





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Applicant: Paul Byrne

Location: Stephen Street & Church Hill, Dunlavin, Co. Wicklow

Reference Number: EX103/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1153

A question has arisen as to whether *"the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking internal protection (Class 20 F)"* at Stephen Street & Church Hill, Dunlavin, Co. Wicklow is or is not exempted development.

Having regard to:

- i. The details received on 24/09/2026;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 20F of the Planning and Development Regulations 2001 (as amended).
- v. An Coimisiún Pleanála ref RL28.RL3426

Main Reasons with respect to Section 5 Declaration:

- a) The change of use from a coffee shop to accommodation being Class 20F is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended) as it would result in a material change of use given that the use as accommodation under Class 20F would be different in character and the nature of the use would have materially different planning considerations to a use as a coffee shop.
- b) The change of use from a coffee shop to accommodation being Class 20F would not fall within the remit of Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended) as the prevailing previous use on site, being that of a coffee shop, is not included within the description of Class 20F.

The Planning Authority considers that *the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons*



seeking internal protection (Class 20 F) is development and is Not exempted development
at Stephen Street & Church Hill, Dunlavin, Co. Wicklow,

Signed: Deanna Byrne

Date: 17/09/2026

PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1153

Reference Number: EX103/2026

Name of Applicant: Paul Byrne

Nature of Application: Section 5 Referral as to whether "*the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking internal protection (Class 20 F)*" is or is not development and is or is not exempted development.

Location of Subject Site: Stephen Street & Church Hill, Dunlavin, Co. Wicklow

Report from: Lyndsey Blackmore E.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking internal protection (Class 20 F)*" at Stephen Street & Church Hill, Dunlavin, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details received on 24/09/2026;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 20F of the Planning and Development Regulations 2001 (as amended).
- v. An Coimisiun Pleanala ref RL28.RL3426

Main Reasons with respect to Section 5 Declaration:

- a) The change of use from a coffee shop to accommodation being Class 20F is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended) as it would result in a material change of use given that the use as accommodation under Class 20F would be different in character and the nature of the use would have materially different planning considerations to a use as a coffee shop.
- b) The change of use from a coffee shop to accommodation being Class 20F would not fall within the remit of Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended) as the prevailing previous use on site, being that of a coffee shop, is not included within the description of Class 20F.

Recommendation

The Planning Authority considers that "the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking internal protection (Class 20 F)" is development and is NOT exempted development at Stephen Street & Church Hill, Dunlavin, Co. Wicklow as recommended in the planning reports.

Signed: Joanne Byrne.

Date: 17/09/2026

ORDER:

I HEREBY DECLARE: That the continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking internal protection (Class 20 F) is development and is NOT exempted development at Stephen Street & Church Hill, Dunlavin, Co. Wicklow within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Edel Gorman

T/Senior Planner
Planning, Economic & Rural Development

Date: 18/9/2026



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Edel Bermingham S.P Patrice Ryan SEP
From: Lyndsey Blackmore EP
Type: Section 5 Application
REF: EX 103/2026
Applicant: Paul Byrne
Date of Application: 28/08/2026
Decision Due Date: 24/09/2026
Address: Stephen Street & Church Hill, Dunlavin, Co. Wicklow

Exemption Query: Whether continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking international protection (Class 20 F) is or is not exempted development.

Application Site:

The subject site of former coffee shop is located within the development boundary of Dunlavin at the corner of Stephen Street & Church Hill.

Google streetview 2024



Google streetview 2011



Relevant Planning History:

Ref	22/94	Applicant	Harry Corrigan
Development	Conversion of former coffee shop and residential building to 2 no. semi-detached 3 bedroom dwellings with rear garden and off street car parking and permission sought for 1 no single story dwelling with vehicular entrance, boundary		

	treatments, landscaping and all ancillary site developments		
Decision	Grant		
Ref	03/8212	Applicant	Harry Corrigan
Development	Change of use of ground floor from domestic use to coffee shop, toilets, kitchen and car park to rear and all ancillary works		
Decision	Grant – Conditional (it is noted there are a number of outstanding conditions that do not appear to have been addressed).		
Ref	02/ 6185	Applicant	Harry Corrigan
Development	Coffee Shop		
Decision	REFUSED - 1 reasons: 1. Endanger public safety by reason of a traffic hazard.		
Ref	01/ 5456	Applicant	Harry Corrigan
Development	conversion of former residential accommodation to fast food takeaway outlet & retention of alterations & all associated ancillary works		
Decision	REFUSED - 2 reasons: 1. Seriously injure amenities of adjoining development 2. Endanger public safety.		
Ref	99/ 1112	Applicant	Caroline Corrigan
Development	change of use of ground floor of house from domestic use to restaurant, takeaway, shop, toilets, kitchen & ancillary works		
Decision	REFUSED - 2 reasons: 1. Injure amenities of adjoining development. 2. Inadequate details with respect storage/ extraction outlets.		

