

# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

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)

**St. David's Holy Faith Secondary School  
Marine Road  
Greystones  
Co. Wicklow  
A63 AW90**

*20<sup>th</sup>* September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX62/2023**

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 DEVELOPMENT & ENVIRONMENT.**





# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco](mailto:plandev@wicklowcoco)  
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:** St. David's Holy Faith Secondary School

**Location:** Marine Road, Greystones, Co. Wicklow, A63 AW90

**CHIEF EXECUTIVE ORDER NO. CE/PDE/1675/2023**

A question has arisen as to whether "the replacement of the existing tarmac ball court with an all-weather astro surface" at St. David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow, A63 AW90 is or is not exempted development.

### Having regard to:

- a) The details submitted with this Section 5 Application on the 31/08/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Articles 6 of the Planning and Development Regulations 2001, as amended.

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

The works are considered to be works which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground" and would therefore come with the provisions of Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

**The Planning Authority considers that** "the replacement of the existing tarmac ball court with an all-weather astro surface" at St. David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow, A63 AW90 **is development and is exempted development.**

Signed: \_\_\_\_\_

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 22 September 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1675/2023

Reference Number: EX 62/2023

Name of Applicant: St. David's Holy Faith Secondary School

Nature of Application: Section 5 Referral as to whether "the replacement of the existing tarmac ball court with an all-weather astro surface" is or is not exempted development

Location of Subject Site: Marine Road, Greystones, Co. Wicklow, A63 AW90

Report from Keara Kennedy & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the replacement of the existing tarmac ball court with an all-weather astro surface" at St. David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow, A63 AW90 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- a) The details submitted with this Section 5 Application on the 31/08/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Articles 6 of the Planning and Development Regulations 2001, as amended.

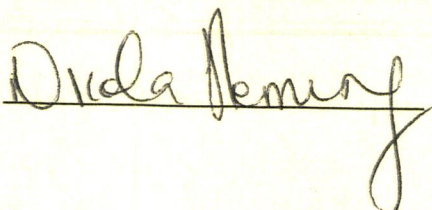
**Main Reason with respect to Section 5 Declaration:**

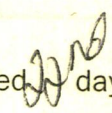
The works are considered to be works *which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground"* and would therefore come with the provisions of Class 40 of Part 1 Schedule 2 of the *Planning and Development Regulations, 2001* (as amended).

**Recommendation**

The Planning Authority considers that "the replacement of the existing tarmac ball court with an all-weather astro surface" at St. David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow, A63 AW90 is development and is exempted development as recommended in the report by the SEP.

Signed



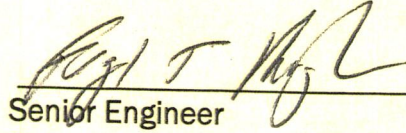
Dated  day of September 2023

ORDER:

I HEREBY DECLARE:

That "the replacement of the existing tarmac ball court with an all-weather astro surface" at St. David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow, A63 AW90 is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:



Senior Engineer

Planning Development & Environment

Dated 22<sup>nd</sup> day of September 2023



**WICKLOW COUNTY COUNCIL**  
**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

---

<b>Ref:</b>	<b>EX 62/2023</b>
<b>Name:</b>	<b>St David's Holy Faith Secondary School</b>
<b>Development:</b>	<b>Replace tarmac ballcourt to an astro ballcourt.</b>
<b>Location:</b>	<b>St David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow. A63 AW90.</b>

---

**Application Site**

The site comprises 1 ball court, which fronts onto Marine Road and is currently surfaced with tarmac, measuring 50m x 30m (1,500sq.m).

**Planning History**

**19/699:** Planning permission GRANTED to Le Cheile Schools Trust for amendments to the original permission (Reg. Ref. 15/1318).

**15/1318 (ABP 247362):** Planning permission GRANTED to Le Cheile Schools Trust for the demolition of a single storey link building between the main blocks of the school, four storey extension, two storey extension, 34 parking spaces and four temporary single storey classroom units.

**Enforcement:** None found in relation to the application site.

**Question**

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

- Replace the existing tarmac ball court with an all-weather astro surface.

