

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

Jason Kenna

15th Of December 2025

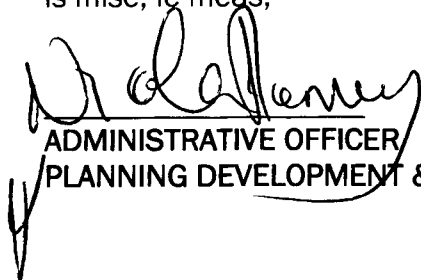
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX136/2025**

A Chara,

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

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

Is mise, le meas,


**ADMINISTRATIVE OFFICER/
PLANNING DEVELOPMENT & ENVIRONMENT.**



*Ta an doic meá seo ar fáil in formáid eile ar an ardas.
This document is available in alternative format on request*

Ba choir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1380

Reference Number: EX 136/2025

Name of Applicant: Jason Kenna

Nature of Application: Section 5 Referral as to whether "1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling, 2. The demolition of pre-existing extensions and partial demolition of the rear of the dwelling, 3. Alterations of elevations of the dwelling (including the front façade), 4. Internal modifications to the existing dwelling, 5. Earthworks and retaining structures to the rear of the dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow

Report from: Michael Woods O'Rourke, AP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling, 2. The demolition of pre-existing extensions and partial demolition of the rear of the dwelling, 3. Alterations of elevations of the dwelling (including the front façade), 4. Internal modifications to the existing dwelling, 5. Earthworks and retaining structures to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow 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 the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

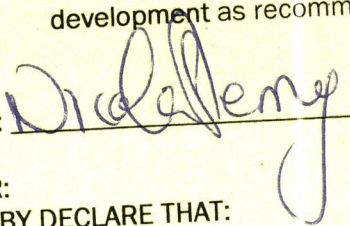
Main Reasons with respect to Section 5 Declaration:

- (i) The erection of a 40sqm extension, the demolition of previous extensions, alteration of external façade of dwelling, internal modifications, and removal of banking are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).
- (ii) The 40sqm extension would not meet Limitation 4(a) of Class 1 as the proposed rear wall would exceed the height of the side walls, and therefore would not meet the requirement that of 4(a) that 'where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.'
- (iii) The alterations and internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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;

Recommendation

The Planning Authority considers that:

1. "The provision of a new 40sqm extension with pitched roof to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development** as recommended in the planning reports.
2. "The Demolition of pre-existing extensions and partial demolition of rear of dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development** as recommended in the planning reports.
3. "The alterations to elevations of the dwelling (including the front façade)" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development** as recommended in the planning reports.
4. "The internal modifications to the existing dwelling" Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development** as recommended in the planning reports.
5. "The earthworks and retaining structures to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development** as recommended in the planning reports.

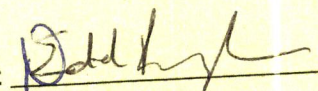
Signed: 

Date: 01/12/25

ORDER:

I HEREBY DECLARE THAT:

1. "The provision of a new 40sqm extension with pitched roof to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development**.
2. "The Demolition of pre-existing extensions and partial demolition of rear of dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development**.
3. "The alterations to elevations of the dwelling (including the front façade)" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development**.
4. "The internal modifications to the existing dwelling" Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development**.
5. "The earthworks and retaining structures to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development** within the meaning of the Planning and Development Act 2000 (as amended).

Signed: 

Date: 15/12/2025

T/Senior Planner

Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Jason Kenna

Location: Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow

Reference Number: EX 136/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1380

A question has arisen as to whether “1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling, 2. The demolition of pre-existing extensions and partial demolition of the rear of the dwelling, 3. Alterations of elevations of the dwelling (including the front façade), 4. Internal modifications to the existing dwelling, 5. Earthworks and retaining structures to the rear of the dwelling” at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The erection of a 40sqm extension, the demolition of previous extensions, alteration of external façade of dwelling, internal modifications, and removal of banking are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000 (as amended).
- (ii) The 40sqm extension would not meet Limitation 4(a) of Class 1 as the proposed rear wall would exceed the height of the side walls, and therefore would not meet the requirement that of 4(a) that ‘where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.’
- (iii) The alterations and internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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;

The Planning Authority considers that:

1. “The provision of a new 40sqm extension with pitched roof to the rear of the dwelling” at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not** exempted development.



2. "The Demolition of pre-existing extensions and partial demolition of rear of dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development**.
3. "The alterations to elevations of the dwelling (including the front façade)" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development**.
4. "The internal modifications to the existing dwelling" Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow, is development and is **exempted development**.
5. "The earthworks and retaining structures to the rear of the dwelling" at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow is development and is **not exempted development**.

Within the meaning of the Planning & Development Act 2000 (as amended)

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:

15/12/2025





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham SP
FROM: Michael Woods O'Rourke AP
REF: EX 136/2025
DECISION DUE DATE: 17/12/2025
APPLICANT: JASON KENNA
DEVELOPMENT: 40 SQM EXTENSION TO REAR
LOCATION: PRIMROSE COTTAGE, SCALP ROAD, ENNISKERRY, CO. WICKLOW



Figure 1: View of Primrose Cottage from R117 Figure 2: Site Location



Figure 3: View of Primrose Cottage from L-5008

Initial Exemption as per Section 5 Application

Whether or not:

The provision of a 40 sqm extension to the rear of the existing dwelling, Primrose Cottage, Scalp Road, Enniskerry (not a protected structure)

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

Section 5 Application

The application documentation provided outlines further works required in order to facilitate the proposal, namely:

- *'To retain the front façade and structure of the dwelling, but to replace and extend the rear element of the dwelling'.*
- *'The replacement of the existing flat roof profile of the rear of the dwelling with a pitched roof profile to match the front of the dwelling'.*
- *'It is assumed that the construction of exempted development, including all associated site works, is inherently considered within the provisions of the relevant planning legislation'.* In this regard, photographs within the submitted documentation show the rear of the existing dwelling located directly facing a steeply sloping rear garden. An existing irregular earthen embankment provides for level ground to the rear of the dwelling, which appears to curve towards the dwelling towards the north. The extension, c. 1.4m further into the garden will likely require some manner of retaining earthworks and/or retaining wall at the northern end of this embankment.
- *'Upgrading its interior to meet modern standards and living expectations'.* The drawings submitted show internal modifications throughout the dwelling.
- The drawings submitted with the Section 5 application show changes to proposed elevations, including the front elevation, which have not been accounted for in the above exemption.

As such, from examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows:

Whether or not:

1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling,
 2. Demolition of pre-existing extensions and partial demolition of rear of dwelling,
 3. Alterations to elevations of the dwelling (including the front façade),
 4. Internal modifications to the existing dwelling,
 5. Earthworks and retaining structures to the rear of the dwelling
- at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow.

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

Relevant Planning History:

24/60383 - replacement of existing septic tank with new domestic wastewater treatment system to EPA code of practice 2021 and associated siteworks – granted with conditions by An Bord Pleanála (ref. 320923) on 16/07/2025.

95/2457 - dwellinghouse and septic tank – refused 13/07/1995

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

- (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
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

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;

3) A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(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

(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) 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—

< See Regulations for List>

Schedule 2: Part 1

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions/ Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

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.

Conditions/Limitations

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.

CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

Conditions/Limitations:

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

CLASS 50

(a) The demolition of a building, or buildings, within the curtilage of—

- (i) a house,
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex.

b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions/Limitations:

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Assessment

As identified above the query to be addressed is whether or not

1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling,
2. Demolition of pre-existing extensions and partial demolition of rear of dwelling,
3. Alterations to elevations of the dwelling (including the front façade),
4. Internal modifications to the existing dwelling,
5. Earthworks and retaining structures to the rear of the dwelling
at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow.

