



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

Robert Casey,
C/o The Padraig Smith Partnership,
The Red House,
Market Square,
Wicklow Town,
Co. Wicklow

5th August 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 94/2026**

A Chara,

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

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

Is mise, le meas,

PP Deanne Byrne
**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: Robert Casey

Location: Centra, Main Street, Rathdrum, Co. Wicklow

Reference Number: EX 94/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/941

A question has arisen as to whether “the change of use of vacant residential use to 5 apartments above existing supermarket” at Centra, Main Street, Rathdrum, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration on the 8th January 2025.
- b) Current application PRR 26/60662, PRR 17/168, PRR 05/3375.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The insertion of openings including windows and doors on the western elevation would be works and would be development having regard to the definition / provisions of Section 2 and Section 3(1) of the Planning and Development Act 2000(as amended).
- ii. Having regard to the definition of house as set out in Section 2 of the Planning and Development Act 2000(as amended), and the provisions of Section 3 (3) which provides that, ‘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 change in the use of the structure and of each part thereof which is so used.’ It is considered that the change of use from a single residential unit to 5 units is a material change of use.
- iii. The change of use of the residential unit to use as 5 apartments would not come within the provisions of Article 10 (6) as this exemption applies only to change of uses from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2t of the Planning and Development Regulations 2001(as amended), and the existing use would not come within any of these use Classes.

The Planning Authority considers that “the change of use of vacant residential use to 5 apartments above existing supermarket” at Centra, Main Street, Rathdrum, Co. Wicklow is Development and is NOT an exempted development.

Signed: Brian Byrne.
PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 05/08/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/941

Reference Number: EX 94/2026

Name of Applicant: Robert Casey

Nature of Application: Section 5 Referral as to whether *"the change of use of vacant residential use to 5 apartments above existing supermarket"* is or is not development and is or is not exempted development.

Location of Subject Site: Centra, Main Street, Rathdrum, 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 *"the change of use of vacant residential use to 5 apartments above existing supermarket"* at Centra, Main Street, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration on the 8th January 2025.
- b) Current application PRR 26/60662, PRR 17/168, PRR 05/3375.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The insertion of openings including windows and doors on the western elevation would be works and would be development having regard to the definition / provisions of Section 2 and Section 3(1) of the Planning and Development Act 2000(as amended).
- ii. Having regard to the definition of house as set out in Section 2 of the Planning and Development Act 2000(as amended) , and the provisions of Section 3 (3) which provides that, '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 change in the use of the structure and of each part thereof which is so used.' It is considered that the change of use from a single residential unit to 5 units is a material change of use.
- iii. The change of use of the residential unit to use as 5 apartments would not come within the provisions of Article 10 (6) as this exemption applies only to change of uses from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 of the Planning and Development Regulations 2001(as amended), and the existing use would not come within any of these use Classes.

Recommendation

The Planning Authority considers that "the change of use of vacant residential use to 5 apartments above existing supermarket" at Centra, Main Street, Rathdrum Co. Wicklow is Development and is NOT exempted development as recommended in the planning reports.

Signed: Deane Byrne

Date: 05/08/2026

ORDER:

I HEREBY DECLARE:

THAT "the change of use of vacant residential use to 5 apartments above existing supermarket" at Centra, Main Street, Rathdrum, Co. Wicklow, is Development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Seán Boylan
T/Senior Planner

Planning, Economic & Rural Development

Date: 5/8/2026

Section 5 Application : EX 94/2026

Date : 5th August 2026

Applicant : Robert Casey

Address : Centra, Main Street, Rathdrum

Whether or not :

The change of use of vacant residential use to 5 apartments above existing supermarket.

Planning History

26/60662 Current Application for development at Centra, Main Street, Rathdrum, Wicklow, A67 CH58. The development will consist of a proposed side access external staircase and raised walkway for access to and fire exit from the first floor level above the supermarket.

17/168 permission granted to extend area of existing (Centra) retail unit, incorporating miscellaneous revisions and alterations to existing building and adjoining unit to form extended retail unit, together with revisions to south and east elevation of existing building in an architectural conservation area together with all associated miscellaneous revisions to floor layout and elevations, pedestrian access and all associated site works

05/3375 Permission granted for mixed use development comprising 48 no residential units and 2900sqm of commercial/ office/ residential including new buildings and refurbishment of existing buildings .

95/2691 Permission granted for replacement of two storey shed at the rear of The Woolpack

87/3567 Permission granted for alterations to front elevation and internal alterations to premises

County Development Plan 2022-2028

Rathdrum Town Plan

Rathdrum - Architectural Conservation Area (ACA) Main Street

Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025

Appendix 1 - Minimum Floor Areas and Standards

Minimum overall apartment floor areas

Studio	32 sq.m	(n/a) ^a
One bedroom	45 sq.m	(38 sq.m) ^a
Two bedrooms (3 person)	63 sq.m	(55 sq.m) ^a
Two bedrooms (4 person)	73 sq.m	
Three bedroom (4 persons)	76 sq.m	(70 sq.m) ^a
Three bedrooms (5 persons)	90 sq.m	

^a Figures in brackets refer to 1995 Guidelines

Recommended minimum widths for the main living/dining rooms

Apartment type ^a	Minimum width
Studio	4m ^c
One bedroom	3.3 m
Two bedrooms (3 person)	3.6m
Two bedrooms (4 person)	3.6 m
Three bedrooms (4 persons)	3.8 m
Three bedrooms (5 persons)	3.8 m

^a Note: Variation of up to 5% can be applied to widths in all apartment types, subject to overall compliance with required minimum overall apartment floor areas.