**Legislative Context:**

**Planning and Development Act 2000 (as amended)**

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

'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 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):** *"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."*

**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) (a) and (b)** details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

**Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not:

- Replace the existing tarmac with a new all-weather astro surface.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

**"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.

It should be noted that Section 2 of the Act defines works as:

**"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.

**I am satisfied that the proposal involves works to the existing land and therefore constitutes development.**

The works would come within the description of Class 40 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which refers to:

**CLASS 40**

Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—

- (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,

- (b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a market building, or
- (c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building.

**Conditions and Limitations - None**

These exemptions however are subject to the restriction set out under Article 9 of the Planning and Development Regulations 2001 (as amended) which provides that development to which article 6 relates shall not be exempted development for the purposes of the Act;

*“(b) in an area to which a special amenity area order relates, if such development would be development:— (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof ), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2”,*

The application site is located within the Greystones-Delgany and Kilcoole LAP Boundary and is Zoned TS –Town Centre.

The proposal is for the replacement of the tarmac surface of the ball court with an all-weather astro surface. None of the conditions attached to any of the grants of planning permission as outlined in the Planning History above, would de-exempt the works proposed as part of this Section 5 Declaration. No changes are proposed to the ground level of the all-weather pitch and no changes are proposed to the size of the all-weather pitch. No other structures are proposed to be erected as part of this Section 5 Declaration.

It is therefore considered that the proposed works fall within the exempted development provisions as set out in Class 40.

## RECOMMENDATION

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


- The details submitted with this Section 5 Application on the 31/08/2023.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- Articles 6 of the Planning and Development Regulations 2001, as amended.

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

- The replacement of the existing tarmac ballcourt with an all-weather astro surface is or is not exempted development;

The works are considered to be works which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground" and would therefore come with the provisions of **Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001** (as amended).

The Planning Authority therefore considers that the proposal as described in the documents and details submitted as part of this Section 5 **would constitute development** and **is exempted development under of Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001** (as amended).

  
Keara Kennedy  
Executive Planner  
18/09/2023

Agreed  
Sullivan  
20/9/23

Agreed — Exemption would also come  
with S40(2).  
Issue as recommended  
Agd T. Mag L  
22/09/23

**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

---

**TO: Keara Kennedy**  
**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).  
EX62/2023 – St. David's Holy Faith Secondary School,  
Greystones**

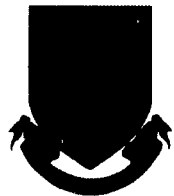
I enclose herewith application for Section 5 Declaration received 31<sup>st</sup> August 2023.

The due date on this declaration is 27<sup>th</sup> September 2023.



---

**Staff Officer**  
**Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

**Forbairt Pleanála agus Comhshaol**  
**Planning Development and Environment**

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)

1<sup>st</sup> September 2023

**St. David's Holy Faith Secondary School**  
**Marine Road**  
**Greystones**  
**Co. Wicklow**  
**A63 AW90**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX62/2023**

A Chara

I wish to acknowledge receipt on 31<sup>st</sup> August 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 27<sup>th</sup> September 2023.

Mise, le meas

**NICOLA FLEMING**  
**STAFF OFFICER**  
**PLANNING DEVELOPMENT AND ENVIRONMENT**



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

31/08/2023 11:31:10

Receipt No: L110/318120

St. David's Holy Faith Secondary School  
Greystones  
Co. Wicklow  
A63 AW90

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
-------	-----------

Tendered	
Cheque	80.00
Exemption Cert	

Change	0.00
--------	------

Issued By: Lorraine Byrne  
From: Customer Service Hub  
Vat reg No 0015233H

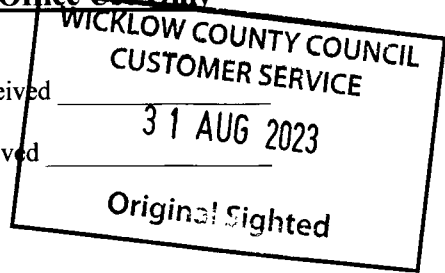


**Wicklow County Council**  
**County Buildings**  
**Wicklow**  
**Co Wicklow**  
**Telephone 0404 20148**  
**Fax 0404 69462**

**Office Use Only**

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

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



**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

**1. Applicant Details**

- (a) Name of applicant: **St. David's Holy Faith Secondary School, Greystones**  
Address of applicant: **Marine Road, Greystones, County Wicklow,**  
**A63 AW90**

