



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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

Bray Lawn Bowling club
Fáilte Park
Adelaide Road
Bray
Co. Wicklow

 September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX60/2023**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**





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

Applicant: Bray Lawn Bowling Club

Location: Fáilte Park, Adelaide Road, Bray, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1673/2023

A question has arisen as to whether “replacement of a dilapidated porta-cabin” at Bray Lawn Bowling Club, Fáilte Park, Adelaide Road, Bray is or is not exempted development.

Having regard to:

- The details received with this section 5 application on the 30th August 2023.
- Details of the original permission for the porta-cabin under Appeal Reference No.39.211094 .(Bray Town Council PRR 04/240).

Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended

Main Reasons with respect to Section 5 Declaration:

1. The existing porta-cabin on site is unauthorised as per the conditions attached to its original permission under Appeal Reference No.39.211094. (Bray Town Council PRR 04/240).
2. The proposal for the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow’ would not come within the provisions of section 4(1)(H) as it is for a new structure, and the existing structure is unauthorised.

The Planning Authority considers that “replacement of a dilapidated porta-cabin” at Fáilte Park, Adelaide Road, Bray, Co. Wicklow is development and is not exempted development.

Signed: 

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated  September 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1673/2023

Reference Number: EX 60/2023
Name of Applicant: Bray Lawn Bowling Club
Nature of Application: Section 5 Referral as to whether "replacement of a dilapidated porta-cabin" is or is not exempted development
Location of Subject Site: Fáilte Park, Adelaide Road, Bray, Co. Wicklow

Report from Dara Keane, AP & Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "replacement of a dilapidated porta-cabin" at Fáilte Park, Adelaide Road, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application on the 30th August 2023.
- Details of the original permission for the porta-cabin under Appeal Reference No.39.211094 .(Bray Town Council PRR 04/240).
- Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended.

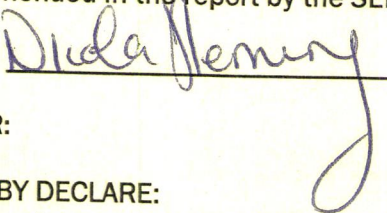
Main Reason with respect to Section 5 Declaration:

- 1) The existing porta-cabin on site is unauthorised as per the conditions attached to its original permission under Appeal Reference No.39.211094. (Bray Town Council PRR 04/240).
- 2) The proposal for the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow' would not come within the provisions of section 4(1)(H) as it is for a new structure, and the existing structure is unauthorised.

Recommendation

The Planning Authority considers that "replacement of a dilapidated porta-cabin" at Fáilte Park, Adelaide Road, Bray, Co. Wicklow is development and is not exempted development. as recommended in the report by the SEP.

Signed



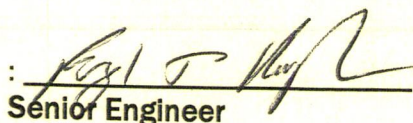
Dated 22nd day of September 2023

ORDER:

I HEREBY DECLARE:

That "replacement of a dilapidated porta-cabin" at Fáilte Park, Adelaide Road, Bray, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000

Signed


Senior Engineer

Planning Development & Environment

Dated 22nd day of September 2023



WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 60/2023
Name:	Bray Lawn Bowling Club
Development:	Replace dilapidated porta-cabin
Location:	Failte Park, Adelaide Road, Bray Co Wicklow

The Site: The site comprises of a Bowling field, Clubhouse and porta-cabin changing room located on Adelaide road, Bray which is a residential area with other buildings located within the immediate vicinity.

Planning History:

04630240- 2 no. cabin units for use as changing rooms- GRANT

12630035- development to consist of removal of prefabricated temporary structure at west end of club house, erection of extension to west end of club house additional glazing to south facade of club house, additional skylights and internal alterations to club house- GRANT

Question:

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

'The proposal is for the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow'.

Legislative Context:

Planning and Development Act 2000 (as amended)

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

'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."