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

The subject site is located in the townland of Killegar, Enniskerry, and is accessed from the L-5008. The residential dwelling subject of this Section 5 is located west of the road, with minimal set back from the road at an elevated visible position at the junction with the R117. The residential dwelling subject of this referral is a single storey cottage, with a distinctive pebbledash and render finish to the front elevation. The cottage was formerly known as Palmer's Cottage. According to recent media reports, the cottage was used as a tea rooms between the early 1960s and early 1980s and has since been used as a residence.¹ Documentation submitted with the Section 5 referral states that the cottage was constructed c. 1910 and has been extended in the 1940s and 1960s. It is not entirely clear what parts of the cottage represent the earlier extensions, however this likely includes the flat-roofed rear, the northern most bay of the cottage with timber cladding, and the slightly set-back southern bay of the cottage (there is a separate entrance on the south gable). The applicant states that they are satisfied that previous extensions occurred before 1st October 1964. The residential dwelling is not listed on the Record of Protected Structures, nor is it located within an Architectural Conservation Area. National Monument WI00095, an enclosure, is c. 290m to the south and National Monument WI00063, a ritual site/holy well, is c. 170m to the west. The dwelling is outside both corresponding zones of notification. The residential dwelling is also situated c. 370m north of View No. 1 as set out in the Wicklow County Development Plan 2022-2028. The origin of this view is from the R117 at The Scalp, Enniskerry, and the description of this view is as follows: '*View of Sugarloaf Mountains and Enniskerry*', i.e. the view is towards the south and does not encompass the subject residential dwelling. The residential dwelling is located in the 'North Eastern Valley - Glencree' Area of Outstanding Natural Beauty, however the nature of an extension to the rear of an existing dwelling indicates that landscape impacts are unlikely. The site is located in Flood Zone C.

¹ <https://www.independent.ie/life/home-garden/the-night-muhammad-ali-came-to-tea/42442264.html>

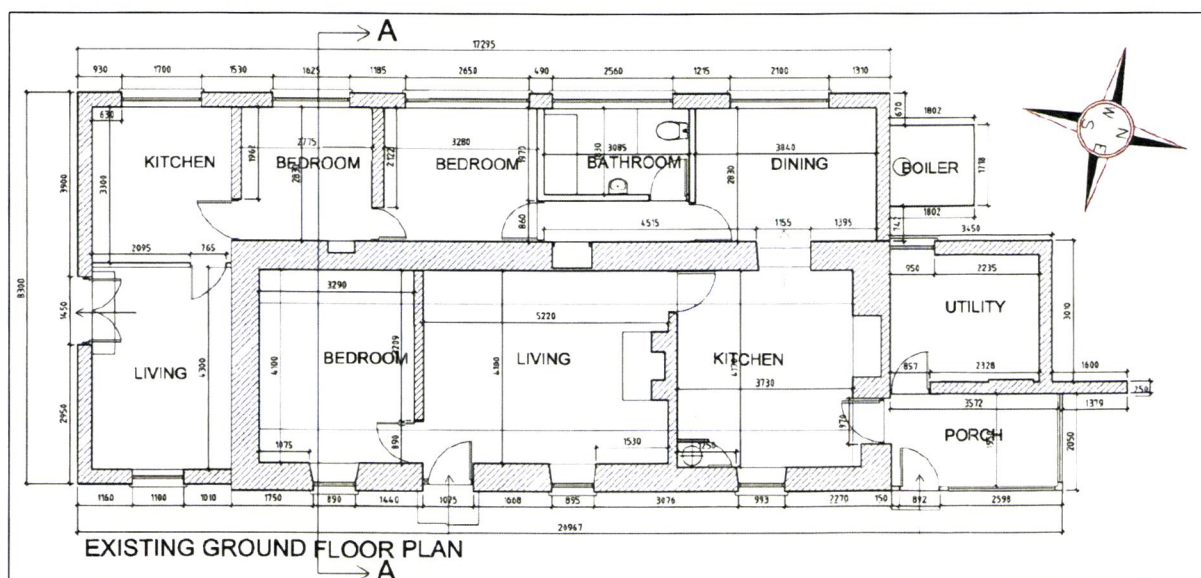


Figure 4: Excerpt from Drawing No. 1811/200 as submitted in the Section 5 application, showing thicker walls indicating likely original cottage before extension.

Environmental Impact Assessment

Having regard to nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

The application site is located c.720 metres North of the Ballyman Glen SAC and c. 1.2km from Knocksink Woods SAC. The documentation submitted with this application has included an Appropriate Assessment Screening, which has been reviewed. The Planning Authority does not agree that there is no source-receptor pathway between the subject site and any European site, noting an apparent surface water drain directly outside the site boundary downslope, leading into a drainage ditch which feeds into watercourses directly upstream of Ballyman Glen SAC. However, considering that the proposed works would be taking place entirely within the curtilage of the dwelling separated from the drains by hedging, and having regard to the nature and scale of the proposed development, it is not considered that the proposed development would give rise to any adverse impacts on the qualifying interests and conservation objectives of the Ballyman Glen SAC or any other natura sites and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

It is necessary to consider in turn whether each element of the Section 5 request is or is not a) development and b) exempted development.

Article 9 of the Planning and Development Regulations 2001 (as amended)

It is not considered that the provisions of Article 9 are relevant in this case.

Element (1):

‘The provision of a new extension with pitched roof to the rear of the dwelling’

- (a) This element would consist of an act of construction/extension and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, it is **therefore considered that this element is development**.
- (b) The relevant exemption in respect to the extension to the rear of the property is Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

Limitation 1(a) – The applicant states that the house was previously extended on two occasions (though these exact extended areas are not identified), and that the applicant is satisfied that these extensions occurred before the 1st October 1964. Having examined documentation submitted in the Section 5 application, the Planning Authority is satisfied that this is the case, with those extensions occurring before that date being considered part of the original dwelling. This limitation is therefore relevant.

The decision of An Coimisiún Pleanála under ACP Reg. Ref. 305802, a referral on whether the demolition of a rear return and construction of an extension, would then be relevant in this case. The Coimisiún found that the gross floor area of the extension did not exceed 40 square metres in that case. In determining this, the Inspector stated the following: *'The partial demolition of the rear annex does not reduce or remove the established floor area of the house. The exempted development provisions are provided in addition to the floor area of the original house.'*

The submitted documentation would therefore indicate that, accounting for the partial demolition of the dwelling (including extensions constructed before 1st October 1964) and the re-building and extension of that dwelling, the additional area of the house would be 40 sqm, satisfying the limitation.

Limitation 1(b) – N/A

Limitation 1(c) – N/A

Limitation 2(a) – The applicant states that the house was previously extended on two occasions, and that the applicant is satisfied that these extensions occurred before the 1st October 1964. The Planning Authority is satisfied that this is the case, with those extensions occurring before that date being considered part of the original dwelling. This limitation is therefore not relevant.

Limitation 2(b) – N/A

Limitation 2(c) – N/A

Limitation 3 – N/A

Limitation 4(a) – The rear wall does not include a gable so this limitation is relevant. The submitted documentation indicates that the extension walls, which include pitched gable ends, do exceed the height of the rear wall of the house. This limitation is therefore **not** satisfied.

Limitation 4(b) – The rear wall does not include a gable so this limitation is not relevant.

- Limitation 4(c) – The submitted documentation indicates that the peaked roof of the extension does not exceed the height of the highest part of the roof of the dwelling, satisfying the limitation.
- Limitation 5- The area of the remaining garden is not stated in the documents submitted, however it is clear that the remaining area would exceed 25 sqm, satisfying the condition.
- Limitation 6(a) –All proposed windows are in excess of 1m from the boundaries they face, satisfying the condition.
- Limitation 6(b) – N/A
- Limitation 6(c) – N/A
- Limitation 7 – No balcony is indicated in the submitted documents.

