



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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

The Planning Partnership  
Chapel Street  
Castlebar  
Co. Mayo  
F23 WF84

24<sup>th</sup> Of June 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX71/2026 for Lidl Ireland GmbH

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,

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.





# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

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

**Applicant:** Lidl Ireland GmbH

**Location:** Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432)

**Reference Number:** EX 71/2026

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/768

A question has arisen as to whether “1. *modifications (namely, the expression of the glazing of the Western facade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western facade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)*” at Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432) is or is not exempted development.

#### Having regard to:

- i. The details submitted.
- ii. The planning history of the site.
- iii. Sections 2 (1) and Section 3(1) of the Planning and Development Act 2000(as amended).
- iv. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).
- v. Article 6(1) and Article 9(1) (a) (i) of the Planning and Development Regulations 2001 (as amended).
- vi. Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

- a) Planning permission was granted for a Lidl Food store under PRR 25/60657. Condition 1 of this permission states that: This permission refers to the development as described in the documents lodged, as revised by the Further Information submitted on the 01/12/2025, save as the conditions hereunder require. REASON: For clarification.
- b) Under Article 9(1)(a)(i) of the Planning and Development Regulations 2001 ( as amended), development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- c) The proposed alterations to the western façade of the permitted Lidl Food store are works that would be carried out during the construction of the permitted development and prior



to the completion of the permitted development and therefore would be in contravention of the plans and particulars lodged and permitted under PRR25/60657.

- d) The Lidl Food store would therefore be constructed in contravention of Condition 1 of PRR25/60657 and therefore cannot avail of the exempted development provision of Article 6 of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The proposed amendment to the western elevation of the permitted but not yet constructed Lidl Food store under PRR25/60657 is **development and is not exempted development.**

**The Planning Authority considers that** "1. modifications (namely, the expression of the glazing of the Western façade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)" at Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432) **is development and IS NOT exempted development.**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 24/06/2026

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/768

Reference Number: EX 71/2026

Name of Applicant: Lidl Ireland GmbH

Nature of Application: Section 5 Referral as to whether “1. *modifications (namely, the expression of the glazing of the Western facade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)*” is or is not development and is or is not exempted development.

Location of Subject Site: Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432)

Report from: Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether “1. *modifications (namely, the expression of the glazing of the Western facade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)*” at Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432) Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- i. The details submitted.
- ii. The planning history of the site.
- iii. Sections 2 (1) and Section 3(1) of the Planning and Development Act 2000(as amended).
- iv. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).
- v. Article 6(1) and Article 9(1) (a) (i) of the Planning and Development Regulations 2001 (as amended).
- vi. Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

- a) Planning permission was granted for a Lidl Food store under PRR 25/60657. Condition 1 of this permission states that: This permission refers to the development as described in the documents lodged, as revised by the Further Information submitted on the 01/12/2025, save as the conditions hereunder require. REASON: For clarification.
- b) Under Article 9(1)(a)(i) of the Planning and Development Regulations 2001 ( as amended), development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition

attached to a permission under the Act or be inconsistent with any use specified in permission under the Act.

- c) The proposed alterations to the western façade of the permitted Lidl Food store are works that would be carried out during the construction of the permitted development and prior to the completion of the permitted development and therefore would be in contravention of the plans and particulars lodged and permitted under PRR25/60657.
- d) The Lidl Food store would therefore be constructed in contravention of Condition 1 of PRR25/60657 and therefore cannot avail of the exempted development provision of Article 6 of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The proposed amendment to the western elevation of the permitted but not yet constructed Lidl Food store under PRR25/60657 is **development and is not exempted development.**

#### Recommendation

The Planning Authority considers that "1. *modifications (namely, the expression of the glazing of the Western facade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western facade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)*" at Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432) is development and is not exempted development as recommended in the planning reports.

Signed: 

Date: 24/06/2026

#### ORDER:

#### I HEREBY DECLARE:

THAT "1. *modifications (namely, the expression of the glazing of the Western facade) to the extant permitted Foodstore building (being immaterial deviations), 2. If development to confirm that modifications (namely, the expression of the lazing of the Western facade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)*" at Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74, W91 C432) is **development and is not exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

Date: 24/6/2026

T/Senior Planner  
Planning, Economic & Rural Development

## Section 5 Application : EX 71/2026

**Date:** 22/06/2026  
**Applicant:** Lidl Ireland GmbH  
**Address:** Permitted Lidl Food store site, Haylands, Dublin Road, Blessington, Co. Wicklow including Haylands House, W91 FY59 and adjoining vacant ( former Blessington Commercials) premises including W91 E896, W91 HX74 and W91 C432.

### Question:

Whether or not:

*"Modifications (namely, the expression of the glazing of the Western façade) to the extant permitted Foodstore building does or does not constitute development (being immaterial deviations ): and /or*

*If development, to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)".*

### Site Description.

The site is located on the eastern side of the N81 on approach to Blessington from the north. The northern section of the site is currently occupied a vacant single storey dwelling known as Haylands House which is set back from the main road on a slightly elevated position. This is a relatively modern bungalow dwelling of little architectural merit. Further south on the site there is also a vernacular cottage along the eastern side of the site with direct frontage onto the footpath along the N81. There is also low stone wall along part of this road frontage. There are a number of farm buildings located to the rear of the cottage, some of which are stone built.

The Lidl building to which this section 5 refers has the benefit of planning permission but has not yet been constructed on site.

### Planning History of Site

**25/60657:** Planning permission GRANTED to Lidl Ireland GmbH on the 03/03/2026 for 1) demolition of existing single storey Dwelling (with Bed & Breakfast use) and ancillary outbuilding/garage, and demolition of 5 no. vacant commercial buildings and associated site clearance; 2) renovation and change of use of existing (vacant formerly commercial use) single storey vernacular townhouse structure to Dublin Road (W91 HX74), part demolition of non-historic additions and construction of porch / canopy to rear, for office / commercial use (single level throughout) totalling c. 71 sqm; 3) construction of a part single part two storey mono roof pitch Discount Foodstore Supermarket with ancillary off-licence use measuring c. 2,305 sqm gross floor space with a net retail sales area of c. 1,499 sqm; 4) construction of a single storey Café unit measuring c. 140 sqm (with external seating area); 5) construction of a vehicular access point to the Dublin Road and associated works including associated modification of existing footpaths / public realm and associated and ancillary works including removal of existing access points to Dublin Road; and, 6) associated car parking (including electric car charging facilities), cycle parking, free standing and building mounted signage, trolley bay cover / enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, hard and soft landscaping, boundary treatments, electricity sub-station building, works and connections to water supply, wastewater and surface water infrastructure and utilities, and all other associated and ancillary development and works above and below ground level.

**90/6464:** Relates to Haylands, the modern bungalow dwelling on the northern section of the site. Planning permission granted for provision of septic tank, retention of dwelling for use as B & B & extension to same for B & B & domestic use.

## **Relevant Referrals to ACP/ABP**

**ABP-315835-23** -Dublin City Council

**Question:** Whether the alteration to roof finish of a new building element of granny flat at 5 Royal Canal Terrace, Broadstone, Dublin ( a protected structure) is or is not development or is or is not exempted development.

And whereas An Bord Pleanála concluded that:

- (a) permission was granted for the "granny flat" under planning register reference number 2026/11 (An Bord Pleanála reference number 238610) and that condition number 1 of the said permission states that the development shall be carried out and completed in accordance with the plans and particulars lodged with the application,
- (b) under Article 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended, development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (c) the alterations to the roof of the permitted "granny flat" are works that were carried out during construction and before completion of the permitted development and in contravention of the plans and particulars lodged with planning application planning register reference number 2026/11 (An Bord Pleanála reference number 238610), and
- (d) the "granny flat" has been constructed in contravention of condition number 1 of planning register reference number 2026/11 (An Bord Pleanála reference number 238610) and cannot, therefore, avail of the exempted development provisions of Article 6 of the Planning and Development Regulations 2001, as amended, and Section 4(1)(h) of the Planning and Development Act 2000, as amended,

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the revisions to the permitted granny flat roof is development and is not exempted development.