Question:

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

- continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking international protection (Class 20 F) at Stephen Street and Church Hill Dunlavin, 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) is relevant for the purposes of this declaration:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the

external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”

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

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):

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

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

- (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*

And so on,

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

CLASS 20F

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

Associated conditions and limitations:

- 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*
- 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².*
- 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.*
- 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.*
- 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.*
- 6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*
- 7. ‘International protection’, for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).*
- 8. ‘Temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.*

Details submitted in support of the application:

- Unit floorplans and elevations.
- Site layout plan and site location map.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

- Whether continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking international protection (Class 20 F) is or is not exempted development.

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 2000 (as amended). 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.

As such the change of use from use as a coffee shop to accommodation is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended), as it would result in a material change of use given that the use as accommodation being Class 20F would be different in character and the nature of the use would have material different planning considerations to use as a coffee shop.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations. Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended) relates to the change of use from a number of specified classes of uses to that of a use to accommodate or support displaced persons or persons seeking international protection. The applicable prevailing uses are inclusive of a use as a ‘school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, **shop**, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction’.

It is observed in this regard that the prevailing use on site having previously been that of a ‘coffee shop’ (as permitted under PRR03/8212) with kitchen for food preparation and toilets would not fall within the remit of Schedule 2, Part 1, Class 20 (F) of the Planning and Development Regulations 2001 (as amended).

In this regard I refer to An Coimisiun Pleanála ref RL28.RL3426 ‘whether the change of use of a premises from retail use to a coffee shop is or is not development and is or is not exempted development’, it was determined

a) the use of the subject premises as a coffee shop does not constitute use as a “shop” as defined in Article 5 (1), as amended, because the scale, nature and layout of the coffee shop is more akin to a restaurant use which is expressly excluded from the definition of ‘shop’ under Article 5 (1) of the Planning and Development Regulations, 2001, as amended,

b) the change of use of the subject premises, from use as a shop to use as a coffee shop is material and is therefore “development” within the meaning of Section 3 of the Planning and Development Act, 2000,

Conclusion:

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

- continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking international protection (Class 20 F) is or is not exempted development.

At Stephen Street and Church Hill Dunlavin , Co. Wicklow is or is not exempted development:

The Planning Authority considers that:

- The Continuation of the existing use of premises, which was formerly a coffee shop, for the accommodation of displaced persons or persons seeking international protection at Stephen Street and Church Hill Dunlavin, Co. Wicklow **is Development** and **is Not Exempted Development**.

Main Considerations with respect to Section 5 Declaration:

- i. The details received on 24/09/2026;
- ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 20F of the Planning and Development Regulations 2001 (as amended).
- v. An Coimisiun Pleanala ref RL28.RL3426

Main Reasons with respect to Section 5 Declaration:

- The change of use from a coffee shop to accommodation being Class 20F is development, having regard to section 3(1)(a) of the Planning & Development Act 2000 (as amended) as it would result in a material change of use given that the use as accommodation under Class 20F would be different in character and the nature of the use would have materially different planning considerations to a use as a coffee shop.
- The change of use from a coffee shop to accommodation being Class 20F would not fall within the remit of Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended) as the prevailing previous use on site, being that of a coffee shop , is not included within the description of Class 20F.



Lyndsey Blackmore E.P.
17/09/2026

Agreed S. Blackmore
17/9/2026. T/S.P.

MEMORANDUM

WICKLOW COUNTY COUNCIL

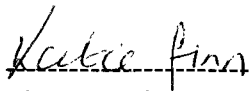
TO: Lyndsey Blackmore
Assistant Planner

FROM: Katie Finn
Clerical Officer

RE:- EX103/2026 - 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 28/08/2026.

The due date on this declaration is the **24/09/2026**.



Clerical Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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Paul Byrne
C/O Derek Whyte
Great Connell,
Newbridge,
Co. Kildare,
W12 D251

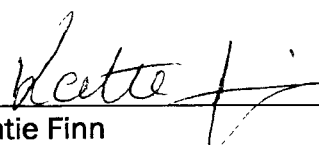
28th of August 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX103/2026

A Chara

I wish to acknowledge receipt on 28/08/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/09/2026.

Mise, le meas


Katie Finn
Clerical Officer
Planning, Economic & Rural Development





Whyte Planning Consultants Ltd.
Great Connell, Newbridge, Co. Kildare. 086 6001194, info@derekwhyte.ie

EXPLANATORY PLANNING REPORT.

Applicant: PAUL BYRNE

Development: Section 5 Declaration pursuant to the Planning and Development Act 2000 (as amended)

Date: August 2026

Introduction.

The submitter presents a site that is located at Stephen Street, Dunlavin, Co. Wicklow. The building was previously used as a shop.

