



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
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Crosscare (East Wicklow Youth Service)
Arklow Youth Centre
Coomie Lane
Arklow
Co. Wicklow
Y14 XP70

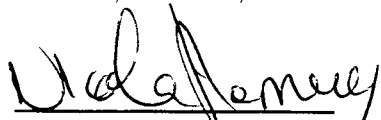
 September 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX100/2025

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

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

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT



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

Applicant: Crosscare (East Wicklow Youth Service)

Location: Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow

Reference Number: EX 100/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1010

A question has arisen as to whether “the provision of an installation of an art mural” at Arklow Youth Centre, Coomie Lane, Arklow, 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 of the Planning and Development Act 2000 (as amended)
- c) Article 6, Article 9 and Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- B. The provision of an art mural, as described in the documents lodged, would NOT come within the description, conditions and limitations set out under any class in Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that “the provision of an installation of an art mural” at Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow is development and is NOT exempted development

Signed:

ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 17th September 2025

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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1010

Reference Number: EX 100/2025

Name of Applicant: Crosscare (East Wicklow Youth Service)

Nature of Application: Section 5 Referral as to whether or not "the provision of an installation of an art mural" is or is not development and is or is not exempted development.

Location of Subject Site: Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow

Report from Neal Murphy, EP & Patrice Ryan, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the provision of an installation of an art mural" at Arklow Youth Centre, Coomie Lane, Arklow, 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 of the Planning and Development Act 2000 (as amended)
- c) Article 6, Article 9 and Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

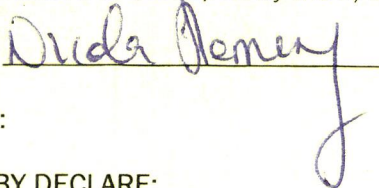
Main Reason with respect to Section 5 Declaration:

- A. The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- B. The provision of an art mural, as described in the documents lodged, would NOT come within the description, conditions and limitations set out under any class in Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Recommendation:

The Planning Authority considers that "the provision of an installation of an art mural" at Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow is development and is NOT exempted development as recommended in the report by the A/SP.

Signed



Dated

17th day of September 2025

ORDER:

I HEREBY DECLARE:

That "the provision of an installation of an art mural" at Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



A/Senior Planner
Planning, Economic & Rural Development

Dated

17th day of September 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham A/SP, Patrice Ryan SEP
FROM: Neal Murphy E.P
REF: EX100/2025
DECISION DUE: 18/09/2025
NAME: EAST WICKLOW YOUTH SERVICE
DEVELOPMENT: ART MURAL
LOCATION: ARKLOW YOUTH CENTRE, COOMIE LANE, ARKLOW, CO. WICKLOW



Site Location and Description

The site is located in Coomie Lane off Main Street in Arklow Town Centre. The subject unit forms part of a retail/office terrace with a parking area to the rear (north).

Question

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

- The provision of an art mural at the Arklow Youth Centre, Coomie Lane, Arklow, Co. Wicklow.

Planning History

09610051 – **PERMISSION GRANTED** for change of use from office use (ref 07/149) to Youth Training Office. The unit will comprise office space for admin., youth workers & counselling staff, open plan meeting area, training and leisure activities and seating area with kitchen. The Youth Centre will be managed by Wicklow VEC in conjunction with Youth Service Providers

00610169 – **PERMISSION GRANTED** for full planning permission requested for the erection of 2 No. two storey apartments including parking spaces and connection to services

Relevant Legislation

Section 2(1) of the Act states the following in respect of the following:

“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

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act states the following in respect of ‘development’:

“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 structures or other land.”

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4 (1) (h) is relevant for the purposes of this declaration:

“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 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations 2001(as amended)

Article 6 (1):

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

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,

Schedule 2: Part 1

Class 12

The painting of any external part of any building or other structure.

Limitations

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

Conclusion

Class 12 does not include murals as exempted development. No other class is applicable.

Other Legislation

Public Art Mural (Exempted Development) Bill 2023

Bill entitled an Act to amend Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) to provide for exemptions from planning permission for certain categories of public art murals where such work has artistic or cultural merit, has the permission of the owner of the building or structure on which it is displayed, is not a commercial advertisement and does not conflict with the Equal Status Acts.

Conclusion

This Public Art Mural (Exempted Development) Bill has not been enacted.

Assessment

The declaration queries whether the installation of an art mural at the Arklow Youth Centre is or is not exempted development.

“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.

The Planning Authority is satisfied that the proposal would involve works and therefore the proposal **does constitute development**.

