



# 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  
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**Jonathan & Joanna Wilson  
4 Chapel View  
Blacklion  
Greytones  
Co. Wicklow**

*5th*  
June 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX60/2025 –**

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,

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





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

**Applicant:** Jonathan & Joanne Wilson

**Location:** 4 Chapel View, Blacklion, Greystones, Co. Wicklow

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/583**

A question has arisen as to whether “removal of chimney stack” at 4 Chapel View, Blacklion, Greystones, Co. Wicklow is or is not exempted development.

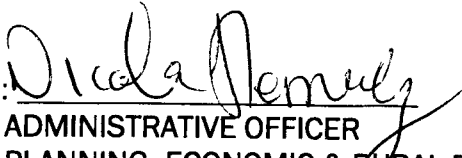
### Having regard to:


- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)

### Main Reasons with respect to Section 5 Declaration:

- i. The removal of the chimney stack consists of operations of demolition/ alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- ii. The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- iii. The removal of the chimney stack would affect the exterior of the structure, but does 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that “removal of chimney stack” at 4 Chapel View, Blacklion, Greystones, Co. Wicklow is development and is exempted development

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  June 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/583

Reference Number: EX 60/2025

Name of Applicant: Jonathan & Joanne Wilson

Nature of Application: Section 5 Referral as to whether or not "removal of chimney stack" is or is not development and is or is not exempted development.

Location of Subject Site: 4 Chapel View, Blacklion, Greystones, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "removal of chimney stack" at 4 Chapel View, Blacklion, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)

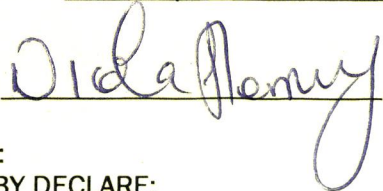
**Main Reason with respect to Section 5 Declaration:**

- (i) The removal of the chimney stack consists of operations of demolition/ alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The removal of the chimney stack would affect the exterior of the structure, but does 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

**Recommendation**

The Planning Authority considers that "removal of chimney stack" at 4 Chapel View, Blacklion, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed



Dated



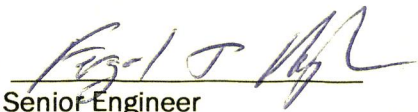
day of June 2025

**ORDER:**

**I HEREBY DECLARE:**

That "removal of chimney stack" at 4 Chapel View, Blacklion, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer

Planning, Economic & Rural Development

Dated



day of June 2025

## Section 5 Application EX 60 /2025

Date : 29/5/2025

Applicant : Jonathan & Joanne Wilson.

Address : 4 Chapel View, Blacklion, Greystones

Exemption Whether or not :

the removal of chimney stack

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

### Relevant legislation :

Planning and Development Act 2000 ( as amended)

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

Section 4 :

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

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

## Assessment

The Section 5 application seeks a declaration as to whether the removal of external chimney stack is or is not development or is or is not exempted development.



The removal of the external chimney within the roof are works of demolition/ alteration, and therefore come within the definition of development having regard to Section 3 (1) of the Planning and Development Act 2000(as amended).

Section 4 of the Planning and Development Act 2000 (as amended) provides that

- 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;

Given the works are for maintenance/ improvement, and whilst they effect the exterior of the structure, having regard to the location within the roof plane, the removal of the chimney stack would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures.

The works are therefore development ,and are exempted development.

## Recommendation :

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

the removal of chimney stack at 4 Chapel View, Blacklion, Greystones, Co. Wicklow

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



The Planning Authority consider that the removal of chimney stack **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The removal of the chimney stack consists of operations of demolition/ alteration and therefore would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The removal of the chimney stack would affect the exterior of the structure , but does 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

29/5/2025

*Issue decision is recommended  
Agd S Mj 2-02  
05/06/25*

**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**  
**Senior Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX60/2025**

I enclose herewith application for Section 5 Declaration received completed on 16/05/2025.

The due date on this declaration is 12<sup>th</sup> June 2025.



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



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Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

**Jonathan & Jonna Wilson  
4 Chapel View  
Blacklion  
Greystones  
Co. Wicklow  
A63 D288**

20<sup>th</sup> May 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX60/2025**

A Chara

I wish to acknowledge receipt on 16/05/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12/06/2025.

