laneway forms part of the attendant grounds of Laragh Castle (and may form part of the curtilage)

Planning authorities on domestic curtilage (e g. the functional "part and parcel" test) also routinely treat driveways and access roads that serve a house as within the curtilage for planning purposes.

Section 57(1) of the Act provides that, notwithstanding section 4(1)(h) and any regulations made under section 4(2), the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of the structure or of any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The works the subject of this referral - the creation of a new vehicular entrance onto the laneway, the demolition or removal of the pre-existing dry-stone wall or embankment, the excavation and relocation of approximately 60–80 large granite boulders, their placement as a new embankment, and the formation of a hardcore roadway with associated earthworks and contour changes - materially affect the character of the approach to and the setting of Laragh Castle and of the boundary features that contribute to its special interest

The enforcement opinion under file UD11077, which treated the works as ordinary landscaping, hard-surface provision and drain maintenance under Class 6 and Class 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and under section 4(1)(h), and which stated that the site does not abut the curtilage of a protected structure, is not accepted

Because the laneway forms part of the attendant grounds (and possibly the curtilage) of the protected structure, section 57 falls to be considered and the ordinary exemptions do not apply in the absence of a section 57 declaration Even if the laneway were held to lie outside the strict curtilage, the works still fail the restrictions in Article 9(1)(a) of the Regulations (including interference with the character of a landscape whose preservation is an objective of the development plan, and the excavation or demolition of features of historical interest) and the "materially affect the external appearance" test in section 4(1)(h)

The planning history under Wicklow County Council register reference 18/1427 (appealed under ABP-304135-19) is relevant That application sought permission for vehicular entrances off the public roads into Laragh Castle The present works have proceeded by the opening of a new entrance onto the private laneway serving the protected structure, without the benefit of that permission and without the consent of the referrers, who have a right of way over the relevant section of the laneway The question referred is whether those works constitute development and are or are not exempted development

3.1.2 Register reference 18/1427 – vehicular access entrances

On 19 December 2018 Janet Halpin, through EMD Architects, applied for permission for vehicular access entrances off the R115 road and off the L1059 road into Laragh Castle (a protected structure) The application was registered as 18/1427 The overall site plan showed the proposed entrances and sightlines The stated purpose was to provide access to lands that were otherwise only reachable via the main entrance to Laragh Castle on the R115 or via a right-of-way laneway in poor condition

Third-party submissions were received Niamh O'Shaughnessy (Laragh Vale) stated that there was no right of way or wayleave across her land (folio WW11312), that previous works by the applicant had caused flooding and damage, and that attempts to create an unauthorised access across her property by the placing of piping and rubble had been removed at her cost Other objectors (including the owner of folio 11312) objected to the inclusion of their land and denied any permission for access or interference

Further information was requested on 18 February 2019 seeking a detailed justification for additional entrances on the public road network having regard to the existing entrances serving Laragh Castle The applicant responded on 22 February 2019 The area engineer reported no objection subject to agreement on the extent of cutting back trees The planning authority's assessment is contained in the planner's report of Lucy Roche (site visit 29 January 2019)

The decision of Wicklow County Council was appealed to An Bord Pleanala (now the Commission) under reg ref ABP-304135-19. The Board issued its order in July 2019 The present works have not proceeded by the entrances the subject of reg ref 18/1427 They have proceeded by the opening of a new entrance onto the private laneway over the relevant section of which the referrers have a right of way

Complaints were made by our clients to Wicklow County Council Enforcement Section concerning the new entrance onto the private laneway To date the Enforcement Section has not required the owner of the lands at The Old School House / Conservatory to regularise the planning status of that entrance

The Enforcement Section has closed file UD11077 on the basis that the works the subject of this referral are exempted development This Section 5 is lodged so that the planning authority may determine that question

3.1.3 The works the subject of this referral

The works now referred have been carried out on the lands at The Old School House / Conservatory, Laragh East, Glendalough, Co Wicklow. A98 F786 They comprise the creation of a new vehicular entrance from the private laneway, the breaking through and removal of the pre-existing dry-stone wall or embankment at that location the excavation and relocation of approximately 60–80 large granite boulders from the sloping field and their placement as a new embankment or boundary treatment, the importation of hardcore and topsoil, the formation of an internal hardcore driveway, extensive earthworks and contour changes, and alterations to drainage including the cleaning out of an open drain and the direction of land drainage towards the drain on the laneway

There was no pre-existing vehicular entrance at this location onto the laneway The pre-existing boundary was a dry-stone wall The stone from that wall has been removed or buried in the field. The referrers have a right of way over the relevant section of the laneway and have not consented to the works or to the creation of the entrance The planning authority is also asked to determine the previous use of the lands at The Old School House / Conservatory that the new entrance now serves, their current use, and whether any material change of use has occurred

3.2 Enforcement history

3.2.1 UD11077 – alleged unauthorised development at The Old School House / Conservatory

A complaint was made in respect of alleged unauthorised development at The Old School House / Conservatory consisting of

- The upgrading-enhancement of an existing vehicular entrance to the garden-meadow area that opens onto an adjoining cul-de-sac private shared road, including the realignment, restoration and improvement of part of the dry-stone embankment party boundary with that road,
- The development of an internal driveway with a medium-density hardcore surface dressing leading inwards from the roadway entrance opening, and
- The carrying out of ground works to develop a new grass sward and maintenance works (cleaning out) of an open drain along the north-eastern party boundary

Wicklow County Council opened file UD11077 By letter dated 25 September 2026 (A Heary, Administrative Officer), the Council expressed the opinion that the works did not constitute unauthorised development within the meaning of section 2(1) of the Planning and Development Act 2000 and closed the file. The reasons given were that the works were deemed to fall within Class 6 of Part 1 of Schedule 2 (landscaping and hard-surfaced driveway within the curtilage of a dwelling) Class 3 of Part 3 of Schedule 2 (maintenance of a drain), and section 4(1)(h) of the Act (works that do not materially affect the character of a structure) The Council further stated that the works were not restricted by Article 9(1)(a)(iii) (endangering public safety by traffic hazard) and that the site was not a protected structure and did not abut the curtilage of a protected structure

That opinion is not accepted The referrers contend that the works, as carried out, go beyond the scope of the exempted development classes relied upon, having regard to the scale of the earthworks and boulder relocation, the creation of a new entrance onto a private laneway where none previously existed, the demolition of the pre-existing wall, the alteration of the character of the boundary and field, and the interaction with drainage on the laneway This section 5 asks the planning authority to determine the question

3.2.2 What this referral asks of the planning authority

Wicklow County Council is asked to place on this section 5 file the UD11077 closure letter of 25 September 2026, the relevant extracts from the 18/1427 / ABP-304135-19 file (including the planner's report, the further-information request and response, and the third-party submissions concerning rights of access and drainage), and the photographs and sketch map submitted with this referral The declaration sought is whether the works described in the question constitute development and are or are not exempted development A finding that the works are exempted development would not, without more, address the referrers' right of way over the relevant section of the laneway or the absence of consent from the referrers. Those are separate matters The question asked here is the planning question

4.0 Policy Context

4.1 Land Use Plan

The clients' property at Laragh Castle and the private laneway that serves it are sited within the Secondary Development Area as defined in the Laragh–Glendalough Land Use & Tourism Plan 2022–2028 (Map No 1a / 1b – Land Use Zoning Objectives) The Secondary Development Area provides for mixed-use development that supports the village centre, subject to the protection of the character and setting of natural and built heritage

The lands at The Old School House / Conservatory, onto which the new entrance has been opened from the private laneway, adjoin the Secondary Development Area Laragh Castle itself is a protected structure The private laneway serves the protected structure and its attendant grounds

Works that alter the character of a boundary, create a new entrance onto a private laneway serving a protected structure, or involve substantial earthworks and the relocation of stone must be assessed against the relevant policies of the County Development Plan and the Laragh–Glendalough Plan on residential amenity, landscape, protected structures and European sites.

