



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
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Stoneleigh Developments Ltd
17 Millbrook Court
Redcross
Co. Wicklow
A67 KV61

John
26th Of November 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 127/2025

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 Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

Nida Hemeny
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: Stoneleigh Developments Ltd

Location: Temperainey Arklow and Redcross, Co. Wicklow

Reference Number: EX 127/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1271

A question has arisen as to whether *"removal of 500 tonnes of subsoil/gravel from site at Temperainey Arklow and deposit on a site at Redcross, Co. Wicklow"* is or is not exempted development.

Having regard to:

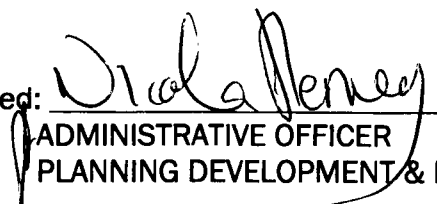
- (a) Section 5 application details.
- (b) An Bord Pleanála References ABP-315532-23, RL 3609, RL3540, RL2987, RL3034, RL 3604, ABP-301484-18, ABP-317396-23
- (c) Section 2,3, 4 and Schedule 5: Part 2 of the Planning and Development Act 2000(as amended)
- (d) Article 5, and Article 8 C of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

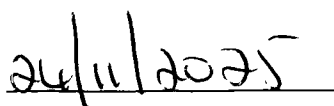
- i. The removal of soil, from Temperainey, and the deposition of soil on a site in Redcross would consist of operation of excavation and alteration, land constitutes works having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development as defined in Section 3 (1)(a) of the Planning and Development Act, 2000(as amended).
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development does not involve land reclamation works within a farm holding given the location of the sites c. 10km from one another, lack of evidence that these lands form part of one single farm holding or the works are for agricultural purposes, location of part of Site A on lands zoned RE :Existing Residential within the Arklow Environs Local Area Plan , and the as they do not form part of a farm holding.

The Planning Authority considers that "removal of 500 tonnes of subsoil/gravel from site at Temperainey Arklow and deposit on a site at Redcross, Co. Wicklow" is development and IS NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1271

Reference Number: EX 127/2025

Name of Applicant: Stoneleigh Developments Ltd

Nature of Application: Section 5 Referral as to whether *"removal of 500 tonnes of subsoil/gravel from site at Temperainy Arklow and deposit on a site at Redcross, Co. Wicklow"* is or is not development and is or is not exempted development.

Location of Subject Site: Temperainy Arklow and Redcross, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"removal of 500 tonnes of subsoil/gravel from site at Temperainy Arklow and deposit on a site at Redcross, Co. Wicklow"* Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

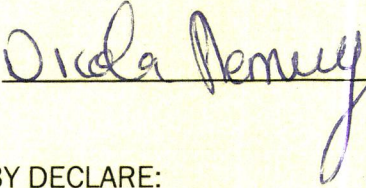
- (a) Section 5 application details.
- (b) An Bord Pleanála References ABP-315532-23, RL 3609, RL3540, RL2987, RL3034, RL 3604, ABP-301484-18, ABP-317396-23
- (c) Section 2,3, 4 and Schedule 5: Part 2 of the Planning and Development Act 2000(as amended)
- (d) Article 5, and Article 8 C of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The removal of soil, from Temperainey, and the deposition of soil on a site in Redcross would consist of operation of excavation and alteration, land constitutes works having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development as defined in Section 3 (1)(a) of the Planning and Development Act, 2000(as amended).
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development does not involve land reclamation works within a farm holding given the location of the sites c. 10km from one another, lack of evidence that these lands form part of one single farm holding or the works are for agricultural purposes, location of part of Site A on lands zoned RE :Existing Residential within the Arklow Environs Local Area Plan , and the as they do not form part of a farm holding.

Recommendation

The Planning Authority considers that "removal of 500 tonnes of subsoil/gravel from site at Temperainy Arklow and deposit on a site at Redcross, Co. Wicklow" is development and is NOT exempted development as recommended in the planning reports.

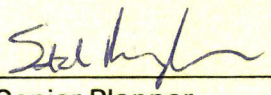
Signed: 

Dated: 20/11/25

ORDER:

I HEREBY DECLARE:

That "removal of 500 tonnes of subsoil/gravel from site at Temperainy Arklow and deposit on a site at Redcross, Co. Wicklow" is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Dated: 24/11/2025

127/20

Section 5 Application Reference EX 80/2025

Date : 20/11/2025

Applicant : Stoneleigh Developments Ltd.

