



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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Suíomh / Website: www.wicklow.ie

29th May 2025

Eak Ireland Tree Top Walks
Beyond The Trees Avondale
Avondale Forest Park
Rathdrum
Co. Wicklow
A67 P303

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX53/2025**

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: EAK Ireland Tree Top Walks

Location: Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow

Reference Number: EX53/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/541

Section 5 Declaration as to whether "i) the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes and ii) Event Staging" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) Details submitted with the Section 5 referral
- b) Planning Permission Register Reference PRR 20/646, PRR 18/1158 and Section 5 Declaration Register Reference EX 54/14 and EX 04/14
- c) An Bord Pleanála Declarations RL 3404, and RL3158
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 6, 9, Schedule 2 Part 1 : Class 36 and Class 37 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

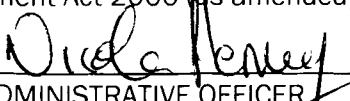
- i. The erection of tables and event staging on site would be works of construction. The use of the Viewing Tower for events would be different in character, have noise, and light impacts, and differing patrons to its use as a walkway/ slide and viewing platform, and would be therefore be material.
- ii. The works would therefore be development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).
- iii. The provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes would not come within the description set out under Class 36 Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended). These works are on behalf of the commercial operators of the Tree Tops Facility, and the additions are not for the enjoyment of the park or required in connection with or for the purposes of the management or operation of the park but are stand alone play facilities within the commercial Viewing Tower.
- iv. The use of the Viewing Tower area for events would come within the description set out under Class 37: Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended), as they are temporary structures on the land in connection with use for occasional events. There is nothing within Article 9 of the Regulations which would effect this exemption

The Planning Authority considers that: -

"i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum , Co. Wicklow **is Development and is NOT Exempted Development.**

"ii. Event Staging" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum , Co. Wicklow **is Development and is Exempted Development**" within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  29 May 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/541

Reference Number: EX53/2025

Name of Applicant: EAK Ireland Tree Top Walks

Nature of Application: Section 5 Declaration request as to whether or not:-
“i) the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes and ii) Event Staging” is or is not development and is or is not exempted development.

Location of Subject Site: Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “i) the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes and ii) Event Staging” at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) Details submitted with the Section 5 referral
- b) Planning Permission Register Reference PRR 20/646, PRR 18/1158 and Section 5 Declaration Register Reference EX 54/14 and EX 04/14
- c) An Bord Pleanála Declarations RL 3404, and RL3158
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 6, 9, Schedule 2 Part 1: Class 36 and Class 37 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- i. The erection of tables and event staging on site would be works of construction. The use of the Viewing Tower for events would be different in character, have noise, and light impacts, and differing patrons to its use as a walkway/ slide and viewing platform, and would be therefore be material.
- ii. The works would therefore be development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).
- iii. The provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes would not come within the description set out under Class 36 Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended). These works are on behalf of the commercial operators of the Tree Tops Facility, and the additions are not for the enjoyment of the park or required in connection with or for the purposes of the management or operation of the park but are stand alone play facilities within the commercial Viewing Tower.

- iv. The use of the Viewing Tower area for events would come within the description set out under Class 37: Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended), as they are temporary structures on the land in connection with use for occasional events. There is nothing within Article 9 of the Regulations which would effect this exemption

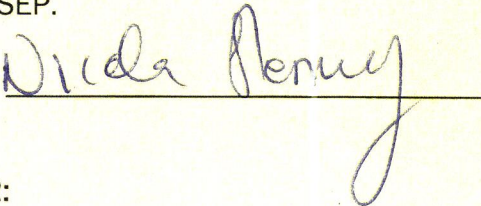
Recommendation:

The Planning Authority considers that:-

"i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow is **Development and is NOT Exempted Development**.

"ii. Event Staging" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow is **Development and is Exempted Development** as recommended in the report by the SEP.