This building is of a structural quality capable of continuing in use for the temporary accommodation of displaced persons or persons seeking international protection.

Development Question

The submitter contends that the following question is appropriate:

“Whether the continuation of the temporary use of the existing premises for the accommodation of displaced persons or persons seeking international protection constitutes development and, if so, whether it is exempted development pursuant to Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 to 2026 (as amended).”

Planning History

The building is a pre-1963 building. There is one identified historic planning application on the site. Planning Reference 22/94 was granted for the following development:

“Conversion of former coffee shop and residential building to 2 No. semidetached 3-bedroom dwellings.....”.



That permission concerned the conversion of the former coffee shop and residential building and is relevant in confirming the historic shop/coffee-shop use of the premises as recognised in the planning history.

Planning Legislation.

The lands are zoned M2 - "Town Centre" in the Wicklow County Development Plan. Town Centre zoning allows for a multitude of uses including residential, commercial, and industrial.



Planning and Development Regulations 2001 to 2026 (as amended).

Article 6(2) of the Planning and Development Regulations 2001 (as amended) provides that, subject to Article 9, development consisting of the use of a structure or other land for the purposes specified in Part 1 of Schedule 2 shall be exempted development, provided that the development complies with the conditions and limitations specified for the relevant class.

Class 20F was originally inserted into Part 1 of Schedule 2 by S.I. No. 605 of 2022, the Planning and Development (Exempted Development) (No. 4) Regulations 2022. S.I. No. 376 of 2023, the Planning and Development (Exempted Development) (No. 4) Regulations 2023, subsequently substituted the Class 20F provisions. The current Class 20F is set out as follows:



Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, **shop**, office, Defence Forces barracks, **light industrial building**, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction

- 
1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of Council Directive 2001/55/EC.
 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
 6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.



7. 'international protection', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).
8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Directive 2001/55/EC of 20 July 2001.

Accordingly, Class 20F is directly relevant to the subject premises because the class expressly includes a "shop" among the qualifying structures and the planning history identifies the premises as having been used as a shop/coffee shop.

The statutory basis of the exemption is Article 6(2), read together with Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). The exemption remains subject to the conditions and limitations contained in Class 20F and to the restrictions on exemption contained in Article 9.

Article 9 has therefore been considered below. Having regard to the nature of the existing premises, the established planning history, the absence of material external works and the temporary nature of the Class 20F use, it is considered that none of the identified Article 9 restrictions precludes reliance on the exemption in this case.

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, **Reply: No relevant planning history on site to disbar the exemption as a pre-1963 premises.**

(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, **Reply: Not Applicable**



(iii) endanger public safety by reason of traffic hazard or obstruction of road users. **Reply:**
Existing entrance, no proposed vehicular use.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft, **Reply: Not Applicable**

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, **Reply: Not Applicable**



(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies, **Reply: Not Applicable**

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, **Reply: Not a protected view or special amenity. No change to visual impact.**

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan. **Reply: Not Applicable, no demolition proposed**



(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended. **Reply: Not Applicable**

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. **Reply: Not Applicable**

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000. **Reply: Not Applicable**

(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, **Reply: Not Applicable, pre 1963 development.**

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, **Reply: No alterations proposed, existing IPAS centre in operation, Section 5 seeks to extend the duration and use of this existing centre**