**Relevant Legislation:**

Planning and Development Act 2000 (as amended)

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

“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, “development” means, except where the context otherwise requires,

(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

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 6(1)** states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

**Article 9 (1):**

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

(a) *If the carrying out of such development would—*

(i) *Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

And so on,

#### **ASSESSMENT:**

The question seeks confirmation as to whether

*“Modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building does or does not constitute development (being immaterial deviations): and /or*

*if development, to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)”.*

is development and is exempted development.

The applicant has submitted that the proposed modifications to PRR25/60657 are not a material deviation to the development as permitted and refer to the utilisation Section 4(1) (h) of the Planning and Development Act with regard to the proposed modification to the western elevation of the permitted Lidl under PRR25/60657.

Section 4(1)(h) states:

(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;

Section 2 : (1) of the 2000 Act, except where the context otherwise requires— defines a structure as follows:

“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,

In this regard I noted that the development to which this Section 5 refers is not yet constructed or completed and therefore cannot be considered to be a structure and therefore 4(1)(h) cannot be applied in this instance as it refers to *“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”;*

It is further noted that **Article 9 (1) of the Planning and Development Regulations 2001 ( as amended)** states that:

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

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

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act”,

Planning permission was granted for the Lidl in question under PRR25/60657. Condition 1 of this grant of permission requires the following:

1. This permission refers to the development as described in the documents lodged, as revised by the Further Information submitted on the 01/12/2025, save as the conditions hereunder require.

REASON: For clarification.

As the development has yet to be constructed, the proposed modifications put forward under this Section 5 would contravene Condition 1 of grant of permission PRR25/60657 noting that it would result in the western elevation of the building not been constructed in accordance with the documents ~~located~~ <sup>submitted</sup> under PRR25/60657. The proposed development therefore cannot be considered exempted development having regard to Article 9 (1) (a)(i) of the Planning and Development Regulations 2001 (as amended). P

**RECOMMENDATION:**

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

*“Modifications (namely, the expression of the glazing of the Western façade) to the extant permitted Foodstore building does or does not constitute development (being immaterial deviations): and /or*

*If development, to confirm that modifications (namely, the expression of the lazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance)”.*

At the Permitted Lidl Foodstore site, Haylands, Dublin Road, Blessington, Co. Wicklow including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74 and W91 C432

**The Planning Authority considers that:**

*“Modifications (namely, the expression of the glazing of the Western façade) to the extant permitted Foodstore building”*

**is development and is not exempted development.**

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

- i. The details submitted.
- ii. The planning history of the site.
- iii. Sections 2 (1) and Section 3(1) of the Planning and Development Act 2000(as amended).
- iv. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

- v. Article 6(1) and Article 9(1) (a) (i) of the Planning and Development Regulations 2001 (as amended).
- vi. Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

- Planning permission was granted for a Lidl Food store under PRR 25/60657. Condition 1 of this permission states that: This permission refers to the development as described in the documents lodged, as revised by the Further Information submitted on the 01/12/2025, save as the conditions hereunder require. REASON: For clarification.
- Under Article 9(1)(a)(i) of the Planning and Development Regulations 2001 ( as amended), development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- The proposed alterations to the western façade of the permitted Lidl Food store are works that would be carried out during the construction of the permitted development and prior to the completion of the permitted development and therefore would be in contravention of the plans and particulars lodged and permitted under PRR25/60657
- The Lidl Food store would therefore be constructed in contravention of Condition 1 of PRR25/60657 and therefore cannot avail of the exempted development provision of Article 6 of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The proposed amendment to the western elevation of the permitted but not yet constructed Lidl Food store under PRR25/60657 **is development and is not exempted development.**

I recommend that the applicant be informed accordingly.



Patrice Ryan SEP 22/06/2026

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

---

**TO: Patrice Ryan  
Senior Executive Planner**

**FROM: Aoife Kinsella  
Clerical Officer**

**RE: - EX71/2026 - 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 11/06/2026.

The due date on this declaration is the 08/07/2026.

Aoife Kinsella  
**Clerical Officer  
Planning Development & Environment**



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

The Planning Partnership  
Chapel Street  
Castlebar  
Co. Mayo  
F23 WF84


17<sup>th</sup> of June 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX71/2026 for Lidl Ireland GmbH**

A Chara

I wish to acknowledge receipt on 11/06/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 08/07/2026.

Mise, le meas

  
\_\_\_\_\_  
Aoife Kinsella  
Clerical Officer  
Planning, Economic & Rural Development



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

11/06/2026

Receipt No. : BANKS/8645/2127391  
\*\*\*\*\* REPRINT \*\*\*\*\*

THE PLANNING PARTNERSHIP  
LIDL BLESSINGTON  
SECTION 5 FEE

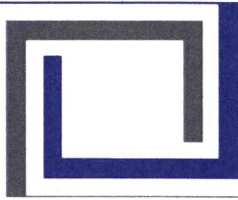
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered :  
Cash 80.00

Change : 0.00

Issued By : Lorraine Byrne  
From : Bank Unallocated Payments  
Vat reg No.0015233H



Planning Department  
Wicklow County Council  
County Buildings  
Whitegates  
Wicklow Town  
A67 FWg6

Thursday, 11<sup>th</sup> June 2026  
[By Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)]

Dear Sir / Madam

**RE: SECTION 5 DECLARATION APPLICATION IN RELATION TO IMPLEMENTATION OF PERMISSION (WITH IMMATERIAL MODIFICATIONS) AT PERMITTED LIDL FOODSTORE SITE AT HAYLANDS, DUBLIN ROAD, BLESSINGTON, CO. WICKLOW (INCLUDING HAYLANDS HOUSE, W91 FY59 AND ADJOINING VACANT (FORMER BLESSINGTON COMMERCIALS) PREMISES INCLUDING W91 E896, W91 HX74 & W91 C432)**

#### 1.0 INTRODUCTION AND SUMMARY OF THE PROPOSALS

The Planning Partnership acting on behalf of Lidl Ireland GmbH, Lidl Regional Distribution Centre, Littleconnell, Newbridge, Co. Kildare, W12 KTg8 hereby seeks a Declaration from Wicklow County Council under Section 5 of the *Planning & Development Acts 2000-2026* to confirm that **further planning permission is not required** to carry out development as intended at the above address.

Specially, the Applicant seeks the Planning Authority's determination that the limited proposed modifications arising, as detailed herein **are not development**, being *immaterial deviations* thus wholly part of the extant permission (*Reg. Ref: 25/60657* – see Appendix A – herein after referred to as *the Permission*) for development on the subject site.

For completeness, confirmation is also sought that the works would be exempted development in and of themselves (if they were development), under *Section 4 (1) (h)* of the *Planning and Development Acts 2000-2026*. This question will however be moot where the first question is confirmed as not being development.

We reiterate however that it is our position that the primary question in this instance is not related to the works themselves but the change in detail between planning and design stages, such that this change is *immaterial* therefore not *development* in the first instance, and all works and use arising are therefore permitted under the *Permission*. In short, the questions are as follows:

1. *To confirm that modifications (namely, the expansion of the glazing of the Western façade) to the extant permitted Foodstore building does not constitute development (being immaterial deviations); and/or,*
2. *If development, to confirm that modifications (namely, the expansion of the glazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance).*

This submission relates to confirming that certain modifications to the previously permitted drawings / details would not be material in nature and hence would be 'permitted' and within the scope of the permission, and no new / additional works or development occur, only a reframing of the permitted works and development, within the allowable flexibility of any planning permission, having regard to the principle of *immaterial deviations*.