Based on the documents submitted, **it can be determined that Element (1) does not constitute exempted development, on the basis of not satisfying limitation 4(a).**

Element (2):

‘Demolition of pre-existing extensions and partial demolition of rear of dwelling’

- (a) This element would consist of an act of demolition and would therefore constitute ‘works’ as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (b) The relevant exemption in respect to the extension to the rear of the property is Class 50(b) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

1. The decision of An Coimisiún Pleanála under ACP Reg. Ref. 305802, a referral on whether the demolition of a rear return and construction of an extension, is relevant in this case. The Coimisiún found that:

‘the demolition of the previous rear return to the house on the site occurred in connection with development in accordance with Class 1, and so was in accordance with Class 50(b) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended. The description of development for Class 50(b) refers to the demolition of part of a habitable house, in contrast to Class 50(a) which refers to the demolition of a building or buildings. As Condition and Limitation number 1 on Class 50 refers only to “such building or buildings” and does not refer to “part of a habitable house”, it therefore restricts the scope of the exemption under Class 50(a) but not that under Class 50(b). Therefore, the abutment or otherwise or the previous rear return to the house with a building in separate ownership does not affect the exempted status of its demolition’

On this basis, Limitation No. 1 does not apply in this case, as the demolition in question is that of part of a habitable house. Regardless, the dwelling does not abut on another building in separate ownership.

2. The decision of An Coimisiún Pleanála under ACP Reg. Ref. 305802, a referral on whether the demolition of a rear return and construction of an extension, is relevant in this case. As described above, the limitation refers to the demolition of a building/buildings, and not part of a habitable house, therefore Limitation No. 2 does not apply in this regard.
3. As set out above, the development is not of a class prescribed for the purposes of Section 176 of the Planning and Development Act 2000 (as amended) and accompanying regulations.

Though the limitations are found not to apply in this case, it is still required that the demolition of part of a habitable house be in connection with an extension under Class 1 of Part 1, Schedule 2.

An issue arises in that the submitted documentation does not show exactly what is to be demolished, with the areas of previous extensions not clearly indicated. From the submitted documentation, the areas of previous extensions would appear to include the northern and southern bay of the dwelling. Combined with the alterations to the front façade described in Element (3) below, which includes changing set-backs and roof pitches to these areas, this would likely require the demolition in their entirety of the northern and southern ends of the dwelling. This would conflict with the statement in the submitted documentation of the intention '*to retain the front façade and structure of the dwelling, but to replace and extend the rear element of the dwelling*'. Furthermore, this level of demolition may be beyond the scope of demolition 'in connection with' an extension, however this cannot be determined without the accurate identified of demolition works. Without clarity on this matter, it would not be possible to determine that such works would constitute exempted development.

Regardless, as it can be determined above that the proposed extension does not fulfill the criteria of Class 1, Schedule 2, **it can be determined that Element (2) does not constitute exempted development.**

Element (3):

'Alterations to elevations of the dwelling (including the front façade),'

The submitted documentation does not provide an itemised list of alterations to the existing façade, however drawings submitted indicate at least the following:

- i. The replacement of a doorway on the south elevation with a window. The drawings also likely indicate that the slightly set back southern bay will be brought in line with the centre of the façade.
 - ii. The reconfiguration/rebuilding of the northern elevation/northern bay of front façade to match the roofline and materials of the remainder of the existing dwelling, including the removal of a doorway on the front façade and the moving of window location on the northern elevation.
 - iii. The minor enlargement of window openings to the front façade.
 - iv. The proposed elevation seems to indicate that render and pebbledash panelling on the front façade, shown clearly in the existing elevations submitted, will be replaced with a consistent finish.
- (a) This element, including items i-iv above, would consist of acts of alteration/construction and would therefore constitute 'works' as defined under Section 2 of the Planning and Development

Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**

- (b) The relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). The identified works are alterations/improvements to the exterior of the structure, and this exemption therefore requires that the works 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.

Items i-iv above are not considered to materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure. **Therefore, it can be determined that Element (3) constitutes exempted development.**

Element (4):

'Internal modifications to the existing dwelling'

- (c) This element would consist of acts of alteration/construction and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (d) The relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). The identified works are alterations/improvements to the interior of the structure, and this exemption therefore requires that the works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. It is considered that as this element consists of internal works, the character of the structure or neighbouring structures would not be affected. Therefore, **it is determined that Element (4) constitutes exempted development.**

Element (5):

'Earthworks and retaining structures to the rear of the dwelling'

- (a) This element would consist of an act of excavation and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (b) The relevant exemption in respect to the extension to the rear of the property is Class 6 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended). Class 5 would also be relevant if any retaining wall were to be constructed, however not details have been submitted in this regard.

There is 1 No. limitations with respect to this exemption, and therefore the development must be assessed having regard to it as set out below.

Limitations:

This class requires that the level of the ground shall not be altered by more than 1 metre above or below the level of adjoining ground.

No details of any excavation have been provided in the submitted documentation. Of note is the steeply sloping rear garden and the existing earthen embankment to the rear of the existing property, which curves towards the house towards the north.

Details from refused application PRR 95/2457 show details of this embankment (see below). The drawing shows the embankment at 2.75m in height, in relation to the ground level of the cottage, towards the northern end of the cottage. Considering the proximity of this embankment at its northern end, to extend the northern section of the cottage to even the **existing** rear of the dwelling would require excavation of greater than 1m, as would the extension of the cottage c. 1.4m meters to the rear of the existing back wall. Noting the age of the drawing in question, and the lack of details submitted in the Section 5 application, uncertainty exists in this regard. Considering the insufficient detail submitted in this regard, **it is considered that it is not possible at this time to determine if Element (5) constitutes exempted development.**

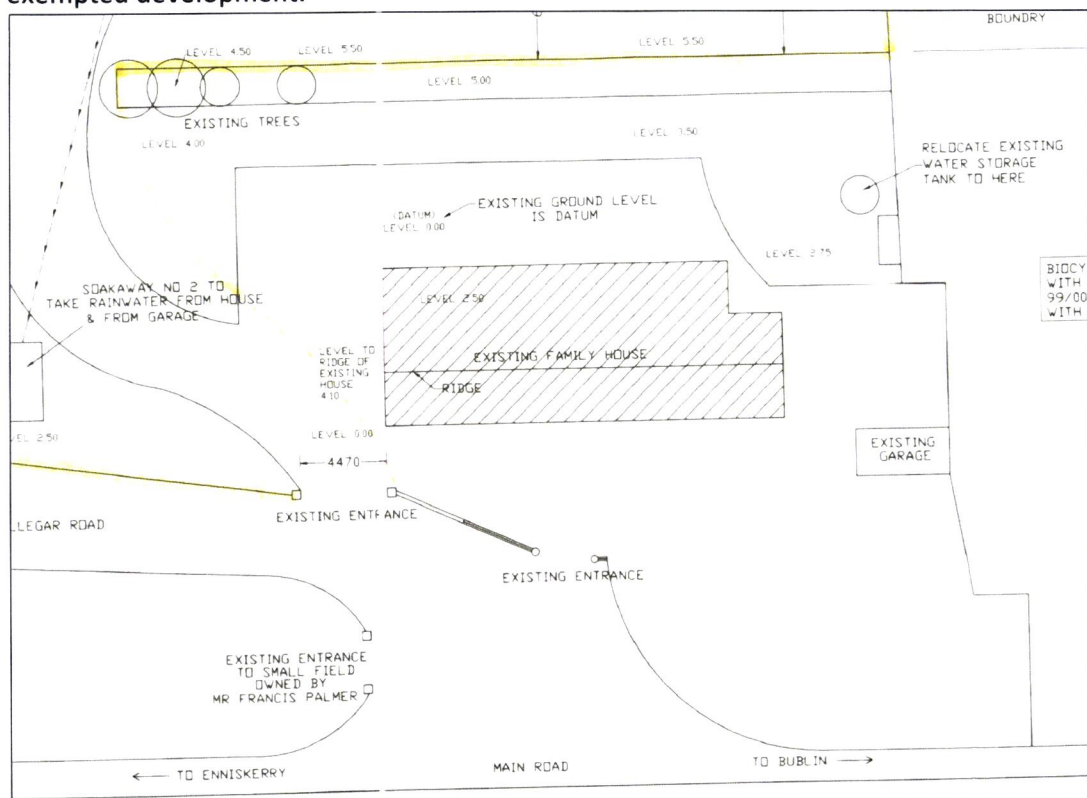


Figure 5: Drawing No. DP-2 as submitted under PRR 95/2457, indicating earthen embankment to rear of existing dwelling.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether or not:

1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling,
2. Demolition of pre-existing extensions and partial demolition of rear of dwelling,
3. Alterations to elevations of the dwelling (including the front façade),
4. Internal modifications to the existing dwelling,
5. Earthworks and retaining structures to the rear of the dwelling
at Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow.