Address : Temperainey Arklow & Redcross

Exemption Whether or not :

Removal of 500 tonnes of subsoil/ gravel from site at Temperainey Arklow and deposit at site B at Redcross, Co. Wicklow.

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

Planning History :

Temperainey site

PRR 20/946 Permission granted to extend the appropriate period of a permission (ABP PL27.244465 & WCC PRR 14/1234) Park and Ride facility, construction of 170 space car park for three years to 26th October 2023.

Appeal Reference PL 27.244465 (PRR 14/1234) Permission granted for park and ride facility consisting 170 space carpark.

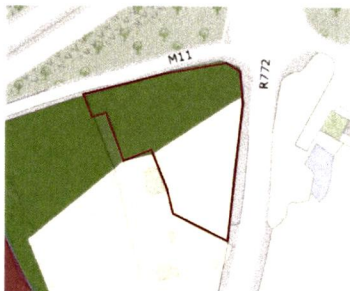
Policy

Arklow and Environs Local Area Plan 2018

Site A – Zoning

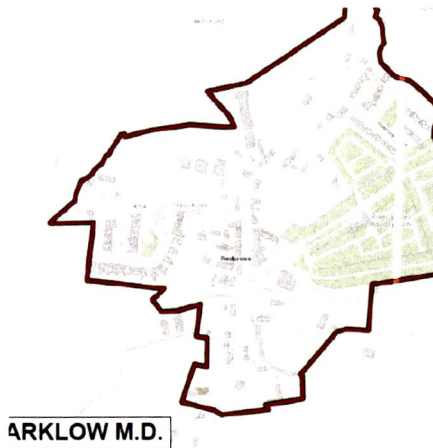
RE : Existing Residential

OS 2 To protect and enhance existing open, undeveloped lands.



County Development Plan 2022-2028

Site B – Located within Level 7 Boundary of Redcross.



Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

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

"land" includes any structure and any land covered with water (whether inland or coastal);

"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);

"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, "development" means, 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.

(2) For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 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;

(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that Act.]

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

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

(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 5

“Wetlands” means natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water.

Article 8

8 Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development

8C Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development

Article 6 (3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9(1) 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—

(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,

CLASS 11

Development consisting of the carrying out of drainage and/or reclamation of wetlands

Limitations

1. The area to be affected shall not exceed 0.1 hectares.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

Land reclamation Act 1949

S(1)

works" refers to the following or any of them:—

- (a) field drainage;
- (b) land reclamation;
- (c) the construction and improvement of watercourses;
- (d) the removal of unnecessary fences;
- (e) the construction of new fences and the improvement of existing ones;
- (f) improvement of hill grazing;
- (g) reclamation of estuarine marsh land and of callows;
- (h) any operations ancillary to the foregoing.

Relevant Referrals

ABP-317396-23

An Bord Pleanála has concluded that the removal of top soil and sub soil from one area and spreading it on lands for agricultural use at Curraghgraique, Enniscorthy, County Wexford is development and is exempted development as

(a) the removal of top soil and sub soil from one area and spreading it on lands within the farm holding for agricultural use for the purpose of raising and recontouring land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,

as noted on the documentation on file and on site, the development which is the subject of this referral, consists of the use of the lands for agriculture and would fall under the scope of exempted development as defined in Section 4(1)(a) of the Planning and Development Act 2000, as amended,

(c) land reclamation that would not include fencing or enclosure of land or reclamation of estuarine marsh or callows comes within the scope of works referred to in the Land Reclamation Act, 1949, and would constitute exempted development as defined in Section 4(1)(l) of the Planning and Development Act 2000, as amended,

(d) the works for the purposes of agriculture are not within the curtilage of a house and, therefore, would not fall within the scope or limitations of Class 6 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(e) the works for the purposes of agriculture do not comprise drainage and/or reclamation of wetlands and, therefore, would not fall within the scope or limitations of Class 11 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and

(f) the works for the purposes of land reclamation (other than reclamation of wetlands) consisting of the raising and re-contouring of land, including infilling of soil (but not waste material) within the same farm holding would fall within the scope of Article 8C of Part 2 of the Planning and Development Regulations, 2001, as amended, and would, therefore, comprise exempted development.