Development Plan

Wicklow County Development Plan 2022–2028 (in effect 23 October 2022), including Appendix 4 Record of Protected Structures and the Landscape Character Assessment carried forward into the Plan, together with the Laragh–Glendalough Land Use & Tourism Plan 2022–2028

Zoning

The clients' property at Laragh Castle and the private laneway that serves it are sited within the Secondary Development Area as defined in the Laragh–Glendalough Land Use & Tourism Plan 2022–2028 (Map No 1a / 1b – Land Use Zoning Objectives) The Secondary Development Area provides for mixed-use development that supports the village centre, subject to the protection of the character and setting of natural and built heritage

The lands at The Old School House / Conservatory, onto which the new entrance has been opened from the private laneway, adjoin the Secondary Development Area Laragh Castle itself is a protected structure The private laneway serves the protected structure and its attendant grounds

Works that alter the character of a boundary, create a new entrance onto a private laneway serving a protected structure, or involve substantial earthworks and the relocation of stone must be assessed against the relevant policies of the County Development Plan and the Laragh–Glendalough Plan on residential amenity, landscape, protected structures, and European sites

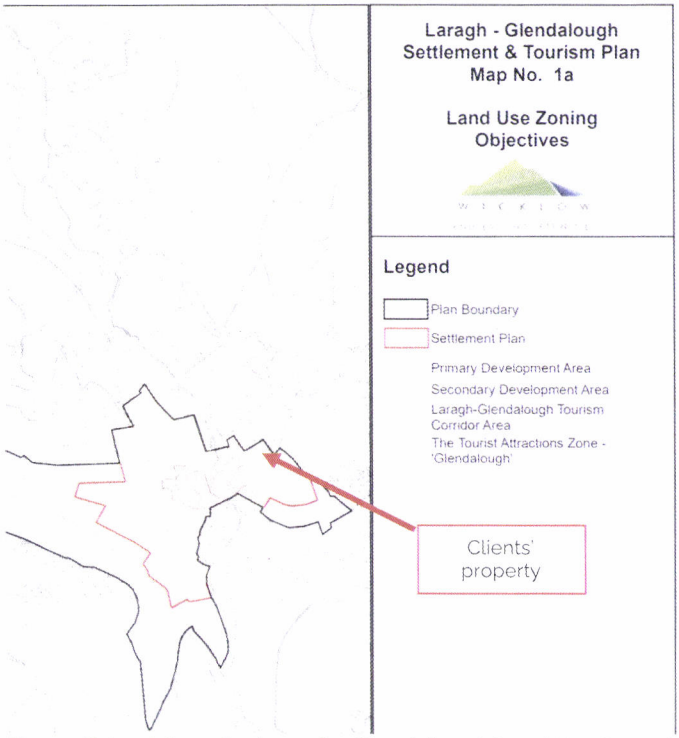


Fig. 13: Extract from the Laragh - Glendalough Land Use & Tourism Plan of Volume 2 of the Wicklow County Development Plan 2022-2028 showing the location of Laragh Castle (source: CDP)



Fig. 14: Extract from the Laragh - Glendalough Land Use & Tourism Plan of Volume 2 of the Wicklow County Development Plan 2022-2028 showing the location of Laragh Castle (source: CDP)

4.2 Built heritage

The Act

Under section 2(1) of the Planning and Development Act 2000 (as amended):

A "protected structure" includes the land lying within the curtilage of the structure, other structures within that curtilage, and (where the Record so indicates) specified features within the attendant grounds.

"Attendant grounds" expressly includes land lying outside the curtilage but associated with the structure.
Section 57(1) then overrides the normal exemptions (including section 4(1)(h) and the Schedule 2 classes in the Regulations).

Works to a protected structure are exempt only if they would not materially affect the character of the structure or of any element that contributes to its special interest.

Development Plan

Chapter 8 'Built Heritage' of the Wicklow County Development Plan 2022-2028 applies

- CPO 8 13 – To protect all structures, items and features on the Record of Protected Structures
- CPO 8 14 – Alterations to protected structures may be considered where they keep the building in viable use, subject to architectural quality
- Appendix 4 – Laragh Castle is entered on the Record of Protected Structures (see Fig 15) as 23-05

Section 57 of the Planning and Development Act 2000 applies – Works that materially affect the character of a protected structure or of any element of the structure that contributes to its special interest **are not exempted development under section 4(1)(h).**

The works the subject of this referral open onto the private laneway that serves Laragh Castle They involve the demolition of a dry-stone boundary wall, the excavation and relocation of large granite boulders, the formation of a new entrance and hardcore roadway, and associated earthworks While the lands at The Old School House / Conservatory are not themselves a protected structure and do not form part of the curtilage of Laragh Castle, the works affect the approach to and the setting of the protected structure and the character of the rural laneway that serves it **Section 4(1)(h) does not apply where the works materially affect the character of a structure or of neighbouring structures.**

Architectural Heritage Protection Guidelines (2011)

Chapter 13 of the Guidelines is the principal guidance planning authorities must have regard to under section 52 Key points:

- Curtilage is "the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure " It includes access routes, driveways, boundary walls, gates and related features where they are functionally and historically linked to the building.
- The Guidelines expressly list "access routes such as laneways or driveways" as capable of forming part of the curtilage (see the factors set out in the North Great George's Street judgment which quotes the Guidelines)
- Attendant grounds cover land outside the immediate curtilage that is intrinsic to the function, setting or appreciation of the structure (avenues, designed approaches, boundary walls, etc). Even if a feature is not specified in the RPS, the setting and approach remain relevant to the assessment of whether works "materially affect the character "
- Boundary walls, entrances and approaches are repeatedly identified as features that contribute to character Works that demolish or substantially alter them are to be scrutinised

The private laneway is the historic means of access to Laragh Castle (a protected structure) and its attendant grounds

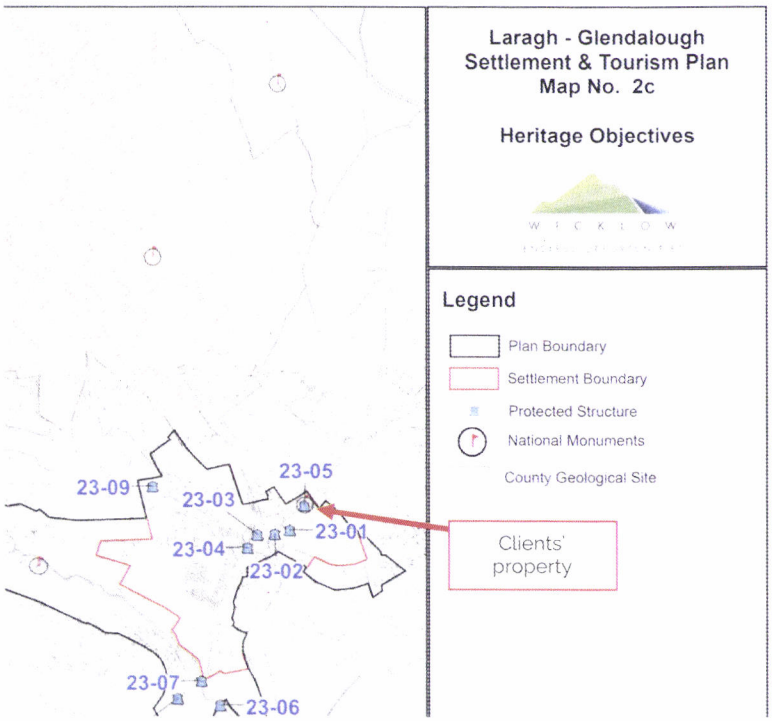
Case law

The leading Irish authority is *North Great George's Street Preservation Society v An Bord Pleanala* [2023] IEHC 241 (Humphreys J). The Court adopted the Guidelines' approach and set out the tests for curtilage

- Physical layout and proximity
- Functional connection (does the land/structure serve the protected structure?)
- Historical relationship
- Ownership (past and present)

Relative extent (curtilage is the more limited "part and parcel" area, wider parkland is usually attendant grounds)

Importantly, the judgment expressly contemplates that laneways and driveways can be curtilage where the above tests are met In the current case, the laneway continues to serve Laragh Castle, and is the principal means of access



Ref. No.	Other Ref	Building Address	Structure	Townland	Description	Photo
23-05	29	Laragh Castle Former military barracks	Barracks/Ho use	Laragh East Td	A five bay, two storey building with an enclosed porch, rendered walls, round headed windows on the ground floor, crenellations, turrets on the east end and a tower at the west end. It was built as part of the military installations built shortly after the 1798 rising. In front is a stone arch.	

Fig. 15: Extract from Appendix 4 of the Wicklow County Development Plan 2022–2028 confirming the entry of Laragh Castle on the Record of Protected Structures

4.3 Close proximity of the Wicklow Mountains Special Area of Conservation

The works the subject of this referral have been carried out on lands at The Old School House / Conservatory, Laragh East, Glendalough, and open onto the private laneway serving Laragh Castle, also in Laragh East. The European Union Habitats (Wicklow Mountains Special Area of Conservation 002122) Regulations 2023 (S.I. No. 465 of 2023) designate the Wicklow Mountains SAC. Schedule 2 of those Regulations includes the townland of Laragh East within the area of the SAC.

The Laragh–Glendalough Land Use & Tourism Plan 2022–2028 confirms that a European site lies close to the plan area (Map No. 2a). Objective LG20 of the Plan requires that development on or close to lands designated a European Site preserve the integrity of the site in light of its conservation objectives, and that any proposed development with potential to impact upon a European Site be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive. The objective further requires the avoidance of encroachment on a European Site and the implementation of an appropriate buffer zone on adjacent sites.

Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended) provides that development shall not be exempted development if it would comprise development in relation to which a planning authority 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. Section 4(4) of the Planning and Development Act 2000 (as amended) is to the same effect.

The works involve the excavation and relocation of approximately 60–80 large granite boulders, the importation of hardcore and topsoil, the formation of a new hardcore roadway, substantial earthworks and contour changes, the alteration of drainage arrangements, and the creation of a new vehicular entrance. These works have the potential to affect habitats, water quality and hydrological pathways within or adjacent to the Wicklow Mountains SAC. In those circumstances the ordinary exemptions relied upon by the planning authority under file UD11077 (Class 6, Class 3 and section 4(1)(h)) do not apply. The enforcement opinion of 25 September 2026 made no reference to the European site designation or to Article 9(1)(a)(viiB). That omission is material to the question now referred.