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

The Planning Authority consider that the

1. The provision of a new 40sqm extension with pitched roof to the rear of the dwelling is development and is **not exempted development**.
2. Demolition of pre-existing extensions and partial demolition of rear of dwelling, is development and is **not exempted development**.
3. Alterations to elevations of the dwelling (including the front façade), is development and is exempted development.
4. Internal modifications to the existing dwelling, is development and is exempted development.
5. Earthworks and retaining structures to the rear of the dwelling is development and is **not exempted development**.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The erection of a 40sqm extension, the demolition of previous extensions, alteration of external façade of dwelling, internal modifications, and removal of banking are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).
- (ii) The 40sqm extension would not meet Limitation 4(a) of Class 1 as the proposed rear wall would exceed the height of the side walls, and therefore would not meet the requirement that of 4(a) that *'where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.'*
- (iii) The alterations and internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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;

- (iv) Insufficient information has been submitted in relation to the extent of demolition works and earthworks/retaining structures to show whether such works would be exempted development.

Michael Woods O'Rourke

Michael Woods O'Rourke AP
11/12/25

Agreed Settlement for
TSP
15/12/25



**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

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Michael Woods O'Rourke
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX136/2025 - 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 20/11/2025

The due date on this declaration is the 17/12/2025.

**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Jason Kenna

25th November 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX136/2025 for Primrose Cottage, Scalp Road, Enniskerry, Co. Wicklow

A Chara

I wish to acknowledge receipt on 20/11/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 17/12/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



The Planning Section,
Wicklow County Council,
County Buildings,
Wicklow,
Co. Wicklow.

20 November, 2025

Re: Request for Statutory Declaration per Section 5 of the Planning and Development Act 2000 (as amended), concerning the Applicant's dwelling property at *Primrose Cottage*, Scalp Road, Enniskerry, Co. Wicklow, A98HE09.

WHETHER THE PROVISION OF A 40 SQ.M. EXTENSION TO THE REAR OF THE EXISTING DWELLING, PRIMROSE COTTAGE, SCALP ROAD, ENNISKERRY (NOT A PROTECTED STRUCTURE) IS OR IS NOT DEVELOPMENT

Dear Sir/Madam,

I hereby request a Statutory Declaration per Section 5 of the Planning and Development Act 2000 (as amended) with regard to the question set out above.

I confirm that I am the owner of this dwelling property – *Primrose Cottage*, having purchased it in September 2025, and am actively planning to upgrade and extend the dwelling for personal use as my family home

In support of this Declaration Request, in addition to this cover letter (which includes a Screening for Appropriate Assessment undertaken by a qualified and experienced Ecologist), I am including relevant Site Location Maps, other plans, and the Statutory fee of €80.

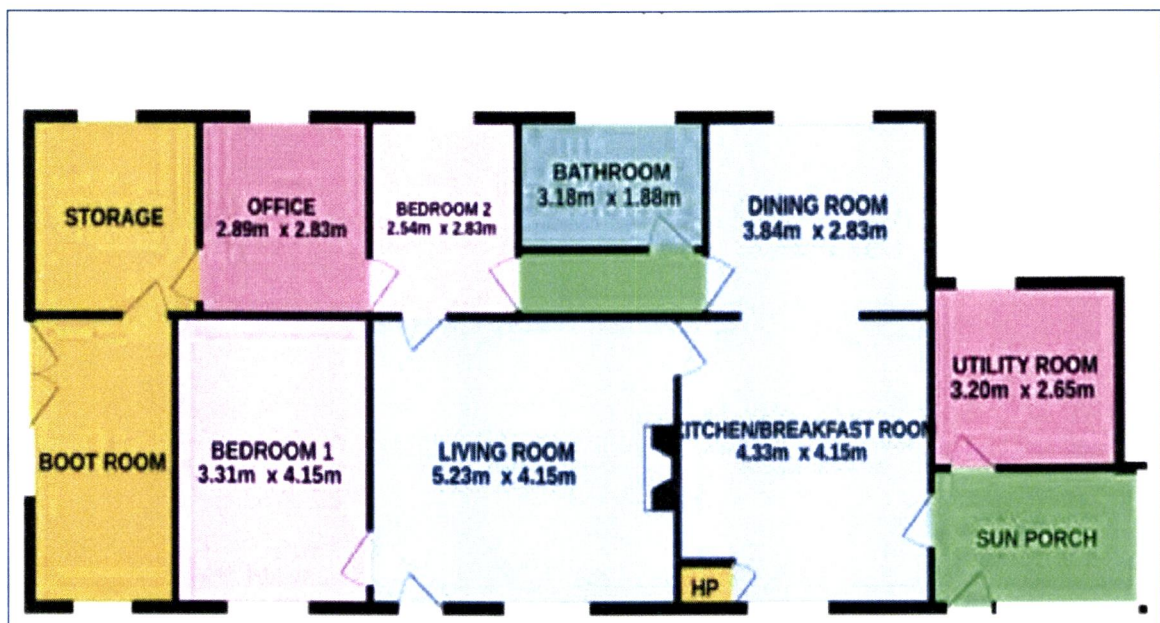
Introduction and Context

Primrose Cottage (also known as *Palmer's Cottage*) dates back to the 18th century, but the current dwelling was built in 1910. The house was extended in the 1940s and in the early 1960s (I am satisfied that any such extension is "pre 63" development).

The summary of the property, and representative images are available on the selling agent's website - *Primrose Cottage, Scalp Road, Enniskerry, Wicklow - Sherry FitzGerald Bray - 4695768 - MyHome.ie Residential* ; this confirms the setting of the existing dwelling, but also the relatively poor quality construction of the rear portion of the dwelling, and an internal layout that is relatively confined for the purposes of family living, as is my intention for purchasing the property. Relevant photographic extracts below:-



Photo of rear image of dwelling (source myhome.ie)



Current internal layout of the dwelling (source myhome.ie)

Prior to formally purchasing the dwelling property in September 2025, with the consent of the then owner, I sought and received permission for replacement of the existing septic tank with a new domestic wastewater treatment system and associated site works (Wicklow County Council Ref. 2460383 / An Coimisiún Pleanála Ref. PL27.320923 - <https://www.pleanala.ie/en->

ie/case/320923). In that case, the Order of An Coimisiún set out its Reasons and Considerations for Granting Permission for that development as follows:-

“Having regard to the existing dwelling on site, and the proposal to upgrade the effluent treatment system to serve this dwelling, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be prejudicial to public health and would, by decommissioning the current septic tank which is located on lands outside the applicants ownership, therefore, be in accordance with the proper planning and sustainable development of the area”.

This is all intended to demonstrate my commitment to undertake the sustainable and appropriate upgrading of the dwelling property for permanent use as a single-occupancy home for myself and my family. My vision is to retain the character of the dwelling and property, whilst extending the dwelling to meet our family needs, and upgrading its interior to meet modern standards and living expectations, in the context of good planning practice, and the principles of proper planning and sustainable development.

