



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
Suíomh / Website: www.wicklow.ie

Paul & Georgina Flynn,
Woodview,
Glaskenny,
Enniskerry,
Co. Wicklow.
A98 EE95

17th of September 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX115/2026**

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,

pp Deanne Byrne.
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Paul & Georgina Flynn

Location: Woodview, Glaskenny, Enniskerry, Co. Wicklow

Reference Number: EX115/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1140

A question has arisen as to whether “the installation of new electric gate on an existing driveway” at Woodview, Glaskenny, Enniskerry, Co. Wicklow is or is not exempted development.

Having regard to:

- i. The details submitted on 14/09/2026;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 5 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- d) The installation of a new electric gate is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- e) The installation of a new electric gate would come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended).
- f) The development complies with restrictions on exempted development as outlined in Article 9 (1) (ii, iii and vi) of the Planning and Development Regulations 2001 (as amended), and is therefore exempted development.

The Planning Authority considers that “the installation of new electric gate on an existing driveway” at Woodview, Glaskenny, Enniskerry, Co. Wicklow is development and is exempted development.

Signed: Deanne Byrne.
PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 16/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1140

Reference Number: EX115/2026

Name of Applicant: Paul & Georgina Flynn

Nature of Application: Section 5 Referral as to whether "*the installation of new electric gate on an existing driveway*" is or is not development and is or is not exempted development.

Location of Subject Site: Woodview, Glaskenny, Enniskerry, Co. Wicklow

Report from: Michael Lynch A.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the installation of new electric gate on an existing driveway*" at Woodview, Glaskenny, Enniskerry, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details submitted on 14/09/2026;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 5 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- a) The installation of a new electric gate is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The installation of a new electric gate would come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended).
- c) The development complies with restrictions on exempted development as outlined in Article 9 (1) (ii, iii and vi) of the Planning and Development Regulations 2001 (as amended), and is therefore exempted development.

Recommendation

The Planning Authority considers that "*the installation of new electric gate on an existing driveway*" at Woodview, Glaskenny, Enniskerry, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: Deanne Byrne

Date: 16/09/2026

ORDER:

I HEREBY DECLARE:

THAT *"the installation of new electric gate on an existing driveway"* at Woodview, Glaskenny, Enniskerry, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: *Edel Bennett*

T/Senior Planner

Planning, Economic & Rural Development

Date: *17/9/2026*

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM: MICHAEL LYNCH A.P.
SUBJECT REF: EX 115/2026
DECISION DUE DATE: 11/10/2026
APPLICANT: Paul & Georgina Flynn
ADDRESS: Woodview, Glaskenny, Enniskerry, Co. Wicklow
EXEMPTION QUERY: Installation of new electric gate on an existing driveway

Application Site:

The subject site measures 0.4ha in area and consists of a bungalow located along the L5014 Local Secondary Road. It is located approximately 2.3km south-east of the settlement of Enniskerry. It is adjoined by a number of dwellings to the north with some farm developments also present along the roadway. The land surrounding the site is primarily agricultural.

Land use:

Settlement: Level 10 – The Rural Area
Category The North-Eastern Valley Glencree AONB

Relevant Planning History:

Subject Site:

File Number: 96/5046
Applicant: Brian Sutton
Proposal: retention of deviations from approved plans for bungalow and site including septic tank
Status: Approved

File Number: 24/60080
Applicant: Paul & Georgina Flynn
Proposal: removal of existing septic tank, installation of new wastewater treatment unit and soil polishing filter to current regulations and associate works
Status: Approved

Legislative Context:

-Planning and Development Act 2000 (as amended)

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) (a)

"development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;"

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,*
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of the development plan.*

Schedule 2, Part 1 Class 5 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with

decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3. No such structure shall be a metal palisade or other security fence.

Declaration details submitted:

- Replacement of an existing electric gate on an existing driveway

Current Status:

- Dwelling

Assessment:

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 would involve works and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations. Schedule 2, Pt.1 Class 5 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

The proposed gate is noted not to exceed 2m in height. No pillars or walls are proposed and the gate would not be a security fence

The works would come within this description.

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per **Article 9 (1)**.

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

The proposed development would not contravene any conditions of any existing planning permission.