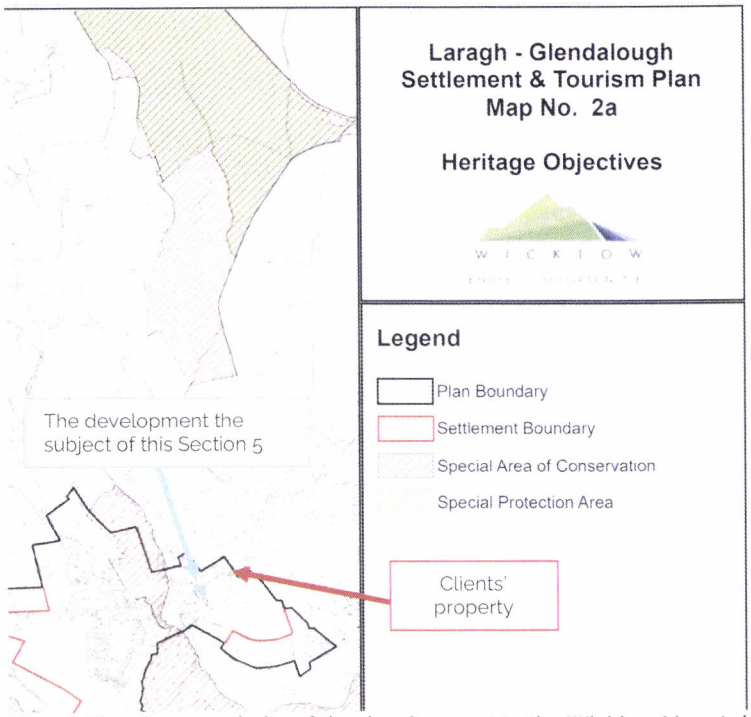


Fig. 16: The close proximity of the development to the Wicklow Mountains Special Area of Conservation

4.4 Rural character, residential amenity and entrances

The Wicklow County Development Plan 2022–2028 and the Development and Design Standards (Appendix 1) require that development in the rural area protect residential amenity, the character of the countryside and the landscape. New or altered entrances onto roads (including private laneways serving existing dwellings) are subject to assessment for traffic safety, visual impact and impact on adjoining property. Substantial earthworks, the importation of material, the relocation of large quantities of stone, and the alteration of drainage arrangements are not automatically exempt. They must be considered against the criteria for exempted development and against the policies that seek to protect the amenity of adjoining residential property and the rural character of the area.

Water that previously drained within the field and that is now directed towards the drain on the private laneway is a planning matter. County objectives on surface water management require runoff to be managed so as not to give rise to flooding or adverse effects on adjoining lands.

The enforcement opinion under UD11077 relied on Class 6 (landscaping and hard-surfaced driveway within the curtilage of a dwelling) and Class 3 (maintenance of a drain). Those classes are subject to the conditions and limitations in Schedule 2 and to the restrictions in Article 9 of the Planning and Development Regulations 2001. In particular, works are not exempted where they would endanger public safety by reason of traffic hazard, where they would materially affect the character of a protected structure or of neighbouring structures, or where they involve the creation of a new entrance or access that does not fall within the scope of the class. The scale of the boulder excavation and relocation, the demolition of the pre-existing wall, the creation of a new entrance onto a private laneway where none previously existed, and the contour changes to the field take the works outside the ordinary scope of those classes.

4.5 Planning history context (relevant to the policy context)

The previous application under register reference 18/1427 (appealed under ABP-304135-19) sought permission for vehicular entrances off the public roads (R115 and L1059) into Laragh Castle. The planning authority and the Board were required to consider the need for additional entrances, the existing access arrangements, and the impact on adjoining lands. Third-party submissions raised the absence of any right of way or wayleave and previous drainage impacts. The works now the subject of this referral have proceeded by the opening of a new entrance onto the private laneway rather than by the means for which permission was sought. That history is relevant to the assessment of whether the present works are exempted development.

5.0 Statutory Provisions

5.1 PDA - Planning and Development Act 2000 (as amended)[1]

References are to the Planning and Development Act 2000 as revised (Law Reform Commission consolidated text)

Section 2(1) – definitions

"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).
"protected structure" means—
(a) a structure, or
(b) a specified part of a structure,
which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition

"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

"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 designed for use as 2 or more dwellings or a flat, apartment or other dwelling within such a building

Section 3 – development

3 —(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land
The creation of a new vehicular entrance, the demolition or removal of a dry-stone wall or embankment, the excavation and relocation of large granite boulders, the importation of hardcore and topsoil, the formation of a new hardcore driveway, and the carrying out of associated earthworks and contour changes all constitute "works" and therefore "development" within the meaning of section 3(1)

Section 4 – exempted development

Section 4(1)(h), development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

Section 4(1)(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such

Section 4(2): The Minister may by regulations provide for any class of development to be exempted development Those regulations are the Planning and Development Regulations 2001 (as amended) They are set out in section 5 2 of this letter They do not apply, or apply only with restrictions, where the works materially affect the character of a protected structure or of neighbouring structures (section 57) or where the restrictions in Article 9 of the Regulations apply
Section 4(4) A development is not exempted development if an environmental impact assessment or an appropriate assessment is required That is not the primary issue on these works, but the subsection confirms that the exemptions are not absolute

Section 5

5 —(1) If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

[1] References refer to https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html#SEC4

Part IV – protected structures

Section 57(1). Notwithstanding section 4(1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

Laragh Castle is a protected structure The private laneway serves the protected structure and its attendant grounds Works that open a new entrance onto that laneway, demolish a roadside dry-stone wall, and alter the character of the approach and boundary fall to be considered against section 57 where they affect the character of the protected structure or of neighbouring structures

5.2 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

Schedule 2, Part 1, Class 6

Column 1

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house
(b) Any works within the curtilage of a house for— (i) the provision of a hard surface in the rear garden of the house, or (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house for a purpose incidental to the enjoyment of the house as such.

Column 2 limitations include, in summary

- The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground
- Any hard surface shall not exceed 25 square metres or 50 per cent of the area of the garden forward of the front building line of the house, whichever is the smaller.
- The works shall not involve the provision of a hard surface forward of the front building line of the house for the parking of more than 2 cars

The works the subject of this referral include the formation of a new hardcore driveway leading inwards from a newly created entrance, extensive earthworks that alter the contours of the sloping field, the excavation and relocation of approximately 60–80 large granite boulders, and the placement of those boulders as a new embankment or retaining structure These works go beyond the ordinary scope of Class 6 landscaping or the provision of a hard surface within the curtilage of a house. They involve the creation of a new vehicular entrance onto a private laneway where none previously existed and the substantial alteration of the levels and character of the field

Schedule 2, Part 3, Class 3

Column 1. The maintenance of any drain or watercourse, being works consisting of the cleaning out of the drain or watercourse The cleaning out of an open drain may fall within Class 3 The direction of land drainage from the field into the drain on the private laneway serving Laragh Castle, together with the associated earthworks and contour changes, is not limited to maintenance of an existing drain It constitutes works that alter the drainage relationship between the lands and the laneway

Article 9(1)(a) – restrictions on exemption
Development to which article 6 relates shall not be exempted development for the purposes of the Act 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,
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
(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,
(vii) consist of or comprise the excavation, alteration or demolition of places, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan,
(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

The creation of a new entrance onto a private laneway where none previously existed the demolition of the pre-existing dry-stone wall, the substantial earthworks and boulder relocation, and the alteration of drainage arrangements engage the restrictions in Article 9 In particular, the works interfere with the character of the rural landscape and the roadside boundary, and they create a new point of access onto a laneway that serves a protected structure

Section 4(1)(h) and Article 9

The enforcement opinion under UD11077 relied on section 4(1)(h) and on Class 6 and Class 3 Section 4(1)(h) does not apply where the works materially affect the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures The demolition of the dry-stone wall, the placement of large granite boulders as a new embankment, and the formation of a new entrance and hardcore roadway materially affect the character of the boundary and of the rural laneway Article 9 further restricts the application of the Schedule 2 classes where the works endanger public safety by traffic hazard, interfere with the character of the landscape, or involve the excavation or demolition of features of historical interest (including a 19th-century dry-stone wall)

The question asked in this referral is whether the works, taken separately and together, constitute development and are or are not exempted development having regard to the above provisions.

6.0 Assessment

The purpose of this assessment is not to determine the acceptability or otherwise of the matters raised in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development within the meaning of the relevant legislation

6.1 Assessment under the Planning and Development Act 2000 (as amended)

6.1.1 Is or is not development

Section 3(1) of the Act defines development as the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land Section 2(1) defines works as 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

There is no material change of use of the lands at The Old School House / Conservatory The questions are about works as follows.

1 The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle and the attendant lands (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory, including the breaking through of the roadside boundary, the removal or demolition of the pre-existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access

Assessment: This is construction, demolition and alteration of a structure (the boundary wall / embankment) and the formation of a new means of access on land It is works on land It is development

2 The excavation, removal and relocation of approximately 60-80 large granite boulders from the sloping field and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance

Assessment: Excavation, demolition, construction and alteration are named in the definition of works The relocation and placement of large granite boulders as a new embankment or retaining structure is works on land It is development

3. The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field

Assessment: This is construction, excavation and alteration of land and the formation of a new hard surface. It is works on land It is development

4. The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area

Assessment: Cleaning out, alteration and the direction of drainage are works on over or under land The associated earthworks and contour changes are works It is development.