ABP-315532-23

An Bord Pleanála concluded that the construction of an agricultural shed (194.5 square metres) with access roadway and land improvement works that involve importing 9000 cubic metres of topsoil and subsoil (stated to be imported from building sites) over a two year period used to raise the site by up to 500 millimetres and all associated services at Cloghaun, Claregalway, County Galway is development and is not exempted development as

- As the intended agricultural structure, as measured on the submitted site layout plan, would be sited closer than 100 metres of the closest house, where there is no evidence that it is the house of the person providing the agricultural shed structure and where the consent of either the owner or occupier or person in charge thereof has not been provided, this element of the development set out in the referral question does not come within the Condition and Limitation 6 of Class 6 of Part 3 of Schedule 2 to article 6 of the Planning and Development Regulations 2001, as amended, and therefore, the proposed agricultural shed is not exempted development,
- No evidence has been provided in relation to effluent storage facilities being adequate and therefore, it cannot be ascertained that Condition and Limitation 3 of Class 6 of Part 3 of Schedule 2 to article 6 of the Planning and Development Regulations 2001, as amended is met and therefore, the new agricultural shed is not exempted development,
- The works comprising infilling of land, by importing material (stated to be topsoil and subsoil from building sites) does not include any evidence that the material is not a 'waste' and is, therefore, presumed as comprising a waste and the importation of a waste material does not come within the meaning of the term 'land reclamation', as set out in article 8C of Part 2 of the Planning and Development Regulations, 2001, as amended, and

therefore, the importation of soils and stone material from building sites as described does not constitute exempted development

- As the possibility exists that the construction of the stated proposed land improvements through importation of material (stated to be topsoil and subsoils from building sites and hereby presumed to be waste) to the site may lead to a loss of water quality in the Lough Corrib Special Area of Conservation and Special Protection Area, under the precautionary principle, appropriate assessment cannot be excluded, and therefore, under section 4(4) of the Planning and Development Act 2000, as amended, these improvements are not exempted development.

RL 3609

An Bord Pleanála concluded that the spreading of clean topsoil and subsoil on lands for agricultural use and the importing of that soil for recontouring of land at Oldcourt Lane, Oldcourt, Ballycullen, Dublin is development and is not exempted development:

- (a) the importation and spreading of soil for the purpose of recontouring land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,
- (b) the proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) and with the provisions set out within Article 6(3) of the Planning and Development Regulations, 2001, as amended. The proposed works would not, therefore, comprise exempted development under Article 6(3),
- (c) having regard to the nature of the proposed development, which entails the importation of material to the site which the Board is not satisfied is not waste material, the development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, and does not, therefore, comprise exempted development under Article 8C, and
- (d) land reclamation comes within the scope of works referred to in the Land Reclamation Act, 1949, and would normally constitute exempted development as set out in section 4(1)(l) of the Planning and Development Act, 2000, as amended. However, the works in question, comprising infilling of land, by imported material which the Board is not satisfied is not waste material, do not come within the meaning ascribed to land reclamation, as set out in article 8C of the Planning and Development Regulations, 2001, as amended, and therefore, do not constitute exempted development under section 4(1)(l) of the Act.

RL 3540

An Bord Pleanála, has concluded that the recovery of surplus excavated inert soil and the importing of that soil for infilling low lying area at Dunancory, Virginia, County Cavan is development and is not exempted development for the following reasons :

- (a) the importation of soil for the purpose of infilling a low lying area of land constitutes 'works' and alteration of that land, and therefore 'development' as defined in section 2 and section 3, respectively, of the Planning and Development Act, 2000, as amended,
- (b) the development does not come within the scope of the exemption set out under section 4(1)(l) of the Planning and Development Act 2000, as amended by the Environment (Miscellaneous Provisions) Act 2011,
- (c) the development does not come within the scope of the exemption set out in Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, because it is proposed to import material from outside the landholding in order to carry out the development, and furthermore the material proposed to be imported is a waste material (noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended)),
- (d) the development does not come within the scope of Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, (Land Reclamation - infilling of wetlands) because of non compliance with the Conditions and Limitations Column 1 of that Class, as the area in question exceeds the 0.1 hectares, and
- (e) as no exemptions are available for the development in question, it is not necessary for the Board to examine whether appropriate assessment issues or traffic hazard issues arise:

