



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Aras 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

**Gary Kelly
Newtownmountkennedy Area Sport Development
Matt Kelly Grounds
Newtownmountkennedy
Co. Wicklow
A63 N2W5**

13th October 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX105/2025**

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

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

Is mise, le meas,

**ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT**



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow

Location: Newtownmountkennedy Area Sport Development

Reference Number: EX 105/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1108

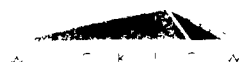
A question has arisen as to whether "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms' at Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow is or is not exempted development.

Having regard to:

- The details received with this Section 5 request on the 16th September 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3 of the Planning and Development Act 2000, as amended
- Section 4 (1) of the Planning and Development Act 2000, as amended
- Classes 15, 16, 17 and 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

Main Reasons with respect to Section 5 Declaration:

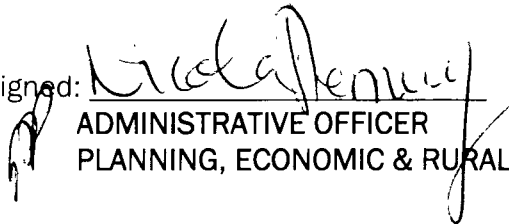
- 1) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended).
- 2) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the exempted development provisions of Section 4 (1) of the Planning & Development Act 2000 (as amended).
- 3) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the provisions of any class of exempted development set out in the Planning & Development Regulations 2001 (as amended) as
 - a) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not comprise the occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction;
 - b) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not be associated with a permission or an exempted development for the purpose of providing structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out or for the purpose of providing temporary onsite accommodation for persons



employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out;

- c) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms is not associated with any temporary fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character.
- 4) None of the exempted development provisions of the current planning and development legislation are considered to apply to the development as described in the subject Section 5 declaration request.

The Planning Authority considers that "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms' at Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow is development and is NOT exempted development

Signed: 
ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 13th October 2025

**WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)**

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1108

Reference Number: EX 105/2025

Name of Applicant: Newtownmountkennedy Area Sport Development

Nature of Application: Section 5 Referral as to whether or not "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms" is or is not development and is or is not exempted development.

Location of Subject Site: Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow

Report from Keara Kennedy, EP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms' at Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- The details received with this Section 5 request on the 16th September 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3 of the Planning and Development Act 2000, as amended
- Section 4 (1) of the Planning and Development Act 2000, as amended
- Classes 15, 16, 17 and 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

Main Reason with respect to Section 5 Declaration:

- 1) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended).
- 2) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the exempted development provisions of Section 4 (1) of the Planning & Development Act 2000 (as amended).
- 3) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the provisions of any class of exempted development set out in the Planning & Development Regulations 2001 (as amended) as
 - (a) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not comprise the occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading

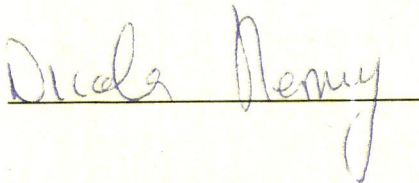
room, gymnasium or any structure normally used for public worship or religious instruction;

- (b) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not be associated with a permission or an exempted development for the purpose of providing structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out or for the purpose of providing temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out;
 - (c) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms is not associated with any temporary fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character.
- 4) None of the exempted development provisions of the current planning and development legislation are considered to apply to the development as described in the subject Section 5 declaration request.

Recommendation:

The Planning Authority considers that "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms' at Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed



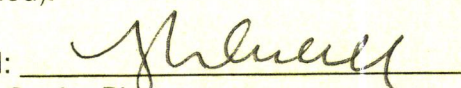
Dated 13th day of October 2025

ORDER:

I HEREBY DECLARE:

That "The placement on lands and use of 4 shipping containers. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms' at Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Planner
Planning, Economic & Rural Development

Dated 13th day of October 2025



WICKLOW COUNTY COUNCIL
Planning Department

Section 5 – Request for Declaration of Exemption

Ref:	EX 105/2025
Name:	Newtownmountkennedy Area Sport Development
Development:	4 No. shipping containers
Location:	Matt Kelly Community Grounds, Newtownmountkennedy, Co. Wicklow

The Site: The site comprises the 'Matt Kelly Community Grounds' in Newtownmountkennedy, Co. Wicklow, also known as the Newtown United FC and is located to the rear of the Community Centre and is accessed by the L-5048. These lands are owned by Wicklow County Council and are leased to Newtown United AFC.