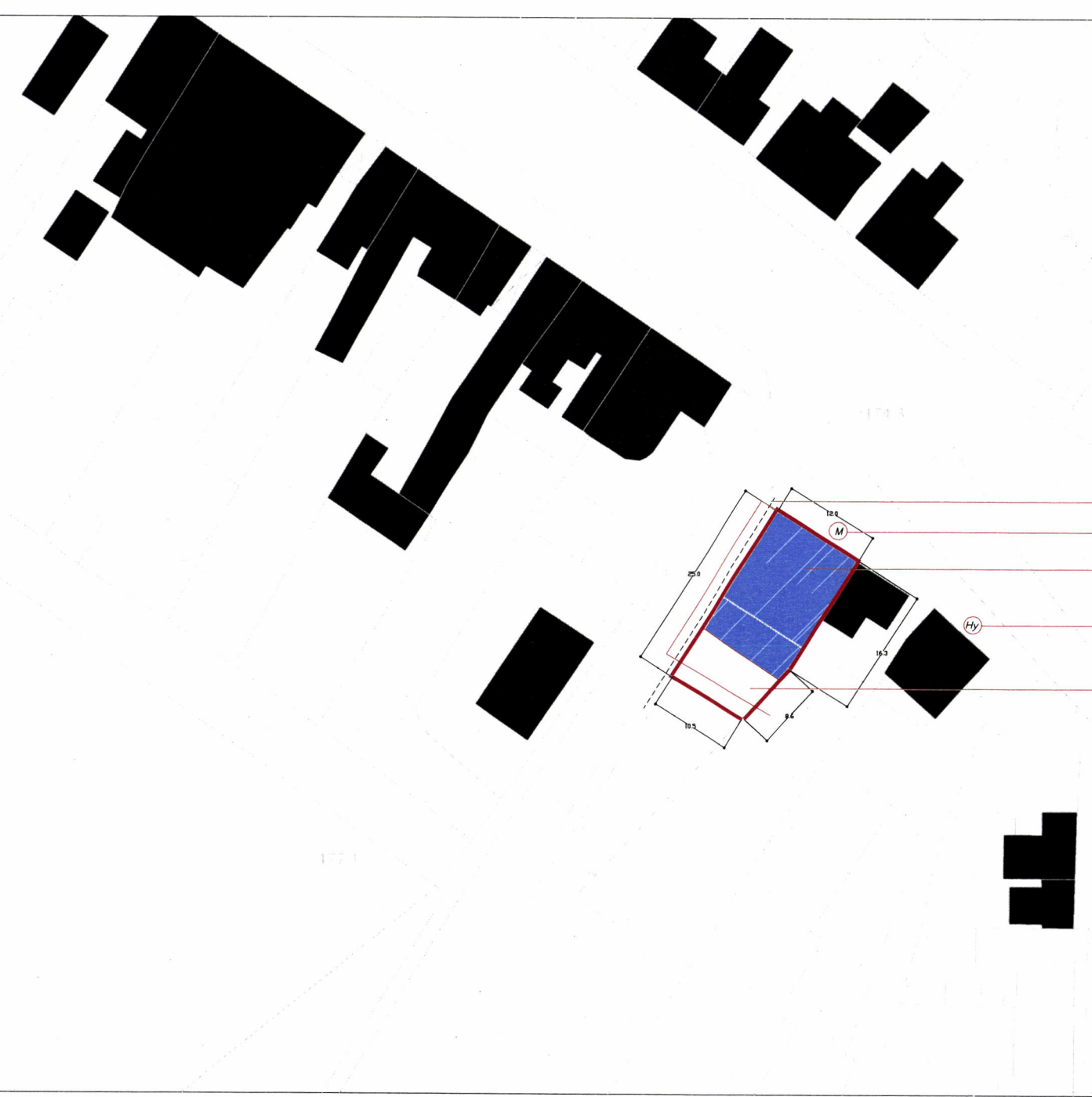
CONCLUSION.

Having regard to Section 5 of the Planning and Development Act 2000 (as amended), Article 6(2) and Article 9 of the Planning and Development Regulations 2001 (as amended), and Class 20F of Part 1 of Schedule 2, it is respectfully submitted that the continuation of the temporary use of the subject premises for the accommodation of displaced persons or persons seeking international protection constitutes development and is exempted development, subject to continued compliance with the conditions and limitations of Class 20F, including the applicable statutory time limits and notification requirements.

Regards,

Planning Consultant

**Cert Tech Eng. BEng. MSc Spatial Planning, Dip. Law, Dip. Planning and Environmental Law,
MIEI, MIPI.**



SECTION 5 APP

SITE OUTLINED RED
OS COPYRIGHT LICENCE No: receipt attached
OS SHEET No: 3895B

- FOUL SEWER
- WATERMAIN METER
- BUILDING
- HYDRANT
- REAR GARDEN

Drawn by: derek w hyle Cert Tech Eng BEng MSc Spatial Planning MIEI MDP Mob : 086 6331194 email : info@derekwhyle.ie		Great Connell, Newbridge, Co. Kildare. 086 6331194	
Client: Paul Byrne	Draft: Fire Cert	Project: Existing development at Stephen Street and Church Hill, Dunlavin, Co. Wicklow.	Drawn by: SITE LAYOUT PLAN
Date: 27/08/26	Scale: 1:500	Drawn by: PB/PLH/02	

Wicklow County Council
County Buildings
Wicklow
0404-20100

28/08/2026 10 48 36

Receipt No L1/0/368967
***** REPRINT *****

DEREK WHYTE
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NEWBRIDGE
CO KILDARE

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

Total	80 00 EUR
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Tendered	
Credit Card	80 00
PAUL BYRNE	

Change	0 00
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Aoife Kinsella

From: Siobhan O'Brien
Sent: Thursday 27 August 2026 09:19
To: Leah Newsome; Aoife Kinsella
Subject: FW: Section 5 Application
Attachments: 02 SITE LAYOUT PLAN.pdf; 03 PLANS, ELEVATIONS AND SECTION.pdf; 04 APPLICATION FORM.pdf; 01 SITE LOCATION MAP.pdf; 05 PLANNING REPORT.pdf

Section 5

From: Derek Whyte <info@derekwhyte.ie>
Sent: Thursday 27 August 2026 08:23
To: Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>
Subject: Section 5 Application

External Sender - From: (Derek Whyte <info@derekwhyte.ie>)

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Dear Sir/Madam,

Please find Section 5 application, please call for payment.