^c Note: Combined living/dining/bedspace, also includes circulation

Recommended minimum bedroom widths

Apartment type ^a	Minimum width	Minimum floor area
Studio	4m ^a	25 sq.m ^a
Single bedroom	2.1 m	7.1 sq.m
Double/Twin bedroom	2.8 m	11.4 sq.m

^a Note: Variation of up to 5% can be applied to widths and floor areas in all apartment types, subject to overall compliance with required minimum overall apartment floor areas.

^a Note: Combined living/dining/bedspace

Minimum storage space requirements¹

Studio	3 sq.m
One bedroom	3 sq.m
Two bedrooms (3 person)	5 sq.m
Two bedrooms (4 person)	6 sq.m
Three bedrooms (4 persons)	8 sq.m
Three bedrooms (5 persons)	9 sq.m

¹ Note: Where secure, allocated storage is provided in addition to that within individual units, it may be used to satisfy up to half of the minimum storage requirement for individual apartment units, but shall not serve to reduce the minimum floor area required to be provided within each individual apartment unit, as set out in these Guidelines

Minimum recommended floor areas for private amenity space, where provided

Studio	4 sq.m
One bedroom	5 sq.m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

Minimum recommended floor areas for communal amenity space, where provided

Studio	4 sq.m
One bedrooms	5 sq.m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

Relevant Legislation :

Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

“alteration” includes—

- (a) plastering or painting or the removal of plaster or stucco, or
- (b) the replacement of a door, window or roof, that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“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,

“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).

(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) 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 change in the use of the structure and of each part thereof which is so used.

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

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;

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

- (a) any of the developments specified in *subsection (1)*, or
- (b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Article 5

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Article 10(6) – inserted *by the* Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) -

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2028.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

< See Full Article for Restrictions >

Schedule 2 : Part 4

CLASS 1-Use as a shop

CLASS 2 -Use for the provision of— (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 6-Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12-Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

Agent Submission :

The proposal relates to occupation of the existing first-floor accommodation as residential apartments. The first floor above the shop is currently residential use but is unused. The proposal seeks to facilitate the use of existing vacant upper-floor accommodation, thereby contributing to the regeneration and more efficient use of the existing building stock in accordance with the objectives underpinning S.I. No. 75 of 2024.

The proposed works comprise only those alterations necessary to facilitate the residential use of the existing first floor. No alterations are proposed to the principal form, massing or roof profile of the existing building.

To provide adequate levels of natural daylight to the proposed apartments, the development includes the introduction of new glazing within the existing west gable elevation. The proposed windows have been carefully designed to reflect the proportions, detailing and architectural character of the existing fenestration, ensuring that they integrate seamlessly with the existing building. The proposed glazing and associated surrounds have been designed in keeping with the architectural language of the existing structure and intends to preserve its overall character and appearance.

The extent of the proposed glazing has been carefully assessed to ensure compliance with the provisions of S.I. No. 75 of 2024. The total glazing area introduced to the west gable elevation remains within the maximum glazing percentage permitted under the Regulations and therefore does not exceed the prescribed conditions and limitations applicable to exempted development (50% of the overall existing external fabric). The proposed intervention is considered to be a modest and sympathetic alteration that is necessary to provide appropriate levels of natural light and ventilation.

A concurrent planning application has been submitted seeking permission for an external access staircase and elevated walkway to the side of the building. The proposed staircase will provide independent access to, and a compliant means of escape from, the first-floor apartments. While the staircase is necessary to facilitate the occupation of the proposed apartments, it does not form part of this Section 5 declaration request and should be considered independently of the question of whether the proposed development constitutes exempted development under S.I. No. 75 of 2024.

The enclosed submission includes the drawings and supporting documentation necessary to assist the Planning Authority in assessing this request. It is our opinion that the proposed development satisfies the relevant conditions and limitations prescribed under S.I. No. 75 of 2024 and therefore constitutes exempted development for the purposes of Section 5 of the Planning and Development Act 2000 (as amended).

Assessment :

The querist seeks confirmation that the change of use of vacant residential to 5 apartments above existing supermarket at Centra Rathdrum, Co.Wicklow is development and is exempted development.

The upper floor from details submitted and planning history the upper floor was in use for residential purposes, however has been vacant for a significant time authorised.

The first question therefore to be asked is would the change of use be development. In this regard the change of use involves both works and change of use.

A : Works Element

The proposal involves the insertion of c. 5 windows and doors to the western elevation.