In this latter regard, I am familiar with, and mindful of, the provisions of the Wicklow County Development Plan 2022-2028, and in particular with Chapter 6 re *Housing*. Whilst not entirely applicable, I note in particular Objective CPO 6.43 of the Plan which states that:-

“The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

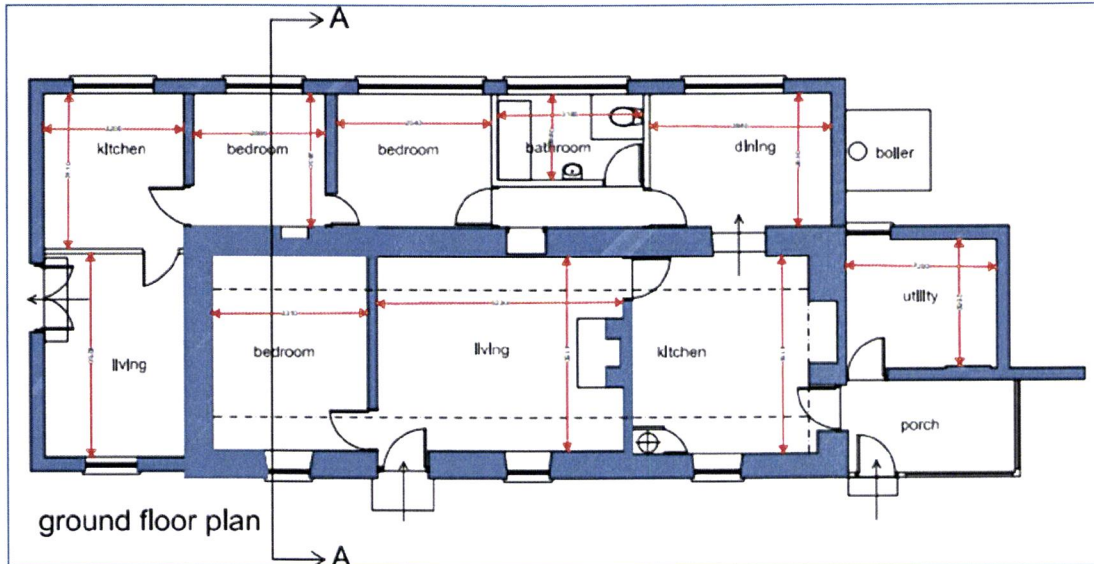
- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;*
- buildings must be of local, visual, architectural or historical interest;*
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained; (a structural survey by a qualified engineer will be required with any planning application); and*
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications”.*

As is demonstrated in the remainder of this letter, and in the other plans and particulars attached, this is precisely the vision and objective I have for the proposed upgrading and extension of *Primrose Cottage*.

The Proposed Development

As per the photo image above, and also the drawing *“Existing Plans and Elevations”* – Drg. No. 1811/200 prepared by my architect Paul Monaghan Chartered Architects Ltd., and enclosed herewith (see also extract below), the existing dwelling is all single-storey. It contains three modest-sized bedrooms, and in general a series of small rooms. There is no central passageway, with rather access to each room generally occurring from another room.

It is also clear that the front façade of the dwelling, facing towards the public road, presents the key character view of the dwelling; the rear of the dwelling is not visible from the public road (see photo below).



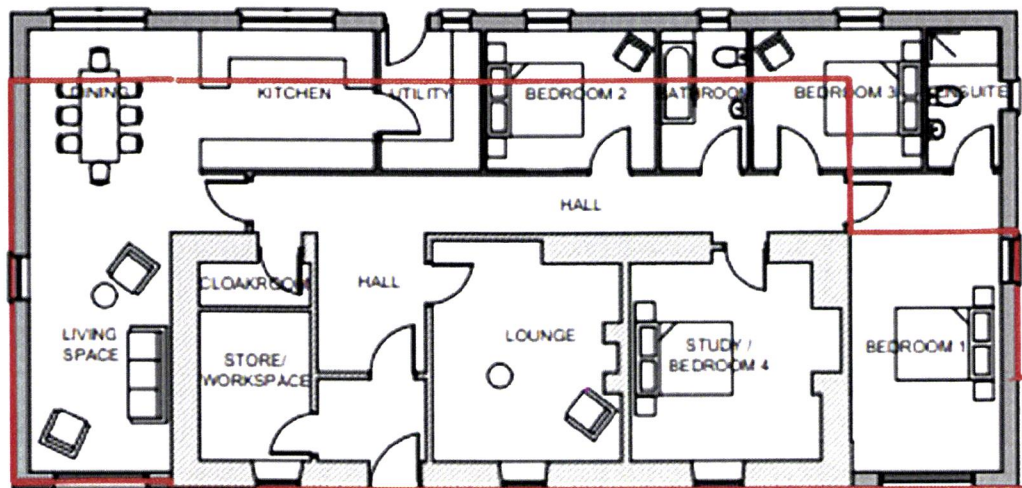
Existing floor plan of dwelling (extract from Drg. No. 1811/200)



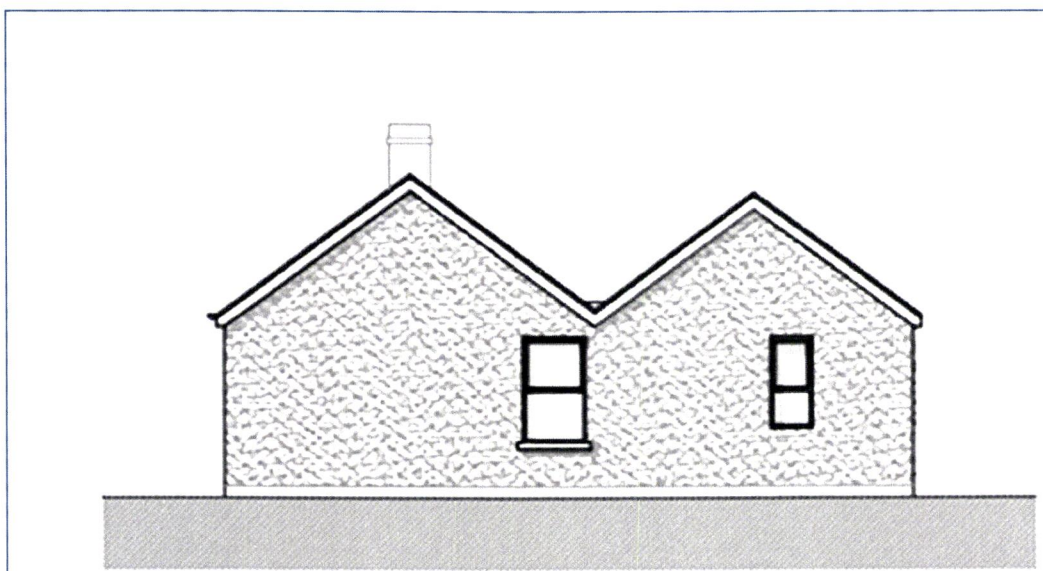
View to dwelling from public road (source Google Streetview)

It is proposed to retain the front façade and structure of the dwelling, but to replace and extend the rear element of the dwelling. The area of the additional extended floorspace of the dwelling is confirmed as 40 sq.m. and all occurs entirely to the rear of the existing dwelling.

A comparison of the existing dwelling footprint, and the proposed extended dwelling is set out on Drg. No. 1811/203/8 – *Proposed Plan – Option 8* submitted with this application, and for convenience reproduced below. In addition, the proposal includes the replacement of the existing flat roof profile of the rear of the dwelling with a pitched roof profile to match the front of the dwelling; the pitch of the proposed rear roof does not exceed the height of the pitched roof at the front of the dwelling – this is confirmed on Drg. No. 1811/501/8 – *Proposed Elevations – Option 8* submitted with this application, and again for convenience reproduced below.



Proposed Ground Floor Plan (red line indicates existing dwelling footprint)



Proposed Side Elevation (front façade with chimney and higher roof pitch height)

The proposed development will include all associated site works. For the purposes of this Section 5 Declaration request, however, it is assumed that the construction of exempted development, including all associated site works, is inherently considered within the provisions of the relevant planning legislation.