Class 12 under Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) excludes art murals as exempted development and therefore, the proposed development **does not constitute exempted development**.

Having regard to Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended), I note that the carrying out of the development as described would not contravene a condition attached to any relevant planning permissions on the subject property or fall within any of the other restrictions within this article.

Recommendation:

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

the provision of an installation of an art mural at the Arklow Youth Centre is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

The Planning Authority considers that

The provision of an art mural at the Arklow Youth Centre, Arklow, Co. Wicklow **is Development and is Not 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 of the Planning and Development Act 2000 (as amended)
- c) Article 6, Article 9 and Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- B. The provision of an art mural, as described in the documents lodged, would NOT come within the description, conditions and limitations set out under any class in Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Neal Murphy
Executive Planner
12/09/2025

Agreed.

Police Ref
SEP.

15/09/2025



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Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL


TO: Neal Murphy
Executive Planner

FROM: Nicola Fleming
Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX100/2025

I enclose herewith application for Section 5 Declaration received completed on 25th August 2025.

The due date on this declaration is 21st September 2025.



Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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25th August 2025

**Crosscare (East Wicklow Youth Service)
Arklow Youth Centre
Coomie Lane
Arklow
Co. Wicklow
Y14 XP70**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Act 2000 (as amended). – EX100/2025 –**

A Chara

I wish to acknowledge receipt on 25/08/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 21/09/2025.

Mise, le meas

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



Wicklow County Council
County Buildings
Wicklow
0404-20100



25/08/2025 11:08:35

Receipt No L11/0/350420

***** REPRINT *****

CROSSCARE (EAST WICKLOW YOUTH SEF
ARKLOW YOUTH CENTRE
COOMIE LANE
ARKLOW
WICKLOW

EXEMPTION CERTIFICATES	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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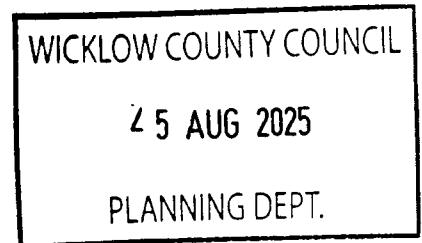
Fee Received _____

**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: Crosscare (East Wicklow Youth Service)
Address of applicant: Arklow Youth Centre, Coomie Lane, Arklow, Co
Wicklow. Y14 XP70

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

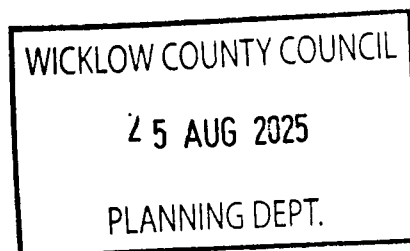


2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A

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: East Wicklow Youth Service,
Arklow Youth Centre, Coomie lane, Arklow, Co Wicklow

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 confirmation on whether the installation of an Art Mural on the outside of the Arklow Youth centre is considered exempted development under the Planning and Development Act. The project involves young people attending the centre and a local artist designing an artistic Mural which depicts the young peoples ideas of Arklow past, present and future. The mural will be painted by the young people on one section of the outer wall currently painted in yellow.

Additional details may be submitted by way of separate submission.

- Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration:
- Local Authorities and the Arts -

CLASS 12

The painting of any external part of any building or other structure.

- Such painting may not, except in the case of a hoarding or other temporary structure or bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

6.—(1) A local authority shall, for the purposes of section 67 of the Act of 2000

Article 2 – section 6

Public Art Mural (Exempted Development) Bill 2023:

Bill entitled an Act to amend Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) to provide for exemptions from planning permission for certain categories of public art murals where such work has artistic or cultural merit, has the permission of the owner of the building or structure on which it is displayed, is not a commercial advertisement and does not conflict with the Equal Status Acts.

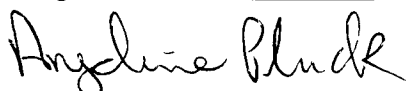
[b0923d-memo.pdf](#)

v.

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:
One proposed drawing submitted.
- viii. Fee of € 80 Attached: Yes

Signed : Angeline Pluck Dated : 19/8/2025



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.



Proposed Art Mural on the outside of the Crosscare, East Wicklow Youth Service, Arklow Youth Centre, Coomie Lane, Arklow, Co Wicklow.

The proposed mural in the picture involves young people attending the arklow youth centre and a local artist designing an artistic Mural which depicts the young people's ideas of Arklow past, present and future. The mural will be painted by the young people on one section of the outside wall currently painted in yellow.