The site is zoned as Active Open Space under the NTMK Town Plan and is located in Action Area 1 (Monalin – Season Park). It is stated that 6.6ha is zoned for Active Open Space (of which c. 3.2ha is already laid out for sports use);

The town plan states that developments adjoining the designated open spaces shall be so designed and units so orientated as to allow for passive supervision and easy access to the open spaces; in particular, no structures shall back onto open spaces and residential open spaces shall be designed where possible to flow into the large central park.

Planning History:

None available.

Question:

The applicant has submitted a request for a declaration on exemption with respect to whether or not the following is or is not development; and is or is not exempted development:

'The erection of 4 no. shipping containers at Matt Kelly Community Grounds, Newtownmountkennedy. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms.'

The applicant has queried whether the containers require 'planning retention'; they indicate that the units are temporary in nature; they are not permanently fixed; they have an area of 233sqm cumulatively and are 2.5m in height. They have not cited a class of development under the Planning Act or Regulations.

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 2 (1)

"exempted development" has the meaning specified in section 4;

"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,

- (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);

"Use", in relation to land, does not include the use of the land by the carrying out of any works thereon;

"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).*

3 (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.

3 (3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act (subject to certain conditions and limitations as set out in Section 4).

The Planning and Development Regulations 2001 (as amended)

Part 1, Schedule 2 of the Planning and Development Regulations 2001 lists the classes of development that are considered to be exempted development, subject to conditions and limitations, and the 'Restrictions on Exemptions' set out in Article 9.

Classes considered in this report

Class 15: *'Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction'.*

There are no conditions / limitations attached to this class.

Class 16

'The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.'

Conditions / limitations (1 No):

'Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.'

CLASS 17

'The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.'

CLASS 37

Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.

Conditions / limitations (2 No):

- 1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.*
- 2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

Assessment:

The first assessment must be whether or not the proposal outlined above constitutes "development" within the remit of Sections 2 & 3 of the Act of 2000.

Having regard to the definition of "development" set out above, I am satisfied that the placing on lands of the 4 No. shipping containers constitutes "development" taking into account of the following:

1. These containers would be considered 'objects' rather than structures. These shipping containers appear to be objects placed directly on the ground, without the carrying out of any 'works' such as a concrete base, to support them. As no 'works' have been carried out, then 'development' cannot have been deemed to be occurring by virtue of the carrying out of works;
2. However, the placing on the lands and the use of the containers for the uses described has changed the use of the lands, and such a change is materially different in character and impact from the established / permitted use of the lands, and therefore development in the form of material change of use has occurred. Having considered the OSi aerial photographs of the area, in the 1990s-2000s, the lands on which the containers are currently located was in agricultural use, the lands immediately adjoining to the west were laid out as sports pitches. Between 2006 and 2013, the area in question appears to have become used for the placing and use of containers, presumably associated with the sports use adjoining. Therefore at some point post 2006, the use of the lands materially changed from agriculture to use for keeping and using sport related support structures (the subject containers).

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

The development entails the placement on lands and use of 4 no. shipping containers at the Matt Kelly Community Grounds, Newtownmountkennedy, to be used as toilets, a meeting room and changing rooms.

The development does not fall under any of the types of development that are listed to be exempted development in Section 4 of the Planning and Development Act 2000 (as amended).

With respect to the Planning & Development Regulations 2001, as amended:

Class 15: Class 15 allows that existing 'structures' that are associated with a club or other building listed above, can be used occasionally for social or recreational purposes. The placement on lands and use of these shipping containers does not comprise the occasional use of a 'structure' and therefore Class 15 does not apply.

Class 16: The shipping containers are not temporary in nature (some having been in place since at least 2013) associated with a permission or an exempted development for the purpose of providing structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out. No such planning permission refers and furthermore, containers are 'objects' rather than 'structures' in the context of current legislation. Therefore Class 16 does not apply.