'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,

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

The Planning and Development Regulation 2001 as amended

Article 6(1)

(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 2 opposite the mention of that class in the said column 1.

Article 9 (1) - Development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

Assessment:

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

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

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

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

I am satisfied that the proposal involves works to the existing structure and therefore constitutes development.

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

The works involve 'the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow'.

Firstly, from examining the planning history of the site, it is noted that when permission granted for the existing porta-cabin under Planning Reference No.04/630240, the permission included condition stating *'This permission is for five years only from the date of this order (04/07/2005). The structure shall be removed from the site immediately following the five year period, unless before the end of that period permission for continuance of the use beyond that date has been granted by the Planning Authority or on appeal by an Bord Pleanala.'*

Therefore, upon review of the original permission of the existing porta-cabin onsite under PRR04/630240. It is understood that the previous grant of permission was conditioned for a period of 5 years only from the date of the order (4/07/2005), and seeing as there is no record of permission for the continuance of the structure beyond 4/07/2010. The existing porta-cabin onsite is now considered unauthorised development.

In addition, from examining the planning legislation, it is noted under Article 9 (1) - 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- (viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use.

From the foregoing, it is considered that the proposal for the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow' would not come within the meaning of exempted development due to the limitations described in article 9(1) (Viii) of the Planning and Development Regulation 2001 as amended.

Recommendation:

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

'The replacement of a dilapidated Porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow.

The Planning Authority considers that:


The proposal for the replacement of a dilapidated Porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow is development, but is not exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX 60/2023) on the 30th August 2023.
- Details of the original permission for the porta-cabin under PRR04/630240. (Appeal Reference PH 39.2110914 (Bray TC PH 04/240))
- Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended.

Main Reasons with respect to Section 5 Declaration:

- 1) The existing porta-cabin on site is unauthorised as per the conditions attached to its original permission under PRR04/630240. Appeal Reference PH 39.2110914 (Bray TC PH 04/240)
- 2) The proposal for the replacement of a dilapidated porta-cabin at Failte Park, Adelaide Road, Bray Co Wicklow' would not come within the meaning of exempted development due to the limitations described in article 9(1) (Viii) of the Planning and Development Regulation 2001 (as amended). within the provisions of Section 4(1)(iv) as it is for a new structure, and the existing structure is unauthorised.


Dara Keane AP
21/09/2023


21/9/2023

Issue as summarized
Ag 1 + May 22
24/9/23

MEMORANDUM
WICKLOW COUNTY COUNCIL

TO: Dara Keane
Graduate Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX60/2023 – Bray Lawn Bowling Club**

I enclose herewith application for Section 5 Declaration received 30th August 2023.

The due date on this declaration is 26th September 2023.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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Suíomh / Website: www.wicklow.ie

1st September 2023

**Bray Lawn Bowling Club
Failte Park
Adelaide Road
Bray
Co. Wicklow**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX60/2023

A Chara

I wish to acknowledge receipt on 30th August 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 26th September 2023.

Mise, le meas

**NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



Wicklow County Council
County Buildings
Wicklow
0404-20100

30/08/2023 14 33 47

Receipt No L1/0/318085
***** REPRINT *****

BRAY LAWN BOWLING CLUB
FAILTE PARK
ALEDIAIDE
BRAY
CO WICKLOW

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

Total	80 00 EUR
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Tendered Cheque	80 00
--------------------	-------

Change	0 00
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Issued By Katie Finn
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

**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: BRAY LAWN BOWLING CLUB.
Address of applicant: FAILTE PARK BRAY
CO WICKLOW

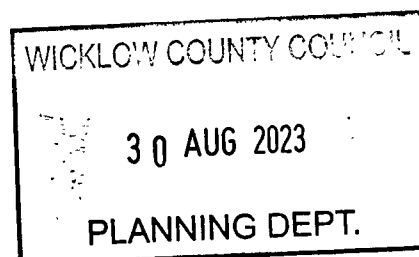
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____
Address of Agent : _____