Kind Regard's
Derek Whyte Planning Consultant.
Civil Engineer. Building Design.

*Cert Tech Eng. BEng, MSc Spatial Planning, Dip. Law,
Dip. Planning and Environmental Law, MIEI, MIPI.*

086 600 11 94

www.derekwhyte.ie



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

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Date Received _____

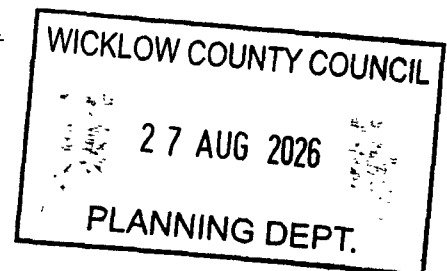
Fee Received _____

**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: Paul Byrne
Address of applicant: Rockbrook House, Blackglen Road, Sandyford, Co. Dublin

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



2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable): Derek Whyte
Address of Agent: Great Connell, Newbridge, Co. Kildare, W12D251

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

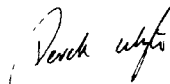
3. Declaration Details

- i. Location of Development subject of Declaration: Stephen Street and Church Hill,
Dunlavin, Co. Wicklow.

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes (owner)
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier:
- 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: See Report Attached
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration: See Report Attached
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:

Site Location Map, 1:1000(A3), Site Layout Plan 1:500(A3), Plans, Elevations and Section T:50, 1:100 (A1), Planning Report to support Section 5
- viii. Fee of € 80 Attached ? Paid online

Signed



Dated : 27.08.26

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.

ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- This page will not be published as part of the planning file.

Applicant:

<i>Telephone No</i>	
<i>Email Address</i>	
<i>Fax No.</i>	

Person/Agent acting on behalf of the Applicant (if any):