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

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

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

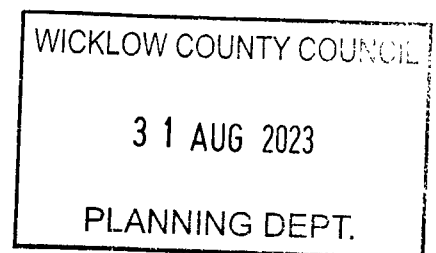
Address of Agent : \_\_\_\_\_

\_\_\_\_\_

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

**3. Declaration Details**

- i. Location of Development subject of Declaration: **St. David's Holy Faith**  
**Secondary School, Greystones, County Wicklow A63 AW90**



ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
**Yes (the school is part of the Congregation of the Holy Faith Sisters (CHF), headquartered, Glsnevin, Dublin 11**

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

**Congregation of the Holy Faith Sisters (CHF), headquartered, Glsnevin, Dublin 11**

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:

**The school is planning a change of surface from a tarmac ballcourt (existing) to an Astro ballcourt. Size and scale to remain the same and no alterations required to any existing structure or drainage.**

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

**Section 2 and 3 of the Planning and Development as amended and articles 6 and 9 and Class 33c of Schedule 2 of Part1 of Exempted Development.**

*Additional details may be submitted by way of separate submission.*

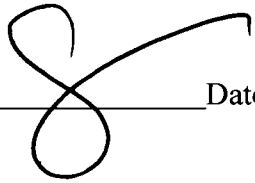
**General Regulations set out under article 6 in the Planning and Development Regulations 2001 (amended).**