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

3. Declaration Details



i. Location of Development subject of Declaration FALTE PARK ADELADE RD
BRAY

ii. Are you the owner and/or occupier of these lands at the location under i. above?
Yes ☒ No

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

WICKLOW County Council
35 YEAR LEASE FROM BRAY TOWN
COUNCIL FROM 2012

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

NO MATERIAL CHANGE
SAME FOOTPRINT PREVIOUS PLANNING
PERMISSION FOR OLD - REPLACE NEW IF
SEA SPORTS GRANT APPROVED
Additional details may be submitted by way of separate submission.
SEE ATTACHED

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

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? NO

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

1 CURRENT STRUCTURE
2 PROPOSED STRUCTURE
3 SITE plan
4 ~~SITE PHOTO~~
5 SITE PHOTO
X APPENDIX 2 Required FOR GRANT APPLICATION

viii. Fee of € 80 Attached & cheque €80

Signed : Michael Kelly Dated : 29TH AUGUST
CLUB SECRETARY

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of

As part of our application for an OSCAR STORES GRANT WE REQUEST a declaration that Planning Permission is not required - SEE APPENDIX 2 TEMPLATE ATTACHED *

ATTACHED DOCUMENT 1 is current CHANGING LOOKS - Planning GRANTED 04630240 This now dilapidated Portocabin to be replaced by like for like in size - height and width dimensions. - It will include improved access for disabilities
No CHANGE OF USE

ATTACHED DOC 2

This document is plan of dimensions of proposed NEW Portocabin. Subject to GRANT APPROVAL. THE INTERNAL LAYOUT WILL CHANGE to accommodate disabilities

ATTACHED DOC 3

AIRIAL PHOTO OF SITE - SITE SITE PLAN.

ATTACHED DOC 4

AIRIAL PHOTO OF SITE AND NEIGHBOURHOOD

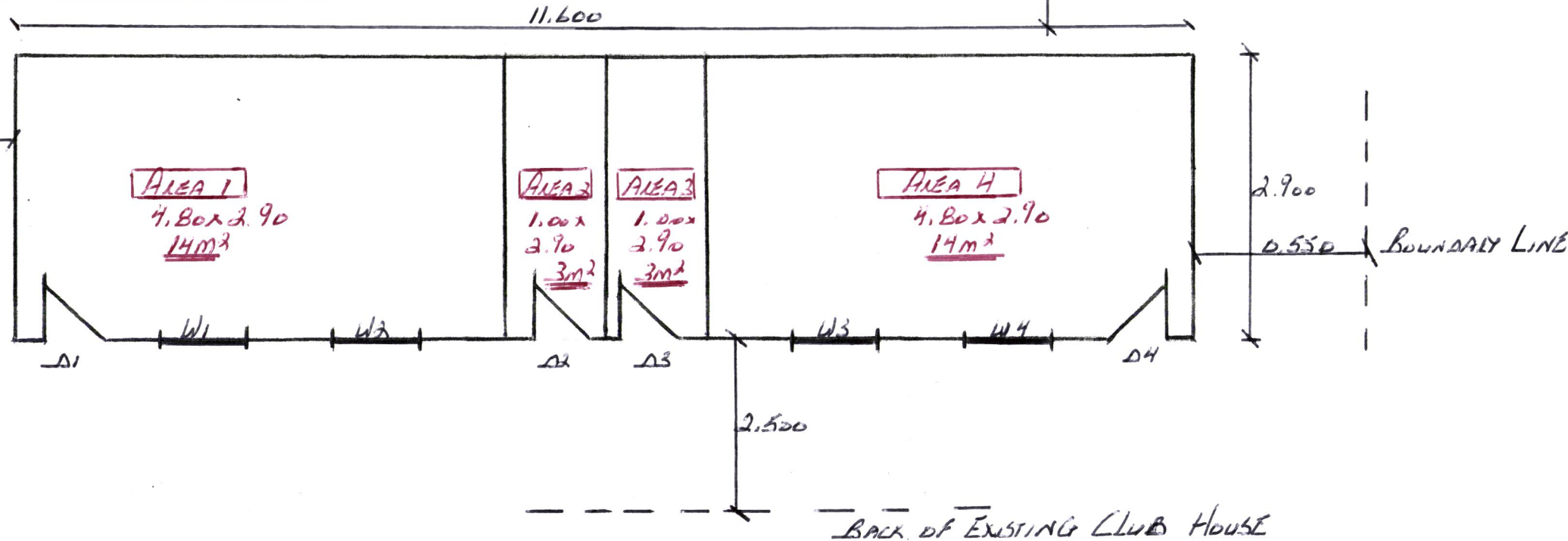
* ATTACHED APPENDIX 2 To be completed WHERE PLANNING is not required