<i>Telephone No.</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	

PLEASE CONTACT AGENT IN RELATION TO QUERIES OR ACCESS – DEREK WHYTE

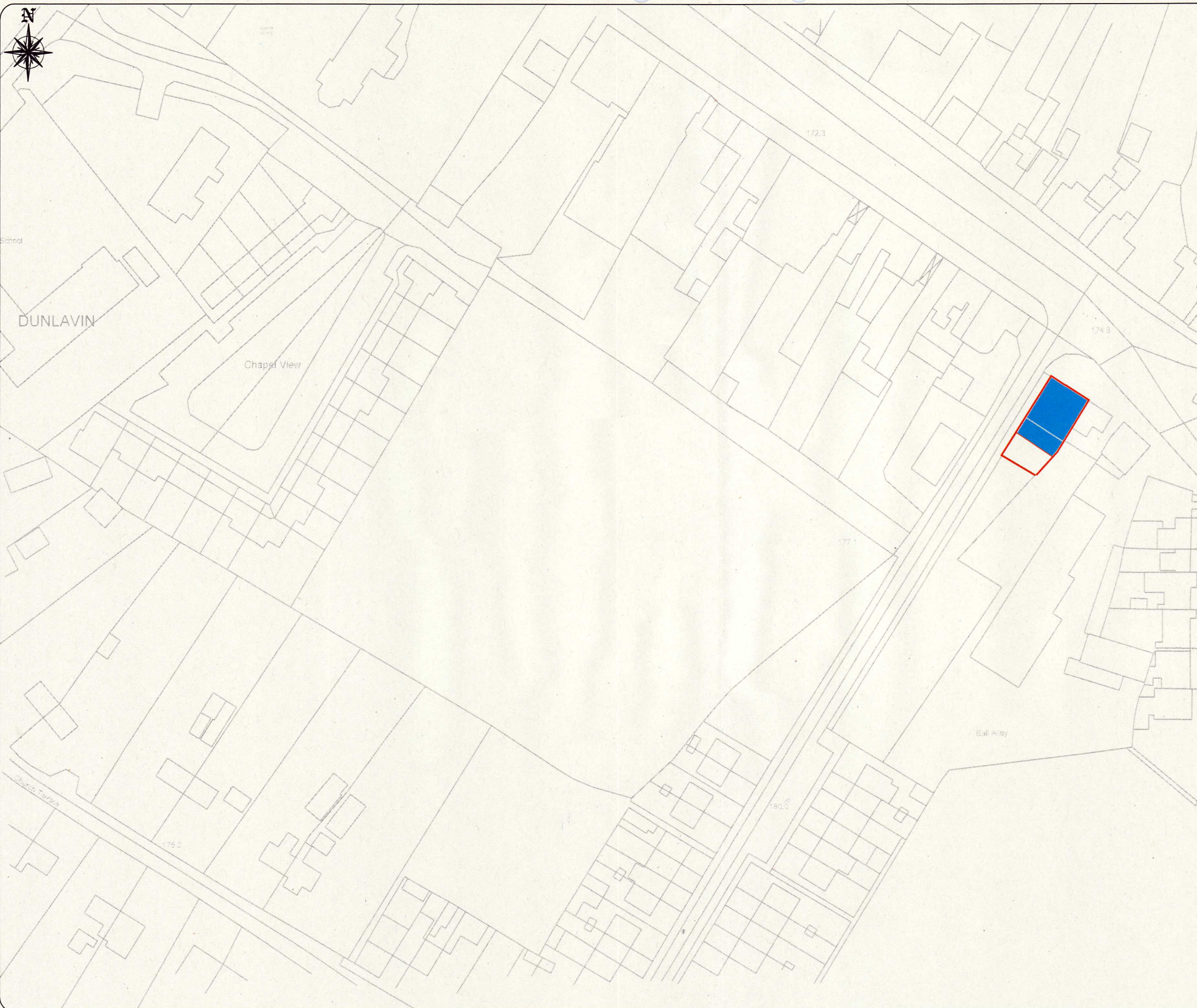


SECTION 5

SITE OUTLINED RED

OS COPYRIGHT LICENCE No: receipt attached

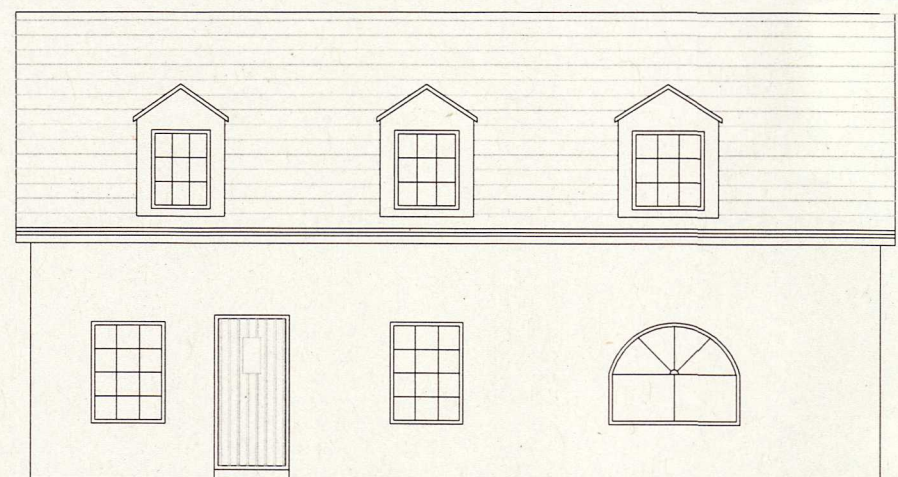
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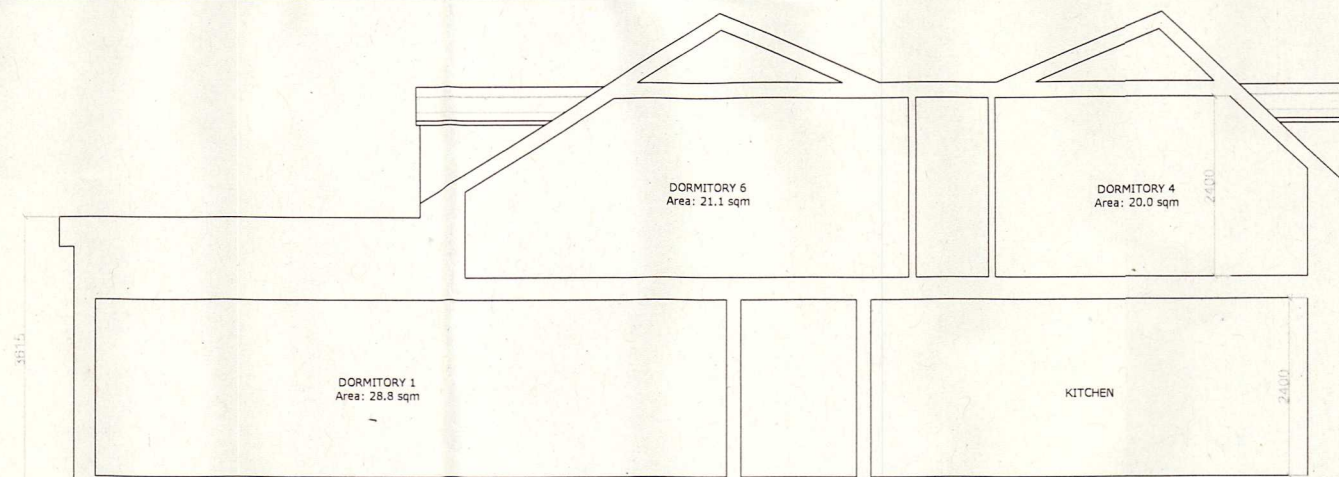
Prepared By:
derek whyte
Cert Tech Eng BEng MSc Spatial Planning MIEI MIPi
Mob : 086 6001194
email : info@derekwhyte.ie