The insertion of windows and doors into the western elevation are operations of construction and alteration, and therefore works having regard to Section 2 of the Planning and Development Act 2000(as amended).

B : Change of use

Section 3 (3) of the Planning and Development Act 2000(as amended) identifies that

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 change in the use of the structure and of each part thereof which is so used.

Given the definition of "house" under Section 2 of the Planning and Development Act 2000(as amended) means

a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

It is considered that the change of use from a single residential unit to 5 is a material change of use.

As the works/ change of use is development the question is reviewed having regard to the relevant exemption under the Planning and Development Regulations 2001(as amended).

Article 10(6) of the Planning and Development Regulations 2001 (as amended) provides for the following exemption i.e.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to

Schedule 2(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

The classes identified to which this exemption applies are as shop, financial/ medical services to visiting members of the public, office, residential club/guest house/ hostel and public house. The change of use from existing residential use would not come within any of the identified use classes and therefore this exemption does not apply to the change of use.

Conclusion :

It is concluded that the change of use from vacant residential use to 5 apartments above existing supermarket would not come within the provisions of Article 10(6) and therefore 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

The change of use of vacant residential use to 5 apartments above existing supermarket at Centra, Main Street, Rathdrum

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

The Planning Authority considers that the change of use of vacant residential use to 5 apartments above existing supermarket Centra, Main Street, Rathdrum **is Development** and is **Not Exempted Development**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration on the 8th January 2025.
- b) Current application PRR 26/60662 , PRR 17/168 , PRR 05/3375.
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 10 (6), and Schedule 2 : Part 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The insertion of openings including windows and doors on the western elevation would be works and would be development having regard to the definition / provisions of Section 2 and Section 3(1) of the Planning and Development Act 2000(as amended).
- ii. Having regard to the definition of house as set out in Section 2 of the Planning and Development Act 2000(as amended) , and the provisions of Section 3 (3) which provides that '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 change in the use of the structure and of each part thereof which is so used.' It is considered that the change of use from a single residential unit to 5 units is a material change of use.
- iii. The change of use of the residential unit to use as 5 apartments would not come within the provisions of Article 10 (6) as this exemption applies only to change of uses from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2t of the Planning and Development Regulations 2001(as amended), and the existing use would not come within any of these use Classes.

5/8/2026

Stella Cunningham TSP

MEMORANDUM

WICKLOW COUNTY COUNCIL

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

**FROM: Joanne Byrne
A/Staff Officer**

RE:- EX94/2026 - 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 29/07/2026.

The due date on this declaration is the **25/08/2026**.



A/ Staff Officer
Planning, Development & Environment



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

Robert Casey,
C/o The Padraig Smith Partnership,
The Red House,
Market Square,
Wicklow Town,
Co. Wicklow.

29th of July 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX94/2026

A Chara

I wish to acknowledge receipt on 29/07/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 25/08/2026.

Mise, le meas

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



*Tá an doiciméad seo ar fáil i bformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



Joanne Byrne

From: The Padraig Smith Partnership <psp@psp.ie>
Sent: Wednesday 29 July 2026 12:22
To: Planning - Planning and Development Secretariat
Cc: psp@psp.ie
Subject: Section 5 application for R. Casey, Centra, Main Street Rathdrum
Attachments: Section 5 application.pdf; COVER LETTER - SECTION 5.pdf; CASR_2519_02_Section 5 Drawings.pdf

**External Sender - From: ("The Padraig Smith Partnership"
<psp@psp.ie>)**

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Good afternoon,

Please see attached application for Section 5
Fee of €80 was paid by c/c today. Receipt No. 367536

Kind Regards,

Orla
The Padraig Smith Partnership
The Red House, Market Square,
Wicklow Town,
Co. Wicklow

Tel : (0404) 69478
Email : psp@psp.ie



THE PADRAIG SMITH PARTNERSHIP
ARCHITECTS PLANNERS DESIGNERS CONSERVATIONISTS
PROJECT MANAGEMENT CONSULTANTS

The Red House,
Market Square,
Wicklow, Ireland
A67 WD36.

Phone: 0404-69478
E-mail: psp@psp.ie



ROBERT CASEY,
CENTRA,
SUPERMARKET,
MAIN STREET,
RATHDRUM.

28.07.26

COVER LETTER

RE: **SECTION 5 EXEMPTED DEVELOPMENT AT THE ABOVE ADDRESS**

Dear Sir/Madam,

Please find enclosed a request for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), seeking a determination from Wicklow County Council as to whether the proposed use of the existing first-floor accommodation at the above address constitutes exempted development under the Planning and Development Regulations, specifically the provisions of S.I. No. 75 of 2024.

The proposal relates to occupation of the existing first-floor accommodation as residential apartments. The first floor above the shop is currently residential use but is unused. The proposal seeks to facilitate the use of existing vacant upper-floor accommodation, thereby contributing to the regeneration and more efficient use of the existing building stock in accordance with the objectives underpinning S.I. No. 75 of 2024.