BRAT BOWLING CLUB
FAIRTE PARK
ADELAIDE ROAD
BRAT
CO WILLOW
http://braybe.ie

DOCUMENT I

BOUNDARY LINE

BOUNDARY LINE

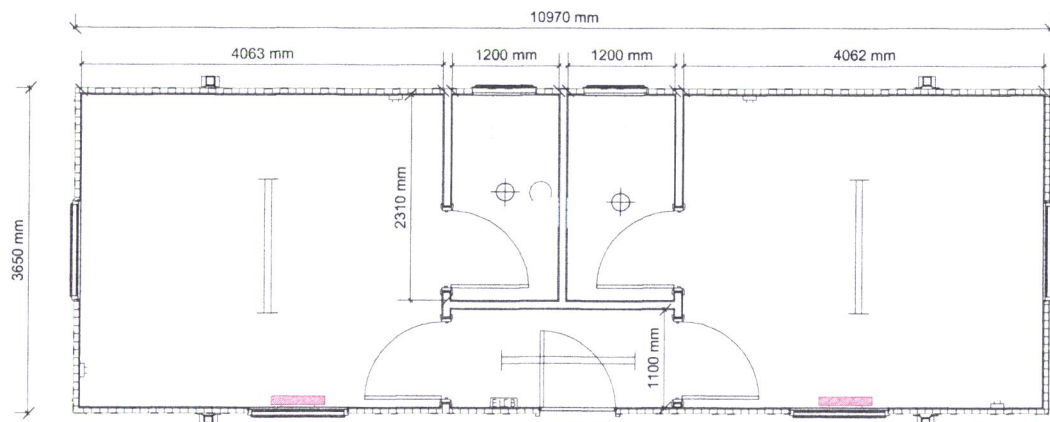


NOTES:

1. DOORS D1 - D4 SIZE 0.813 x 2.032 4N°
 2. WINDOWS W1 - W4 SIZE 1.170 x 0.900 4N°
 3. PLINTH HEIGHT ± 150mm
 4. COVERED AREA $11.600 \times 2.900 = 34m^2$
 5. C TRAILER HEIGHT = 2.530 ~
- AREA 1 - LADIES LOCKER AREAS 2 & 3 - TOILETS AREA 4 MENS LOCKER.

GROUND FLOOR LAYOUT
Nor To - Se

Doc 2



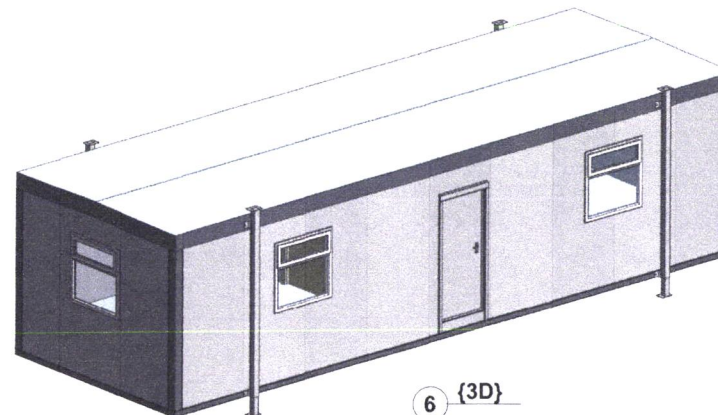
1 Floor Plan
1 : 30

Door Schedule	
Type	Count
Standard Flush	4
Standard Steel Entrance	1

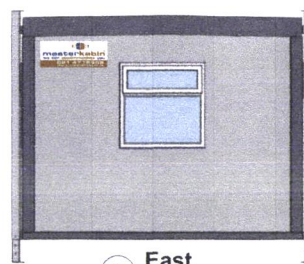
Window Schedule	
Type	Count
Aluminium Window High Level	2
Aluminium Window_1067mm	4