- (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,**

The driveway does not exceed 4m in width (2.5m approximate width)

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

The proposed gateway would not have any impact on traffic safety

- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of the development plan.**

The proposed gateway would not have any impact on landscape character nor would it have any impact on any view or prospect. The site is located along Prospect Id. 1 however the relocation of an existing gate would not impact the prospect in any meaningful way.

In this regard, it is noted that item (ii) of Article 9 (1) outlines that:

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:

- (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.*

- vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of the development plan.*

The proposed works comply with these requirements.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal of Installation of new electric gate on an existing driveway at Woodview, Glaskenny, Enniskerry, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:

The proposal of Installation of new electric gate on an existing driveway at Woodview, Glaskenny, Enniskerry, Co. Wicklow is development and is exempt development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 14/09/2026;
- ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 5 of the Planning and Development Regulations 2001 (as amended).

installation of a new electric gate
Main Reasons with respect to Section 5 Declaration:

- a] The ~~replacement entrance~~ *installation of a new electric gate* is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b] The ~~development of this entrance~~ *installation of a new electric gate* would come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended).
- c] The development complies with restrictions on exempted development as outlined in Article 9 (1) (ii, iii and vi) of the Planning and Development Regulations 2001 (as amended), and is therefore exempted development.

Michael Lynch

Michael Lynch
Assistant Planner
Date: 15/09/2026

Stefan
Agreed as modified 15/9/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

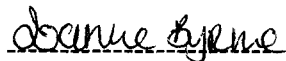
TO: Michael Lynch
Assistant Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX115/2026 - 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 14/09/2026.

The due date on this declaration is the **11/10/2026**.



A/ Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Suíomh / Website www.wicklow.ie

Paul & Georgina Flynn,
Woodview,
Glaskenny,
Enniskerry,
Co. Wicklow.
A98EE95

14th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX115/2026

A Chara

I wish to acknowledge receipt on 14/09/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 11/10/2026.

Mise, le meas

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Joanne Byrne

From: Paul Flynn <[REDACTED]>
Sent: Monday 14 September 2026 10:51
To: Planning - Planning and Development Secretariat
Subject: Exemption Section 5 application - Woodview glaskenny
Attachments: Section 5 application.docx; Site Plan.pptx

External Sender - From: (Paul Flynn <[REDACTED]>)
This message came from outside your organisation.

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CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

I'd like to submit the attached for review under section 5 exempted development. I have attached the application form as well as supporting documentation.

I have already paid the fee over the phone earlier today.

I hope everything is in order, please let me know if you require anything else.

Thanks
Paul

Wicklow County Council
County Buildings
Wicklow
0404-20100

14/09/2026 10 40 06

Receipt No . L1/0/369667
***** REPRINT *****

PAUL FLYNN
WOODVIEW
GLASSKENNY
ENNISKERRY
A98EE95

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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Issued By Samantha Duffy
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Wicklow County Council
County Buildings
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Co Wicklow
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Fax 0404 69462

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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

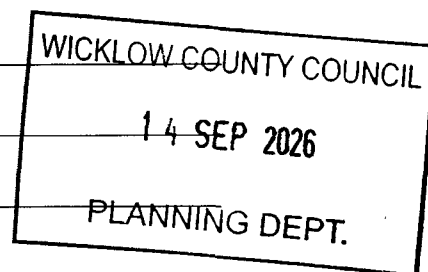
- (a) Name of applicant: Paul & Georgina Flynn
Address of applicant: Woodview, Glaskenny, Enniskerry, Co. Wicklow, A98
EE95

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:
Woodview, Glaskenny, Enniskerry, Co. Wicklow, A98 EE95
- 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: Not applicable _____

- 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, an 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 proposing to install a new electric gate on the existing driveway of our property, Woodview, Glaskenny, Enniskerry, Co. Wicklow.

The proposed gate would be positioned further back up the driveway from the existing entrance and gate, approximately 10 metres from the roadside and approximately 3 metres behind the current entrance gate. No alterations or modifications to the existing entrance, access point, or roadside boundary are proposed as part of these works.

For security reasons, the gate would be no more than 2 metres in height and constructed from solid aluminium with a fully enclosed panel design. We have attached photographs of the existing entrance and the intended gate location.