Signed



Dated 23rd day of May 2025

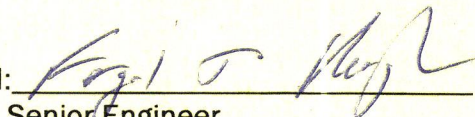
ORDER:

I HEREBY DECLARE THAT: -

"i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow is **Development and is NOT Exempted Development**.

"ii. Event Staging" at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow is **Development and is Exempted Development** within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer
Planning, Economic & Rural Development

Dated 23rd day of May 2025

Section 5 Application EX 53/2025

Date : 26/5/2025

Applicant : EAK Ireland Tree Top Walks

Address : Beyond The Trees Avondale, Avondale Forest Park, Rathdrum, Co. Wicklow A67 P303.

Exemption Whether or not :

A Marble Run Activity, Event Staging Truss

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

Planning History :

PRR 20/646 Permission granted for amendment of previously permitted development as granted under Planning Application Ref 18/1158. Permission 18/1158 provided for enhanced visitor facilities on a site area of circa 19.7 hectares within a total landholding of circa 200 hectares.

PRR 18/1158 Permission granted for enhanced visitor facilities on a site area of c 19.7 ha within a total landholding of c 200 ha. The proposed development will comprise 1. a subterranean orientation space or c 324 sqm, including toilets and an orientation tower 21m in height, 2. a walking trail totalling 218m comprising sunken pathways, tunnels and elevated timber lattice walkways for 460m in length and to a maximum height of 24m, through the tree canopy 3. a timber lattice constructed lookout over the Avonmore River valley to a maximum of 35m in height with associated access stairs and elevator 4. Ground, first floor and mezzanine extensions to the existing venue facility 5. The refurbishment, extension and change of use of the existing outbuildings to a new café and associated kitchen and toilet facilities and associated electricity substation and switch room 6. Upgrade of existing vehicular / pedestrian access points 7. a new vehicular egress point and associated internal road to the public road to the west, 8. Upgrading the existing car park, the provision of a new overflow car park of 250 no car park spaces, 50 no cycle parking spaces and 5 no bus / coach drop off and waiting area together with staff car parking area 9. Demolition of accommodation block utilised for the training and education of staff, a flat roofed shed and a number of lean to structures associated with the outbuildings 10. Internal refurbishment works (partial electrical upgrade and localised repair of roof) to Avondale House (a protected structure) 11. Upgrading pathways and trails 12. Site development works associated with the connection to the existing Wastewater Treatment Plant in Rathdrum, and 12 all other associated works above and below ground

06/5059 - Commissioners of Public Works – Permission Granted for the change of use of a ruined agricultural shed to an event centre, for the construction of an adjoining one storey kitchen block, the conversion of an existing adjoining derelict gardener's room to an electrical switch room, the insertion of a partial first floor within an existing adjoining conference centre, the replacement of an existing boiler room with a small toilet block extension, the installation of a bio cycle & filter system & an emergency generator in the adjoining walled garden & the installation of oil & gas

tanks immediately to the west of the walled garden all of the above located in the grounds. Avondale House is on the record of Protected Structures

Pre-planning: Ref PP18/61 – Meeting held with design team in County Buildings on 04/07/18

Section 5 Declarations

EX 54/14

Use of the lands associated with Avondale House including the Barn and Chapel for a Christmas Train and Market is development but is not exempted development

Use of the lands associated with Avondale House for a Forest Train running throughout the year is not development.

EX 04/14

A. Conversion of 3 No. Windows to doorways at the barn in the Forestry Training Centre, the creation of emergency exit and pedestrian entrance/ exit in the west and east elevation of the walled garden are development and are exempted development

B. The removal of a section of the existing remains of the walled garden perimeter boundary for the purpose of excavation in an emergency is development but is not exempted development .