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

**Drawing number 3767-C-103-2 attached (red shaded area)  
School Location Attached.**

viii. Fee of € 80 Attached ?  
Yes, a cheque

Signed : Simel  Dated : 30/08/2023

Principal

### **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.

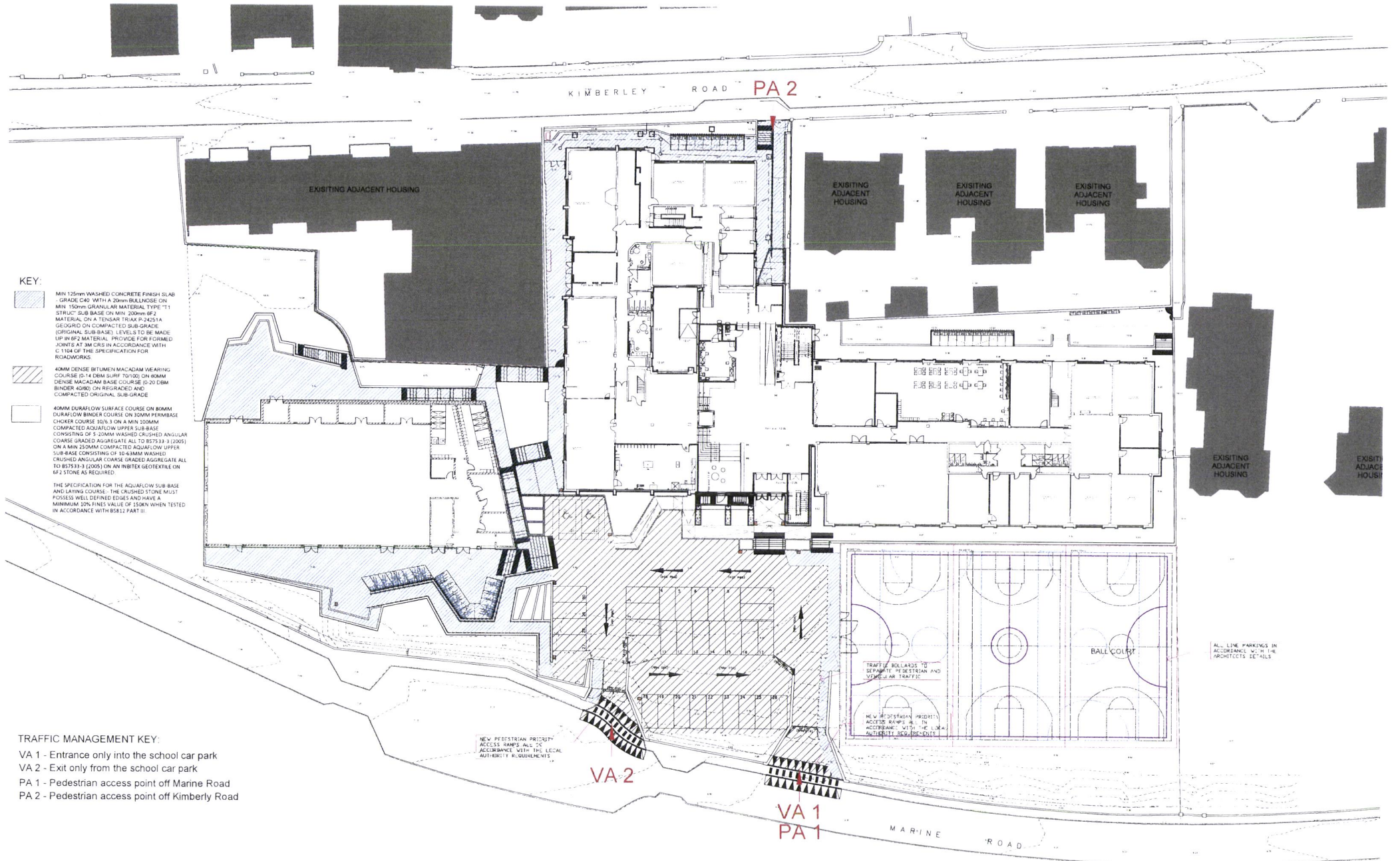
B. Land Reclamation -

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.

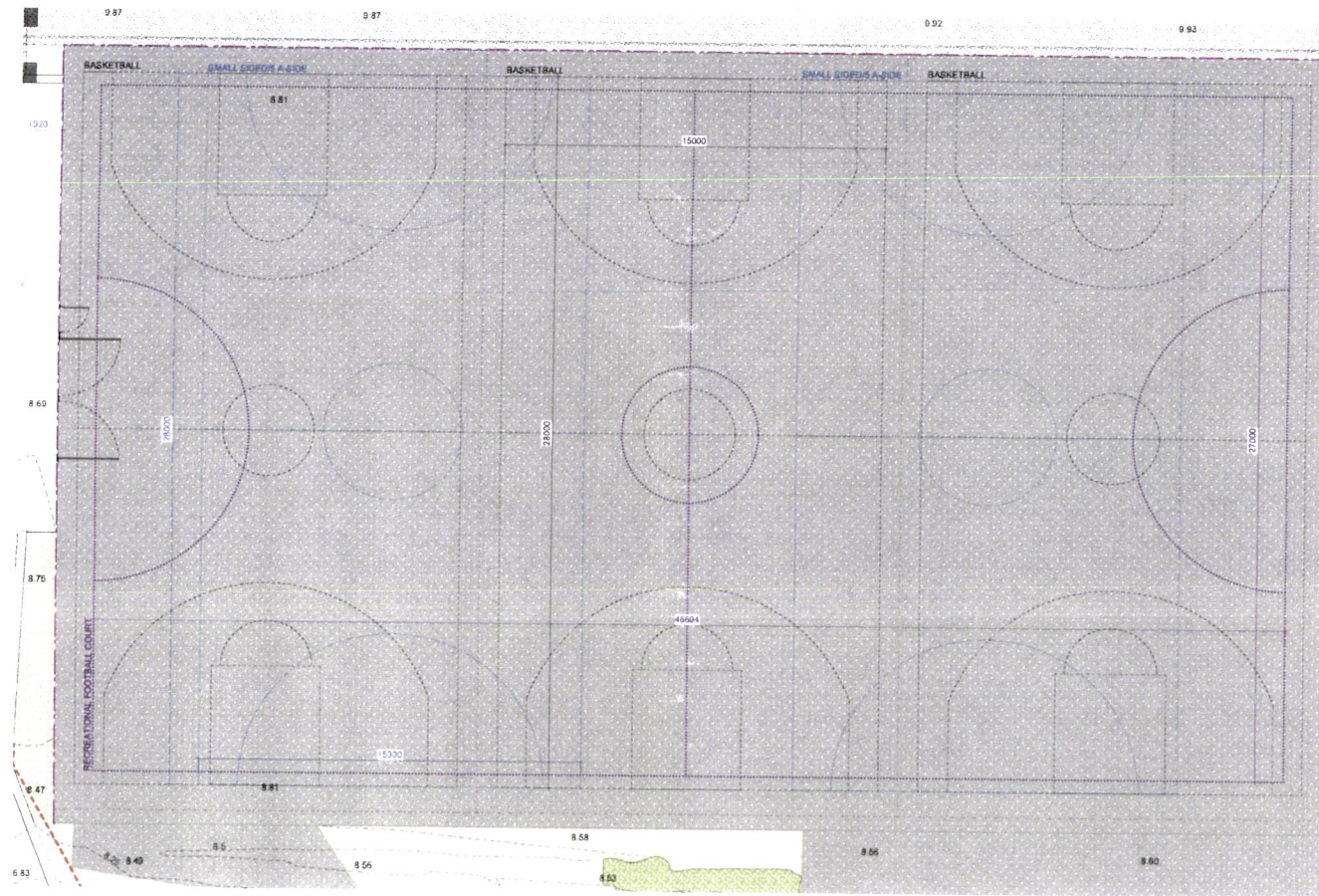
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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