Mise, le meas

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





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

16/05/2025 11:45:50

Receipt No L1/0/345463  
\*\*\*\*\* REPRINT \*\*\*\*\*

JONATHAN AND JONNA WILSON  
4 CHAPEL VIEW  
BLACKLION  
GREYSTONES

EXEMPTION CERTIFICATE S	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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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 \_\_\_\_\_

**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: Jonathan and Jonna Wilson

Address of applicant: 4 Chapel View, Blacklion, Greystones, \_\_\_\_\_

Co. Wicklow, A63D288 \_\_\_\_\_

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

**2. Agents Details (Where Applicable)**

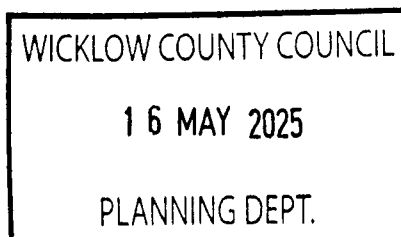
(b) Name of Agent (where applicable) \_\_\_\_\_

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

4 Chapel View, Blacklion, Greystones, Co. Wicklow, A63D288

- 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 seek a determination under Section 5 of the Planning and Development Act 2000 (as amended) on whether the proposed removal of an existing chimney stack is considered development and, if so whether it is exempted development under the Planning and Development Regulations 2001 (as amended).

The proposal work involves the removal of the chimney stack which is situated below the ridge line within the SSW facing roof, removing it below the roof line and remaining stack insulated and capped within the existing attic space. The chimney is not a structural part of the trussed roof. The section of roof where the chimney was will be rebuilt with same concrete roof tiles as the rest of the roof. The primary purposes are to remove the chimney that is not in use and is in poor condition, while reducing any thermal bridging and minimise the cold cavity within the house, with a goal to improve energy efficiency. In addition, as the roof in question is the only suitable roof for solar at a SSW orientation. Removing the stack will allow for the installation (at a future date, and unrelated to this application) of a solar array and remove any shadows that would be otherwise cast by the stack and impact the performance of any solar array installed on the roof.

As reference all the new houses in the Scagreen estate opposite from Chapel View are all chimney less, while the rest of the neighbouring Chapel View 1-6 houses all have existing chimneys in varying ununiform positions on their roofs.

*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 \_\_\_\_\_

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*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) Map showing 4 Chapel View
- 2) Satellite view with overlay
- 3) Current with chimney stack
- 4) Current front elevation
- 5) Chimney stack proposed to be removed
- 6) Proposed with chimney stack removed
- 7) Proposed front elevation
- 8) Chimney stack removed, AI removal
- 9) Chapel View homes and chimney ununiform placement
- 10) Trussed roof and internal stack

- viii. Fee of € 80 Attached ? YES

Signed:  Dated : 14/5/2025

**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 -

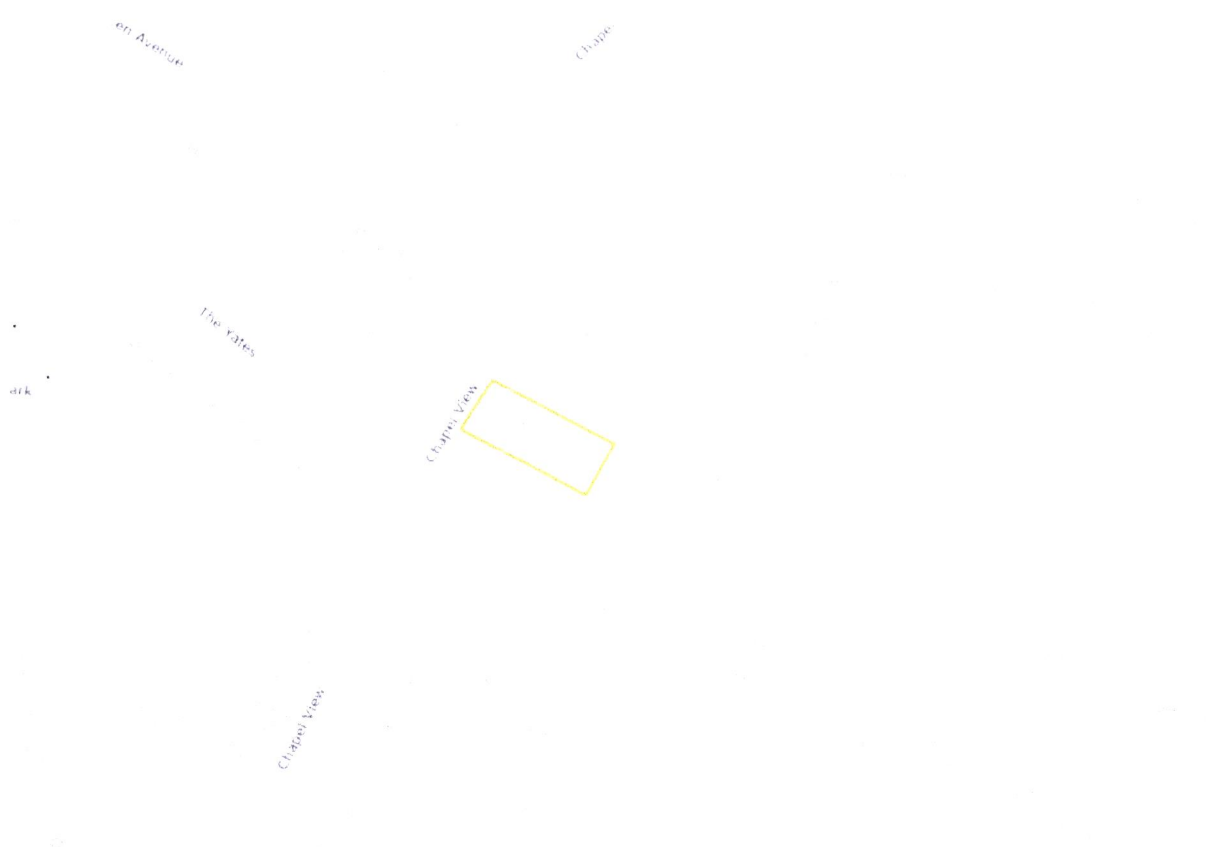
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.