An Bord Pleanála Referrals

RL 3404

An Bord Pleanála concluded that

the use of an agricultural building known as "Arthur's Barn" and associated lands used occasionally for small scale events as listed in the referral constitutes a change of use from the existing agricultural use, and this change of use is considered to be a material change of use and, therefore, constitutes development in accordance with the provisions of section 3 of the Planning and Development Act, 2000, and having regard to the nature of the uses detailed in the referral, while it is considered that a number of these uses would come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, nevertheless, the said use of the agricultural building known as "Arthur's Barn" and associated lands used occasionally for small scale events, would contravene condition number 2 attached to planning register reference number 10/2636. The restrictions on exemptions provided for under Article 9 (1)(a)(i) of the Planning and Development Regulations, 2001, apply:

RL 3158

An Bord Pleanála has concluded that the staging of certain activities and events constitutes development on the grounds that a change of use has occurred, which change of use is considered to be a material change of use of the land that have taken place in the staging of such activities and events and that while the nature of the activities and events was generally covered by the exemption in Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, the number of events and activities which had taken place in 2013 exceeded the restrictions, as set out in Conditions and Limitations at number 1 under Column 2 of Class 37 and, therefore, constituted development which is not exempted development.

Relevant legislation :

Planning and Development Act 2000 (as amended)

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires,

(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

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris,

the use of the land shall be taken as having materially changed.

Section 4 :

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

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

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.]

Planning and Development Regulations 2001 (as amended)

Article 6

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

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—
 - (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
 - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,
 - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2 : Part 1

CLASS 36

(a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the

purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.

(b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve.

Limitation/ Condition

1. The floor area of any building constructed or erected shall not exceed 40 square metres.
2. The height of any building or other structure constructed or erected shall not exceed 10 metres.
3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.

Class 37

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

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

Submission :

1.Marble Run Activity

A marble run allows families to race each other's wooden balls along wooden tables to see who becomes the winner. These low rise tables allow kids to take part with various obstacles along the way. This comprises of 1 main route activity with 8 separate but connected tables, then 3 additional 'pinball' stand-alone tables that can be played separately and a couple of small hanging pipes from our sanitary building wall.

2.Event Staging Truss

In the middle of our viewing tower we have a small flat area that can act as a stage for music and cultural acts, with viewers congregating on the levels above looking downwards. During a trial music event last year it became clear that we need to cover any acts / instruments etc in case of rain. Therefore we would like to purchase a staging strut which would allow us to place a clear cover over the acts, then people could still see them but they are protected from the elements. This truss could then also position necessary lights and speakers depending on what the act required. The approx. measurements are 3mtrs x 6mtrs, with a height of 3mtrs. The truss would be erected directly before the event and taken down immediately afterwards.

Assessment

The Section 5 application seeks a declaration as to whether

i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes.

ii. Event Staging

is or is not development or is or is not exempted development.

The works are located at Tree Tops which forms part of the Avondale Estate. Permission was granted under PRR 18/1158 to Coillte for enhanced visitor facilities at Avondale, including the provision of a Timber Lattice Lookout structure and associated elevated walkways. The current works are located at the base of the Viewing Tower. The walkways and Lookout structure are operated by a third party, and are not operated by Coillte, and payment is required for access to same.

The erection of tables and event staging on site would be works of construction. In addition the use of the area of the Viewing Tower for events would be a change of use, and would be material to the use as a Viewing Tower given that it is different in character, has noise, and light impacts, and differing patrons. Therefore the identified works would be development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).

i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes.

The referrer references Class 36 in respect to the works identified i.e. Marble Run & Pinball tables. This exemption is for

Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.

The works are not on behalf of the State Authority but on behalf of the commercial operators of the Tree Tops Facility. In addition the tables are not for the enjoyment of the park or required in connection with or for the purposes of the management or operation of the park but are stand alone play facilities within the commercial Viewing Tower.

ii. Event Staging

The applicants indicate that they within the viewing tower they wish to stage events, indicated that the truss would be directed before and removed after events.

Class 37 provides for

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

The use of the area for events would come within the description set out under Class 37. There is no indication of the number of events but it is indicated its use is for occasional events. It is considered that the works which are temporary and are for an event of recreation character would be exempt having regard to Class 37.

