



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

Maurice Carey

30th of July 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 89/2026

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 Kate Finn

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: Maurice Carey

Location: Aldi, Mill Road, Greystones, Co. Wicklow

Reference Number: EX 89/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/925

A question has arisen as to whether "*Painting a mural on walls*" at Aldi, Mill Road, Greystones, Co. Wicklow is or is not exempted development.

Having regard to:

- A. The details submitted with the Section 5 Declaration Application
- B. Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- C. Article 6, 9 and Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. Painting a mural on walls would come within the definition of alteration as the painting would materially alter the external appearance of a structure so as to render the appearance inconsistent with the character of the structure and would therefore be works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- B. These works are therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- C. Painting a mural on walls would come within the description set out in Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended), but such painting would not meet the limitation of this exemption which provides that such painting may not be for the purposes of creating a mural.

The Planning Authority considers that "*Painting mural on walls*" at Aldi, Mill Road, Greystones, Co. Wicklow and IS NOT an exempted development.

Signed: PP Kaitie Finn

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Date: 30/7/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/925

Reference Number: EX 89/2026

Name of Applicant: Maurice Carey

Nature of Application: Section 5 Referral as to whether "*Painting a mural on walls*" is or is not development and is or is not exempted development.

Location of Subject Site: Aldi, Mill Road, Greystones, Co. Wicklow

Report from:

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*Painting mural on walls*" at Aldi, Mill Road, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- A. The details submitted with the Section 5 Declaration Application
- B. Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- C. Article 6, 9 and Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. Painting a mural on walls would come within the definition of alteration as the painting would materially alter the external appearance of a structure so as to render the appearance inconsistent with the character of the structure and would therefore be works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- B. These works are therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- C. Painting a mural on walls would come within the description set out in Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended), but such painting would not meet the limitation of this exemption which provides that such painting may not be for the purposes of creating a mural.

Recommendation

The Planning Authority considers that "*Painting mural on walls*" at Aldi, Mill Road, Greystones, Co. Wicklow and is not an exempted development as recommended in the planning reports.

Signed: Walter Finn

Date: 30/7/2026

ORDER:

I HEREBY DECLARE:

THAT "*Painting mural on walls*" at Aldi, Mill Road, Greystones, Co. Wicklow, is **not an** exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: John Donaghy

Date: 31/7/2026

T/Senior Planner

Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham SP
FROM: Michael Woods O'Rourke EP
REF: EX 89/2026
DECISION DUE DATE: 17/08/2026
APPLICANT: MAURICE CAREY (GREYSTONES TIDY TOWNS)
DEVELOPMENT: PAINT A MURAL ON WALLS
LOCATION: ALDI, MILL ROAD, CO. WICKLOW