Great Connell,
Newbridge,
Co.Kildare,
086 6001194

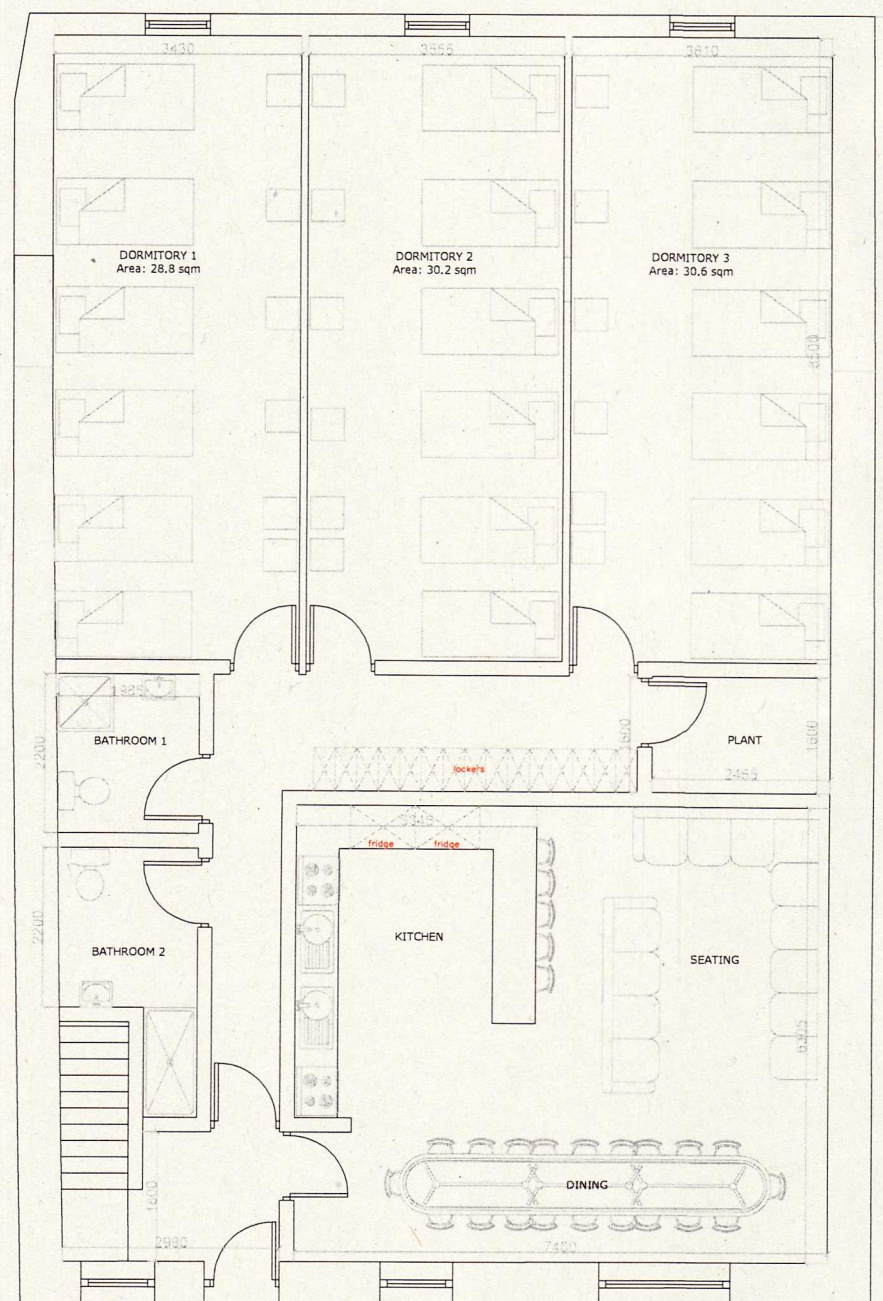
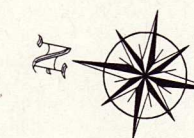
Client: Paul Byrne		Draft: Section 5
Project: Existing development at Stephen Street and Church Hill, Dunlavin, Co. Wicklow.		Dwg. Type: SITE LOCATION MAP
Date: 27.08.26	Scale: 1:1000.	Dwg No: PB/PLN-001