From review there is nothing within Article 9 that would claw back Class 37 as

- The development would not impact on Avondale House a Protected Structure, as it is located within the Viewing Tower a permitted structure, thus would have no impact on the setting of the House beyond any existing impacts of the Tower already accounted for under the permission for that structure.
- The land is not located within or adjoining any Natura 2000 site, and is not connected to any Natura 2000 site, and therefore no impacts on the conservation values of any Natura 2000 site would arise on foot of this development or in combination with any other development.

Recommendation :

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

i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes.

ii. Event Staging

at Beyond The Trees Avondale, Avondale Forest Park, Rathdrum , Co. Wicklow

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

The Planning Authority consider that the

i. the provision of 8 separate but interconnected tables for a Marble Run Activity, 3 pinball tables and hanging pipes is **Development and is Not Exempted Development**

ii. Event Staging is **Development and is Exempted Development**

Main Considerations with respect to Section 5 Declaration :

- a) Details submitted with the Section 5 referral
- b) Planning Permission Register Reference PRR 20/646, PRR 18/1158 and Section 5 Declaration Register Reference EX 54/14 and EX 04/14
- c) An Bord Pleanála Declarations RL 3404, and RL3158
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
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Main Reasons with respect to Section 5 Declaration :

- i. The erection of tables and event staging on site would be works of construction. The use of the Viewing Tower for events would be different in character, have noise, and light impacts, and differing patrons to its use as a walkway/ slide and viewing platform, and would be therefore be material.
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- iv. The use of the Viewing Tower area for events would come within the description set out under Class 37 : Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) , as they are temporary structures on the land in connection with use for occasional events. There is nothing within Article 9 of the Regulations which would effect this exemption

26/5/2025

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*Issue declaration as recommended
Foghl T Mj L m
29/05/25*



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior 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).
EX53/2025**

I enclose herewith application for Section 5 Declaration received completed on 07/05/2025.

The due date on this declaration is 3rd June 2025

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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8th May 2025

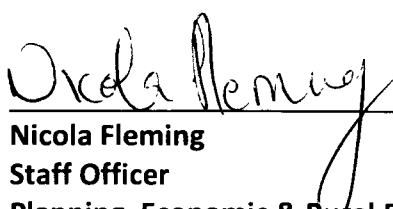
**EAK Ireland Tree Top Walks
Beyond The Trees Avondale
Avondale Forest Park
Rathdrum
Co. Wicklow
A67 P303**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Act 2000 (as amended). – EX53/2025 –**

A Chara

I wish to acknowledge receipt on 07/05/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 3rd June 2025.

Mise, le meas



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



Wicklow County Council
County Buildings
Wicklow
0404-20100

07/05/2025 12:23:42

Receipt No L1/0/344961

EAK IRELAND
TREE TOP WALKS
AVONDALE
RATHDALE
A67 P303

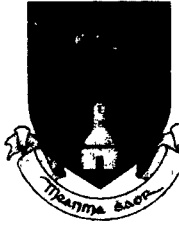
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00

Change	0.00
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**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: EAK Ireland Tree Top Walks

Address of applicant: Beyond The Trees Avondale, Avondale Forest Park,
Rathdrum, Co Wicklow, A67 P303

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

RECEIVED 07 MAY 2025

- i. Location of Development subject of Declaration _____
Avondale Forest Park, Rathdrum, Co Wicklow, A67P303

- 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 are planning 2 small projects within our site boundary.

1.Marble Run Activity

A marble run allows families to race each other's wooden balls along wooden tables to see who becomes the winner. These low rise tables allow kids to take part with various obstacles along the way. This comprises of 1 main route activity with 8 separate but connected tables, then 3 additional 'pinball' stand-alone tables that can be played separately and a couple of small hanging pipes from our sanitary building wall.