We would be grateful if you could confirm whether this proposal qualifies as exempted development under the relevant planning regulations, thereby allowing us to proceed with the installation.

Thank you for your assistance. We look forward to your advice.

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: _____

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

- Site Location Plan
- Site Location Map
- Indicative Photos of planned gates

- viii. Fee of € 80 Attached ? Yes _____

Signed : _____ Dated : _____

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.

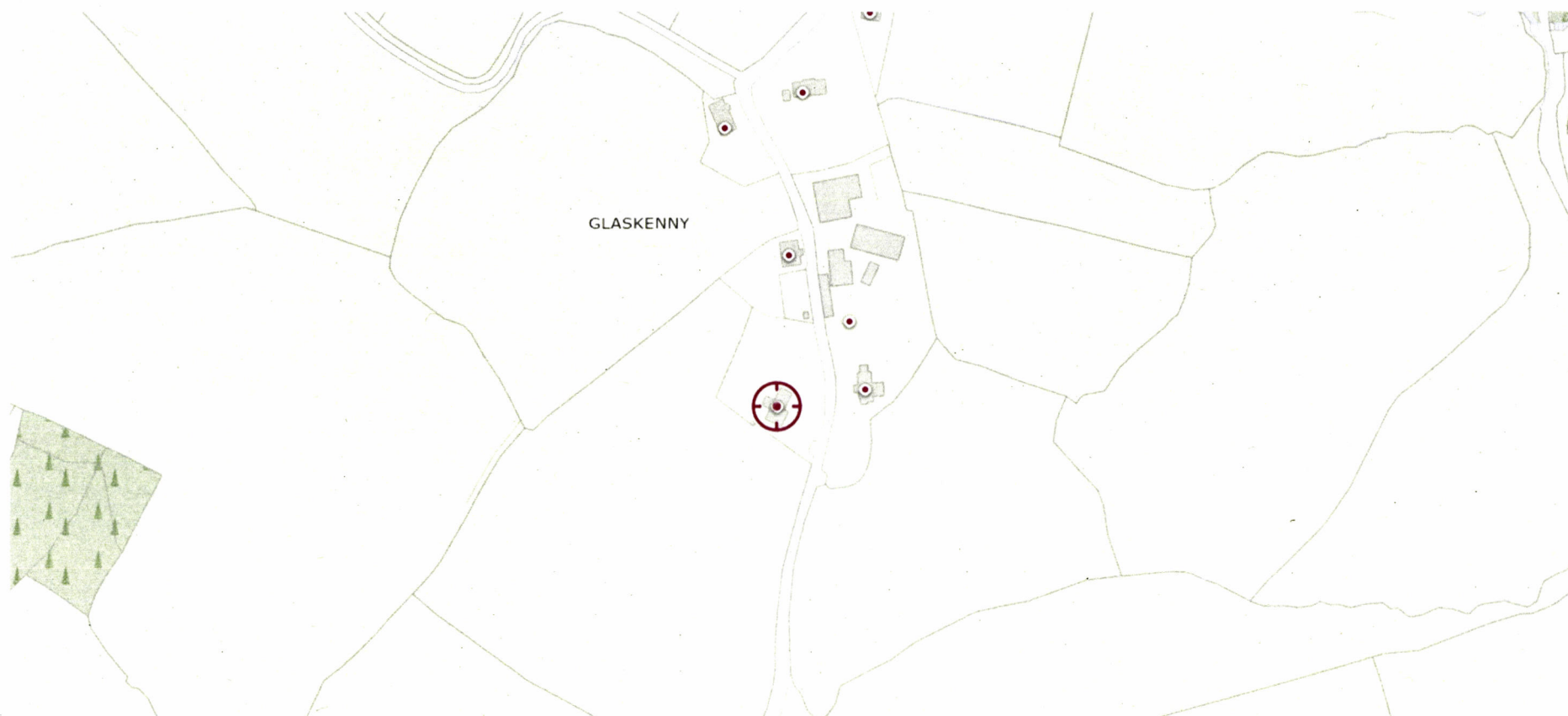
B. Land Reclamation -

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.