RL2987 –

WHEREAS a question has arisen as to whether the importation of inert soils and overburden materials for spreading on agricultural land at Barntick, Clarecastle, County Clare is or is not development or is or is not exempted development:

An Bord Pleanála, concluded that the said importation of inert soils and overburden materials for spreading on agricultural land at Barntick, Clarecastle, County Clare is development and is not exempted development as

- (a) the importation of soils and overburden for spreading on agricultural land constitutes development as defined in Section 3 of the Planning and Development Act 2000, as amended, and
- (b) the soils and overburden materials to be imported to the farm holding constitute 'waste'. The activity does not, therefore, come within the scope of Article 8 (c) of the Planning and Development Regulations, 2001, as amended:

RL 3034

WHEREAS the question has arisen as to whether works involving the re-contouring of land for the purposes of land reclamation for agricultural purposes, is or is not development and is or is not exempted development

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the importation of soil for infilling on lands constitutes "works" as defined in section 2(1) of the Planning and Development Act 2000,
- (b) the infilling of soil constitutes development by reference to section 3(1) of the Planning and Development Act, 2000,

(c) Article 8C of the Planning and Development Regulations 2001, as amended, does not provide an exemption for the importation of soil to a farm holding for the purposes of re-contouring of land from external sources. The exemption under Article 8C of the Planning and Development Regulations, 2001, as amended, is confined to land reclamation works including infilling of soil (but not waste material) within a farm holding, and

(d) it is not possible to state beyond reasonable doubt that the infilling of soil on this particular site would not have a significant negative impact on European Sites. The proposed infilling of soil on this site may not be considered to be exempted development by reference to section 17(1)(b) of the Environmental (Miscellaneous Provisions) Act 2011, which amends section 4(4) of the Planning and Development Act, 2000.

RL3604

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the reinstatement of land by the importation of 94,683 cubic metres of non-waste/by-product soil and stones, consisting of 43,900 cubic metres of topsoil and 50,783 cubic metres of subsoil, sourced from greenfield development sites in the Dublin Region at Basketstown, Summerhill, County Meath is development and is not exempted development as

- (a) the importation of soil and subsoil for infilling on lands constitutes 'works' as defined in Section 2(1) of the Planning and Development Act, 2000, as amended and is, therefore, development,
- (b) it has not been established that the soil and subsoil does not constitute 'waste' and, therefore, the development does not fall within the scope of Section 4 (1)(l) of the Planning and Development Act, 2000, as amended, and does not come within the meaning of the term 'land reclamation' as set out in Article 8 of the Planning and Development Regulations, 2001, as amended,
- (c) in such circumstances, the development would require environmental impact assessment and would come within the scope of Section 4 (4) of the Planning and Development Act, 2000, as amended, and would, therefore, not be exempted development,
- (d) if it could be established that the soil and subsoil was not waste, then the development in question would be classified as land reclamation, but would not come within the scope of Article 8C of the Planning and Development Regulations, 2001, as amended, because this exemption relates only to land reclamation works including infilling of soil within a farm holding and does not provide an exemption for importation of soil to a farm holding for the purposes of re-contouring of land from external sources (as in the current case), and, therefore, the development in question would not be exempted development:

Assessment :

The declaration queries whether the removal of 500 tonnes of subsoil/ gravel from a site at Templeraíney Arklow, and deposit at a site at Redcross is or is not development or is or is not exempted development.

Site A - Templeraíney site is 1.14 acres .

Site B - Redcross site is 1.44 acres

Site A is located at Templeraíney on the outskirts of Arklow, on lands zoned RE:Existing Residential and OS2 : Open Space in the Arklow Environs Plan. This site has been subject to an application for a Park & Ride facility which was permitted in 2015, and has now expired.

Site B is located within the boundary of Redcross Level 7 Village. Site A and Site B are not connected, and there is a distance of c. 10km between the sites.

The first question to be asked in respect to this declaration is whether the removal of 500 tonnes of subsoil/ gravel from Site A, and deposit in Site B is development. Such operations would come within the definition of work as set out in Section 2 of the Planning and Development Act 2000 (as amended) as it involves extraction and the alteration of ground levels. These works would be development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).