2.Event Staging Truss

In the middle of our viewing tower we have a small flat area that can act as a stage for music and cultural acts, with viewers congregating on the levels above looking downwards. During a trial music event last year it became clear that we need to cover any acts / instruments etc in case of rain. Therefore we would like to purchase a staging strut which would allow us to place a clear cover over the acts, then people could still see them but they are protected from the elements. This truss could then also position necessary lights and speakers depending on what the act required. The approx. measurements are 3mtrs x 6mtrs, with a height of 3mtrs. The truss would be erected directly before the event and taken down

immediately afterwards.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Development for amenity or recreational purposes CLASS 33

Development consisting of the laying out and use of land— (a) as a park, private open space or ornamental garden, (b) as a roadside shrine, or (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

CLASS 37 176 Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use. 1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year. 2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

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

List of Plans, Drawings submitted with this Declaration Application

- vii. -I have attached an overview of Avondale forest park with the new activity locations
-Marble Run footprint / design on top of our current tower plan with new activity in blue on our existing design map (marble run project 1)
-Image of the staging truss

- viii. Fee of € 80 Attached ? Paid by card over phone 7th May 2025



Signed : _____ Dated : 7th May 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.

forest park

Avo

pathway length 1,80 m
= 539 m
pathway length 2,50 m
= 78,39 m
wood pathway length
= 617,47 m
tunnel length 36,56⁵ m
total length 654,03⁵ m
height from 2,57 m
to 22,59 m

lookout platform:
7,50 linear meter
hight of 6,03 m
cantilever $\Delta h \sim 12$ m

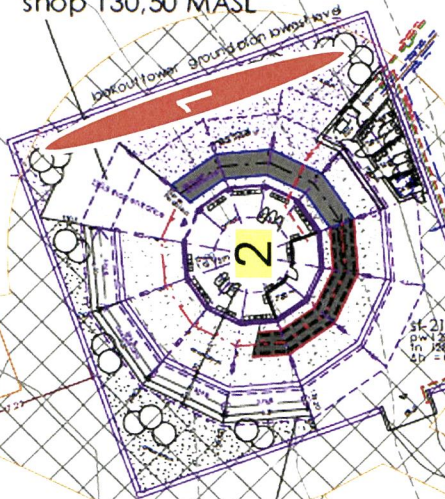
tunnel:
11,24⁵+25,32m=36,56⁵ m
average aprox. 3,00 m