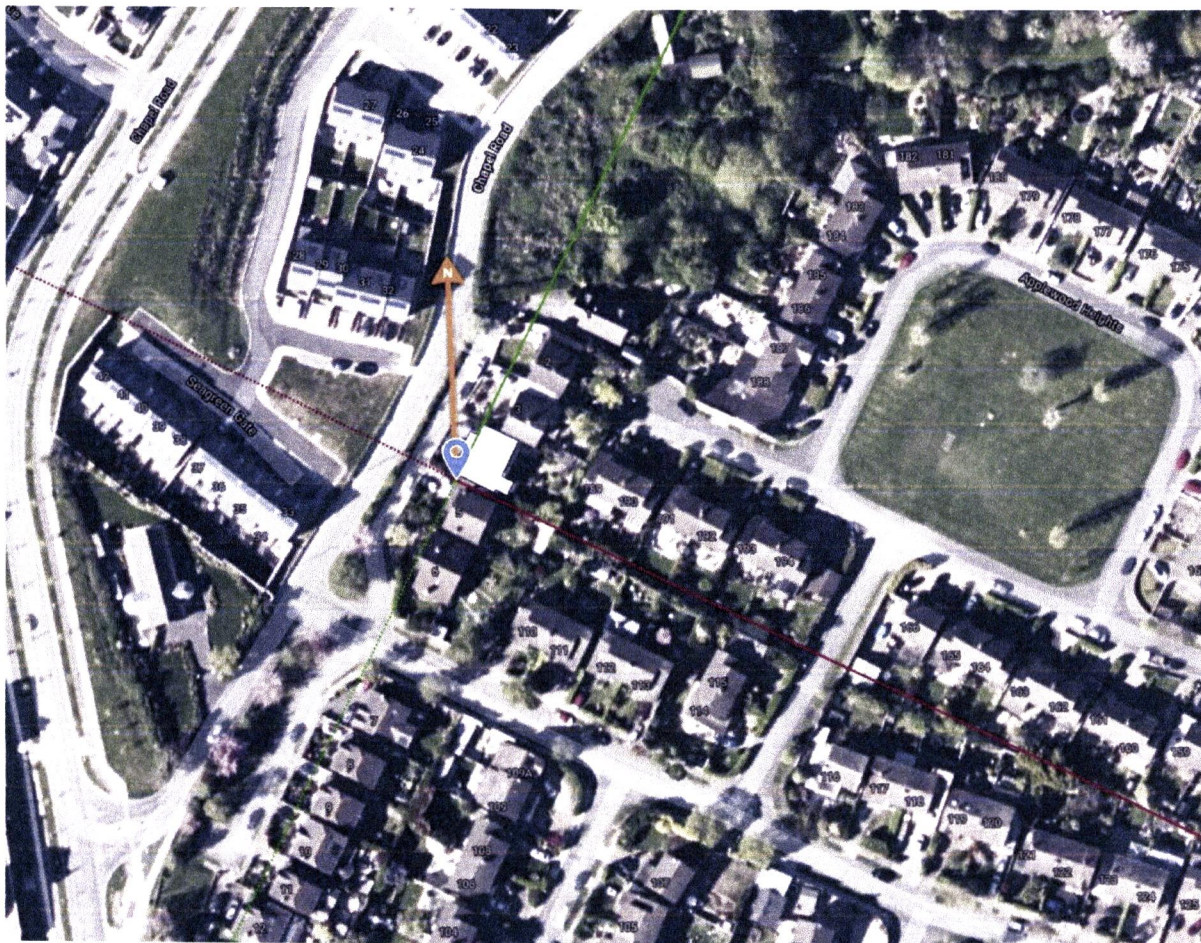
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