The Applicant confirms that the permitted development is in all respects intended to be completed *in accordance with documentation and particulars*, with these alterations have been determined as being necessary, for instance in terms of reconciling the permitted development with operational and customer requirements, etc. and being *immaterial* in nature thereby *according with documentation and particulars*.

We highlight that the principle of *immaterial deviations* is well established in case law, etc. For instance, Eamon Galligan, Senior Counsel summarises the principle as follows: "... *an immaterial variation ... does not involve any breach of permission at all but recognises that from a practical point of view there must be some tolerance of variations from the permitted plans in certain circumstances.*"

## 2.0 THE SUBJECT SITE & DEVELOPMENT CONTEXT

### 2.1 The Subject Site

The site is bounded to the West by the N81 Dublin Road and a general town centre and commercial mix opposite, the North by residential development, the East by extractive activities and to the South by the town centre and the mix of uses arising therein.

The site measures c. 1.0 hectares and is comprised of the assembly of two properties, Haylands house to the north (dwelling with B&B use, now vacant) and associated grounds, along with the former Blessington Commercials premises which comprises of a number of vacant buildings of various time periods. Part of the subject site is vegetated and sloping in nature, transiting to the higher ground to the East.

**Figure 1: Aerial View of Site (Approx. Boundaries outlined in Red)**



Source: Google Maps, annotated by The Planning Partnership

## 2.2 The Extant Permission

Planning permission was granted by Wicklow County Council in January 2026 under *Reg. Ref: 25/60657*, for development described as:

*Permission for development at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74 & W91 C432), for the construction of a mixed use (Discount Foodstore Supermarket anchored) development. The proposed development consists of:*

- 1) Demolition of existing single storey Dwelling (with Bed & Breakfast use) and ancillary outbuilding/garage, and demolition of 5 no. vacant commercial buildings and associated site clearance;*
- 2) Renovation and change of use of existing (vacant formerly commercial use) single storey vernacular townhouse structure to Dublin Road (W91 HX74), part demolition of non-historic additions and construction of porch / canopy to rear, for office / commercial use (single level throughout) totalling c. 71 sqm;*
- 3) Construction of a part single part two storey mono roof pitch Discount Foodstore Supermarket with ancillary off-licence use measuring c. 2,305 sqm gross floor space with a net retail sales area of c. 1,499 sqm;*
- 4) Construction of a single storey Café unit measuring c. 140 sqm (with external seating area);*
- 5) Construction of a vehicular access point to the Dublin Road and associated works including associated modification of existing footpaths / public realm and associated and ancillary works including removal of existing access points to Dublin Road; and,*
- 6) Associated car parking (including electric car charging facilities), cycle parking, free standing and building mounted signage, trolley bay cover / enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, hard and soft landscaping, boundary treatments, electricity sub-station building, works and connections to water supply, wastewater and surface water infrastructure and utilities, and all other associated and ancillary development and works above and below ground level."*

## 2.3 Implementation of the Extant Permission

The Permission is subject to 19 no. Conditions, elements of which require agreement / adjustment of specification etc.

These Conditions do not interact with the question that are the subject of this Declaration Application.

We note Conditions relating to agreement of footpaths, materials/finishes, lighting, boundary treatments and landscaping, along with other details under other conditions, which will be addressed as part of compliance correspondence, independent of, and unaffected by, and without affecting, this application.

In relation to these, the question herein is deemed to be consistent with the terms of the conditions in the context of the principle of *immaterial deviations*.

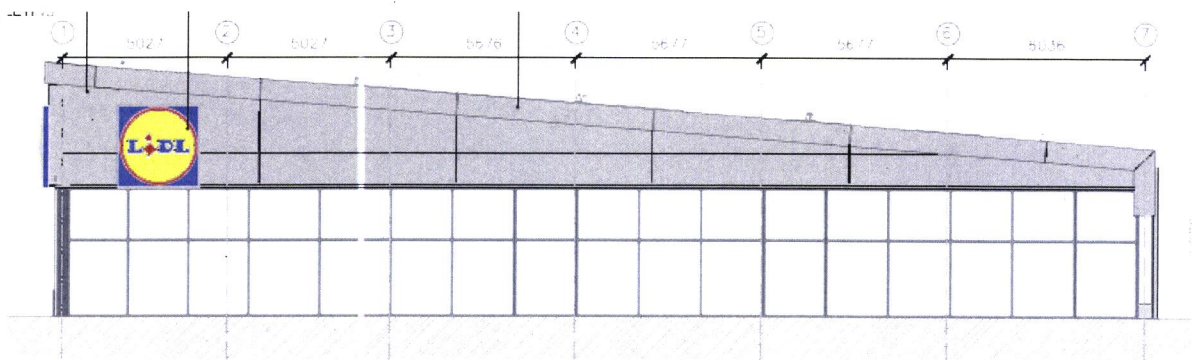
### 3.0 THE ALTERATIONS / DEVIATIONS IN QUESTION

#### 3.1 Modification in Question

As noted above, the Applicant proposes to construct the permitted store albeit subject to one targeted adjustment, specifically the expansion of the glazing of the Western façade to be full height (following the mono-pitch alignment) rather than the planning stage uniform horizontal height (with cladding in the 'wedge' above), as illustrated below.

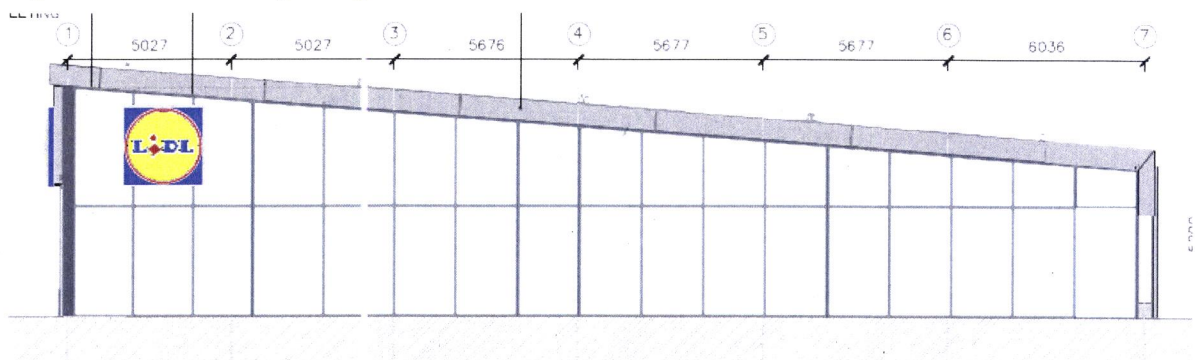
For the avoidance of doubt, the modifications have no effect on the land use of the Foodstore, hence no issue of change of use / material change of use / intensification of use, etc. could conceivably arise.

**Figure 1: Planning Stage Western Elevation**



Source: Darmody Architecture

**Figure 2: Detailed Design Stage Western Elevation**



Source: Darmody Architecture

As Figures 1 & 2 and the enclosed drawings illustrate, the alterations result in a minor adjustment to the overall elevations.

As such, and otherwise, the modifications will not materially or perceptibly alter the character or quality of the building.

These alterations are considered to be minor in the overall appearance of the store, and both satisfy both the tests of exempted development and immaterial deviations, in that in relation to the former the change will 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 in relation to the latter *would not realistically impact on the rights or interests of third parties or be such as would affect planning considerations*.