5 Whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, the interaction with drainage on the laneway, and the planning history of the lands including Wicklow County Council register reference 18/1427 and An Bord Pleanála case reference ABP-304135-19

Assessment: This is not a separate section 3 question Each of items (1) to (4) is works and therefore development within the meaning of section 3(1). The scale of the works, the absence of a pre-existing entrance, the drainage interaction and the planning history are relevant to whether the works are exempted development, not to whether they are development

6.1.2 Conclusion re. 'development'

It is the professional opinion of BPS that **each of items (1) to (4) is development** within the meaning of section 3 of the Act. Item (5) does not change that finding. Whether any of those works is exempted development is a separate question under section 4, section 57 and the 2001 Regulations

6.2 Is or is not exempted development

There is no material change of use Article 10 does not apply The only exemptions that can arise are section 4(1)(h), Class 6 of Schedule 2 Part 1 (landscaping and hard surface within the curtilage of a house), Class 3 of Schedule 2 Part 3 (maintenance of a drain), and, if the works affect a protected structure or its curtilage or attendant grounds section 57

6.2.1 Section 4(1)(h)

Section 4(1)(h) exempts works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

The works include the demolition of a dry-stone wall, the creation of a new vehicular entrance, the excavation and relocation of approximately 60–80 large granite boulders and their placement as a new embankment, the formation of a hardcore roadway, and substantial earthworks and contour changes. These are not interior-only works They materially affect the external appearance of the boundary and of the field so as to render the appearance inconsistent with the character of the rural laneway and of the neighbouring lands, including the approach to Laragh Castle. Section 4(1)(h) does not apply

If section 57 applies (see below), section 4(1)(h) does not apply at all unless the works would not materially affect the character of the protected structure or of an element that contributes to its special interest

6.2.2 Class 6 – landscaping and hard surface

Article 6(1) exempts Class 6 only if every condition and limitation in column 2 is met and Article 9 does not remove the exemption Class 6 permits the construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house, and works for the provision of a hard surface in the garden of a house for a purpose incidental to the enjoyment of the house. Column 2 limitations include that the level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground, and that any hard surface forward of the front building line shall not exceed 25 square metres or 50 per cent of the garden area (whichever is smaller)

The works go beyond ordinary landscaping or the provision of a hard surface within the curtilage of a house. They involve the creation of a new vehicular entrance onto a private laneway where none previously existed, the demolition of the pre-existing dry-stone wall, the excavation and relocation of approximately 60–80 large granite boulders, the formation of a new hardcore roadway leading inwards from that entrance, and substantial earthworks and contour changes to a sloping field. The scale of the boulder excavation and relocation and the contour changes take the works outside the ordinary scope of Class 6 and, on the information available, exceed the 1-metre level-alteration limitation **Class 6 does not exempt the works.**

6.2.3 Class 3 – maintenance of a drain

Class 3 of Part 3 of Schedule 2 permits the maintenance of any drain or watercourse, being works consisting of the cleaning out of the drain or watercourse The cleaning out of an open drain may fall within Class 3 The direction of land drainage from the field into the drain on the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way), together with the associated earthworks, contour changes and the creation of a new entrance, is not limited to the maintenance of an existing drain It constitutes works that alter the drainage relationship between the lands and the laneway **Class 3 does not exempt the works as a whole.**

6.2.4 Article 9(1)(a)

Even if Class 6 or Class 3 were otherwise met, Article 9(1)(a) removes the exemption in the following circumstances.

- ***Article 9(1)(a)(iii):*** where the development would endanger public safety by reason of traffic hazard or obstruction of road users The creation of a new vehicular entrance onto a private laneway that serves a protected structure and other lands, where none previously existed, engages this restriction

- ***Article 9(1)(a)(vi):*** where the development would 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 The demolition of the dry-stone wall, the placement of large granite boulders as a new embankment, and the contour changes to the field interfere with the character of the rural landscape

- ***Article 9(1)(a)(vii):*** where the development would consist of or comprise the excavation, alteration or demolition of places, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of

which is an objective of a development plan The demolition of the pre-existing dry-stone wall and the excavation and relocation of large granite boulders engage this restriction.

- ***Article 9(1)(a)(viiB):*** where the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site The works are in the townland of Laragh East The Wicklow Mountains SAC (002122) includes the townland of Laragh East (S I No 465 of 2023) The works are outside the SAC boundary but are in the same townland and very close to it, with little buffer The scale of the earthworks, boulder relocation, hardcore importation and drainage alterations gives rise to a likelihood of significant effects on the integrity of the SAC In those circumstances the ordinary exemptions do not apply

6.2.5 Section 57

Laragh Castle is a protected structure. The private laneway is the historic and continuing means of access to the Castle and its attendant grounds On the tests in Chapter 13 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and in *North Great George's Street Preservation Society v An Bord Pleanála* [2023] IEHC 241, the laneway forms part of the curtilage or, at minimum, the attendant grounds of the protected structure.

Section 57(1) provides that, notwithstanding section 4(1)(h) and any regulations made under section 4(2), the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of the structure or of any element of the structure which contributes to its special interest The works materially affect the character of the approach to and the setting of Laragh Castle and of the boundary features that contribute to its special interest No section 57 declaration has been issued Section 57 therefore displaces the ordinary exemptions

6.2.6 Exempted development – conclusion

It is the professional opinion of BPS that

- items (1) to (4) are development,
- the works are not exempted development under section 4(1)(h),
- the works are not exempted development under Class 6 or Class 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended),
- Article 9(1)(a)(iii), (vi), (vii) and (viiB) further remove any exemption that might otherwise have applied,
- because the laneway forms part of the curtilage or attendant grounds of Laragh Castle, section 57 applies and the works are not exempted development in the absence of a section 57 declaration

Wicklow County Council is asked to declare accordingly

7.0 Conclusion

It is the professional opinion of BPS that

- The creation of a new vehicular entrance and access from the private laneway serving Laragh Castle (over the relevant section of which the referrers have a right of way) onto the lands at The Old School House / Conservatory, Laragh East, Glendalough, including the breaking through of the roadside boundary, the removal or demolition of the pre-existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access, is development and is not exempted development
- The excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance, is development and is not exempted development
- The importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field, is development and is not exempted development
- The carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area, is development and is not exempted development
- The works, taken together, are development and are not exempted development

These conclusions follow from sections 2, 3, 4 and 57 of the Planning and Development Act 2000 (as amended), articles 6 and 9 and Classes 6 and 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended), the scale of the earthworks and boulder relocation, the creation of a new entrance onto a private laneway where none previously existed, the fact that the laneway forms part of the curtilage or attendant grounds of Laragh Castle (a protected structure), the proximity of the works to the Wicklow Mountains SAC (002122) in the same townland of Laragh East with little buffer, and the absence of a section 57 declaration.

8.0 Recommendation

BPS asks Wicklow County Council to decide this referral in the following terms

WHEREAS a question has arisen as to whether the following at The Old School House / Conservatory, Laragh East, Glendalough, Co Wicklow, A98 F786, and on the private laneway serving Laragh Castle, is or is not development and is or is not exempted development:

- the creation of a new vehicular entrance and access from the private laneway onto the lands (over the relevant section of which the referrers have a right of way) at The Old School House / Conservatory, including the breaking through of the roadside boundary, the removal or demolition of the pre-existing dry-stone wall or embankment, the realignment of the entrance, and the formation of a new opening and splayed access,
- the excavation, removal and relocation of approximately 60–80 large granite boulders from the sloping field, and their placement as a new embankment, retaining structure or boundary wall along the laneway and entrance,
- the importation of topsoil, hardcore and other material, the covering of boulder clay, and the formation of a new internal driveway or roadway of medium-density hardcore or similar surface leading inwards from the new entrance, together with associated earthworks, grading and contour changes to the field;
- the carrying out of ground works, including the cleaning out or alteration of an open drain, the direction of land drainage into the road drain on the existing laneway, and the formation of a new grassed sward or meadow area; and
- whether any of the above works constitute development that requires planning permission, having regard to the scale of the works, the absence of any pre-existing vehicular entrance at that location onto the private laneway, the interaction with drainage on the laneway, and the planning history of the lands including Wicklow County Council register reference 18/1427 and An Bord Pleanala case reference ABP-304135-19

AND WHEREAS Wicklow County Council, in considering this referral, has had regard particularly to

(a) sections 2(1), 3(1), 4(1), 4(2), 4(4), 5 and 57 of the Planning and Development Act 2000, as amended,
(b) articles 6 and 9 of, and Class 6 of Part 1 of Schedule 2 and Class 3 of Part 3 of Schedule 2 to, the Planning and Development Regulations 2001, as amended,
(c) the Wicklow County Development Plan 2022–2028 and the Laragh–Glendalough Land Use & Tourism Plan 2022–2028,
(d) the Architectural Heritage Protection Guidelines for Planning Authorities (2011),
(e) the European Union Habitats (Wicklow Mountains Special Area of Conservation 002122) Regulations 2023 (SI No 465 of 2023),
(f) enforcement file UD11077 and the letter of 25 September 2026,
(g) the planning history under register reference 18/1427 and An Bord Pleanala case reference ABP-304135-19,
(h) the submissions of the referrers and the documents attached to this request.