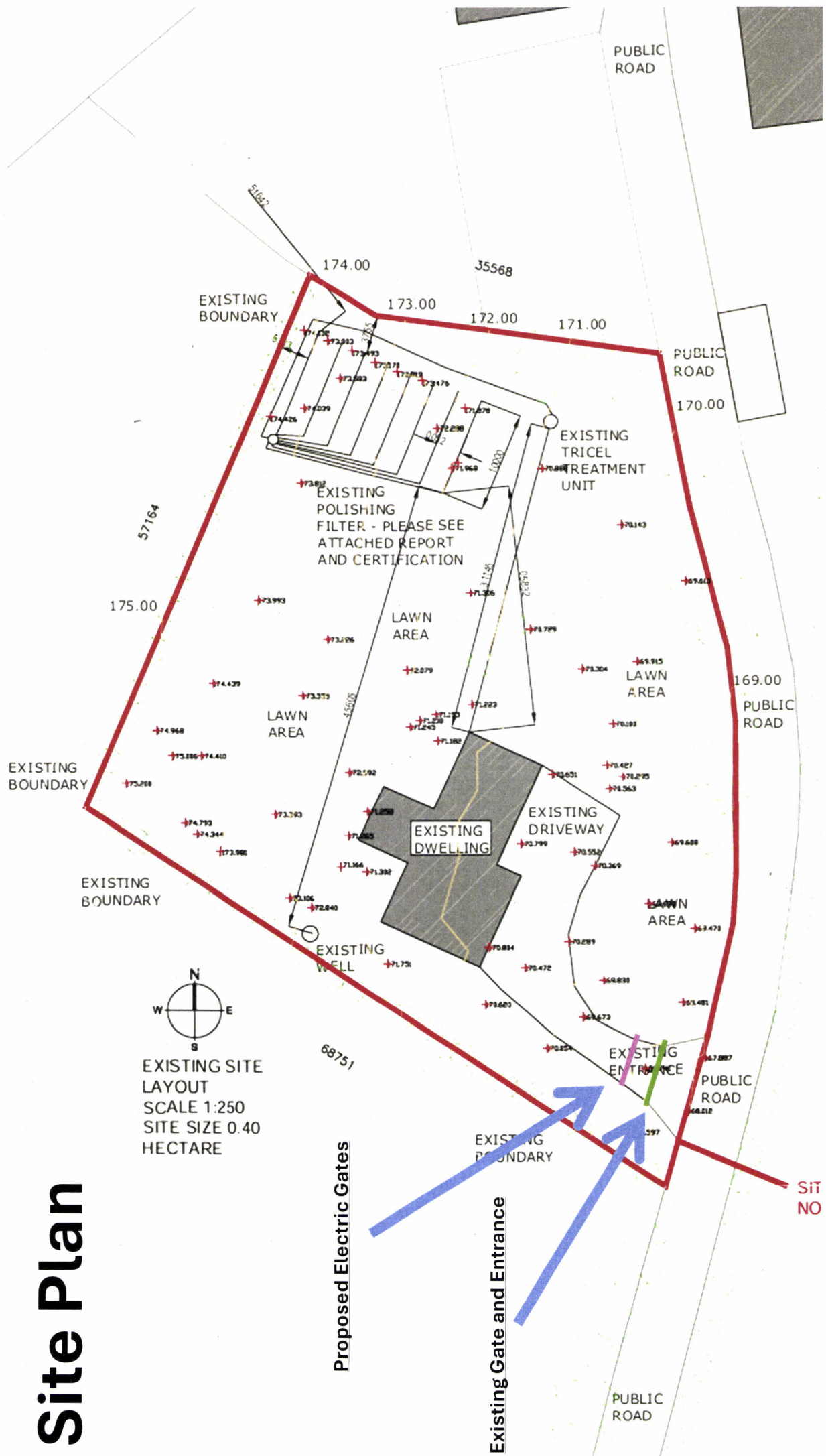
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