Therefore, we submit that 'development' would not occur in the first instance, as supported by the following discussion.

## 4.0 PRINCIPAL PLANNING CONSIDERATIONS

### 4.1 Section 5 Jurisdiction

Whilst we note the subject of the Section 5 Declaration is somewhat unconventional, in terms of being to consider whether modifications fall within an existing permission, rather than whether such modifications are exempted development, we note that this is a legitimate topic for the Section 5 process, as has been confirmed in various case law.

For example, in *Krikke v Barranafaddock Sustainability Electricity Ltd* (2019\_IEHC\_825\_1), Mr Justice Garrett Simons stated that:

*"The case law confirms that An Bord Pleanála does have jurisdiction to interpret a planning permission in the context of a Section 5 reference. The question first arose for consideration in Palmerlane Ltd. v. An Bord Pleanála ...*

*There is no principled distinction between (i) a finding that a particular act of development is or is not "exempted development", and (ii) a finding that a particular act of development does not come within the scope of a planning permission. In each instance, An Bord Pleanála is required to assess the difference between two forms of "development", and to reach a determination as to whether the difference between the two is material or immaterial. In the case of the user of lands, the exercise is to determine whether there has been a material change of use. In the case of permitted works under a planning permission, the exercise is to determine whether the difference is an immaterial deviation."* [Our Emphasis]

As such, we submit that the Section 5 process is the appropriate mechanism to clarify the status of the modification.

### 4.2 Works or Development

Works are defined in the *Planning and Development Acts 2000-2025* as: *"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ..."*

The 'act' of 'Development' is defined under Section 3 of the *Planning and Development Acts 2000-2025* as: *"development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."*

The question arising in this Declaration application primarily relates to whether *development* would occur, in respect of the issue of use, i.e. *the making of any material change in the use of any structures*.

In relation to the issue of works, we submit that the premise of *immaterial deviations* is that where the deviations in question are immaterial, as is our contention herein, any associated works are thereby authorised under a given permission, i.e. *the Permission*.

As such, the works are not new or additional works, hence they need not benefit from an exempted development provision (see Section 4.3 nonetheless).

It is our contention, based on the principle of *immaterial deviations* that the modifications are *the same works and use* as those already permitted, hence no *development* arises in the first instance.

### 4.3 Exempted Development

Notwithstanding the above, we note that Section 4 (1) (h) of the *Planning and Development Acts 2000-2025* sets out an extensive provision which would adequately capture all of the works arising in terms of the difference between the planning and detailed design stages herein.

The Acts state that: "*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*" [Our emphasis]

This is a broad exemption, and one which is not restricted by Articles 6, 9 or 10 of the *Planning and Development Regulations 2001-2025*.<sup>1</sup>

In our professional planning opinion Section 4(1)(h) of the *Planning and Development Acts 2000-2025* is relevant to the proposed works and can be availed of in the subject scenario, such that all the physical works / design changes would be exempted under this provision.

We reiterate however that it is our position that the primary question in this instance is not related to the works themselves but the change in detail between planning and design stages, such that this change is immaterial therefore not development in the first instance, and all works and use arising are therefore permitted under *the Permission*

Section 4.4 below elaborates on the principle of *immaterial deviations* in this regard.

### 4.4 Immaterial Deviations (see Appendix B also)

The principle of *Immaterial Deviations* allows a level of flexibility in the implementation of planning permission resulting in a tolerance for alterations / deviations from submitted details. For instance, "*... an immaterial variation ... does not involve any breach of permission at all but recognises that from a practical point of view there must be some tolerance of variations from the permitted plans in certain circumstances.*"<sup>2</sup>

In *O'Connell v Dungarvan Energy Ltd.*, Finnegan J., quoting Lord Denning states: "*... **planning permission covers work which is specified in the detailed plans and any immaterial variation therein...** It is obvious that, as the developer proceeds with the work **there will necessarily be variations from time to time**. Things may arise which were not foreseen. It should not be necessary for the developers to go back to the planning authority for every immaterial variation. **The permission covers any variation which is not material**". [Our emphasis]*

Lord Denning in *Lever (Finance) Ltd v City of Westminster* also states: "*... after detailed planning permission had been given, it is a common occurrence to find that minor modifications are needed: and that when the necessity does arise, the common the practice [sic] "is for/developers' architect to submit any such proposed modification to the planning officer. If the planning officer thinks it is not material, he says so and **the development then goes forward in accordance with the modified plans as approved in that sense by the planning officer; and nobody thinks it necessary to submit a further application..... That is an eminently sensible practice.**" [Our emphasis]*

<sup>1</sup> In effect, reliance on Section 4 of the *Planning and Development Acts 2000-2025* provides immunity from restrictions or limitations as may be applied under the *Regulations*. An Bord Pleanála (in Ref: PL29S.RL.2120) confirmed same, stating: "*...the restrictions on exemption contained in Article 9 of the Planning and Development Regulations, 2001 . . . do not restrict any exempted development under section 4(1) of the Planning and Development Act, 2000*"

<sup>2</sup> 'Planning Enforcement' delivered by Eamon Galligan, S.C., at the Roundhall Planning & Environmental Law Conference 2008 (8<sup>th</sup> November 2008).

In *Bailey V Kilvinane Wind Farm Ltd.* [Court of Appeal 2014 No. 1037], Mr. Justice Gerard Hogan stated: "A consideration of the case-law on this topic to date suggests that the question of material / non-material deviations from the terms of an existing permission has been **approached from a practical and common sense perspective: is the deviation of such materiality that it would realistically impact on the rights or interests of third parties or be such as would affect planning considerations.**" [Our emphasis]

In addition, in the case of *Kenny -v- Dublin City Council [2009] IESC 19*, the Supreme Court held: "**There will inevitably be small departures from some or even many of the plans and drawings in every development.** There can be discrepancies between and within plans, drawings, specifications and measurements; there can be ambiguities and gaps. ... However, planning laws are not intended to make life impossible for developers, for those executing works such as architects, engineers or contractors or for the planning authorities in supervising them. Nor are they there to encourage fine-tooth combing or nit-picking scrutiny of the works." [Our emphasis]

We respectfully submit that the preceding examples of *immaterial deviations* are directly relevant to the subject scenario.

The *deviations* outlined below are generally related to addressing practical issues arising through the design process and/or facilitating an enhanced customer experience, in that the elevational changes will be minor visual alteration and of no construction or operational planning consequence.

The modification herein would thus not be of materiality such that it would realistically 'impact negatively on the rights or interests of third parties or be such as would affect planning considerations', e.g. as is a general guide for testing the significance of such changes as illustrated above.

### 3.0 CONCLUSION

The Applicant seeks the Planning Authority's determination that the proposed modifications arising, as detailed above **are not** *development*, being *immaterial deviations* thus wholly part of the extant permission for development on the subject site.

For the avoidance of doubt, clarity is also sought as to whether the works would be exempted development in and of themselves, under *Section 4 (1) (h)* of the *Planning and Development Acts 2000-2025*.

We reiterate however that it is our position that the primary question in this instance is not related to the works themselves but the change in detail between *planning* and *design* stages, such that these changes are *immaterial* therefore not development in the first instance, and all works and use arising are therefore already permitted under *the Permission*.

We trust that we have provided adequate information in this regard.

We look forward to an early and favourable determination in respect of the proposed works.

Yours faithfully



Fintan Morrin  
Principal  
The Planning Partnership

Encl.