Issued To	No. Of Copies
Architect	
Quantity Surveyor	
Main Contractor	

Notes	Rev.	Description	Date
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ENGINEER'S SPECIFICATIONS AND ALL RELEVANT ARCHITECT'S DRAWINGS.	1	General Revisions	22.05.23
2. ALL CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH BS 8110.	2	New Balconies Permeable Pavement access	03.07.23
3. BLOCKWORK TO BE IN ACCORDANCE WITH BS 5620.			
4. BLOCKWORK STRENGTH/TYPE TO BE U.N.D.			
5. BRICKWORK TO BE IN ACCORDANCE WITH BS 5620.			
6. BRICKWORK STRENGTH TO BE U.N.D.			
7. DO NOT SCALE THIS DRAWING.			
8. FOR ALL SETTING OUT DIMENSIONS SEE ARCHITECT'S DRAWINGS.			
9. FOR LOCATION AND SIZES OF ALL OPES AND CHASES REFER TO SERVICES ENGINEER'S AND ARCHITECT'S DRAWINGS. ALL OPES AND CHASES NOT SHOWN ON THIS DRAWING TO BE APPROVED BY STRUCTURAL ENGINEER.			
10. COVER TO ALL REINFORCEMENT TO BE mm U.N.D.			
11. ALL WALL TIES TO BE STAINLESS STEEL TWIST TYPE.			
12. CONCRETE TO BE GRADE N/A U.N.D.			
13. MORTAR MIX: RISING WALL 1 : 1/4 : 3 C.L.S. U.N.D. SUPERSTRUCTURE 1 : 1 : 6 C.L.S. U.N.D.			
14. 50mm CONCRETE RAINING 15 N/A 20 UNDER ALL REINFORCED CONCRETE FOUNDATIONS U.N.D.			
15. LOCATIONS AND DETAILS OF ALL D.P.C.'S AND D.P.A.'S TO ARCHITECT'S DETAIL ONLY.			
16. ALL STRUCTURAL STEELWORK TO BE IN ACCORDANCE WITH BS 5950.			
17. ALL TIMBER TO BE C24 TO BS 444 U.N.D.			

FOR CONSTRUCTION			
FEARON O'NEILL ROONEY CONSULTING ENGINEERS		Project	St. David's Post Primary School, Greystones
12 Pinner Place, Dublin 2 Tel: (01) 6768187/6765574 Fax: (01) 661 0733 Email: rooney@fearon.ie		Title	Proposed External Works Layout
Drawn	Checked	Scale	Date
MG		A1 - 1:250 A3 - 1:500	08/07/14
Architect		VOLUME A 3.2 3767-C-103-2	
MCCULLOUGH M.J.V.N.			



SPORTS MARKINGS  
Scale 1:100 (A1)

mccloughmulvinarchitects

18 BROADWAY STREET, SUITE 2, CHICAGO

T: (773) 885-1111  
F: (773) 787-1812  
WWW.MCCLOUGHMULVINARCHITECTS.COM

THIS DRAWING IS THE PROPERTY OF MCCLOUGHMULVINARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MCCLOUGHMULVINARCHITECTS.