1) Map showing 4 Chapel View

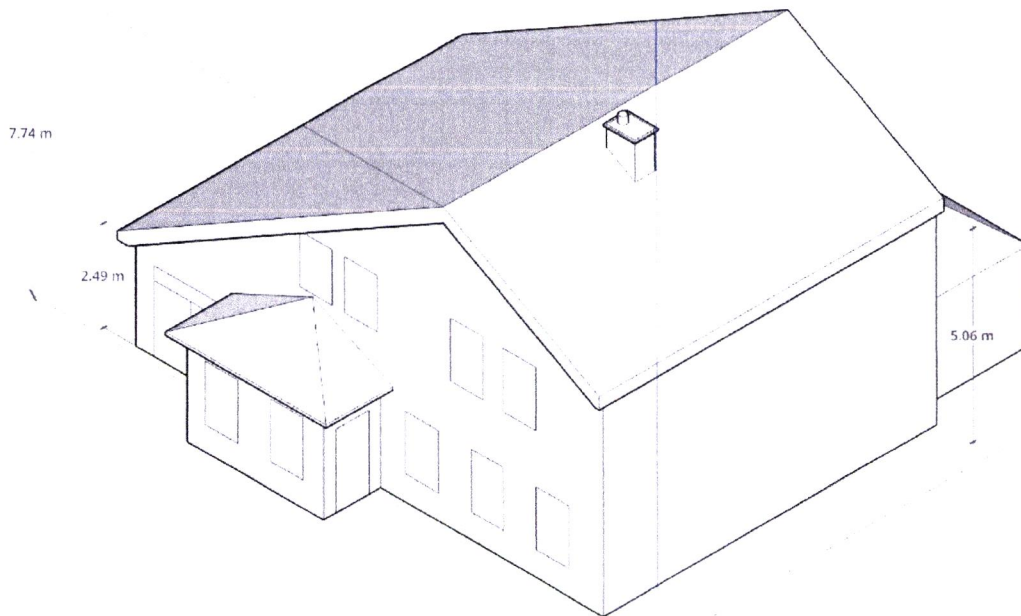


2) Satellite view with overlay

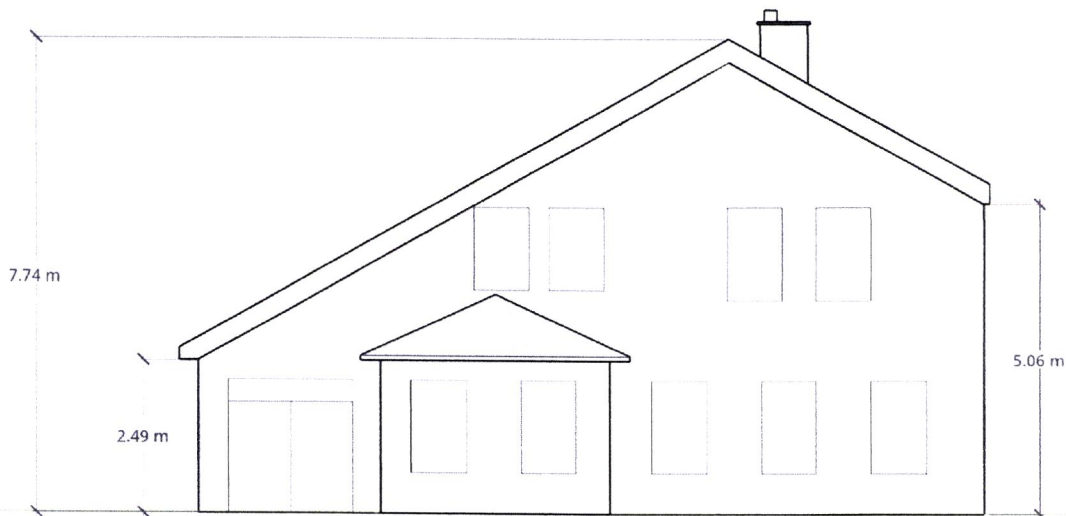




3) Current with chimney stack (approximate measures only)