*Appendix A*

*The Permission*



# 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  
Fais / Fax (0404) 69462  
Rphost / Email [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

## PLANNING & DEVELOPMENT ACT 2000 (as amended)

### NOTIFICATION OF FINAL GRANT

**Lidl Ireland GmbH  
C/O Fintan Morrín  
Chapel Street  
Castlebar  
Co. Mayo  
F23 WF84**

**Planning Register Number:** 25/60657

**Valid Application Receipt Date:** 22/08/2025

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Wicklow County Council have by Order dated 28/01/2026 GRANTED PERMISSION to the above named, for the development of land, namely:-**

1) demolition of existing single storey Dwelling (with Bed & Breakfast use) and ancillary outbuilding/garage, and demolition of 5 no. vacant commercial buildings and associated site clearance; 2) renovation and change of use of existing (vacant formerly commercial use) single storey vernacular townhouse structure to Dublin Road (W91 HX74), part demolition of non-historic additions and construction of porch / canopy to rear, for office / commercial use (single level throughout) totalling c. 71 sqm; 3) construction of a part single part two storey mono roof pitch Discount Foodstore Supermarket with ancillary off-licence use measuring c. 2,305 sqm gross floor space with a net retail sales area of c. 1,499 sqm; 4) construction of a single storey Café unit measuring c. 140 sqm (with external seating area); 5) construction of a vehicular access point to the Dublin Road and associated works including associated modification of existing footpaths / public realm and associated and ancillary works including removal of existing access points to Dublin Road; and, 6) associated car parking (including electric car charging facilities), cycle parking, free standing and building mounted signage, trolley bay cover / enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, hard and soft landscaping, boundary treatments, electricity sub-station building, works and connections to water supply, wastewater and surface water infrastructure and utilities, and all other associated and ancillary development and works above and below ground level at Haylands, Dublin Road, Blessington, Co. Wicklow, (including Haylands House, W91 FY59, and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74 & W91 C432),

**Subject to the 19 conditions set out in the Schedule attached.**



Signed on behalf of WICKLOW COUNTY COUNCIL.

  
\_\_\_\_\_  
#1 SENIOR EXECUTIVE OFFICER  
PLANNING, ECONOMIC AND RURAL DEVELOPMENT

Date: 3<sup>rd</sup> March 2026

(It should be noted that where OUTLINE permission only is granted same is subject to the subsequent approval of the Planning Authority and until such approval has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED.**)

**PLANNING & DEVELOPMENT ACT 2000 (as amended)**

**Reference Number in Register: 25/60657**

**SCHEDULE**

Having regard to the location and zoning objective for the site Town Centre and the pattern of development in the vicinity, it is considered that, the development would accord with the zoning objective and policies of the Blessington Local Area Plan 2025-2031, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Condition no. 2 amended as per Chief Executive Order CE/PERD/2026/182 dated 13<sup>th</sup> February, 2026**

1. This permission refers to the development as described in the documents lodged, as revised by the Further Information submitted on the 01/12/2025, save as the conditions hereunder require.

**REASON:** For clarification.

2. **Before development commences, the developer shall pay the sum of €87,792.00 (eighty seven thousand, seven hundred and ninety two euro) to the Planning Authority** as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

**REASON:** The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof

3. **Before development commences**, a full and detailed final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Planning Authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance) and details of construction lighting.

- (i) The mitigation measures as detailed on Table 6 of the Natura Impact Statement dated 19th August 2025 and submitted as part of this planning application shall be fully incorporated into the final CEMP and fully implemented on site including



the appointment of a suitably qualified Ecologist prior to the commencement of any development on site, to the enabling works and the implementation of mitigation measures as outlined under Table 6 of the NIS.

- (ii) A Construction Manager shall be appointed to liaise directly with the various sections of the Council.

**REASON:** In the interest of residential amenity, traffic/ pedestrian safety and proper planning and sustainable development.

4. **Prior to the commencement of development**, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**REASON:** In the interest of proper planning and sustainable development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**REASON:** In the interest of residential amenity, traffic/ pedestrian safety and proper planning and sustainable development.

6. The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment submitted. Any additional works required as a result of TTIA should be funded by the developer.

**REASON:** In the interest of traffic safety and proper planning and sustainable development.

7. The renovation of the single storey vernacular townhouse structure to Dublin Road (W91 HX74) and construction of the proposed café shall be complete and ready for occupation, prior to the opening of the supermarket on site.

**REASON:** In the interests of proper planning and development



8. A continuous unobstructed footpath width of 1.8 m shall be provided along the full site frontage, in accordance with DMURS. The final construction details of the footpath shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

**REASON:** In the interest of traffic and pedestrian safety and proper planning and sustainable development.

9. **Prior to commencement of development**, the written agreement of Uisce Éireann shall be obtained for the provision of water services necessary to serve the proposed development.

The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and the specification of materials to be used for the water services are a matter for Irish Water.

**REASON:** In the interests of clarification and proper planning and development.

10. All Surface water drainage shall be collected and disposed of within the site in accordance with the surface water and attenuation details submitted, **unless otherwise agreed in writing by the Planning Authority prior to the commencement of development**. On no account shall such surface water run-off flow onto the public roadway or adjoining properties nor to discharge to the public foul sewer.

**REASON:** To ensure satisfactory storm water drainage, in the interests of traffic safety and residential amenity and in the interest of proper planning and development

11. All external lighting shall comply or be so altered to comply with the Guidance Notes for the Reduction of Light Pollution: Institute of Lighting Engineers 2000. Prior to the commencement of use of any light, confirmation, from a suitably qualified professional person, that the development complies with this standard shall be submitted to and agreed in writing with the Planning Authority.

**REASON:** In the interests of residential and visual amenity.

12. Full details (including photographic samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with the Planning Authority, **prior to commencement of development**.

**REASON:** In the interest of clarity and visual amenity.

13. Landscaping, hard and soft, shall be carried out in accordance with the drawings and details prepared by Austen Landscape Architects, submitted as part of this planning application. In this regard:

- (a) The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after occupation of the premises. Any



plants, which become seriously damaged, shall be replaced by others of similar size and species.

- (b) Details of the hard landscaping materials to be used in the public realm areas of the site, shall be submitted for the written agreement of the Planning Authority, **prior to the commencement of development.**

**REASON:** In order to assimilate development on this site into the landscape.

**14.** Boundary Treatments to accord with the details submitted unless otherwise agreed in writing by the Planning Authority **prior to the commencement of development** and in accordance with the following:

- (a) The construction of the retaining walls on site shall be fully overseen and signed off by a suitably qualified structural engineer (with professional indemnity insurance).
- (b) Final details of the final finish to the wall at point A-H-G which ties in with the existing roadside boundary of the property to the north and the proposed raised planters around the seating area associated with the café shall be submitted for the written agreement of the Planning Authority, **prior to the commencement of development.**

**REASON:** In the interest of visual amenity, to ensure the satisfactory completion of the site development works and the proper planning and sustainable development of the area.

**15.** No additional signage, advertising structures/advertisements, security shutters, or other projecting elements (including flagpoles), other than those shown or indicated on the submitted drawings, shall be erected within the site unless authorised by a further grant of permission.

**REASON:** In order to protect the visual amenities of the area.

**16.** The supermarket unit shall not open to the public outside the hours of 0800 to 2200. Deliveries shall not take place before the hour of 0730 Monday to Saturday inclusive, not before the hour of 0800 on Sundays and public holidays, nor after 2200hrs on any day.

**REASON:** In the interests of residential amenity of adjoining properties.

**17. Prior to occupation of development** a Stage 3 Road Safety Audit, shall be prepared in accordance with the National Roads Authority's 'Design Manual for Roads and Bridges', and shall be submitted. Where the audit identifies the need for design changes revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out all necessary works in accordance with the agreed revised design.