tower:
wooden ramp 665,37 m
concrete ramp 19,92 m
total ramp length 685,29 m

outlook platform 101,26 m

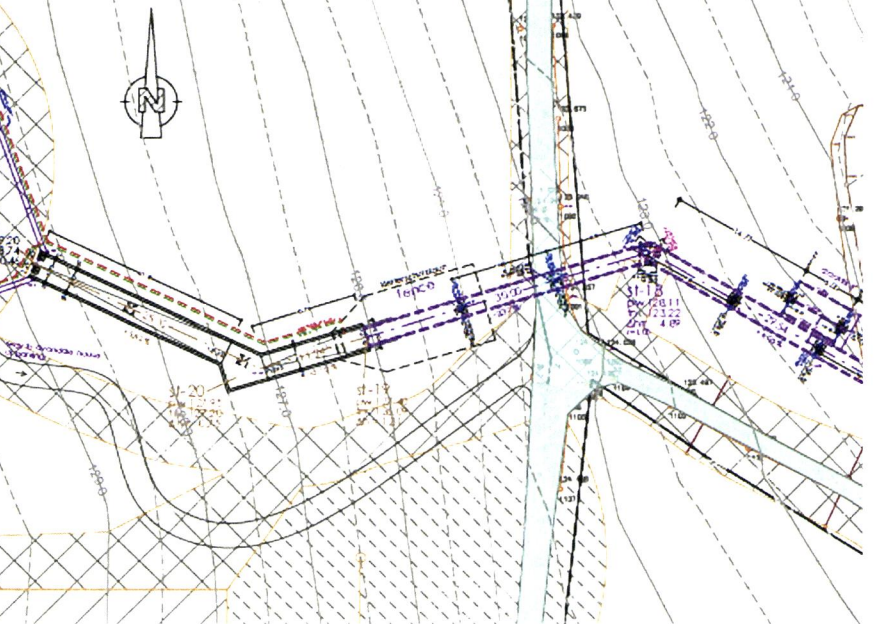
tower

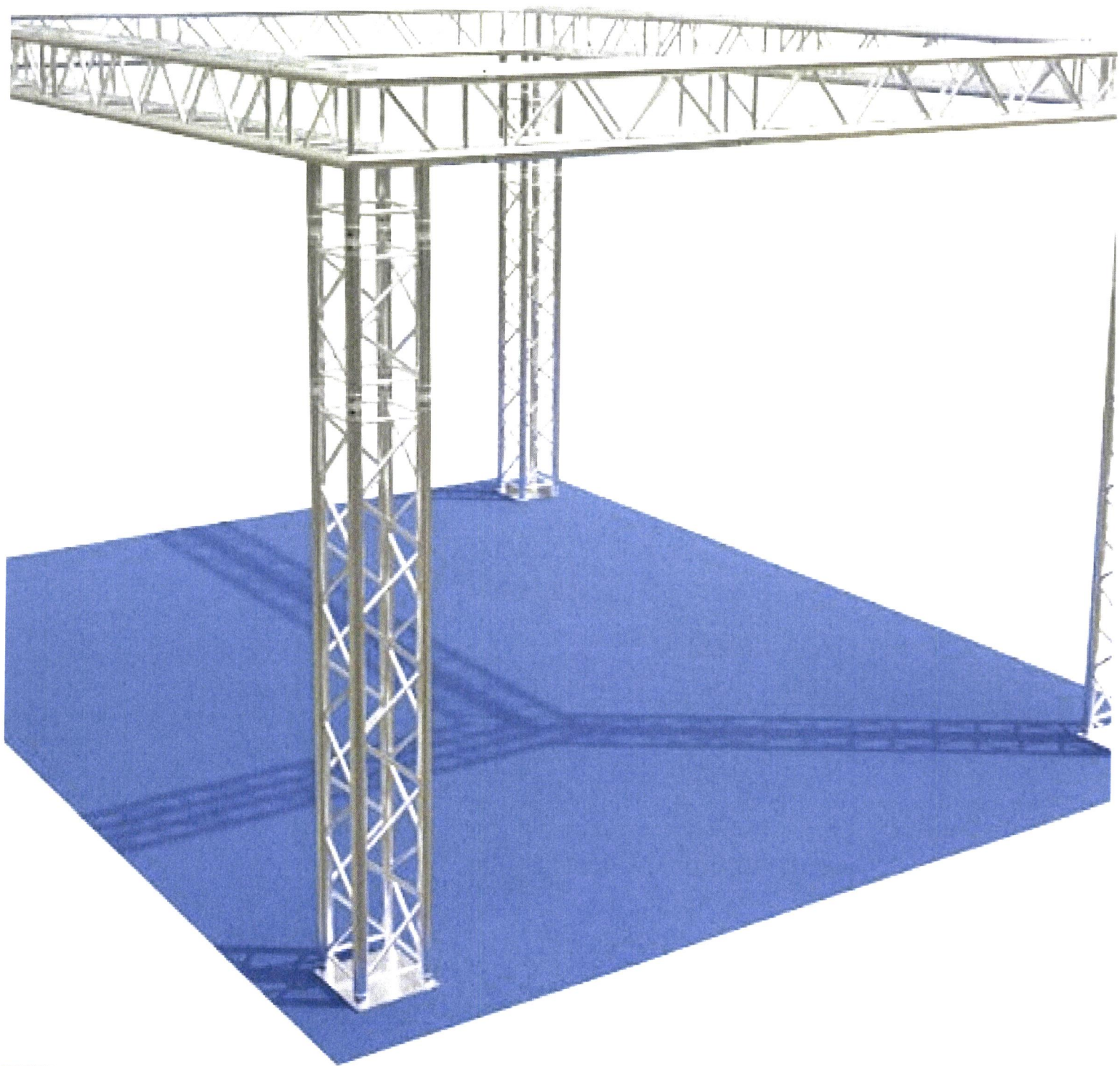
entrance 130,50 MASL
terrain 130,00 on average
 $\Delta h = 0,50$
shop 130,50 MASL



towerramp

entrance 129,20 MASL
terrain 130,50 on average
 $\Delta h = -1,30$





4x5x3m Aluminium Quad Truss Box System