Screening for Appropriate Assessment

A Screening for Appropriate Assessment (AA) in respect of the proposed development has been undertaken by Robert Fennelly, Chartered Ecologist, and is appended to this document. While

the Screening for AA of any development is a Statutory function of the relevant Competent Authority, this Screening is intended to assist Wicklow County Council in determining this Section 5 Declaration Request.

In summary, the Screening for AA concludes that *"It ~~can be excluded~~ [emphasis added], on the basis of objective information, and the Conservation Objectives of relevant European sites, that the Development will have likely significant effects on European Sites, both alone, and in combination with other plans or projects. This statement has not had regard for any measures intended to avoid or reduce harmful effects on European sites"*.

Request for Statutory Declaration per Section 5 of the Planning and Development Act 2000 (as amended)

Having regard to the nature and location of the proposed development as set out herein and in the plans and particulars accompanying this application, and the Screening for AA carried out on behalf of the Applicant, the question being asked in this Section 5 Declaration Request is:-

WHETHER THE PROVISION OF A 40 SQ.M. EXTENSION TO THE REAR OF THE EXISTING DWELLING, PRIMROSE COTTAGE, SCALP ROAD, ENNISKERRY (NOT A PROTECTED STRUCTURE) IS OR IS NOT DEVELOPMENT

In proposing this question, I have had regard to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), which confirms, subject to stated *Conditions and Limitations* that *"The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house"* is exempted development.

Having regard to the content of this Class, and the associated *Conditions and Limitations*, the following is relevant to the Councils determination of this Declaration Request:-

- the proposed extension occurs entirely to the rear of the house;
- the extended floor area proposed is 40 sq.m.; it is noted that the proposed development also includes the demolition of the rear element of the dwelling that was constructed before 1st October 1964, and which, in addition to the 40 sq.m. proposed extension, will comprise an integral part of the revised dwelling footprint;
- there is no proposed extension above ground level;
- the proposed extension is greater than 2 metres from any party boundary;
- the height of the rear walls of the proposed extension do not exceed the height of the rear wall of the original dwelling; moreover, the height of the gable walls of the extension do not exceed the height of the side walls of the original house;
- the height of the highest part of the roof of the proposed extension shall not exceed the height of the highest part of the roof of the original dwelling;
- the proposed extension does not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to less than 25 square metres;
- no ground level window is less than 1 metre from the boundary it faces;
- the roof of the extension will not be used as a balcony or roof garden.

The design of the proposed development has also had regard to Article 9 of the 2001 Regulations, which sets out *Restrictions on Exemption*. It is considered in this regard that the proposed development:-

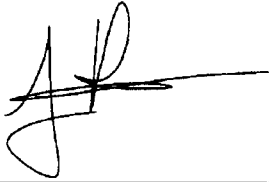
- does not contravene a condition of permission, nor is inconsistent with any use specified in a permission;
- does not consist of the material widening of a means of access to a public road with a surfaced carriageway exceeding 4 metres in width;
- does not endanger public safety by reason of a traffic hazard or obstruction of road users, nor by reason of hazardous glint and/or glare;
- does not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line;
- does not consist of or comprise the carrying out of works under a public road;
- does not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest;
- does not consist of or comprise the excavation, alteration or demolition of any place, cave, site, feature or other object of archaeological, geological, historical, scientific or ecological interest;
- does not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Place;
- does not require Appropriate Assessment;
- does not consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area;
- does not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure;
- does not consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use;
- does not consist of the fencing or enclosure of any land habitually open to or used by the public;
- does not obstruct any public right of way;
- does not consist of or comprise the carrying out of works to the exterior of a structure, located within an architectural conservation area;
- does not concern an area to which a special amenity area order relates;
- does not consist of the use of a structure or other land for the exhibition of advertisements;
- does not comprise development to which Part 10 relates;
- does not have the potential to have significant repercussions on major accident hazards.

Conclusions

Having regard to the content of this submission, and to the other elements of this Section 5 Declaration Request, it is my conclusion that the proposed 40 sq.m. extension of *Primrose Cottage* (including all associated site development works) is exempted development, per Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

However, a determination in this matter is the Statutory responsibility of Wicklow County Council, and I look forward to this determination in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Kenna', written over a horizontal line.

Jason Kenna

Encl./...

Application Form

Statutory Fee of €80

This Cover Letter including Screening for Appropriate Assessment

Site Location Map ("Planning Pack Map") @ 1:2500

Site Layout Plan @ 1:1000

Existing Dwelling – plans and elevations @1:50

Proposed Plan – Option 8 @1:50

Proposed Elevations – Option 8 @1:50

(please note all drawings are provided at A3 size. Should Wicklow County Council require larger size drawings, please contact the undersigned)

APPENDIX ONE:

SCREENING FOR APPROPRIATE ASSESSMENT CARRIED OUT ON BEHALF OF APPLICANT

Competence of Report Author

This note has been drafted by Robert Fennelly CEcol MCIEEM MSc. Robert Fennelly is a chartered ecologist with 19 years' professional ecological experience (including 17 years Appropriate Assessment). Robert has held protected species survey and/or disturbance licenses in Ireland for bats, badgers, otters, amphibians, and white-clawed crayfish. He has authored articles and conference abstracts on a variety of ecological topics including Appropriate Assessment, bird and mammal ecology, and plant taxonomy in publications including *Irish Birds*, *the Irish Naturalists Journal*, and the 'In Practice;' bulletin of the Chartered Institute of Ecology and Environmental Management. Robert has provided professional training to professional ecologists and public authorities on Appropriate Assessment and related aspects of ecological assessment.

1.0 Development Description relevant to AA Screening, Protected Species and Habitats

The development comprises a minor extension to an existing rural dwelling at the junction of the Killegar and Scalp roads. This will require the demolition of an existing single storey flat roof extension, of concrete render construction.

There is no requirement to remove semi-natural vegetation for the development. There is no drainage proposed as part of the development (although replacement of the existing septic tank system has been separately permitted). There are no watercourses adjacent to the development or within the temporary works footprint and so there is no requirement for instream works.

2.0 Information to inform Appropriate Assessment Screening

Summary Statement to inform Wicklow County Council's Appropriate Assessment Screening for the Development:

It can be excluded [emphasis added], on the basis of objective information, and the Conservation Objectives of relevant European sites, that the Development will have likely significant effects on European Sites, both alone, and in combination with other plans or projects. This statement has not had regard for any measures intended to avoid or reduce harmful effects on European sites.

2.1 Introduction

In the context of the Development, the requirement for Appropriate Assessment (AA) Screening is provided for under the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'). Regulation 42(1) states:

"42. (1) A screening for Appropriate Assessment of a plan or project for which an application for consent is received, ... and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the

site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site”.

This information has been prepared to inform the AA Screening determination for the Development, by Wicklow County Council in their role as competent authority.

For the avoidance of doubt, the Development is not directly connected with or necessary to the management of any European sites.

Specifically, this information:

- Identifies if Likely Significant Effects on European sites, arising from the construction or operation of the Development can be excluded from the Development alone, and in combination with other plans or projects. AND
- Does not consider measures intended to avoid or reduce harmful effects on European sites (i.e. mitigation measures).

2.2 European Sites

The sites of conservation importance known as European sites comprise the Natura 2000 network. European sites comprise areas designated as Special Areas of Conservation (SACs) and/or Special Protection Areas (SPAs) in Ireland. The process of designating cSACs as SACs is ongoing in Ireland. Candidate sites (In Ireland, comprising cSACs) have the same legal protection as those whose designation is complete.

The designation features of SACs are referred to as Qualifying Interests (QIs), and these comprise both species (excluding birds), and habitats.

The designation features of SPAs are referred to as Special Conservation Interests (SCIs), and these comprise bird species, as well as wetland bird habitats.