4) Current front elevation

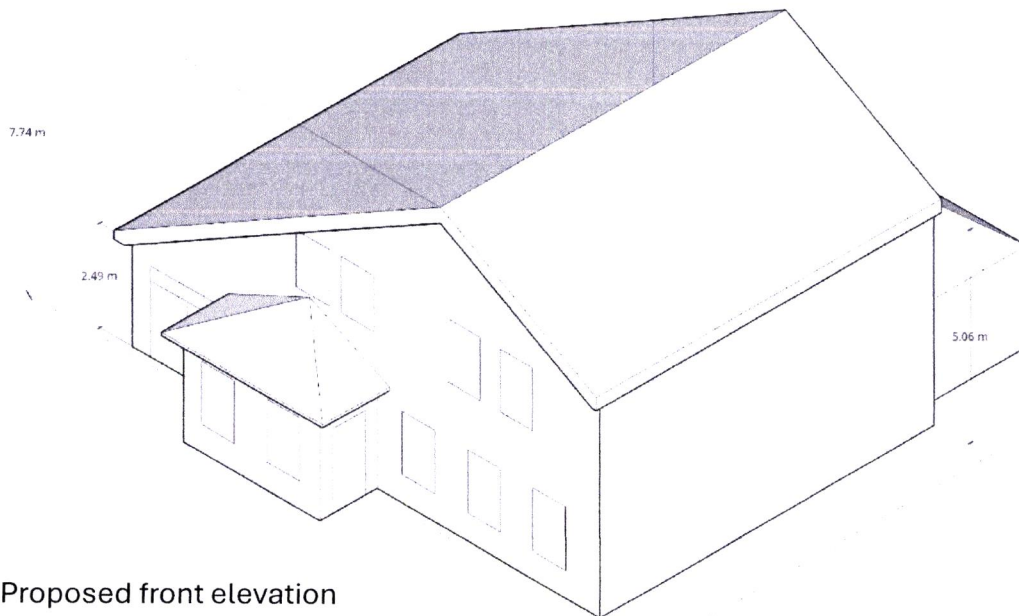


5) Chimney stack proposed to be removed

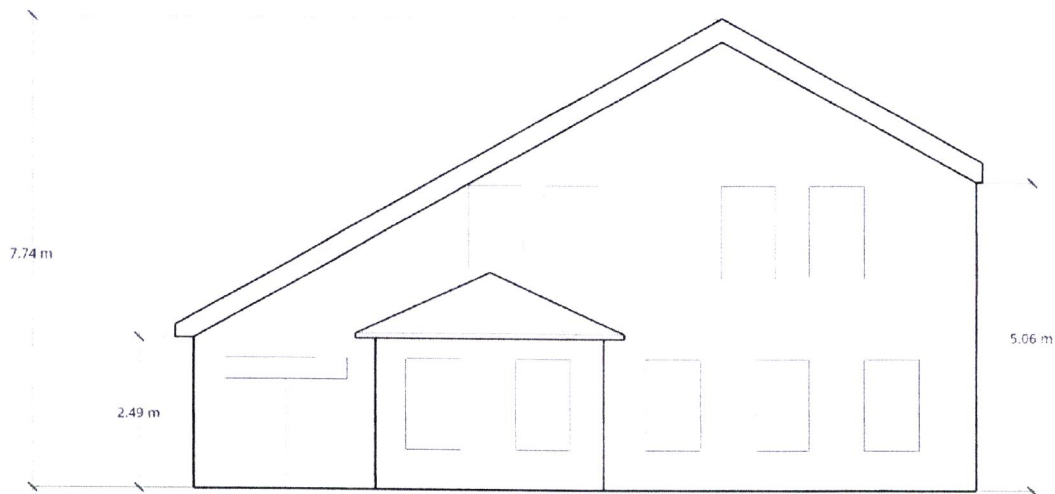




6) Proposed with chimney stack removed (approximate measures only)



7) Proposed front elevation



8) Chimney stack removed, AI removal





9) Chapel View homes and chimney ununiform placement





10) Trussed roof and internal stack, to be reduced below roof line and insulated.