The proposed works comprise only those alterations necessary to facilitate the residential use of the existing first floor. No alterations are proposed to the principal form, massing or roof profile of the existing building.

To provide adequate levels of natural daylight to the proposed apartments, the development includes the introduction of new glazing within the existing west gable elevation. The proposed windows have been carefully designed to reflect the proportions, detailing and architectural character of the existing fenestration, ensuring that they integrate seamlessly with the existing building. The proposed glazing and associated surrounds have been designed in keeping with the architectural language of the existing structure and intends to preserve its overall character and appearance.

ASSOCIATE DIRECTOR
PRINCIPAL DIRECTOR

THE PADRAIG SMITH PARTNERSHIP LTD
T/A THE PADRAIG SMITH PARTNERSHIP

Seán Byrne, B Arch, M R I A I
Padraig Smith, B Arch Sc, Dip Arch, F R I A I



The extent of the proposed glazing has been carefully assessed to ensure compliance with the provisions of S.I. No. 75 of 2024. The total glazing area introduced to the west gable elevation remains within the maximum glazing percentage permitted under the Regulations and therefore does not exceed the prescribed conditions and limitations applicable to exempted development (50% of the overall existing external fabric). The proposed intervention is considered to be a modest and sympathetic alteration that is necessary to provide appropriate levels of natural light and ventilation.

A concurrent planning application has been submitted seeking permission for an external access staircase and elevated walkway to the side of the building. The proposed staircase will provide independent access to, and a compliant means of escape from, the first-floor apartments. While the staircase is necessary to facilitate the occupation of the proposed apartments, it does not form part of this Section 5 declaration request and should be considered independently of the question of whether the proposed development constitutes exempted development under S.I. No. 75 of 2024.

The enclosed submission includes the drawings and supporting documentation necessary to assist the Planning Authority in assessing this request. It is our opinion that the proposed development satisfies the relevant conditions and limitations prescribed under S.I. No. 75 of 2024 and therefore constitutes exempted development for the purposes of Section 5 of the Planning and Development Act 2000 (as amended).

Should any further information or clarification be required during the assessment process, please do not hesitate to contact our office.

Yours Sincerely,

PP

SEAN BYRNE MR IAI

THE PADRAIG SMITH PARTNERSHIP LTD.

ASSOCIATE DIRECTOR
PRINCIPAL DIRECTOR

THE PADRAIG SMITH PARTNERSHIP LTD
T/A THE PADRAIG SMITH PARTNERSHIP

Seán Byrne, B Arch, M R I A I
Padraig Smith, B Arch Sc, Dip Arch, F R I A I



Wicklow County Council
County Buildings
Wicklow
0404-20100

29/07/2026 12 20 31

Receipt No L1/0/367536
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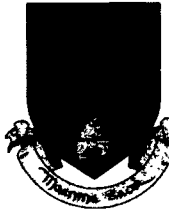
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Total	80 00 EUR
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Fee Received _____

**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: Robert Casey

Address of applicant: Centra, Main Street, Rathdrum, Wicklow A67 CH58

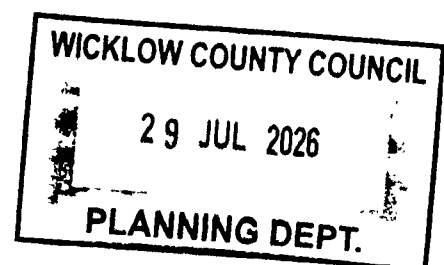
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) The Padraig Smith Partnership

Address of Agent : The Red House,
Market Square, Wicklow A67 WD36

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



3. Declaration Details

- i. Location of Development subject of Declaration First floor, above supermarket, Main Street, Rathdrum, A67 CH58
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ ~~No~~.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier n/a

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: Whether the development of 5no. Apartments above the supermarket at the above address within the existing unused residential use constitutes exempted development under the Planning and Development Regulations, specifically the provisions of S.I. No. 75 of 2024.

Additional details may be submitted by way of separate submission.

Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Section 5 Planning and Development Regulations 2001(as amended) and S.I. No. 75 of 2024.

Additional details may be submitted by way of separate submission.

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

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

1. Site Location Map

2. Proposed Site Plan

3. Existing Plans – Section 5

4. Proposed Plans – Section 5

5. Proposed Elevations – Section 5

6. Existing Elevations – Section 5

viii. Fee of € 80 Attached ? _____ Wicklow Co. Co. Receipt No:xxxxx

Signed: Sean Byrne Dated : 29.07.2026

Additional Notes :