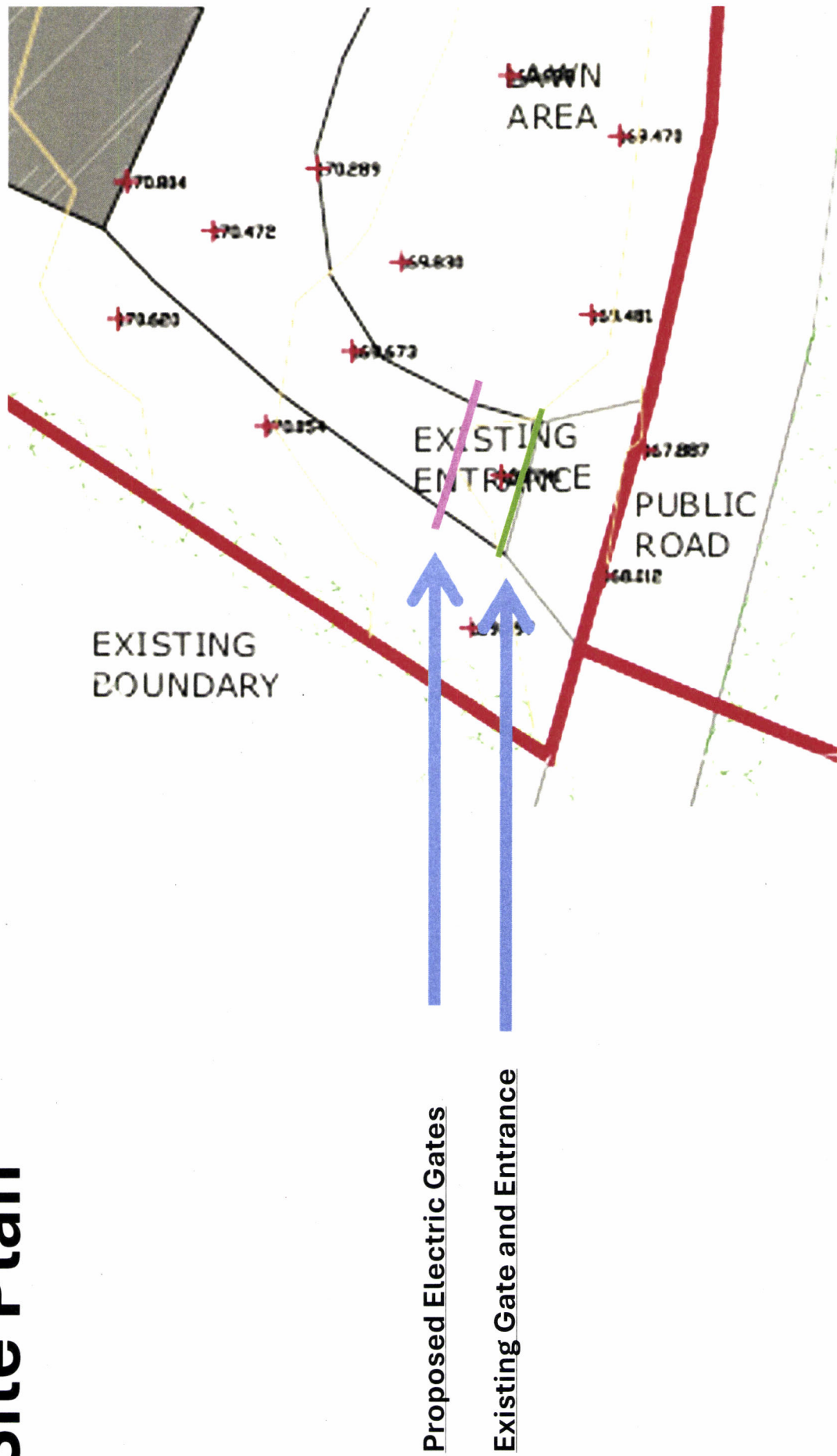
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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