AND WHEREAS the planning authority has concluded that,

(a) each of items (1) to (4) comprises works and is development within the meaning of section 3(1) of the Act
(b) the works do not come within section 4(1)(h) of the Act,
(c) the works do not come within Class 6 of Part 1 of Schedule 2 or Class 3 of Part 3 of Schedule 2 to the Regulations,
(d) article 9(1)(a)(iii), (vi), (vii) and (viiB) of the Regulations further provide that article 6 shall not apply,
(e) because the private laneway forms part of the curtilage or attendant grounds of Laragh Castle, a protected structure, section 57 of the Act applies and the works are not exempted development in the absence of a section 57 declaration,
(f) the works are in the townland of Laragh East, which is included in the Wicklow Mountains SAC (002122), and are very close to the SAC boundary with little buffer, such that an appropriate assessment would be required

NOW THEREFORE Wicklow County Council, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended, hereby decides that the said works are development and are not exempted development

9.0 Finally

We trust that sufficient information has been provided to allow this section 5 to be fully assessed

Please direct all correspondence to this office

If you have any questions, please call BPS on 01-5394960 or 087-2615871.

Best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD
Chartered Member of the Irish Planning Institute

Encl.

- Completed section 5 checklist / form (if required by WCC).
- Site location map and sketch
- Photographs of the works.
- Copy of WCC enforcement letter of 25 September 2026 (UD11077).
- Extracts from the planning file for register reference 18/1427 and ABP-304135-19

BPS
Planning & Development
Consultants

Appendix 1: Photographs of the development undertaken on the private laneway / driveway to Laragh Castle, Protected Structure



Fig. 1: The appearance of lands off the laneway following the breaking out of a new entrance (1)

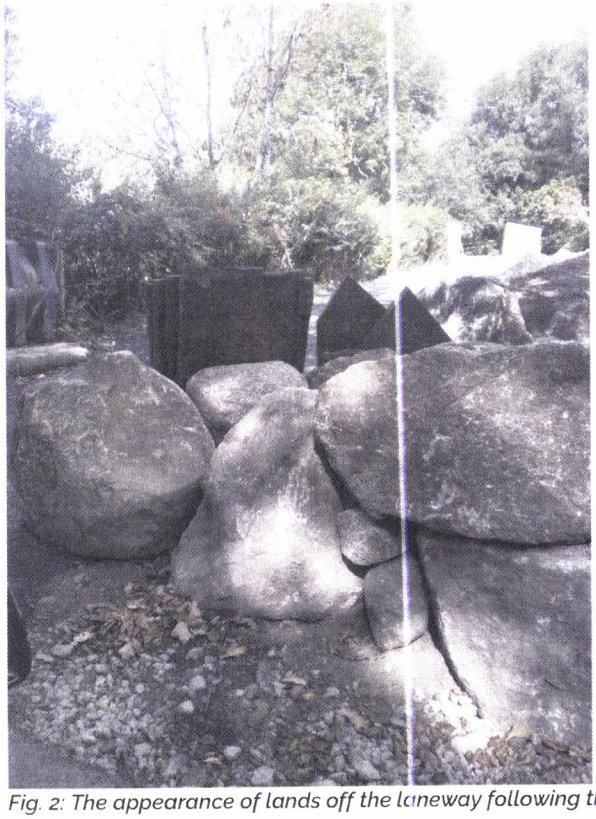


Fig. 2: The appearance of lands off the laneway following the breaking out of a new entrance (2)



Fig. 3: The appearance of lands off the laneway following the breaking out of a new entrance (3)



Fig. 4: The appearance of lands off the laneway following the breaking out of a new entrance (4)



Fig. 5: The appearance of lands off the laneway following the breaking out of a new entrance (4)



Fig. 6: The appearance of lands off the laneway following the breaking out of a new entrance (6)



Fig. 7: The appearance of lands off the laneway following the breaking out of a new entrance (7)



Fig. 8: The appearance of lands off the laneway following the breaking out of a new entrance (8)



Fig. 9: The appearance of lands off the laneway following the breaking out of a new entrance (9)



Fig. 10: The appearance of lands off the laneway following the breaking out of a new entrance (10)



Fig. 11: The appearance of lands off the laneway following the breaking out of a new entrance (11)



Fig. 12: The appearance of lands off the laneway following the breaking out of a new entrance (12)



Fig. 13: The appearance of lands off the laneway following the breaking out of a new entrance (13)

The remaining photos are included four to a page and reflect development as witnessed by our client:

BPS
Planning & Development
Consultants

Appendix 2: Copy of Enforcement Section letter

Comhairle Contae Chill Mhantáin
Wicklow County Council

TW/ROC

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

[redacted]

15 September 2025

UD11077: Alleged unauthorised development, consisting of the carrying out of the following works within and on the eastern/non-public road boundary of the rear/northeastern garden within the curtilage of a residential site at, the Conservatory, The Old School House, Laragh East, Glendalough, Bray, Co. Wicklow, A98F786; without authorisation by planning permission:

1. **The upgrading-enhancement of an existing vehicular entrance to the garden-meadow area of this site that opens onto an adjoining cul-de-sac private shared road, including the realignment, restoration and improvement of part of the subject dry stone embankment party boundary with that road.**
2. **The development of internal driveway with a medium density hardcore surface dressing leading inwards from the said roadway entrance opening.**
3. **The carrying out of ground works to develop of new grass sward and maintenance works (cleaning out) of an open drain along the northeastern party boundary thereof.**

A Chara,

It is the opinion of Wicklow County Council (the Planning Authority), arising from the conclusion of its work under this planning enforcement file in accordance with PART VIII (Enforcement) of the Planning and Development Act 2000 (as amended), [PDA 2000] which included consideration of all submissions made thereto, Planning Officer inspections of the lands in question (the subject site) and engagement with the owner of those lands; that this file is appropriate for closure for the reasons outlined hereunder:

1. The development features that are the subject matters of this enforcement file are deemed by the Planning Authority not to warrant further enforcement action because, those works are considered **not to come within the meaning of 'unauthorised development'**, set out in Section 2(1) of the PDA 2000; for the following reasons:

(a) The purpose of the subject works is considered to be for the renewal-improvement of a garden-meadow type area located in the north-eastern part of a residential site including the upgrading of an existing vehicular access onto an adjoining private-shared access roadway, to the east and the laying of a medium density hardcore dressing on a new driveway/road leading inwards from that opening. Ground works to facilitate the laying of a new grassed sward and improvements to an open drain along the northern party boundary of that rear garden area, has been carried out as part of this overall renewal undertaking.

Tá an cáipéisíocht seo ar fáil i gcló Braille nó i bhformáid mór clóite.
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

(b) The said works are deemed to come within the scope of the development description set out in exempted development Class 6 (a) [landscaping] and (b) [hard surfaced driveway] of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), namely *"The construction of any path or the carrying out of any landscaping works within the curtilage of a [dwelling] house"*. Such private residential amenity enhancement works are considered not to fall within either any of the Conditions or Limitations set out in Column 2 of that exemption Class or the restrictions on exempted development outlined in, Article 9(1)(a) of those Regulations.

(c) The maintenance (cleaning out) of the open drain on the northeastern party boundary of the subject garden-meadow area, is deemed to come within the scope of the exempted development Class 3 of Part 3 of Schedule 2 to the said Regulations.

(d) The upgrading works to the said existing site entrance onto the adjoining non-public roadway, is deemed not to come within the scope of the restrictions on exempted development provided by Article 9(1) (a) (iii) of the said Planning Regulations [endanger public safety by traffic hazard/obstruction of road users], because such works which included the realignment of and restoration of parts of the dry stone wall embankment in the subject roadside boundary, are deemed to have improved the safety capacity of that means of entrance to accommodate vehicular traffic movements into/out of the subject garden area.

(e) The said improvement-restoration to the roadside boundary dry stone wall embankment, are considered to come within the scope of the exempted development provisions of Section 4(1)(h) of the PDA 2000, being works intended for the maintenance, improvement or other alterations to a structure, that do not materially affect the character of that structure or of neighbouring structures.

2 The potential restrictions on otherwise exempted developments on the site of Protected Structures (as defined in Section 2(1) of the PDA 2000), provided by Section 57(1) of that Act, (i.e. works that materially affect the character of a Protected Structure/any special structural element thereof), are considered to be inapplicable in this case, because:

(a) The subject site is not included in Wicklow County Council's current Record of Protected Structures in Appendix 4 to Chapter 8 (Built Heritage) of the Wicklow County Development Plan 2022-2028.

(b) The subject site does not abut the curtilage of the site of a Protected Structure.

3 As a consequence of the preceding reason(s), no further actions by the Planning Authority in the context of this planning enforcement file are considered warranted and therefore it has been closed.