OSM arklow link

<https://store.osi.ie/downloadable/download/link/id/MC41NjQ2NjgwMCAxNzU1NTk5OTMzMjU0MjM3OTM0OTE3MzQ4Mjg5/>

Land Registry Compliant Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 724193,673521

PUBLISHED:
19/08/2025

MAP SERIES:
1:1,000

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

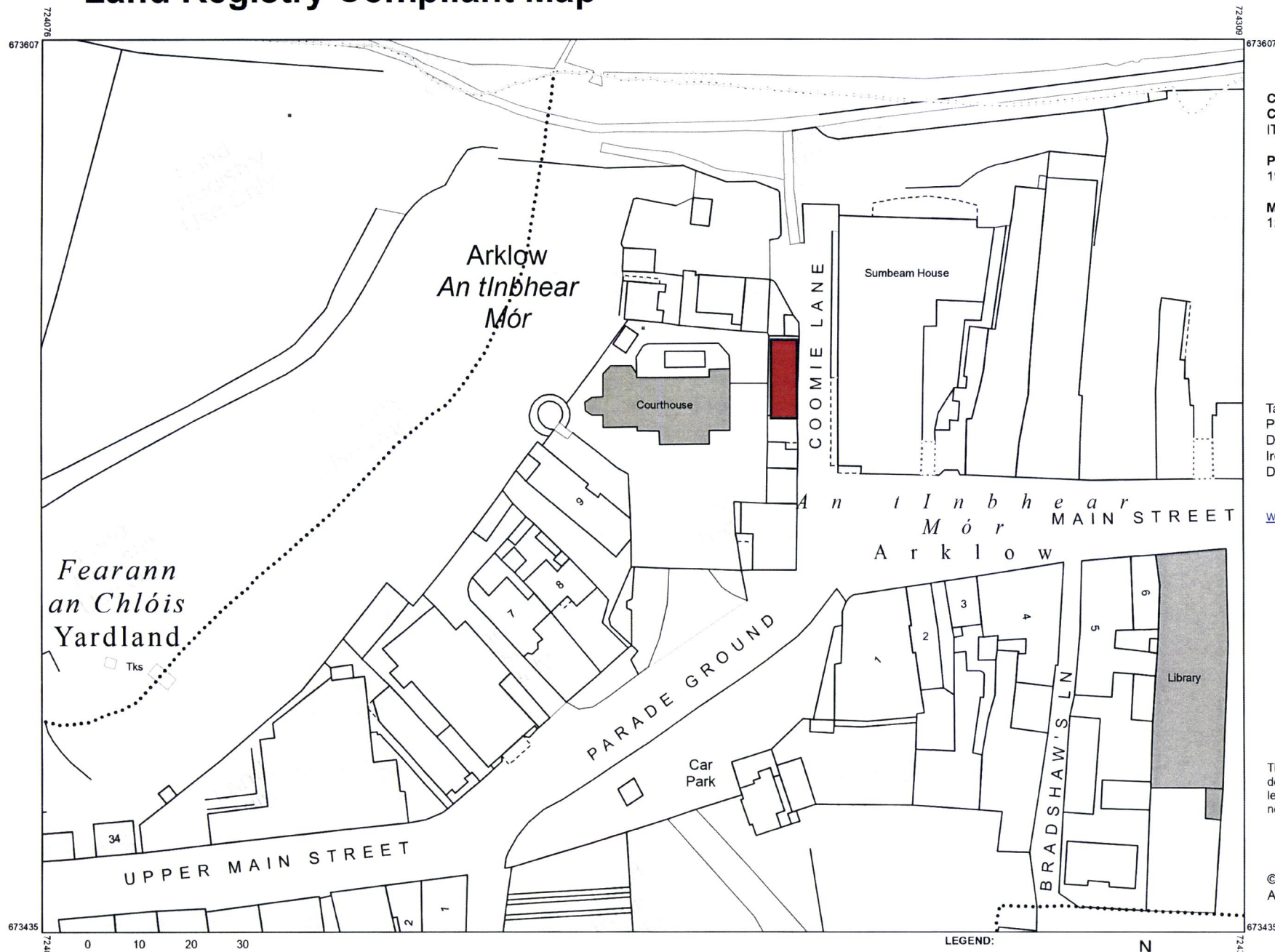
www.tailte.ie

Crosscare – East
Wicklow Youth
Service building –
marked in RED

[Sidebars are

This topographic map
does not show
legal property boundaries,
nor does it show

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