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

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

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

B. Land Reclamation -

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

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

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

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

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

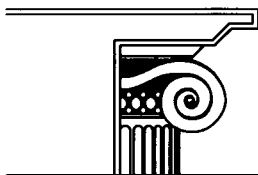
SECTION 5 EXEMPTED DEVELOPMENT
UNDER SI 75

FOR: EXEMPTION FOR THE DEVELOPMENT OF 5NO
INFILL APARTMENTS WITHIN EXISTING
RESIDENTIAL UNUSED VACANT SPACE ABOVE
SHOP

AT: CENTRA, MAIN STREET, RATHDRUM

APPLICANT(S): ROBERT CASEY

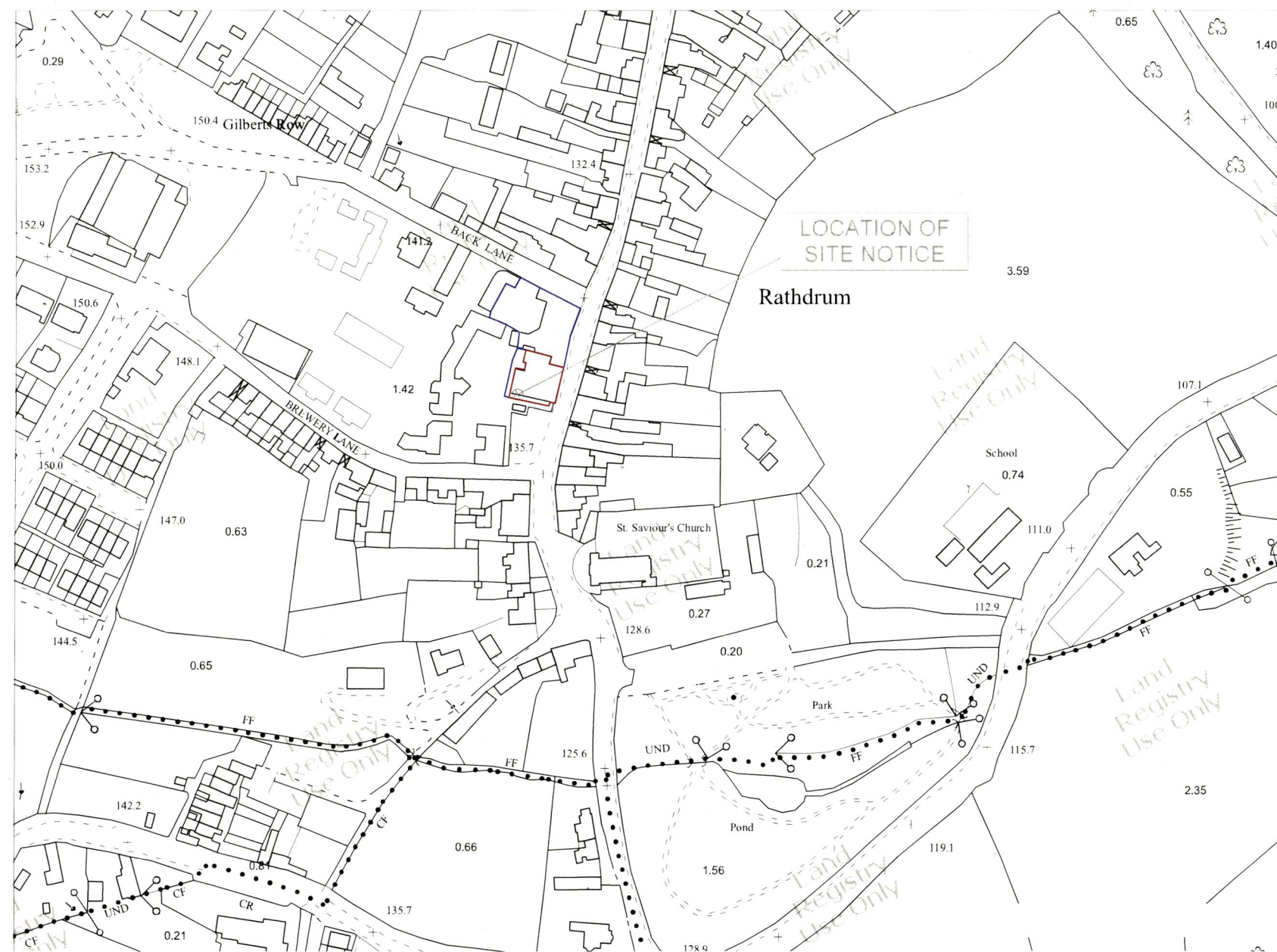
DATE: JULY 2026



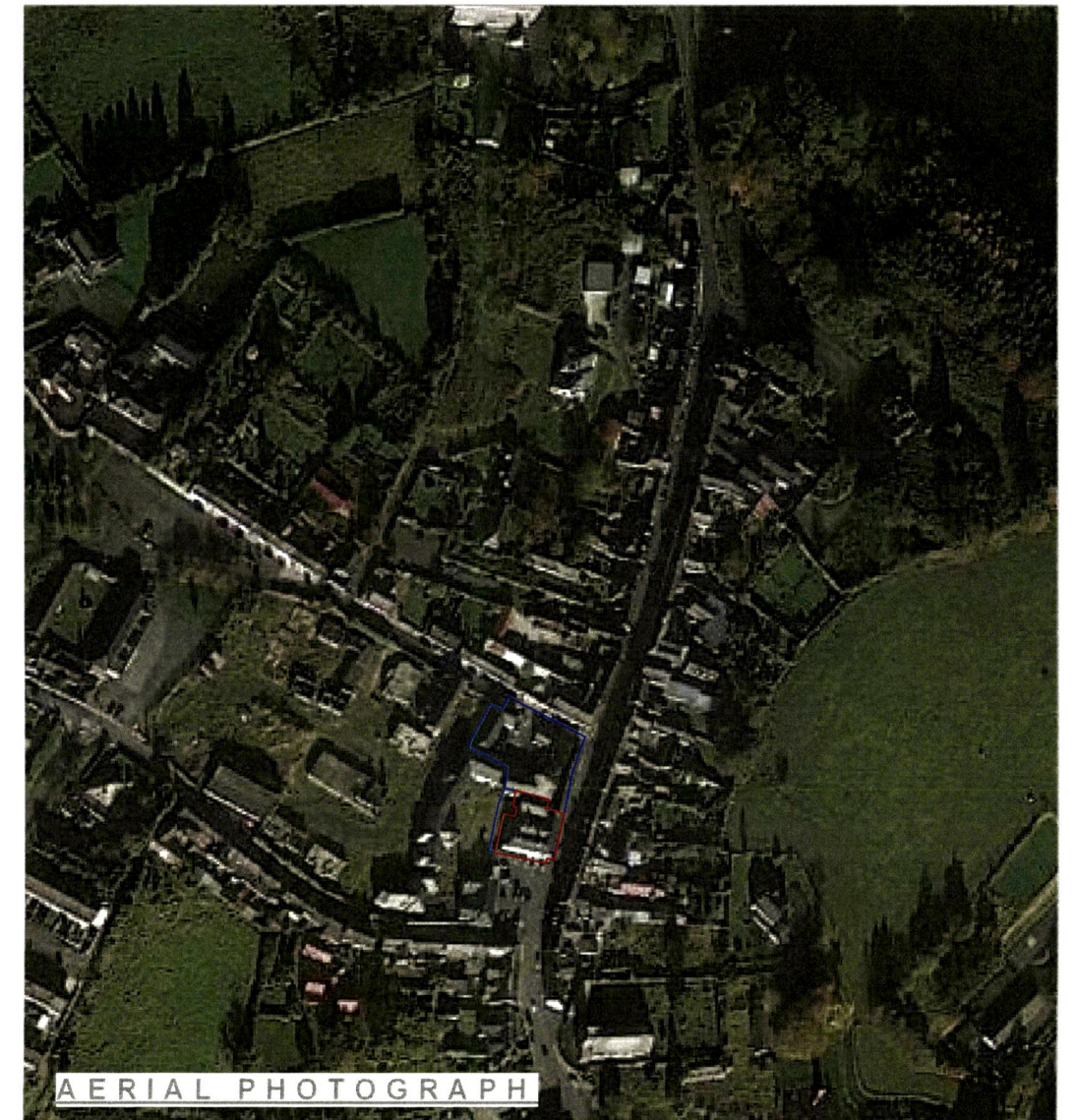
THE PADRAIG SMITH PARTNERSHIP
ARCHITECTS PLANNERS DESIGNERS
PROJECT MANAGEMENT CONSULTANTS

The Redhouse,
Market Square,
Wicklow Town, Ireland.
Phone: 0404-69478
Fax: 0404-66584





SITE LOCATION MAP



AERIAL PHOTOGRAPH

SITE OUTLINED IN RED

SHEET REF:

OSI LICENCE NO.:AR0015916



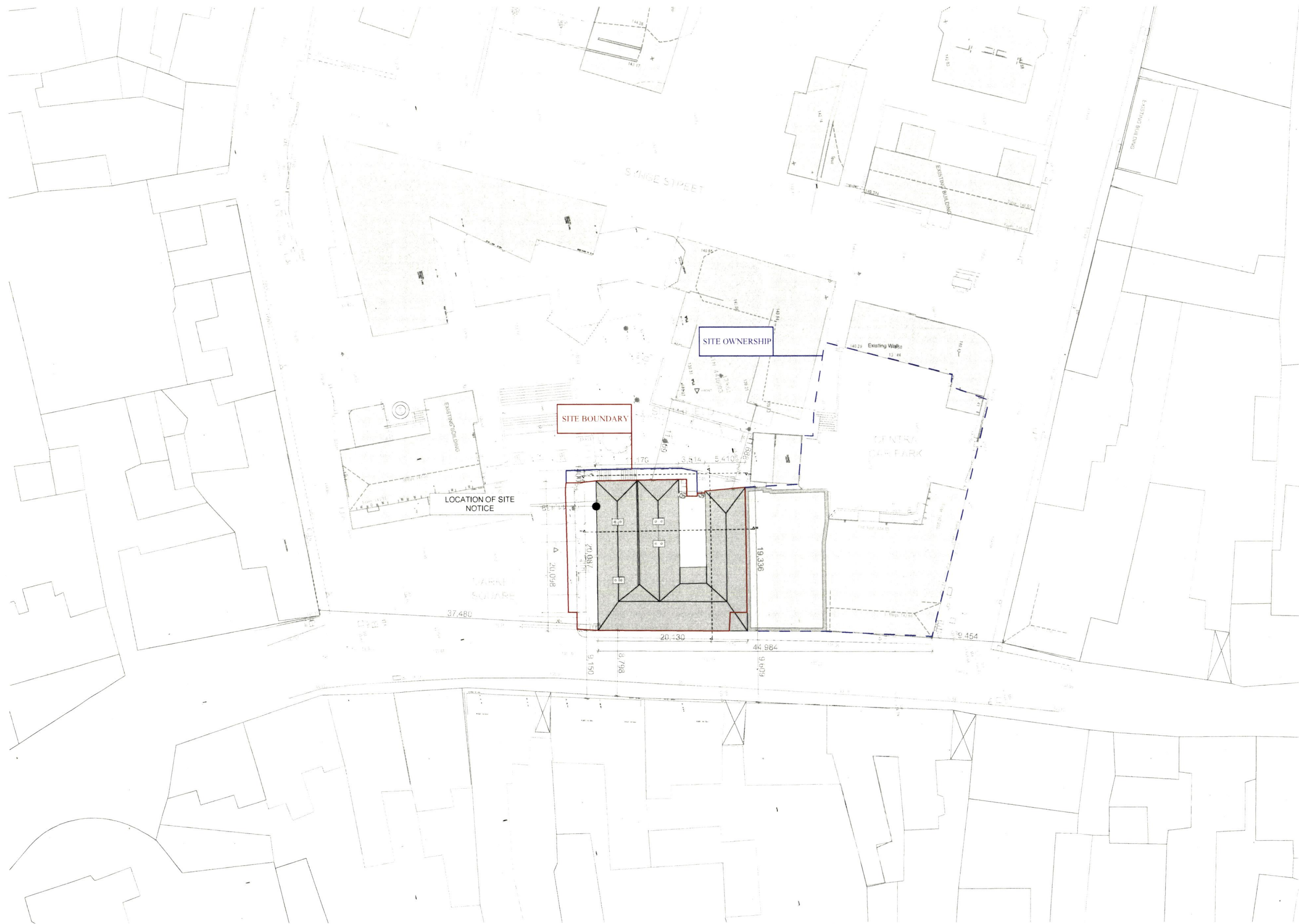
THE PADRAIG SMITH PARTNERSHIP
ARCHITECTS PLANNERS DESIGNERS
RED HOUSE, MARKET SQUARE,
WICKLOW TOWN, CO. WICKLOW, IRELAND.
Phone 0404 69478 Fax 0404 66584

PROJECT:
DEVELOPMENT AT CENTRA,
MAINSTREET, RATHDRUM

TITLE:
LOCATION MAP - SECTION 5

DWG NO:	PP102-02	REVISION	
SCALE	1:2500	DATE	JULY 2026
DRAWN BY	SB	CHECKED	

OUR REF: CASR 2519
P:\2016\Projects\CASR2519\DRAWINGS\CASR_2519_P_LocMap_Design_V0.dwg



SITE PLAN
SCALE 1:500 (PROPOSED)