The designation features of European sites are identified in the Statutory Instruments for European sites where such sites have completed the designation process. In all cases, designation features are also identified in Conservation Objectives published by the National Park and Wildlife Service (NPWS). Any Conservation Objectives referred to in this Natura Impact Statement (NIS) are referenced to identify the date of publication and version number.

2.3 Methodology

This report has had regard to European Commission and Irish departmental guidance on AA methodologies including:

- EC (2021) Assessment of Plans and Projects in Relation to Natura 2000 Sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC Commission Notice C (2018) 7621
- DEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (Revised 2010).

A desktop assessment included the following sources (accessed November 2025):

- Watercourse mapping from the Environmental Protection Agency
- Drainage ditch mapping from the Tailte Eireann Digital Landscape Model, derived from Prime2. Information on watercourses in the

- Groundwater vulnerability mapping, and distribution of known springs, and karst features in the Geological Survey of Ireland's database <https://www.gsi.ie/en-ie/data-and-maps/Pages/default.aspx>
- Backing Documents and Maps prepared by the National Parks & Wildlife Service (NPWS) in accordance with Article 17 of the Habitats Directive.
- European site documentation including Conservation Objectives and Site Synopses available online from the NPWS <https://www.npws.ie/>
- NPWS available from NPWS
- Natura Standard Data Forms available from <https://eunis.eea.europa.eu/>
- Other relevant mapping and databases e.g. waterbody status, species and habitat distribution etc. (sourced from the Environmental Protection Agency - <http://gis.epa.ie/>, the National Biodiversity Data Centre - <http://maps.biodiversityireland.ie> and the NPWS - <http://www.npws.ie/mapsanddata/>).

The Zone of Influence for likely significant effects varies by ecological receptor and impact source and may require professional judgement to determine. Applying professional judgement to assess only relevant QI/SCI features with potential to occur given the geography and local land use¹, the following Zones of Influence were relevant to inform the assessment

- For surface-water dependent features, any watercourses in the downstream catchment of the Development, where a significant hydrological connection exists.
- For Ground-Water Dependent Terrestrial Ecosystems (GWDTEs), following the guidance of the Scottish Environmental Protection Agency (SEPA, 2017²), such habitats could be impacted by excavations up to 250m from the Development, (assuming excavation exceeding 1m).
- For other *Lutra Lutra*, any potential Qualifying Interest otter breeding or resting sites within a minimum of 50m of tracked or wheeled machinery, extending to 150m.

2.4 Baseline Description Relevant to AA Screening

2.4.1 Habitat Description

Analysis of aerial photography and google street imagery indicates that the development site comprises an existing pitched and flat roof bungalow in the foothills of the Wicklow mountains. The property is bounded by low ornamental hedging to the east on the Scalp Road frontage, further hedging and a small garden to the west, and by mature non-native coniferous treelines to the north and south. There are no semi-natural habitats within the footprint of the development or immediate environs. Aerial photography, and recent photography provided by

¹ For instance, QI lesser horseshoe bat *Rhinolophus hipposideros* is the only (Annex II-designated) bat relevant to AA in Ireland, but it is limited to the western Atlantic seaboard and could not occur within the ZOI. QI marsh fritillary butterfly *Euphydryas aurinia* could not occur because there are no SACs designated for the species within > 30km, and the species can only fly a maximum of c. 8km.

² Scottish Environment Protection Agency (SEPA) (2017) Land Use Planning System SEPA Guidance Note 31: Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems [online]. Available at: <https://www.sepa.org.uk/media/a1yh0blq/guidance-on-assessing-the-impacts-of-developments-on-groundwater-dependent-terrestrial-ecosystems.docx>

the property owner show no evidence of invasive species present within the development site. The wider area comprises pastureland and rural housing, on thin upland soils

2.4.2 Watercourses and wetlands

The development site does not adjoin any watercourses or wetlands.

The nearest EPA watercourse to the development site is the County Brook located approximately 95m to the east. Whilst downslope, it is separated from the development site by the existing Scalp Road, agricultural land and hedges. The County Brook enters the Ballyman Glen Special Area of Conservation (SAC; site code 713) approximately 1km downstream.

The upland area is well-drained and (there are no drainage ditches recorded by Tailte Eireann within 500m of the development site).

There is no hydrological connectivity with the County Brook or any other watercourses.

2.4.3 Groundwater Sensitivity

The development site is located in an area of Low Groundwater Vulnerability. There are no records of spring, karst, or other groundwater-dependent (GWD) features in the GSI's database. There are no records of GWD habitats in the locality or wider area in the Article 17 mapping and related national survey mapping held by the NPWS. The nearest known locations for GWD habitats are in the Ballyman Glen more than 700m distant, outside the Zol of likely significant effects.

2.4.4 Potential for Ex-Situ Species and Habitats

There is no potential for QI otter breeding or resting sites to be present within the Zol, as there are no watercourses or other wetlands. within c. 100m of the Development. There is no potential habitat for wintering birds of coastal SPAs to feed or roost within the Zol of noise or human presence because of the upland setting, and because perimeter treelines screen the Development site from surrounding fields.

2.5 Relevant European sites to the AA Screening Assessment

The development site does not overlap or adjoin any European sites for nature conservation. The nearest European site to the Development is the Ballyman Glen SAC (site code 713), located 750m to the southwest at its nearest point (Figure 1). There are no Special Protection Areas within, adjoining or within 3km of the Development Site.

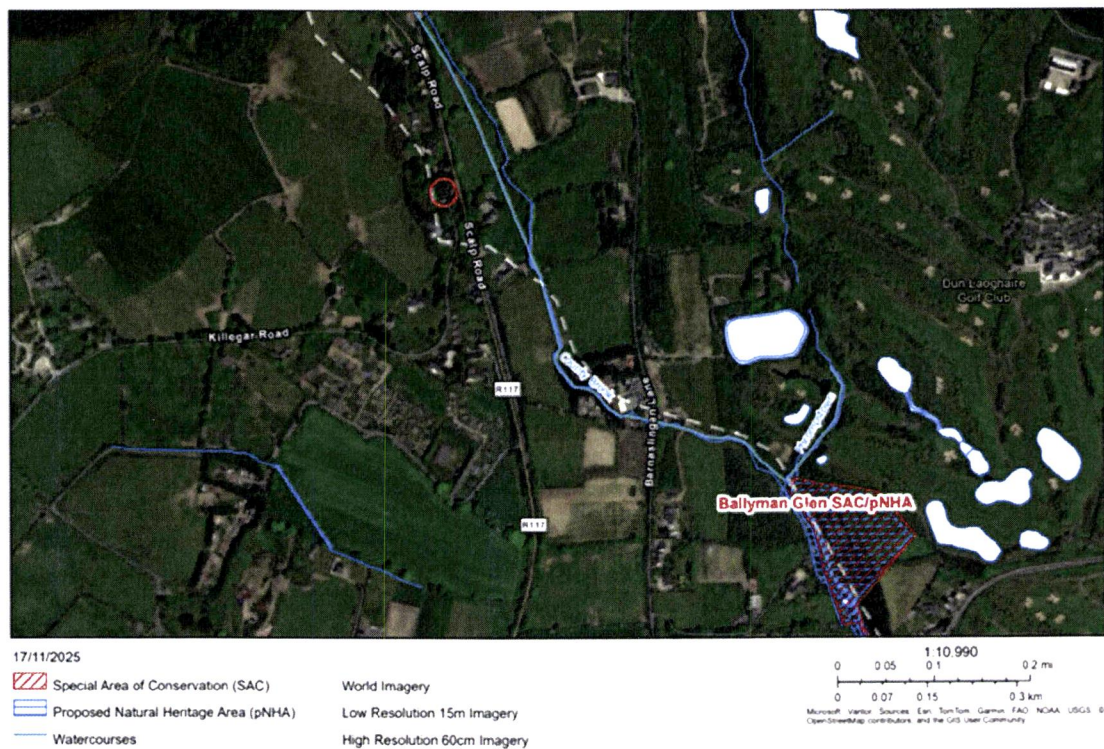


Figure 1 Watercourses and European sites in the vicinity of the Development Site (There are no European sites in the Zol of Likely Significant Effects).