**REASON:** In the interest of traffic safety and proper planning and sustainable development.

**18.** Six EV parking spaces shall be provided on site with ducting installed for the future provision of at least 23 additional EV spaces on site.

**REASON:** In the interest of proper planning and sustainable development.



**19.i. Prior to the commencement of development**, the operator/developer shall engage the services of a suitably qualified archaeologist to monitor/supervise all demolition, site clearance/foundation grubbing up works and to carry out a programme of pre-development archaeological testing in advance of any construction works. All archaeological work shall be licensed under the National Monuments Acts 1930-2014. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

ii. Where archaeological material is found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision on the best approach to deal with the archaeology. The developer shall be prepared to be advised by the Department of Environment, Heritage and Local Government with regard to the necessary mitigation action. The operator shall facilitate the archaeologist in recording any material found.

**REASON:** To ensure the continued preservation (either in-situ or by record) of places, caves, sites features or other objects of archaeological interest, in the interest of proper planning and sustainable development.



*Appendix B*

*Immaterial Deviations Further Background Information*

### A.1 Legal Precedent

In *Cork County Council v Cliftonhall Ltd.* (as summarised by the ABP Inspector in the above Ref: PL 24.RL2606) the Court held as follows:

*"... this high court case arose when the applicant alleged that the respondent had carried out a residential development of six blocks but not in accordance with approved plans and particulars submitted with the application. Judge Finnegan held that an increased ridge height of 0.5m in one of the blocks was immaterial in the context of the entire development. The judge concluded that the increased ridge height would not result in a material non-compliance with the planning permission."* [Our Emphasis]

The Board Inspector in ABP-303200-18 also notes that this case "provides a steer with regard to the focus for consideration in assessing the matter of material / non-material deviations from the terms of existing permission" and:

*"Finnegan J noted that the deviation was 7% in the case of one of the blocks and found that "with some reluctance" this was "immaterial in the context of the entire development of six blocks". He noted that: "In reaching this conclusion I am influenced by the photographs exhibited in the application. Careful consideration of these satisfies me that the reduce the height.... even by 1.3m would not materially alter the effect of the development in terms of visual impact, on the locality in general or the occupiers of houses...". I note the case also included a deviation in the footprint of the development and the judgement found that the combined effect of altered footprint and increased ridge height Finnegan noted "with some dissidence I hold that there is not a material non-compliance"*

## A.2 Planning Precedent

The issue of immaterial deviations has also been considered by An Bord Pleanála on a number of occasions.

For instance, *ABP Ref: PL 24.RL2606* where the Board ruled that a deviation from the detail of plans submitted with an application for planning permission (in relation to an increase in the ridge height) was "*de minimis and would accordingly be in accordance with the said planning permission*".

In addition, in a case at Mount Alverno, Nerano Road and Sorrento Road, Dalkey, County Dublin, An Bord Pleanála (*ABP Ref: PL 06D.RL2671*) assessed a number of modifications (from what was permitted) arising during the construction process. Examples of alterations that were deemed *de minimis* by the Board include:

1. The overall increase in height of the replacement dwelling by some 0.5 metres;
2. The alteration to the siting of the footprint of the replacement dwelling;
3. The changes to windows and doors at the first floor level as they would not materially affect the external appearance;
4. Erection of a different hardwood gate and gate pier designs was considered not to be materially different from that permitted; and,
5. Relocation and widening of the vehicular entrance to development and is not exempted development.

These cases, in addition to the legal precedents, demonstrate that the principle of *immaterial deviations* is well established, and can potentially include considerable alterations in physical terms so long as such alterations have limited or immaterial effect.

In another case for instance (*ABP Ref: ABP-300772-18*), where changes to a structure were deemed to be 'immaterial', the relevant test employed by An Bord Pleanála related to: "*the deviation in this instance between what has been constructed and the approximate figure dimensions is minor in the context of the development, does not have any material impacts on adjoining property and is, therefore, de minimis, and is exempted development.*"

And in another case for instance (*ABP Ref: ABP-303200-18*), where changes to a structure were deemed to be 'material', the determination by An Bord Pleanála stated that:

*"the development that has been carried out differs from that for which planning permission was granted ... and the Board is satisfied that these differences from that approved have material impacts on the residential amenities of adjacent properties, and the deviations from the permitted development are, when taken cumulatively, significant and material, and are not immaterial or de minimis, and are not, therefore, within the scope of the development that was approved under planning permission ..."*

In that case, the Board Inspector also noted that:

*"the question of material / non-material deviations should be approached from a practical and common-sense perspective. The question arising is whether the deviation is of such materiality that it would realistically impact on the rights or interests of third parties or be such as would affect planning considerations."*

Having regard to the above examples, it is apparent that the absence of impacts on the amenities of adjoining / surrounding property is a particularly relevant consideration, as also established in case law.

As set out above, the various alterations highlighted may not give rise to any material effects on the amenities of the surrounding area.



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

Office Use Only

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

RECEIVED 11 JUN 2026

**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: Lidl Ireland GmbH  
Address of applicant: Lidl Regional Distribution Centre, Littleconnell,  
Newbridge, Co. Kildare, W12 KT98
- 

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

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

- (b) Name of Agent (where applicable) The Planning Partnership  
Address of Agent : Chapel Street, Castlebar, Co. Mayo, F23 WF84
- 

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

### **3. Declaration Details**

- i. Location of Development subject of Declaration

Permitted Lidl Foodstore site at Haylands, Dublin Road, Blessington, Co. Wicklow (including Haylands House, W91 FY59 and adjoining vacant (former Blessington Commercials) premises including W91 E896, W91 HX74 & W91 C432)

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

Yes (Lidl Ireland GmbH)

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

N/A

- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, 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

1. To confirm that modifications (namely, the expansion of the glazing of the Western façade) to the extant permitted Foodstore building does not constitute development (being immaterial deviations); and/or,

2. If development, to confirm that modifications (namely, the expansion of the glazing of the Western façade) to the extant permitted Foodstore building are in any event exempted development (if considered development in the first instance).

See enclosed Cover Letter also.

*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

No section/article/class arises as the query is not considered to give rise to Development in the first instance. In any event, Section 4(1)(h) of the Planning and Development Acts 2000-2026 would arise, (if Development is deemed to occur). See enclosed cover letter also.

*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.

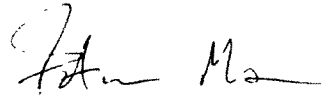
vii. List of Plans, Drawings submitted with this Declaration Application

1. Site Location Map
2. Planning-Stage Elevations
3. Detailed Design-Stage Elevations
4. Planning-Stage Contextual West Elevation and Section A-A
5. Detailed Design-Stage Contextual West Elevation and Section A-A
6. Cover Letter

viii. Fee of € 80 Attached ?

Yes. Has been paid by EFT on 11<sup>th</sup> June 2026 – confirmation attached.

Signed:



Fintan Morrin, The Planning Partnership (Agent)

Dated: 11<sup>th</sup> June 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.