Electrical Fixture Schedule	
Type	Count
1500mm Double LED	3
Bulkhead Light Fitting	2
Double Socket_Standard Height	4
ELCB	1
Heater - Lot 20	2
Under Sink Water Heater	1

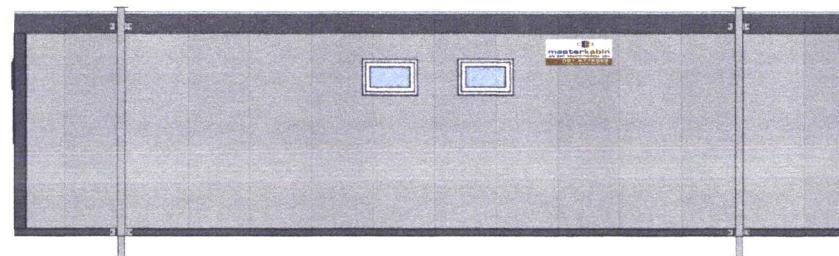
Plumbing Fixture Schedule	
Family	Count
Wash Hand Basin - Small	2
WC Standard	2



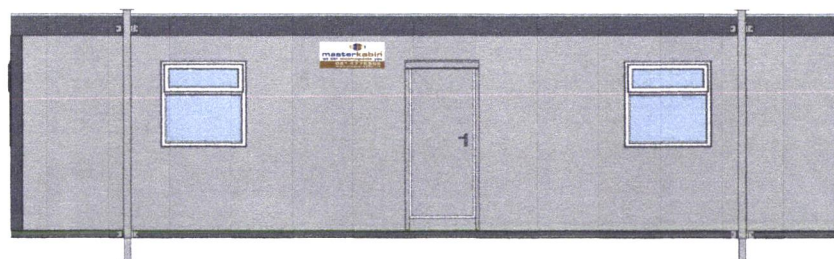
6 {3D}



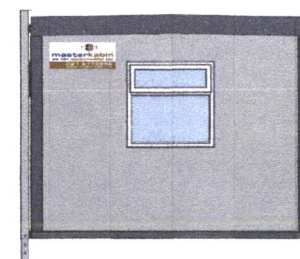
2 East
1 : 35



3 North
1 : 35



4 South
1 : 35



5 West
1 : 35

NOTES:

10.9M unit with the following features:

- Goosewing grey plastisol coated steel external mainframe wall finish complete with contrasting merlin grey corner posts, trims, surrounds and jacklegs
- Painted plasterboard wall finish internally
- 200mm fibreglass over ceiling insulation.
- Painted plasterboard ceiling finish.
- Steel external door per the attached drawings
- 2.4M internal ceiling height
- Double glazed PVC windows
- Internal layouts per the attached drawings
- 13amp double electric sockets throughout
- 1500mm double LED light fittings complete with anti-glare diffusers throughout
- Electric wall mounted LOT 20 heaters throughout
- Standard vinyl floor covering throughout.
- Toilet and sink as per drawing

Client:

Bray Bowling Club



t. 021 4775555
f. 021 4775562
e. sales@masterkabin.ie
www.masterkabin.ie

Killmountain, Innishannon, Co. Cork

Project:

36ft x 12ft Jackleg Unit

Drawing Title:
Plan/Elevations

Drawn by: ED	Date: 17/8/23
Scale (to A1): As indicated	Rev:
Drawing Number: 23218-01	

Doc 3

Club House BRAY Bowling Club

RED - REPLACE