The Planning and Development Regulations 2001 (as amended), under Article 8C provides :

Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development

From the referrals to An Bord Pleanála of similar works of infilling/ reclamation it is evident that the exemption provided for by Article 8C of the Regulations, only applies to soils sourced within the same farm-holding. From the details the lands are not part of a single farm-holding, and the soils will be removed from Site A in Templeraíney to a site in Redcross village c. 10km away. Part of Site A is on lands zoned RE :Existing Residential within the Arklow Environs Local Area Plan , There is no evidence to show that such works are part of operations for a farm holding. There are no other exemptions available in respect to these works.

Conclusion :

Removal of 500 tonnes of subsoil/ gravel from site at Templeraíney Arklow and deposit on a site at Redcross, Co. Wicklow 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

Removal of 500 tonnes of subsoil/ gravel from site at Temperainey Arklow and deposit on a site at Redcross, Co. Wicklow.

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

The Planning Authority consider that :

Removal of 500 tonnes of subsoil/ gravel from site at Temperainey Arklow and deposit at Redcross, Co. Wicklow.

is Development and is Not Exempted Development

Main Considerations with respect to Section 5 Declaration :

- (a) Section 5 application details.
- (b) An Bord Pleanála References ABP-315532-23, , RL 3609, RL3540, RL2987, RL3034, RL 3604, ABP-301484-18, ABP-317396-23
- (c) Section 2,3 , 4 and Schedule 5 : Part 2 of the Planning and Development Act 2000(as amended)
- (d) Article 5, and Article 8 C of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The removal of soil, from Temperainey , and the deposition of soil on a site in Redcross would consist of operation of excavation and alteration, land constitutes works having regard to Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development as defined in Section 3 (1)(a) of the Planning and Development Act, 2000(as amended).
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development does not involve land reclamation works within a farm holding given the location of the sites c. 10km from one another, lack of evidence that these lands form part of one single farmholding or the works are for agricultural purposes, location of part of Site A on lands zoned RE :Existing Residential within the Arklow Environs Local Area Plan , and the as they do not form part of a farm holding.

Seamus Cunningham

20/11/2025



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
A/Senior Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX127/2025 - 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 05/11/2025.

The due date on this declaration is the 02/12/2025.



**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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**Stoneleigh Developments Ltd
17 Millbrook Court
Redcross
Co. Wicklow
A67 KV61**

05th of November 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX127/2025 for Stoneleigh Developments Ltd at Site A, Temperaine, Arklow and Site B, Redcross, Co. Wicklow

A Chara

I wish to acknowledge receipt on 05/11/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 02/12/2025.

Mise, le meas

_____

**Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development**



Wicklow County Council
County Buildings
Wicklow
0404-20100

04/11/2025 12 23 30

Receipt No L1/0/354141
***** REPRINT *****

STONELEIGH DEVELOPMENTS LTD
17 MILLBROOK COURT
REDCROSS
CO WICKLOW

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

Total	80 00 EUR
-------	-----------

Tendered	
Credit Card	80 00

Change	0 00
--------	------

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



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

Office Use Only

Date Received _____

Fee Received _____

WICKLOW COUNTY COUNCIL

05 NOV 2025

PLANNING DEPT.

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: STONELEIGH DEVELOPMENTS LTD

Address of applicant: 17 MILLBROOM COURT
REDCROSS CO WICKLOW A67KV81

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.

WICKLOW COUNTY COUNCIL

04 NOV 2025

PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration (SITE A) TEMPLERAINY
ARKLOW CO WICKLOW
(SITE B) REDCROSS CO WICKLOW

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ No. YES, OWNER OF BOTH SITES

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

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 I SEEK EXEMPTION
TO REMOVE APPROX 500 TONNES OF
SUBSOIL/GRAVEL FROM SITE A TEMPLERAINY
ARKLOW, CO WICKLOW AND DEPOSIT AT SITE B
REDCROSS CO WICKLOW

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 _____

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
LOCATION MAP OF SITE A
LOCATION MAP OF SITE B

viii. Fee of € 80 Attached ? _____

Signed :  Dated : 30th October 2025
CLIVE WILLIAMS

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.

Surveyed 2002
Revised 2002
Levelled

Rural PLACE Map



184068

ITM CENTRE PT COORDS

724890,683779

DESCRIPTION

MAP SHEETS

1:2500

4254-A 4196-C

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a right of way.