Mise le meas,

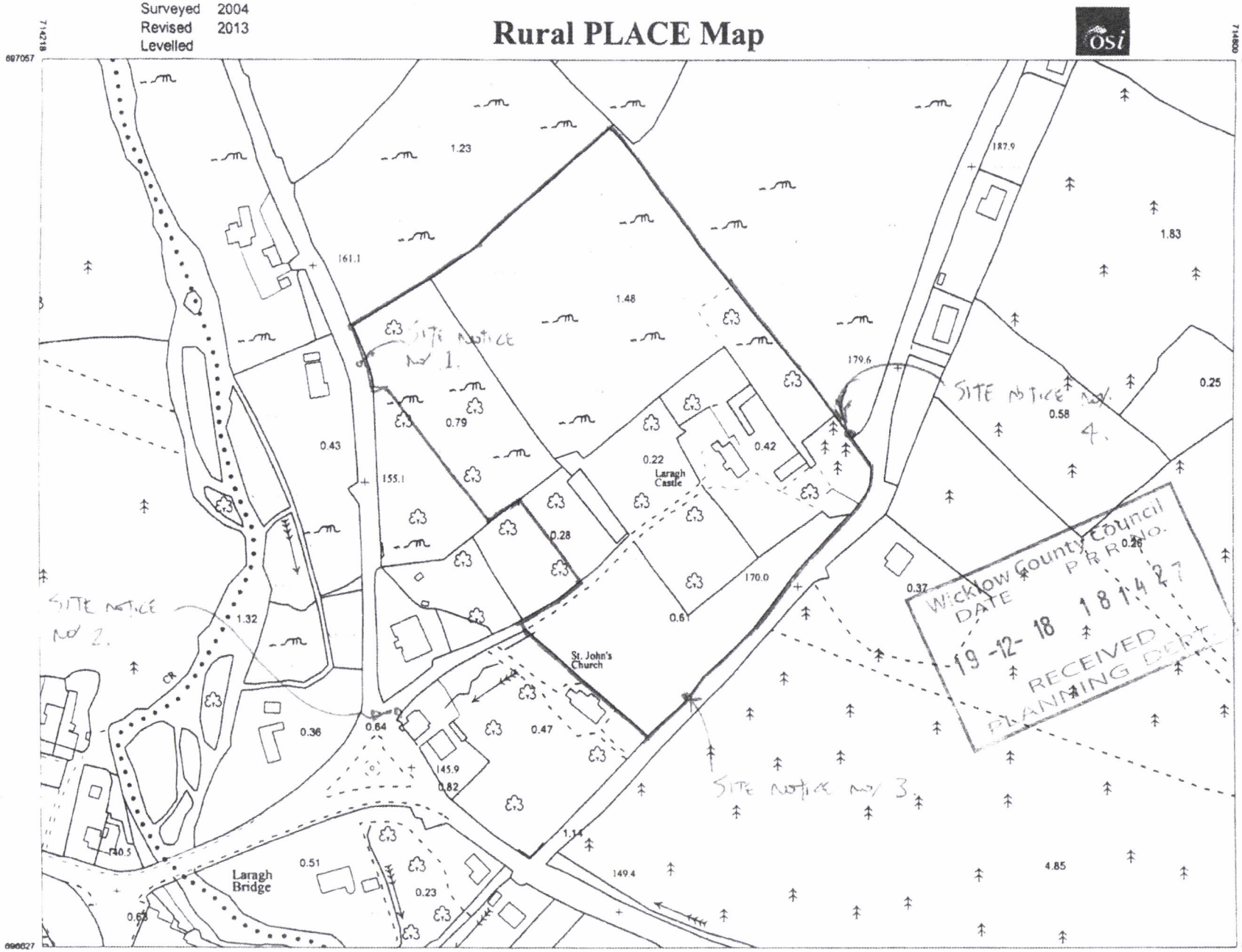
A Healy
Administrative Officer
Planning Economic & Rural Development

BPS
Planning & Development
Consultants

Appendix 3: Relevant details and drawings pertaining to planning permission reg. refs. 18/1427 and ABP-304135-19

Surveyed 2004
Revised 2013
Levelled

Rural PLACE Map



Scale:- 1:2,500
Scála:- 1:2,500

0 50 100 150 200 250 Metres

0 100 200 300 400 500 Feet

Plot Ref. No. 25187543_1_1
Plot Date 13-MAR-2014

ITM CENTRE PT COORDS

714509,696842

DESCRIPTION

MAP SHEETS

1:2500
3959-D

ORDNANCE SURVEY IRELAND
osi

Produced by University College Dublin,
Richview, Clonskeagh, Dublin 14
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

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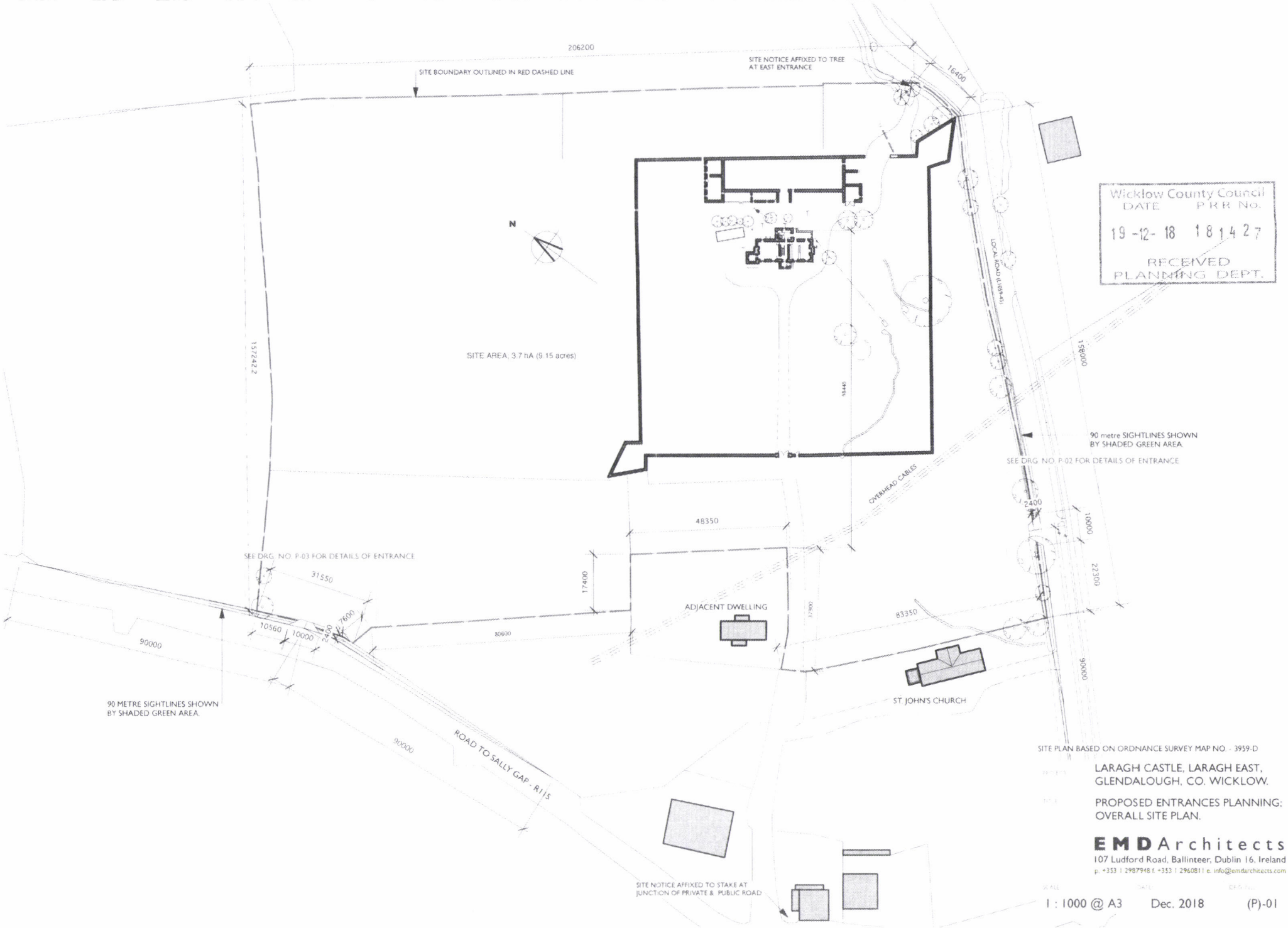


Wicklow County Council
DATE P.R.R. No.
19-12-18 181427
RECEIVED
PLANNING DEPT.