CLASS 17

The shipping containers are not temporary in nature (some having been in place since at least 2013) associated with a permission or an exempted development, for the purpose of providing temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out. Therefore Class 17 does not apply.

CLASS 37

This class allows for the temporary placement on lands of tents, vans or other temporary or movable structures or objects associated with any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character. This is not applicable as the shipping containers are not temporary in nature (some having been in place since at least 2013), there is no event of the type described in this exemption associated with their use.

Recommendation:

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

'The placement on lands of 4 no. shipping containers at the Matt Kelly Community Grounds, Newtownmountkennedy is development and is exempted development. One shipping container is used as a toilet block, one is a meeting room and the other two are dressing rooms'

Having regard to:

- The details received with this Section 5 request on the 16th September 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3 of the Planning and Development Act 2000, as amended
- Section 4 (1) of the Planning and Development Act 2000, as amended
- Classes 15, 16, 17 and 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

The Planning Authority considers that:

The placement on lands and use of shipping containers at the Matt Kelly Community Grounds, Newtownmountkennedy as a toilet block, a meeting room and dressing rooms is **development**, and is **not exempted development**.

Main Reasons with respect to Section 5 Declaration:

- 1) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended).
- 2) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the exempted development provisions of Section 4 (1) of the Planning & Development Act 2000 (as amended).
- 3) The placement on lands and the use of shipping containers at Matt Kelly Community Grounds in Newtownmountkennedy, Co. Wicklow as a toilet block, a meeting room and dressing rooms would not come within the provisions of any class of exempted development set out in the Planning & Development Regulations 2001 (as amended) as
 - (a) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not comprise the occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction;
 - (b) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms would not be associated with a permission or an exempted development for the purpose of providing structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out or for the purpose of providing temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out;
 - (c) The placement on lands and the use of shipping containers as a toilet block, a meeting room and dressing rooms is not associated with any temporary fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character.
- 4) None of the exempted development provisions of the current planning and development legislation are considered to apply to the development as described in the subject Section 5 declaration request.

Keara Kennedy
Keara Kennedy EP
02/10/2025

Agreed
09/10/25



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Keara Kennedy
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX105/2025**

I enclose herewith application for Section 5 Declaration received completed on 16th September 2025.

The due date on this declaration is 13th October 2025.

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

29th September 2025

**Gary Kelly
Newtownmountkennedy Area Sport Development
Matt Kelly Grounds
Newtownmountkennedy
Co. Wicklow
A63 N2W5**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Act 2000 (as amended). – EX105/2025**

A Chara

I wish to acknowledge receipt on 16/09/2025 full details supplied by you in respect of the
above Section 5 application. A decision is due in respect of this application by 13/10/2025.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**



From: BankRec
Sent: Friday 19 September 2025 16:58
To: Planning - Enforcements Admin; Planning - Admin
Cc: Edwina Cairnduff; Charles Redmond; Lorraine Byrne
Subject: FW: New Payment €80 garykelly22 123869 SP

Hello ,

Does the below payment belong to you and if so how would you like it receipted?



garykelly22 123869 SP

+ €80.00

Payee Name:	WICKLOW COUNTY COUNCIL
Payee IBAN:	IE78 BOFI 9067 3415 5875 61
Originator Name:	NEWTOWNMOUNTKENNEDY AREA
Amount:	+ €80.00
Value Date:	16/09/2025
Payment Reference:	garykelly22 123869 at Planning
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	Not provided by sender



Thanking you in advance.

Kind regards,
Sarah J Cooke
Clerical Officer

FINANCE DEPARTMENT

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph: +353 (0)404 20100 ext. 2219 | PURCHASECARDS@WICKLOWCOCO.IE

Website: <http://www.wicklow.ie>



Nicola Fleming

From: Nicola Fleming
Sent: Wednesday 17 September 2025 09:17
To: 'newtownareasdf@gmail.com'

I refer to your application under Section 5 for an exemption certificate and to advise we are still awaiting the fee of €80.

You can call our customer care team on 0404-20100 to make payment.