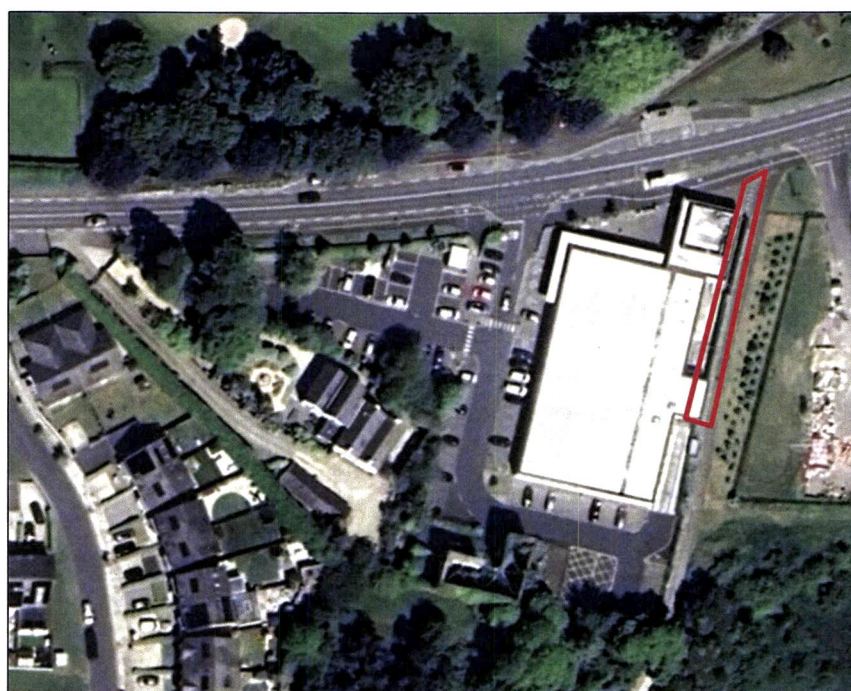


Figure 1: Site Location (eastern boundary of Aldi along Mill Lane)



Figures 2 (left) and 3(right): View of white eastern boundary walls proposed for a mural.

Initial Exemption as per Section 5 Application

Whether or not:

1. Painting a mural on walls

At Aldi, Mill Road, Greystones, Co. Wicklow

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

From examining the submitted particulars, it is not considered necessary to re-word the section 5 query.

Relevant Planning History:

15/811 – Extension of duration of PRR 10/2013 – **grant 23/09/2015**.

12/6885 - Amendments to previously permitted mixed use development (File Reg Ref 10/2013) at a site of 1.6 acres (0.66 ha). The proposed amendments to the previously permitted development will consist of the demolition of the existing Mill Structure (170 sqm) and the construction of a two storey commercial building (376 sqm) in its place including ground floor retail units 3 (86 sqm) and 4 (86 sqm) and first floor offices (204 sqm) associated signage, service area gates and fencing and for minor amendments to the previously permitted car parking layout to provide 97 surface car parking spaces and hard and soft landscaping – **withdrawn**.

10/2014 - Mixed use development on a site of 1.6 acres (0.66 hectares). The development will consist of the construction of a single storey licensed discount foodstore unit (1528 sqm) a two storey retail unit 1 (189 sqm) and pharmacy unit (105 sqm), the renovation and refurbishment of the existing mill structure on the site to include a ground floor retail unit 3(173 sqm), first second and third floor offices (411 sqm), ESB substation and switchroom (25 sqm), a new proposed vehicular entrance; signage structure and for all shopfront signage, internal footpaths, roads 97 no surface car parking spaces, bicycle parking, loading bay and bin storage, entrance canopies, boundary walls and fences, hard and soft landscaping and for all site services above and below ground – **final grant 11/10/10**.

UD3978C - Non-compliance with Condition 3 of PRR 10/2013 [Lodgment of Security] – **case closed 25/09/2013**

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

2.-

(1) In this Act, except where the context otherwise requires-

alteration" includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

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

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

(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)*;

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

Section 3:

3.—

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

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4:

4.—

(1) The following shall be exempted developments for the purposes of this Act—

(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;

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

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

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

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 6

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

Article 9(1) Note see Regulations for full Article

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

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

< See Regulations for List>

Schedule 2: Part 1

CLASS 12

The painting of any external part of any building or other structure.

Conditions/ Limitations

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

Assessment

As identified above the query to be addressed is whether or not the
Painting a mural on walls at Aldi, Mill Road, Greystones, Co. Wicklow

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

The subject site is located in the settlement/townland of Greystones-Delgany and is accessed directly from the R762. The wider site contains an Aldi food store, pizza take away unit, disused mill building and associated parking. However, the walls subject to this section 5 query are accessed via a pedestrian only laneway known as Mill Lane. The site ownership is not registered with Tailte Éireann (landdirect.ie) however Mill Lane is in the ownership of Wicklow County Council. The structure of the Aldi walls are not listed on the Record of Protected Structures, nor are they located within an Architectural Conservation Area. The site is zoned NC 'Neighbourhood Centre'. National Monument WI03189, a kiln, is c. 370m to the southeast. The site is outside the corresponding zone of notification. The structure is not considered to be visible from any view or prospect set out in Wicklow County Development Plan 2022-2028. The structure is located in the 'Urban Areas' Landscape Category. The site is located in Flood Zone C.