Site Plan



Site Plan



**Proposed
Electric
Gates**



**Existing
Gate**

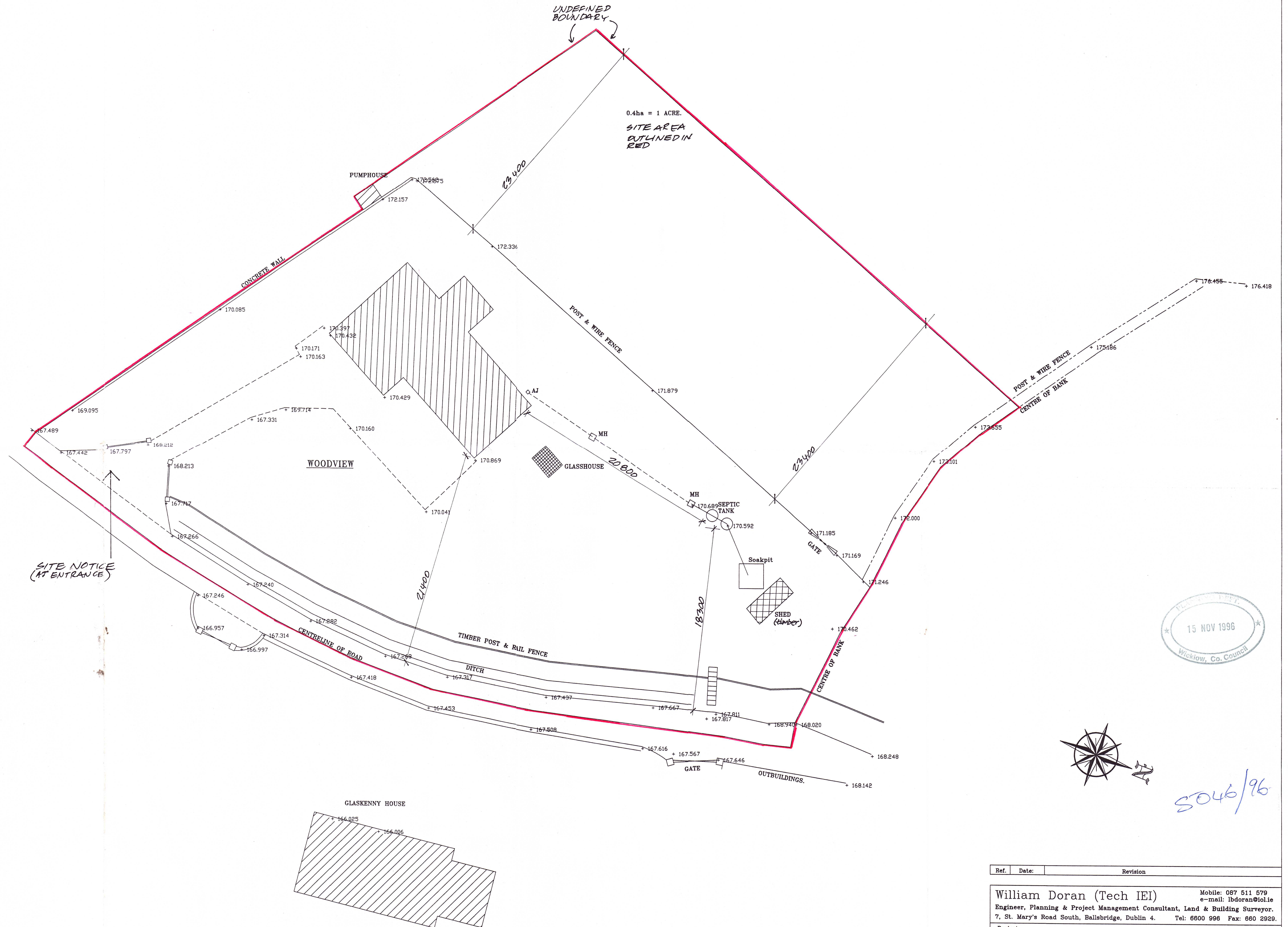
**Current
Pillars**

Roadside









Ref.	Date:	Revision
William Doran (Tech IEI) Engineer, Planning & Project Management Consultant, Land & Building Surveyor. 7, St. Mary's Road South, Ballsbridge, Dublin 4. Tel: 6600 998 Fax: 660 2929.		
Project: HOUSE AT WOODVIEW, GLASKENNY, CO. WICKLOW.		
Drawing: SITE SURVEY		
Architect: Stephen Newell, 51, Main Street, Bray, Co. Wicklow.	Scale: 1:200 Date: 6th Nov. 1996	Drawing No. 713-01 Rev.