22.5M SCALE: THIS DRAWING IS A PRELIMINARY DESIGN. ALL DIMENSIONS AND LOCATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE. ANY CHANGES TO THIS DRAWING SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.

© MCCLOUGHMULVINARCHITECTS

DRAFT



REV	DATE	BY	DESCRIPTION
1	10/20/22	MC	PRELIMINARY
2	10/20/22	PS	EXISTS ISSUE

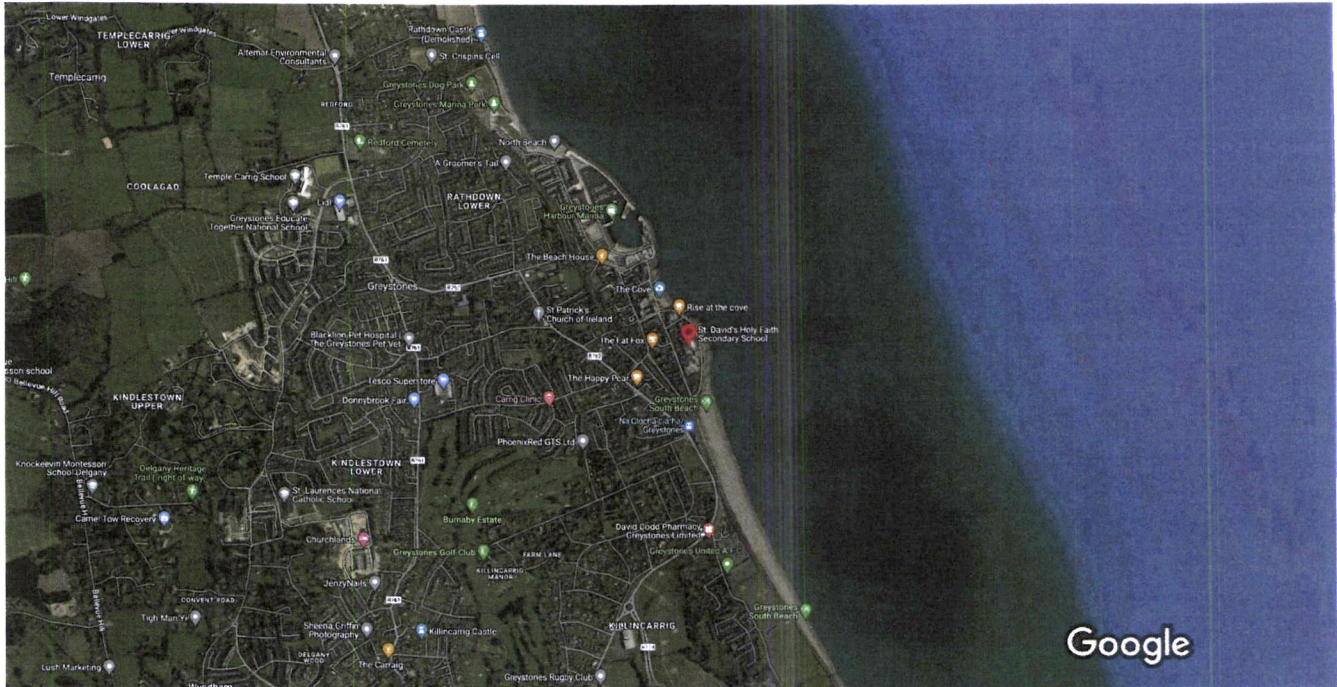
DRAWN	PROJECT	SCALE	DRAWING NUMBER
MC	ST. DAVID'S POST-PRIMARY SCHOOL GREYSTONE	1:100 (A1)	STDV-SK-900.11
DATE	DATE	DATE	DATE
10/20/22	10/20/22	10/20/22	10/20/22

STDV-SK-900.11

/



## St. David's Holy Faith Secondary School



Imagery ©2023 Google, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 Google 200 m



## St. David's Holy Faith Secondary School

3.9 ★★★★★ (17) ⓘ  
High school

Overview

Reviews

About



Directions



Save



Nearby



Send to  
phone



Share



Marine Rd, Rathdown Lower, Greystones, Co.  
Wicklow