Regards

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin
Wicklow County Council

Nicola Fleming

From: Nicola Fleming
Sent: Thursday 11 September 2025 09:19
To: Cllr. Danny Alvey
Subject: RE: Application for Exempted Development

Morning Danny,

They can call our customer care team on 0404-20100 to arrange payment of the fee.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin
Wicklow County Council

From: Cllr. Danny Alvey
Sent: Wednesday 10 September 2025 21:51
To: Planning - Planning and Development Secretariat
Cc: Newtown Area Sports Development Fund
Subject: Application for Exempted Development

Hi Planning Team,

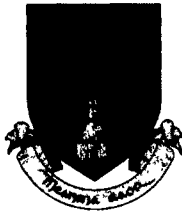
I am trying to assist the local community group Newtownmountkennedy Area Sport Development in making a Section 5 application on whether their development consisting of temporary shipping containers is exempt or not from planning permission.

We have filled out and attach the relevant form and three maps. We setup an online account but could not see the option for a Section 5 in the application section. How should we instead forward the fee of €80? Should it be a cheque addressed to 'Wicklow County Council'?

Please let us know if we are missing anything else in this application or there is any other advice you would like to give.

Warm regards,

Cllr Danny Alvey
Wicklow Municipal District
Wicklow County Council



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

Office Use Only

Date Received RECEIVED
Fee Received 11 SEP 2025

**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: Gary Kelly, Newtownmountkennedy Area Sport
Development

Address of applicant: Matt Kelly Community Grounds, Newtownmountkennedy,
Wicklow, A63 N2W5

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:

Matt Kelly Community Grounds, Newtownmountkennedy, Wicklow, A63 N2W5

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

- 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:

We have four shipping containers temporarily located at the community grounds, one is converted to a toilet block, one is a meeting room and the other two are dressing rooms. We are enquiring to know if shipping containers in such use need planning retention. Each shipping container has an area of approx. metre 58 squared metre with the total area of all four containers equal to 233 square metres. Each container is no more than 2.5 metres high. A map showing the exact location and layout of the containers is attached.

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:

As the units are only temporary in nature, and not permanently fixed at the location, we wish to enquire if their continued use requires full planning retention

permission.

Additional details may be submitted by way of separate submission.

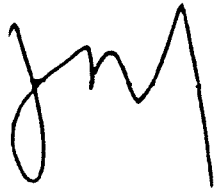
vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? **No**

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

Site Location Map
Planning Pack Map
Sketched Site Layout Map

viii. Fee of € 80 Attached ? Need to confirm payment method

Signed:



Dated : 10/9/25

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.

Site Location Map



**Tailte
Éireann**

Tailte Éireann Order No. #50434257

**CENTRE
COORDINATES:**
ITM 726215,706111

PUBLISHED: 14/11/2024
ORDER NO.: 50434257_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: WW013