Figure 4: Entrance to Mill Lane off the R762

'Painting a mural on walls'

- (a) The painting of the mural involves operations of alteration given the definition under Section 2 of the Act , as such painting would materially alter the external appearance of a structure so as to render the appearance inconsistent with the character of the structure i.e. painted white wall. This element would therefore consist of an act of alteration and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, it is therefore considered that this element is development.

- (b) The relevant exemption in respect to these works is Class 12 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitation:

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

The limitation requires that such painting may not be for the purposes of creating a mural. The proposed painting would be for the purpose of creating a mural, on a permanent wall which is not hoarding/temporary. Therefore, this limitation is not satisfied.

Based on the assessment above, it can be determined that the painting of a mural on walls is development and is not exempted development.

Recommendation:

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

Painting a mural on walls at Aldi, Mill Road, Greystones, Co. Wicklow.

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

The Planning Authority consider that the Painting a mural on walls is development and is **not** exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) Painting a mural on walls would come within the definition of alteration as the painting would materially alter the external appearance of a structure so as to render the appearance inconsistent with the character of the structure and would therefore be works having regard to the definition set out in Section 2 of the Planning and Development Act 2000 (as amended).
- (ii) These works are therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).

- (iii) Painting a mural on walls would come within the description set out in Class 12 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended), but such painting would not meet the limitation of this exemption which provides that such painting may not be for the purposes of creating a mural.

Michael Woods O'Rourke

Michael Woods O'Rourke EP
28/07/26

Agreed to Nym
TEB
28/7/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Michael Woods O'Rourke
Executive Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX89/2026 - 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 21/07/2026.

The due date on this declaration is the 17/08/2026.

Joanne Byrne.

A/ Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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Maurice Carey

21st of July 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX89/2026

A Chara

I wish to acknowledge receipt on 21/07/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 17/08/2026.

Mise, le meas

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



Wicklow County Council
County Buildings
Wicklow
0404-20100

21/07/2026 14 10 09

Receipt No L1/0/367114
***** REPRINT *****

MAURICE CAREY
UMGOLA
BELLVIEW ROAD
GREYSTONES
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Cash	80 00
SECTION V	

Change	0 00
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**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

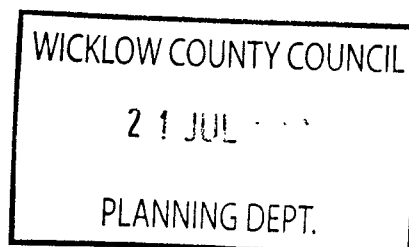
- (a) Name of applicant: MAURICE CAREY (ON BEHALF OF GREYSTONES TROT TOWNS)
Address of applicant: UMGOLA, BELLEVUE ROAD,
GREYSTONES CO, WICKLOW

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____
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
SIDE WALL OF UNIT 1, ALDI CENTRE, MILL ROAD,
KILLINCARRIG, GREYSTONES, CO WICKLOW

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier
ALDI, MILL ROAD, KILLINCARRIG ROAD,
GREYSTONES, CO, WICKLOW

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

WE REQUEST PERMISSION TO PAINT A MURAL ON THE
WALL AT THE ALDI CENTRE TO REFLECT THE HISTORY
OF THE WATERMILL ON THE SITE.
THE MURAL DESIGN HAS BEEN APPROVED BY THE ALDI STORE

Additional details may be submitted by way of separate submission.

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

SECTION 5 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 _____

— PHOTOS OF LOCATION OF PROPOSED MURAL (3)

— PHOTO OF PROPOSED MURAL (1)

viii. Fee of € 80 Attached ? YES

Signed : Maurice Loney Dated : 20/7/2026

Additional Notes :

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

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

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

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

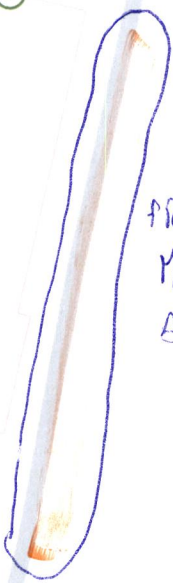
Mill Rd



ALDI
Not busy



PROPOSED
MURAL
AREA



MURAL DESIGN

MIDDLE WALL



RIGHT WALL