FRONT ELEVATION

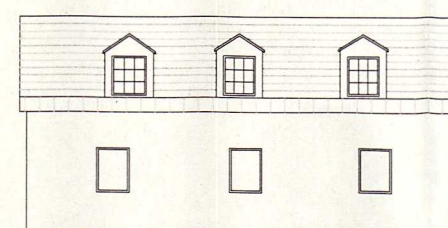


SIDE ELEVATION

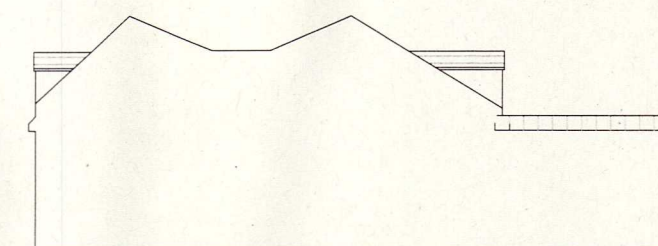


GROUND FLOOR PLAN

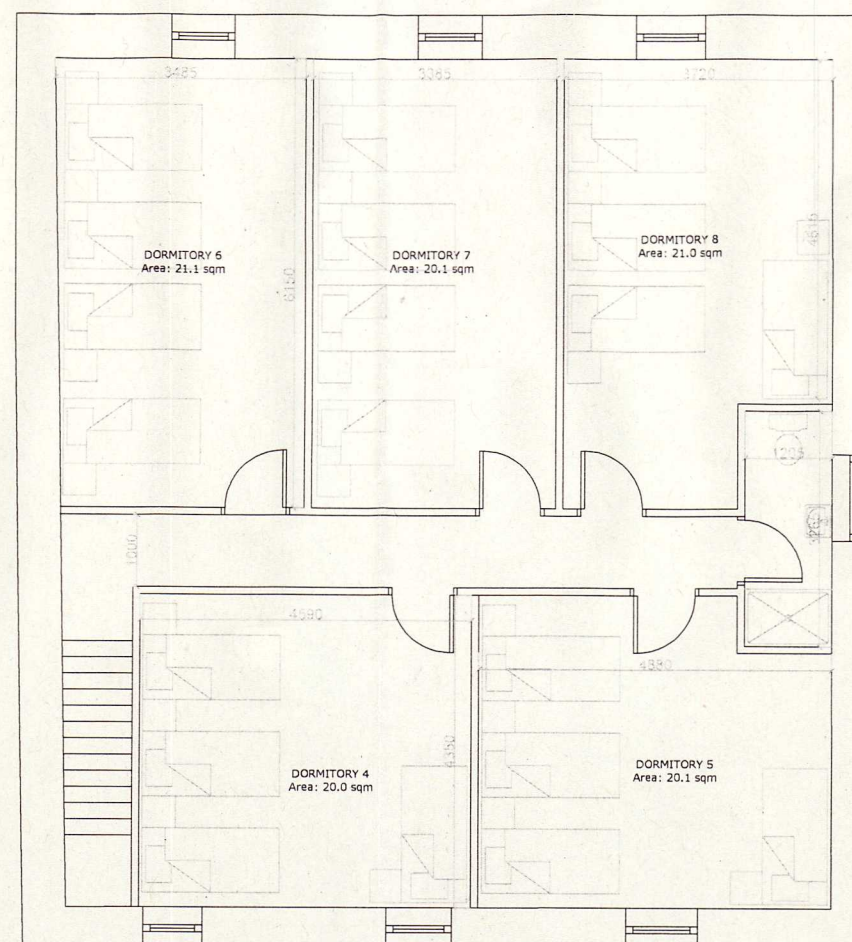
GROUND FLOOR AREA: 180 SQM.
FIRST FLOOR AREA: 125 SQM.
TOTAL FLOOR AREA: 305 SQM.



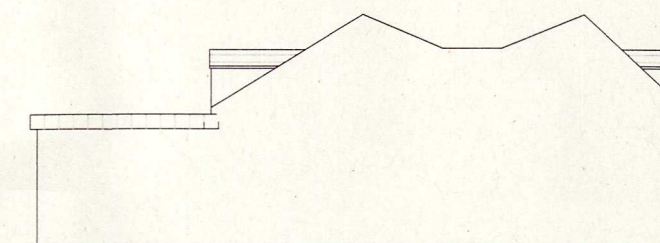
REAR ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



SIDE ELEVATION

Prepared By: derek whyte Cert Tech Eng BEng MIEI MIPt MSc Spatial Planning Mob : 086 6001194 email : info@derekwhyte.ie		Great Connell, Newbridge, Co. Kildare. Planning Consultant
Client: PAUL BYRNE	Draft: SECTION 5	
Project: Existing development at, Stephen Street, Dunlavin, Co. Wicklow. W91Y673	Dwg. Type: PLANS, ELEVATIONS AND SECTION	
Date: 27.08.26	Scale: 1:50 and 1:100	Dwg. No.: PB/PLN-003