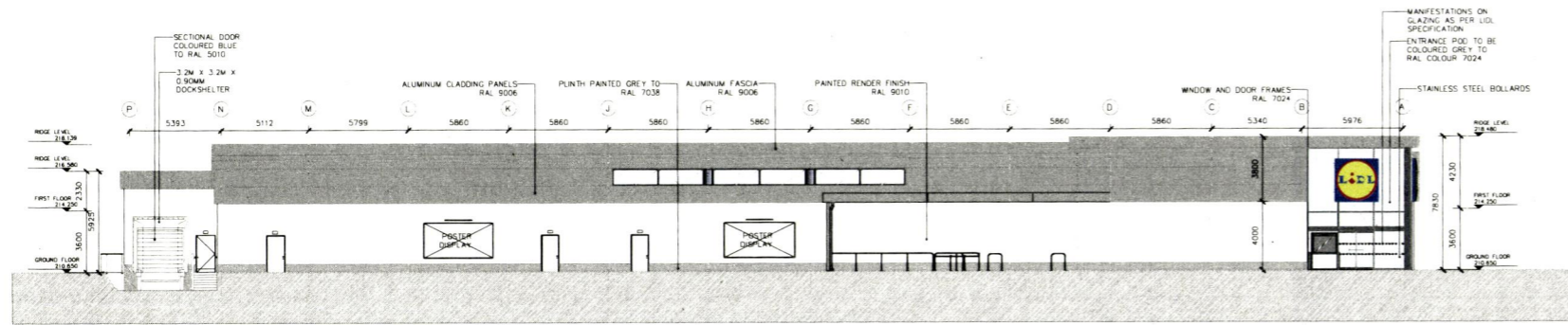
B. Land Reclamation -

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.

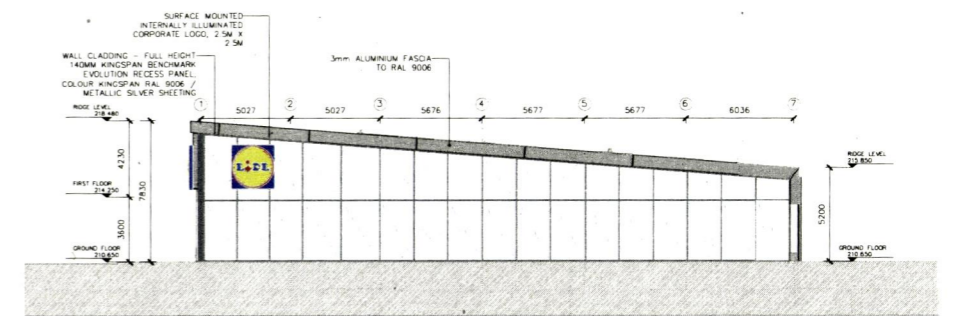
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

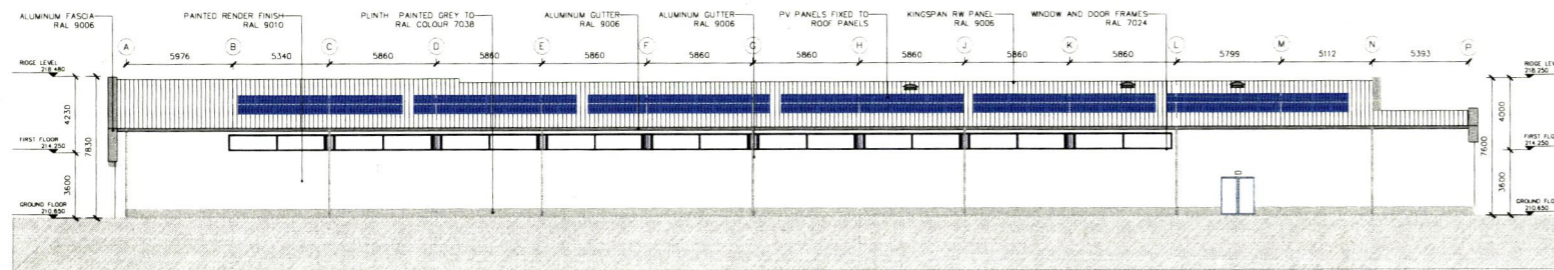
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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



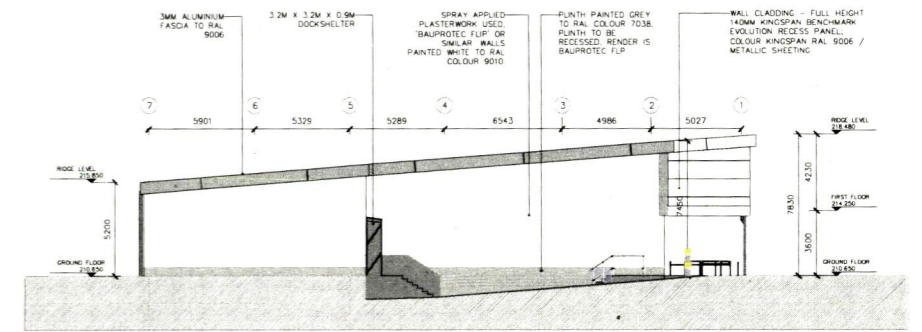
01 Proposed North Elevation  
PA 300 1:200



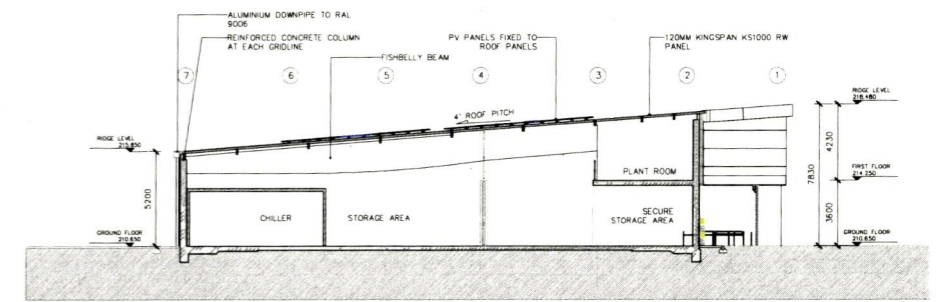
02 Proposed West Elevation  
PA 300 1:200



03 Proposed South Elevation  
PA 300 1:200



04 Proposed East Elevation  
PA 300 1:200



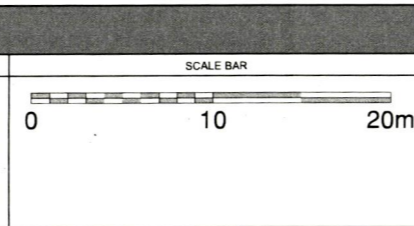
05 Proposed Section A-A  
PA 300 1:200

ISSUED FOR PLANNING ONLY, NOT FOR CONSTRUCTION

NOTES:  
Do not scale from this drawing.  
Any discrepancies found on site to be reported to Darmody Architects immediately.  
Any discrepancies found on drawings to be reported to Darmody Architects immediately.  
Refer to engineers drawings for structural details.  
All dimensions sized to blockwork.

Rev.	Description	Date	Initials
XREF'S	CAD REF.		