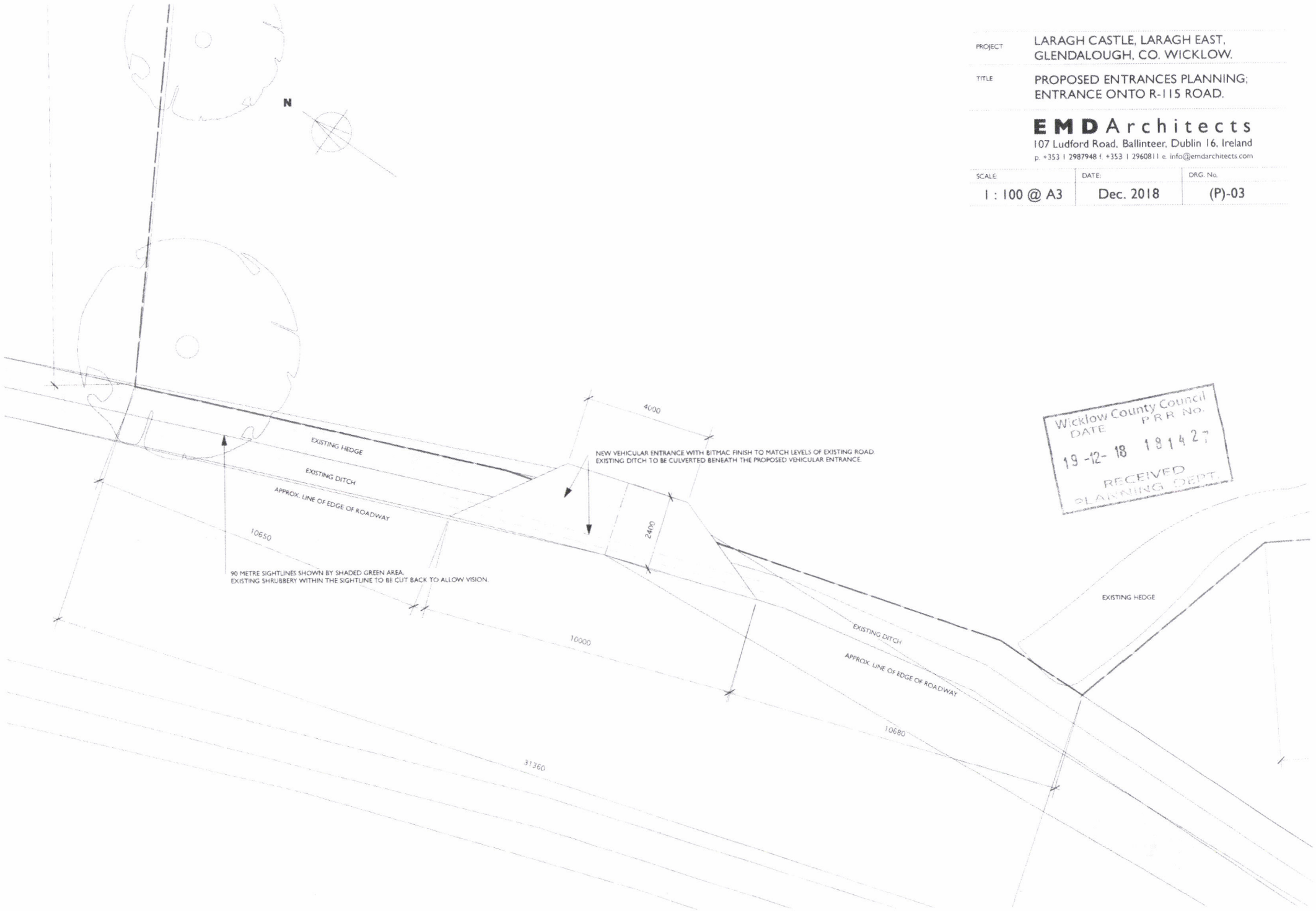
SITE PLAN BASED ON ORDNANCE SURVEY MAP NO. - 3959-D

LARAGH CASTLE, LARAGH EAST, GLENDALOUGH, CO. WICKLOW.

PROPOSED ENTRANCES PLANNING: OVERALL SITE PLAN.

EMD Architects
107 Ludford Road, Ballinteer, Dublin 16, Ireland
p. +353 1 2987948 f. +353 1 2960811 e. info@emdarchitects.com

SCALE: 1 : 1000 @ A3 DATE: Dec. 2018 DRG. NO.: (P)-01



PROJECT	LARAGH CASTLE, LARAGH EAST, GLENDALOUGH, CO. WICKLOW.
TITLE	PROPOSED ENTRANCES PLANNING; ENTRANCE ONTO R-115 ROAD.

EMD Architects
107 Ludford Road, Ballinteer, Dublin 16, Ireland
p. +353 1 2987948 f. +353 1 2960811 e. info@emdarchitects.com

SCALE	DATE:	DRG. No.
1 : 100 @ A3	Dec. 2018	(P)-03

Wicklow County Council
DATE P R R No.
19 -12- 18 18142
RECEIVED
PLANNING DEPT.

Laragh Vale,
Laragh East,
Laragh,
Co. Wicklow.

Wicklow County Council
15 JAN 2019

Planning Office,
Wicklow County Council,

WICKLOW COUNTY COUNCIL
15 JAN 2019
CORPORATE SERVICES

14th January 2019.

ACCESS DENIED

Re: Planning: Janet Halpin, File No. 18/1427, 19/12/18.

Dear Planning,

Folio 11312 is my property.

I do not want Janet Halpin and associates, the council on my property.

Janet Halpin has applied for works/a laneway on my land without my permission/knowledge.

I have a large ditch for rain water.

My property is potentially dangerous and I don't want anyone on it, viewing it, interfering with it or damaging it.

Yours Sincerely,

Niamh O'Shaughnessy.

Laragh Vale,
Laragh East.
Laragh,
Co. Wicklow.

WICKLOW COUNTY COUNCIL
15 JAN 2019
CORPORATE AFFAIRS

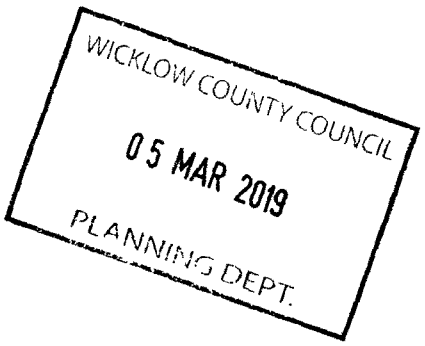
Planning Office.
Wicklow Co. Council.
Wicklow.
14th January 2019.

Re: Janet Halpin File No: 18/1427, 19/12/2018.

Dear Planning,

I am the owner of Laragh Vale (folio 11312) and I object to trespass and any other works

Laragh Vale,
Laragh East,
Laragh,
Co.Wicklow.



Wicklow County Council,
Planning Development & Environment,
County Buildings,
Wicklow,
Co.Wicklow.
1st March 2019

Re: Your letter of 22/02/2019 application 18/1427

Dear Planning Section,

On receipt of the attached correspondence, ref:18/1427 dated the 22nd February 2019, which caused me grave concern and distress.

I am the registered owner of the land at Laragh Folio WW11312. I am the owner and occupier.

No by leave or way leave across my land known, however the applicant states there is. The applicant is incorrect. In the applicants attached correspondences are inaccurate and misleading. I have never given permission to any person to cross this section of my property. At no time historically has any person being given right of access either verbally or written by me or any of my agents.

Two attempts to create a right of access by the applicant to create an unauthorised access right of way across my property by placing of plastic piping and rubble to create a bridge. Both obstructions were removed at cost to me, as they were causing flooding and damage to my property and an adjacent roadway.

Yours sincerely,

Niamh O'Shaughnessy

Niamh O'Shaughnessy

c.c. Mr. Brendan McEvoy, EMD Architects, 107 Ludford Road, Ballinteer, Dublin 16.

Laragh Vale,
Laragh East,
Laragh,
Co. Wicklow.

Wicklow County Council
22 JAN 2019
PLANNING

WICKLOW COUNTY COUNCIL
22 JAN 2019
CORPORATE AFFAIRS

Planning Office,
Wicklow County Council,
Wicklow,
21st January 2019.