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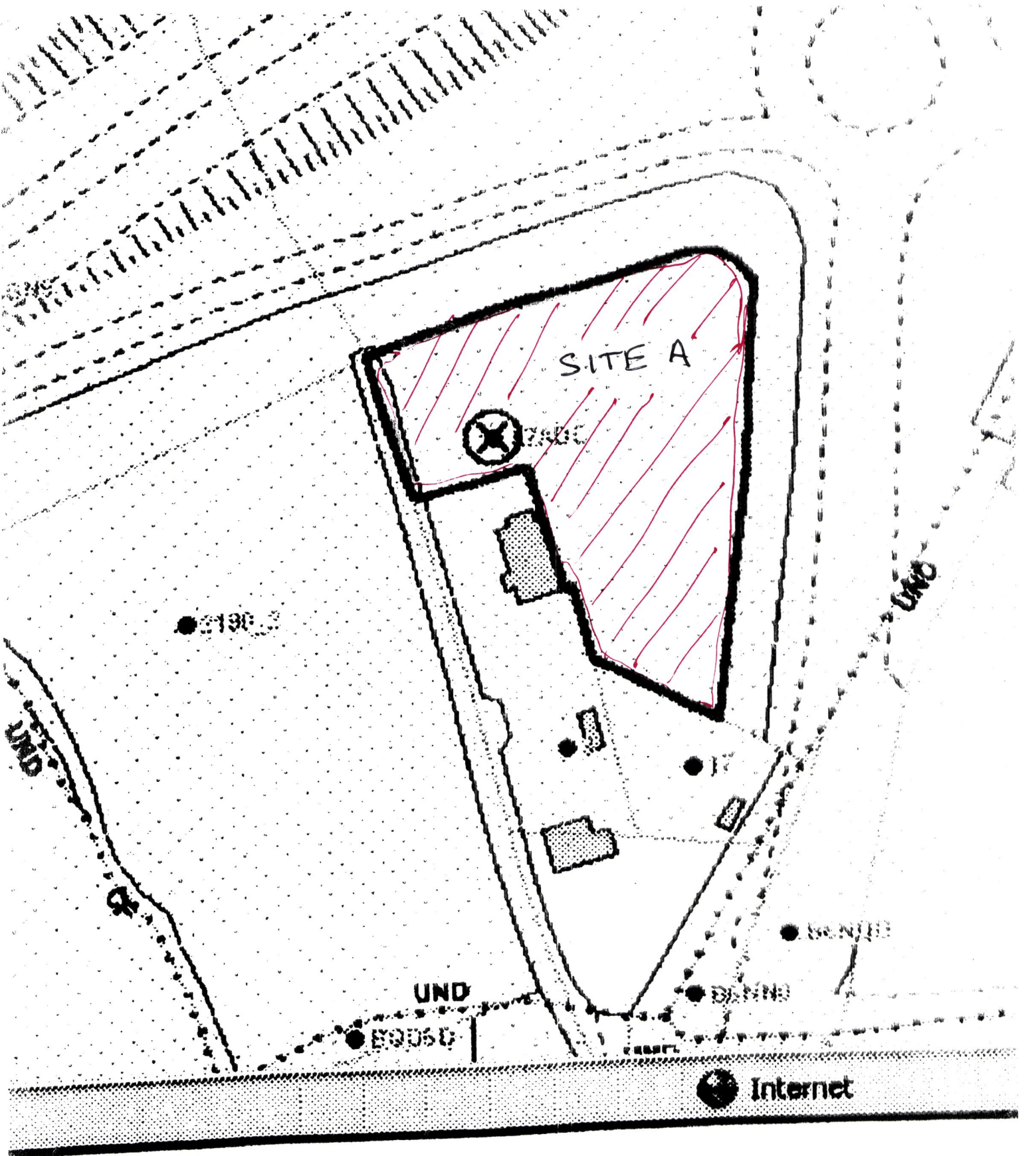
83416

Scale: 1:2,500
Scála: 1:2,500

0 20 40 60 80 100 Metres
0 100 200 300 400 500 Feet

Plot Ref. No. 348311_1_5
Plot Date 18-NOV-2005







Folio 117A26, 15

Substrate 10

Pyroclastic flows

Figure 1. Schematic diagram of the experimental setup.

Figure 1

Single Term.

The Registry Operates a non-conclusive boundary system. The Registry Map identifies properties and boundaries, meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. Section 25 of the Registry Act and The Act, 1964, as amended by the Act, 1982 of the Registry Act, 1982, s. 25(6).



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