DRAWING KEY	



DRAWING KEY		NORTH POINT

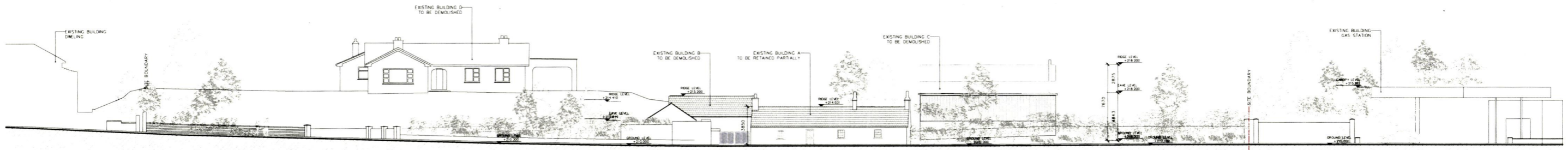
creative innovative flexible

**darmody**  
architecture

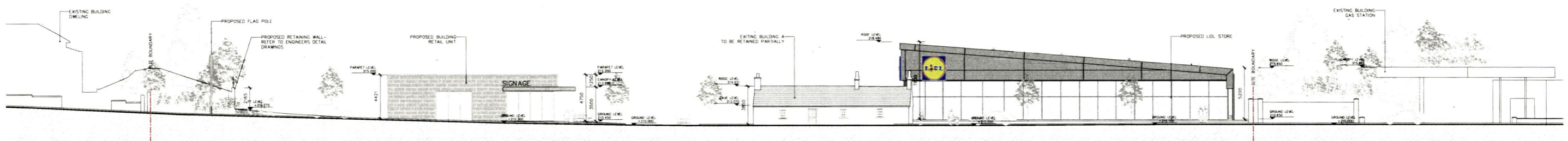
91 Townsend Street, Dublin 2  
353 1 672 9907  
info@darmodyarchitecture.com  
darmodyarchitecture.com

Rev. No.	Scale	Date	Drn. By	Chkd. By	Issue
	1:100 @ A1	13/09/2024	Marco Pittamiglio	Alan Ryan	PLANNING

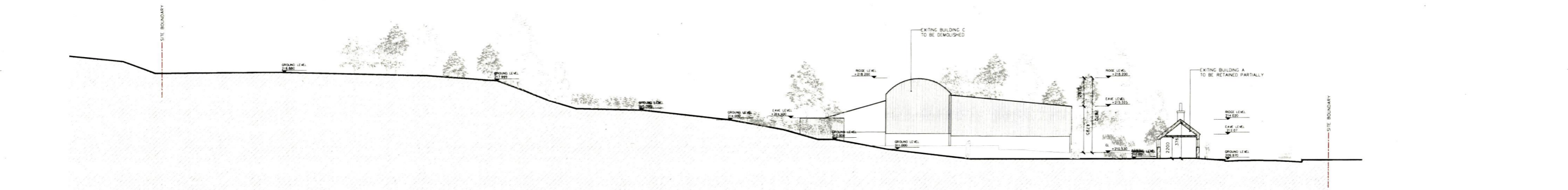
Project:	Proposed Lidl Store and Retail Units Tullow, Co. Carlow
Title:	Proposed Lidl Store Elevations & Section
Client:	Lidl Ireland GmbH
Dwg. No.	PA-300
Job No.	23014



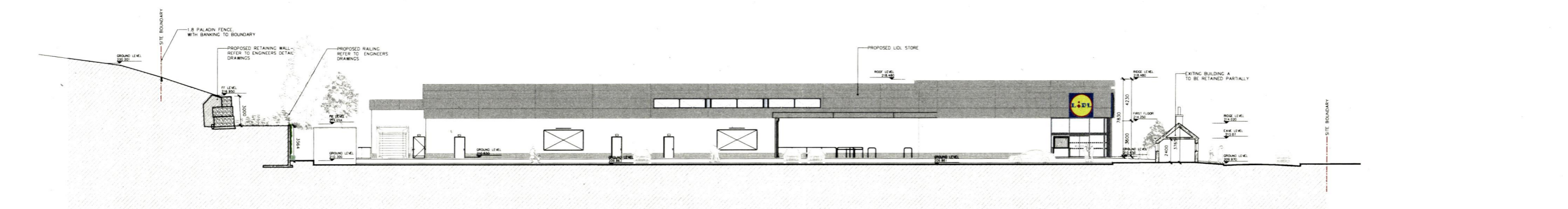
01 Existing Contextual West Elevation  
PA-200 1:200



02 Proposed Contextual West Elevation  
PA-200 1:200



03 Existing Contextual Section A-A  
PA-200 1:200

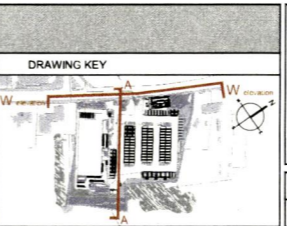
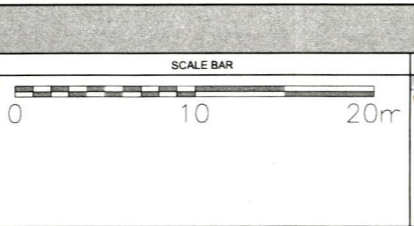


04 Proposed Contextual Section A-A  
PA-200 1:200

NOTES:  
Do not scale from this drawing.  
Any discrepancies found on site to be reported to Darnody Architects immediately.  
Any discrepancies found on drawings to be reported to Darnody Architects immediately.  
Refer to engineers drawings for structural details.  
All dimensions sized to blockwork.

Rev.	Description	Date	Initials

	DRAWING KEY



creative innovative flexible

**darnody**  
architecture

91 Townsend Street, Dublin 2  
353 1 672 9907  
info@darnodyarchitecture.com  
darnodyarchitecture.com

Rev. No.	Scale	Date	Drn. By	Chkd. By	Issue
	1:200 @ A1	23/05/2025	Laur Dragnea	Tim Darnody	PLANNING

Project:	Proposed New Lidl Store and Ancillary Units Blessington, Co. Wicklow
Title:	Existing & Proposed Contextual West Elevation and Section A-A
Client:	Lidl Ireland GmbH
Dwg. No.	PA-200
Job No.	24069



O.S.I COPYRIGHT LICENCE NO. CYAL50381923  
 ORDINANCE SURVEY IRELAND AND GOVERNMENT OF IRELAND  
 MAP SHEETS No. 3610-D  
 ITM CENTRE COORDINATES: 698475, 714864

CENTRE  
 COORDINATES  
 ITM 698475, 714864

PUBLISHED:  
 19/12/2024

ORDER NO.  
 50440516\_1

MAP SERIES:  
 1:2500

MAP SHEETS:  
 3610-D

All rights reserved.  
 No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

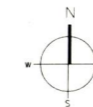
COMPILED AND PUBLISHED BY:  
 Ordnance Survey Ireland,  
 Phoenix Park,  
 Dublin 8,  
 Ireland.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

©Suirbhéireacht Ordnáis Éireann, 2021  
 ©Ordnance Survey Ireland, 2021

[www.osi.ie/copyright](http://www.osi.ie)  
<http://www.osi.ie>



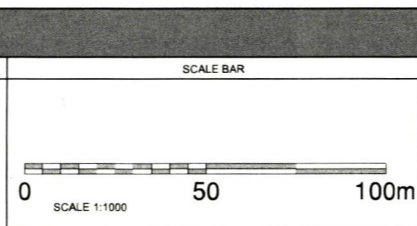
02 Site Location Map  
 EX-001 1:1000

NOTES  
 Do not scale from this drawing.  
 Any discrepancies found on site to be reported to Darmody Architects immediately.  
 Any discrepancies found on drawings to be reported to Darmody Architects immediately.  
 Refer to engineers drawings for structural details.  
 All dimensions sized to blockwork.

Rev.	Description	Date	Initials

XREF'S  
 CAD REF

DRAWING KEY
Delineates Site Boundary 109620M Delineates Area within Applicant ownership



DRAWING KEY	NORTH POINT

creative innovative flexible

**darmody**  
architecture

91 Townsend Street, Dublin 2  
 353 1 672 9907  
[info@darmodyarchitecture.com](mailto:info@darmodyarchitecture.com)  
[darmodyarchitecture.com](http://darmodyarchitecture.com)

Rev. No.	Scale	Date	Drn. By	Chkd. By	Issue
	1:500, 1:1000 @ A1	26/03/2025	Marco Pittamiglio	Tim Darmody	PLANNING

Project:	Proposed New Lidl Store and Ancillary Units Blessington, Co. Wicklow
Title:	Site Location Map
Client:	Lidl Ireland GmbH
Dwg. No.	EX-001
Job No.	24069