Re: Map to objection - to file No: 18/1427, 19/12

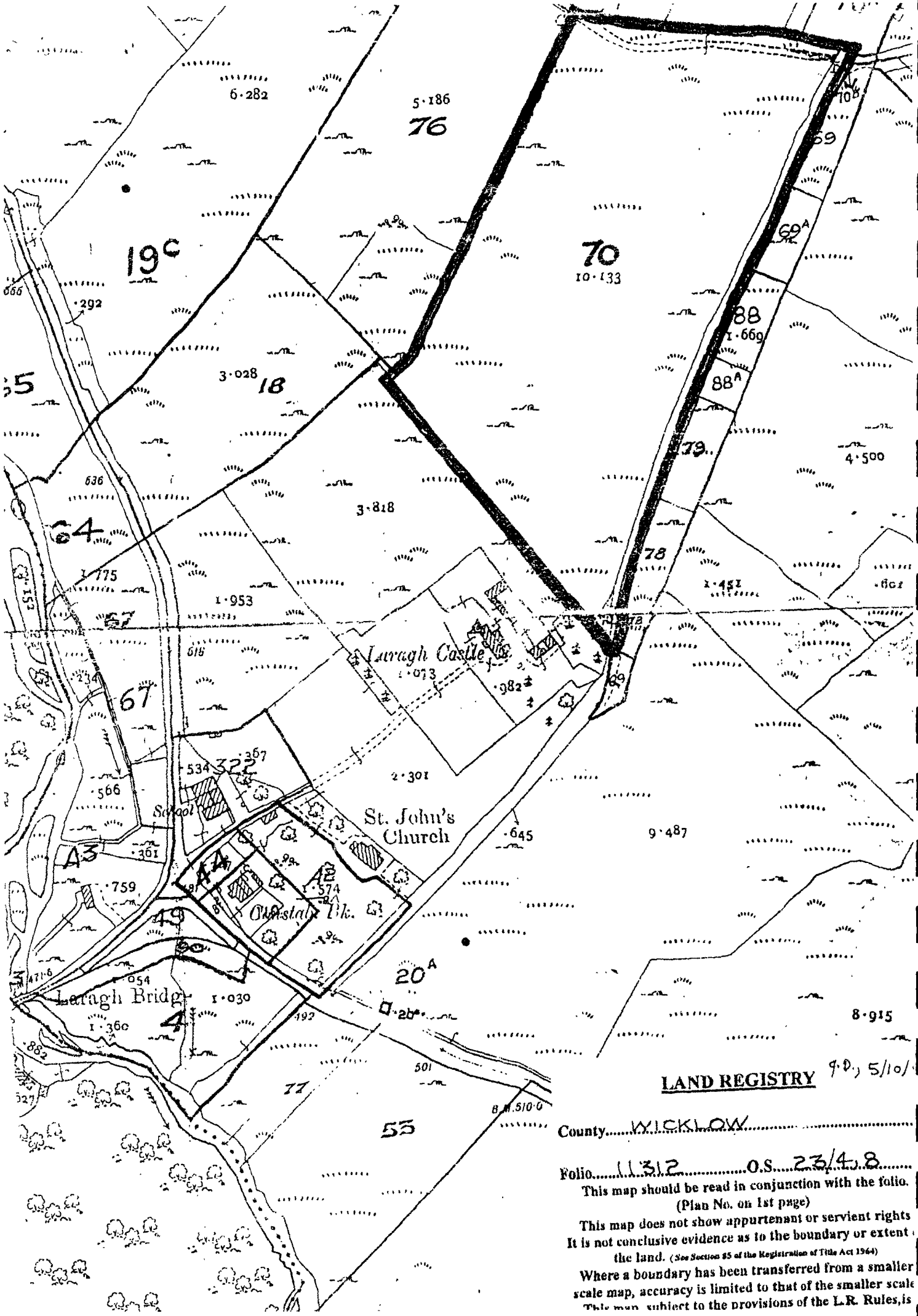
Dear Planning Section,

Please find enclosed a map showing my land marked No: 70 the perimeter outlined in dark black. Janet Halpin seems to want to cross the lower corner of my land. This is not part of the public road. This area is belonged to my field and I do not want it accessed, viewed or interfered with.

Please add this letter and map to objection.

Yours sincerely,

Niall O'Shaughnessy.



LAND REGISTRY G.D. 5/10/

County.....WICKLOW.....

Folio.....11312.....O.S.....23/4,8.....

This map should be read in conjunction with the folio.
(Plan No. on 1st page)

This map does not show appurtenant or servient rights
It is not conclusive evidence as to the boundary or extent
the land. (See Section 85 of the Registration of Title Act 1964)

Where a boundary has been transferred from a smaller
scale map, accuracy is limited to that of the smaller scale
This map subject to the provisions of the L.R. Rules, is

18/1427

Laragh Vale
Laragh East
Laragh,
Co. Wicklow.

Planning Office
Wicklow

14th January 2019.

Objection fee.

Re: File No: 18/1429 of 19/12/2018.

Dear Planning,

Please find enclosed cheque for €20. for objection.

Yours Sincerely.

Niamh O'Shaughnessy.

P.S. Objection already posted to you.

WICKLOW COUNTY COUNCIL
18 JAN 2019
PLANNING DEPT.

REVENUE SECTION
18 JAN 2019
WICKLOW COUNTY COUNCIL

such as a lane way constructed on my land.
It is on a blind bend and dangerous area.
I do not want my surface drains blocked.
I do not want more damage from trespassers.
I object to a damaged, trespass and any other
vandalism on my property.

Yours sincerely,

Niamh O'Shaughnessy.

Our Ref: ABP-304135-19

PA Reg Ref: 181427

Your Ref

An Bord Pleanála

Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.
A67 FW96

Date:

Re: Vehicular access entrances off R115 Road and off L1059 road.
Laragh Castle (Protected Structure), Laragh East, Glendalough, Co. Wicklow.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2019. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Rita Donnelly
Executive Officer

Encls. BP100PAN

Wicklow County Council
29 JUL 2019
PLANNING DEPT.

Teil Tel (01) 858 8100
Glao Áitiúil LoCall 1890 275 175
Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde, Baile Átha Cliath 1, D01 V902
64 Marlborough Street, Dublin 1, D01 V902

An Bord Pleanála

Board Order
ABP-304135-19

Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/1427

Appeal by Niamh O'Shaughnessy of Laragh Vale, Laragh East, County Wicklow against the decision made on the 15th day of March, 2019 by Wicklow County Council to grant subject to conditions a permission to Janet Halpin care of EMD Architects of 107 Ludford Road, Ballinteer, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for vehicular access entrances off R-115 Road and off L-1059 road into Laragh Castle (Protected Structure), Laragh East, Glendalough, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. The agricultural entrances for which permission is sought shall be fitted with an appropriate agricultural gate and piers. The gates shall open inward only. Detailed drawings illustrating the gate and piers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Drainage arrangements for the site, including detailed proposals for the design and construction of culverts to the existing drainage channels on the public road, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to prevent flooding of the public road.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 24th **day of** January **2019.**

WICKLOW COUNTY COUNCIL
Planning Department

TO:	**Sean Quirke, Director Of Services**
	Fergal Keogh SE, Edel Bermingham, SEP
From	**Lucy Roche, Executive Planner**
Ref:	**18/1427**
Name:	**Janet Halpin**
Proposal:	**Vehicular Access**
Location:	**Laragh Castle, Laragh East, Glendalough, Co. Wicklow**
Status	**Further Information Requested 18/02/2019**
Response:	**22/02/2019**
Decision Due;	**21/03/2019**

Third Parties:
A further submission has been received from Ms. Niamh O'Shaughnessy

- There is no by leave or way leave across her land
- Works carried out by the application caused flooding and damage to her property

Planning Authority Response: Submission noted.

Details and Assessment of further Information received:
Further Information requested:
The provision of additional entrances on the public road network, in the absence of a genuine need is unlikely to be recommended by the Planning Authority; therefore you are requested to outline in detail the intended purpose of each of the proposed new entrances and demonstrate why they are required to service this land holding. Your response to this further information request should have regard to the existing entrances serving Laragh Castle and its attendant grounds and should clearly demonstrate why these entrances are not unsuitable.

Applicants Response:
Entrance onto the L1059:

- *The land on the L1059 is only accessible from the main entrance to Laragh Castle on the R115*
- *This entrance is a right of way entrance with the laneway being owned by adjoining neighbours*
- *The laneway is in poor condition and any further traffic i.e. machinery would have a bad effect on the already poor condition*
- *As the laneway is not considered a public laneway there is a constant problem of a cars being parked on the laneway and blocking the entrance to Laragh Castle and lands on the L1059*
- *While there is an entrance on the L1059, the land adjacent to the L1059 cannot be access. The bastion of the wall protruded out to the edge of the road thus blocking access*
- *The land has not been maintained for many years. The existing drainage has not been kept clear and this have caused water logging on the land*

- *The lack of proper drainage has resulted in the loss of Oak Tree where the new entrance is proposed. Plus a further seven trees on the same lands*
- *The land is at a higher level to the Church on St. Johns road and needs to be drained properly as the lack of drainage is causing dampness in the Church*
- *The land is zoned and should have its own entrance without disturbing the entrance to Laragh castle*

Entrance onto the R115

- *This entrance is required because this land can only be accessed by the entrance on the L1059*
- *There is a right of way entrance and as can be seen from the letter of objection, the adjacent landowner is of the opinion that this 200 year old entrance does not exist and she has caused us considerable hardship and expense. She blocked this entrance on a continual basis*
- *Again the land in question adjacent to the R115 is in need of drainage, maintenance and again we have lost a considerable number of trees with roots up-ending.*

Assessment:

Following consideration of the applicants response to the further information request I am satisfied that the provision of the 2no proposed entrances to facilitate access to the lands for drainage and maintenance purposes as outlined in the submission is considered reasonable.

Conclusion:

It is recommended that planning permission be granted for the proposed development subject to condition as outlined below.

Recommendation

Grant

Having regard to the nature of the proposed development the location of the proposed development and the objectives of the current Wicklow County Development Plan in relation to this area it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not (seriously) injure the amenities of the area and would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and development of the area.

1 This permission refers to the development as described in the documents lodged, as revised by the particulars submitted on the 22nd February 2109, save as the conditions hereunder require.

REASON: For clarification.

2 **Before any development commences** the applicant shall submit to and for the written agreement of the planning authority detailed proposals for the design and construction of the culverts to the existing drainage channels on the public road. Such proposals shall accord with the requirements of the Municipal District Engineer.

REASON: In the interests of traffic safety and to prevent flooding of the public road.

3 Unless otherwise agreed in writing with the Planning authority prior to the commencement of development:

a) The entrances shall be formed by the erection of a galvanized farm gates and gate posts..
b) The recessed spaces shall not exceed 8m along the roadside boundary
c) The recessed spaces shall be splayed with a boundary to match the existing roadside boundary

REASON: In the interests of amenity and proper planning and development

4 The entrances shall be installed in such a manner so that the existing profile of the grass verge is maintained and that surface water can continue to flow freely off the public road.

REASON: In the interests of traffic safety and to prevent flooding of the public road.

5 Existing shrub and tree vegetation along the roadside boundaries shall be retained except those strictly required to be removed to carry out the development. The extent of shrub/tree removal shall be agreed with the Municipal District engineer **prior to the commencement of development**.

REASON: In the interests of visual amenity and proper planning and development

Lucy Roche

Lucy Roche
Executive Planner
14/03/2019

15/3/19.