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
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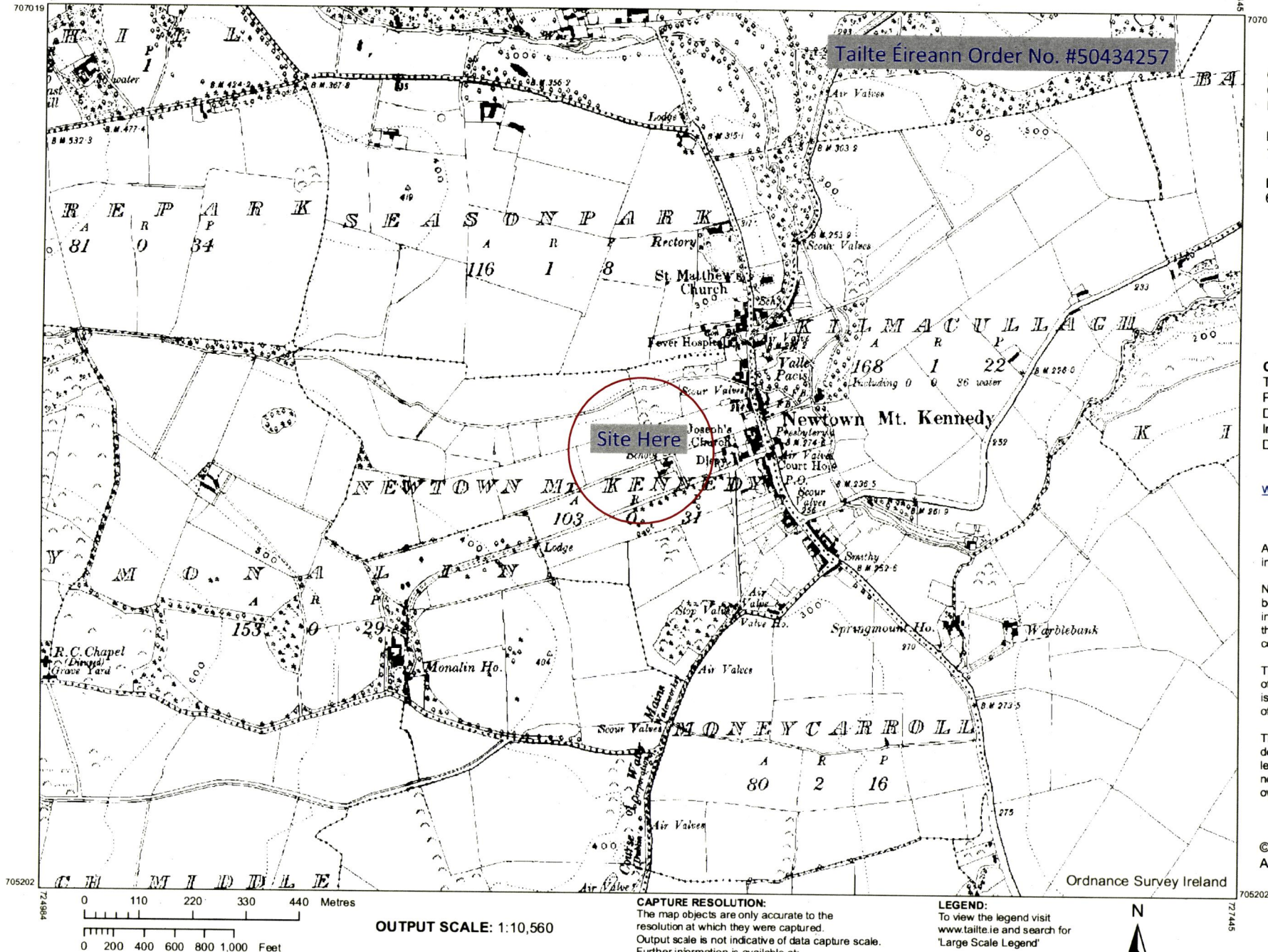
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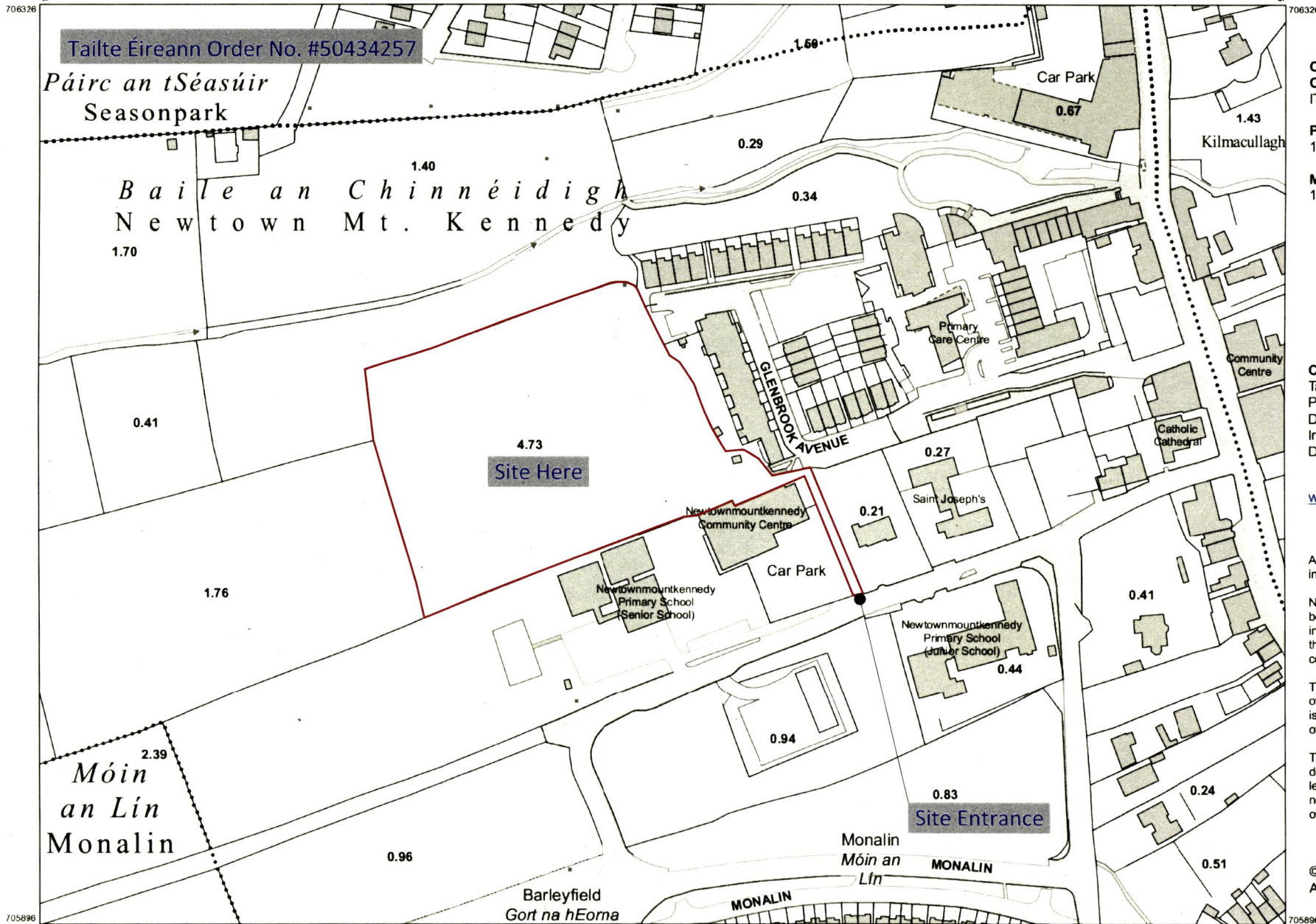
Planning Pack Map