TOTAL DEVELOPMENT
SITE AREA 28sqm
EXISTING TOTAL GIA 637sqm
PROPOSED TOTAL GIA 637sqm



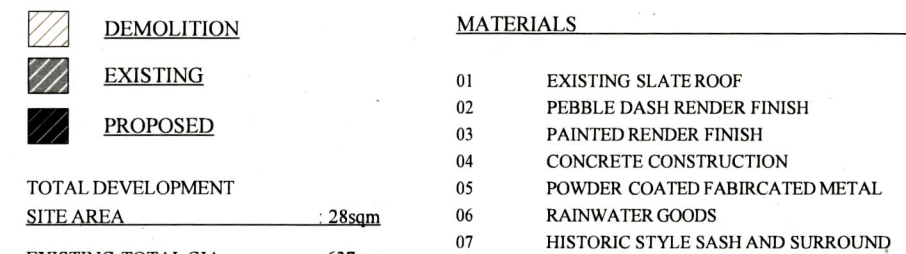
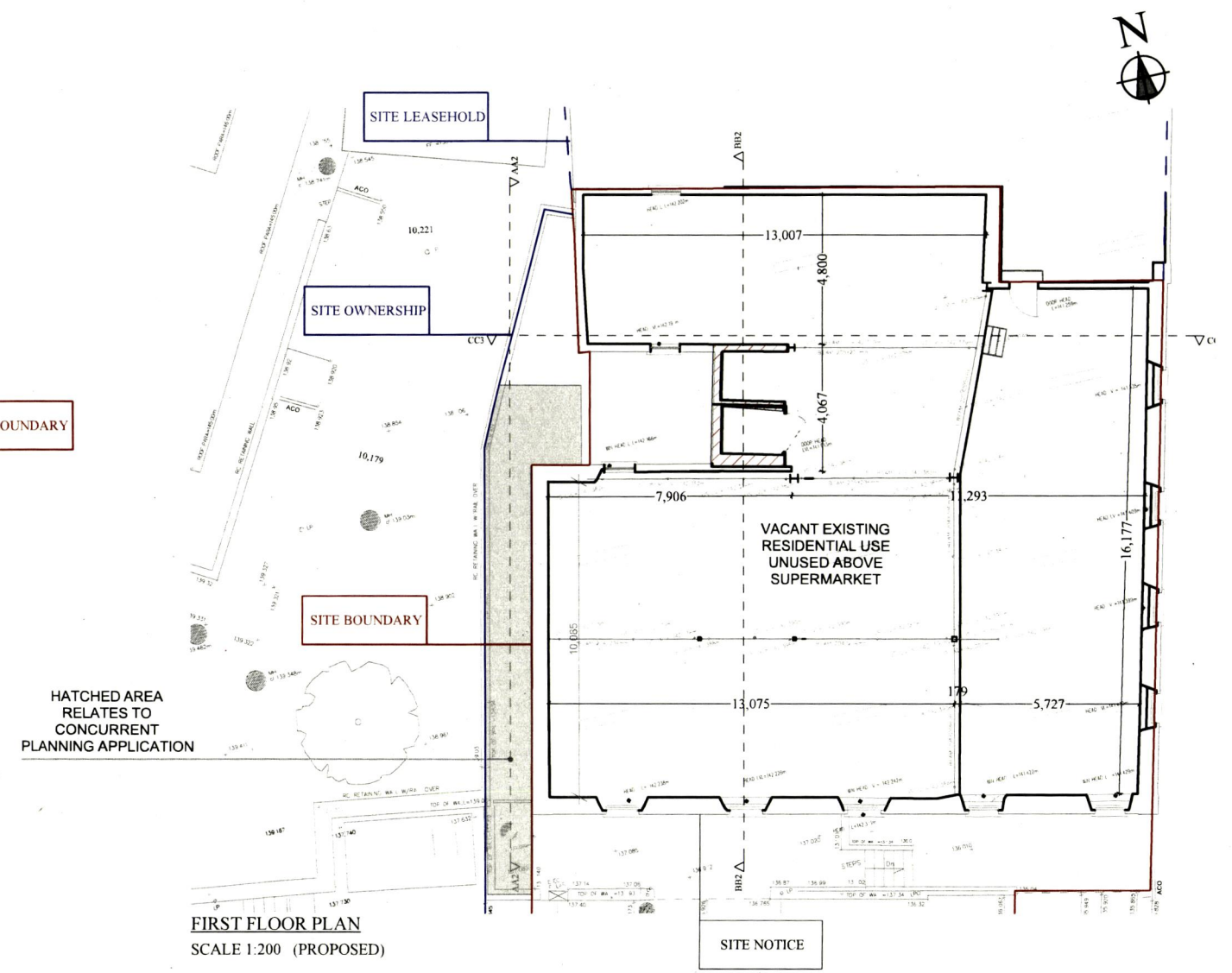
THE PADRAIG SMITH PARTNERSHIP
ARCHITECTS PLANNERS DESIGNERS
RED HOUSE, MARKET SQUARE,
WICKLOW TOWN, CO. WICKLOW, IRELAND.
Phone: 0404 69478 Fax: 0404 66584

PROJECT:
**DEVELOPMENT AT CENTRA,
MAINSTREET, RATHDRUM**

TITLE:
PROPOSED SITE PLAN - SECTION 5

DWG NO: PP/014/02	REVISION
SCALE 1:500	DATE JULY 2020
DRAWN BY NB	CHECKED

OUR REF: CASR 2519
Project: CASR 2519 - DRAWING: CASR_2519_01 - Main Design_V5.dwg



<u>APARTMENT AREA BREAKDOWNS</u>					
<u>(SOM)</u>	<u>AP.1</u>	<u>AP.2</u>	<u>AP.3</u>	<u>AP.4</u>	<u>AP.5</u>
<u>TOTAL GIA</u>	80	49	52	45	61
<u>CIRCULATION</u>	11	6	13	5	5
<u>K/D/L</u>	41	26	25	24	30
<u>BATHROOM</u>	5	5	4	4	4
<u>BEDROOM 1</u>	11.4	11.4	11.4	12	21
<u>BEDROOM 2</u>	10				

[illegible]

THE PADRAIG SMITH PARTNERSHIP
 ARCHITECTS PLANNERS DESIGNERS

RED HOUSE, MARKET SQUARE,
 WICKLOW TOWN, CO. WICKLOW, IRELAND.

Phone: 0404 69478 Fax: 0404 66584

PROJECT:	DEVELOPMENT AT CENTRA, MAINSTREET, RATHDRUM
TITLE:	EXISTING PLANS SECTION 5

DWG NO: PP/04-02		REVISION			
SCALE 1:200	DATE JULY 2026	DRAWN BY SB		CHECKED	