Tailte
Éireann

706326
725823

725806
706326



705896
725823

725806
705896

Tailte Éireann Order No. #50434257

Páirc an tSéasúir
Seasonpark

Baile an Chinnéidigh
Newtown Mt. Kennedy

Site Here

Site Entrance

CENTRE COORDINATES:

ITM 726215,706111

PUBLISHED:
14/11/2024

ORDER NO.:
50434257_1

MAP SERIES:
1:2,500

MAP SHEETS:
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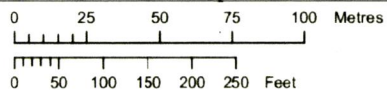
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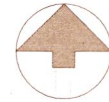
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



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Notes:
1. No dimensions are to be scaled.
2. All dimensions are to be checked on site.
3. Drawings are prepared for guidance purposes only.
4. All work to building regulation standards.

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Sketched Site Layout Plan
(1:500 @ A1)

Boundaries Subject to
Land-direct & Survey

Site Subject To Survey

Glenbrook Estate

Glenbrook Estate

Glenbrook Estate

Glenbrook Estate

3 No. Changing Rooms

Toilet Facility

Concrete Post & Wire Fencing

Community Centre

Parochial House

To Town Centre

Newtownmountkennedy PS
(Senior School)

Newtownmountkennedy PS
(Junior School)

To Wicklow Hill Development

Eskate Together School

Site Under Construction

Sketched Site Plan
(1:500 @ A1)

Clients: Newtownmountkennedy
Area Sports Development
Project:
Provision of Facilities
Date:
December 2024
Location:
Newtownmountkennedy
Community Grounds,
County Wicklow.
Drawing ML 24 MD 1.1
Scale 1: 500 @ A1
Drawings:
Sketched Site Plan
Drawn by:
Michael Lane
34 Garden Village Crescent,
Kilgobbin, Greystones,
County Wicklow. A63AY80