The Ballyman Glen is designated for two Qualifying Interests, based on the NPWS' detailed site-specific Conservation Objectives (NPWS,2019)³ . Refer to Table 1

Table 1 Qualifying Interests, attributes, and targets for Qis of Ballyman Glen SAC

Feature	Attribute	Target
Petrifying Springs	Habitat area	Area stable or increasing, subject to natural processes
	Habitat distribution	No decline, subject to natural processes
	Hydrological regime: height of water table; water flow	Maintain appropriate hydrological regimes
	Water quality - nitrate level	No increase from baseline nitrate level and less than 10mg/l
	Water quality - phosphate level	No increase from baseline phosphate level and less than 15µg/l
	Vegetation composition: positive indicator species	At least three positive/high quality indicator species as listed in Lyons and Kelly (2016) and no loss from baseline number
	Vegetation composition: negative indicator	ative indicator species should not · Abundant; potentially negative

³ NPWS (2019) Conservation Objectives: Ballyman Glen SAC 000713. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

	species	woody species should be absent in unwooded springs; invasive species should be absent
	Vegetation structure: sward height	Field layer height between 10cm and 50cm (except for bryophyte-dominated ground)
	Physical structure: trampling/dung	Cover should not be Dominant or Abundant
Alkaline Fens	Habitat area	No decline, subject to natural processes
	Habitat distribution	No decline, subject to natural processes
	Ecosystem function: soil nutrients	Maintain soil pH and nutrient status within natural ranges
	Ecosystem function: peat formation	Maintain active peat formation, where appropriate
	Ecosystem function: hydrology - groundwater levels	Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat
	Ecosystem function: hydrology - surface water flow	Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions
	Ecosystem function: water quality	Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat
	Community diversity	Maintain variety of vegetation communities, subject to natural processes
	Vegetation composition: brown mosses	Maintain adequate cover of typical brown moss species
	Vegetation composition: vascular plants	Maintain adequate cover of typical vascular plant species
	Vegetation composition: native negative indicator species	Cover of native negative indicator species at insignificant level
	Vegetation composition: non-native species	Cover of non-native species less than 1%
	Vegetation composition: trees and shrubs	Cover of scattered native trees and shrubs less than 10%
	Vegetation composition: soft rush and common reed cover	Total cover of soft rush (<i>Juncus effusus</i>) and common reed (<i>Phragmites australis</i>) less than 10%
	Vegetation structure: litter	Total cover of litter not more than 25%
	Physical structure: disturbed bare ground	Cover of disturbed bare ground not more than 10%
	Physical structure: tufa formations	Disturbed proportion of vegetation cover where tufa is present is less than 1%
	Indicators of local distinctiveness	No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat; maintain features of local distinctiveness, subject to natural processes

Both petrifying springs and alkaline fens are Ground-water Dependent Terrestrial Ecosystems fed by (generally) base-rich groundwater. Known locations of these habitats have been mapped by the NPWS (NPWS, 2019), however the NPWS state that “further surveyed areas of the habitat may be present in the SAC”. On a precautionary basis, both QI habitats are assumed to occur on the northwestern edge of the SAC nearest the development site, and therefore at their closest c. 750m from the development site.

2.6 Identification of Pathways to European Sites

Excavation Impacting Groundwater Flow or Quality of QI Habitats

As has already been detailed in Section 2.4.2 (Groundwater Sensitivity), and given the maximum estimated Zol of 250m from excavations according to best available scientific evidence², there is no potential for likely significant effects from construction on either QI habitat. Specifically, having regard to the conservation objective attributes, there is no potential for changes to habitat area or distribution, water quality or chemistry impacts, changes to hydrological regime, changes to vegetation composition or structure, physical trampling, or changes to bare ground or leaf litter.

As has also been detailed in Section 2.4.2, the County Brook (which enters the Ballyman SAC downstream c. 750m) is located approximately 95m to the east of the development site. Whilst downslope of the development site, there is no potential for overland flow of construction pollutants to travel a distance of 95m overland to enter the County Brook. Any overland flow will be attenuated by and absorbed into intervening vegetation.

There is no pathway for foul effluent to enter groundwater thereby altering groundwater quality or chemistry, because the Developer has been granted permission (ABP-320923-24) for a new Wastewater Treatment system which complies with the EPA's 2021 Code of Practice for Domestic Water Treatment Systems.

2.7 Assessment of In-Combination Effects

No effect pathway has been identified between the development site and any European sites. As such, there is logically no possibility for significant in-combination effects.

2.8 Concluding Statement

The development site does not overlap or adjoin any European sites. The nearest European site is the Ballyman Glen SAC, located c.750m distant. Based on a scientific assessment of likely zones of influence for different effects, and following due consideration of relevant European sites, including the specific attributes and targets for the Ballyman Glen SAC, no likely significant effects were identified on any European sites.

It can be excluded [emphasis added], on the basis of objective information, and the Conservation Objectives of relevant European sites, that the Development will have likely significant effects on European Sites, both alone, and in combination with other plans or projects. This statement has not had regard for any measures intended to avoid or reduce harmful effects on European sites.

3.0 Information on other Protected Species and Habitats

The development site does not adjoin, or overlap nationally designated sites for nature conservation. The nearest nationally designated site is the Ballyman Glen proposed Natural Heritage Area (Figure 1). This site is largely coincident with, and designated for, similar features to the Ballyman Glen SAC. There are no impact pathways with the Ballyman Glen pNHA for the same reasons applied to the SAC as stated in the AA Screening. There are no impact pathways with any other nationally designated sites.

There will be no removal of shrub vegetation to accommodate the new structure, and therefore no potential for impact to any nesting birds present in shrub habitats.

Analysis of aerial photography, and recent photography provided by the property owner identifies the structure proposed for demolition (Photograph 1) to be of low suitability for roosting bats. The structure lacks any roof void, nor roosting opportunities in tiles. There is limited opportunity for roosting bats in gaps in soffit boxes, and cracks in exterior walls.

The location and context of the property at a road junction surrounded by hardstanding makes nearby shrub or treeline habitats generally unsuitable to protected species such as badgers *Meles meles*.

There is no potential for rare or protected plant species to occur in the hardstanding and intensely managed ornamental shrubs and garden habitats.

The roadside development site is of negligible value to wildlife due to the absence of semi-natural habitats.



Photo 1: View east, from the raised garden on the western side of the development site

Wicklow County Council
County Buildings
Wicklow
0404-20100

20/11/2025 15 03 56

Receipt No L1/0/355029
***** REPRINT *****

JASON KENNA
APT 4, FAIRHAVEN
STRAND ST
MALAHIDE
CO DUBLIN
K36 C928

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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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: MR. JASON KENNA

Address of applicant: _____

**APARTMENT 4, FAIRHAVEN, STRAND STREET, MALAHIDE, CO.
DUBLIN, K36C928**

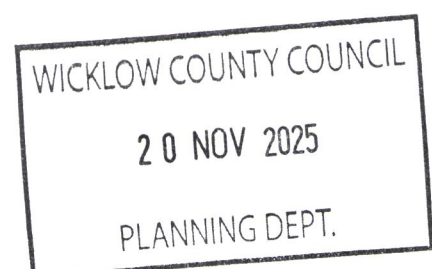
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

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

Address of Agent : N/A

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



3. Declaration Details

- i. Location of Development subject of Declaration PRIMROSE COTTAGE,
SCALP ROAD, ENNISKERRY, CO. WICKLOW, A98HE09
-
- 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 N/A
-
- iv. Section 5 of the Planning and Development Act provides that : If any question
arises as to what, in any particular case, is or is not development and is or is not
exempted development, within the meaning of this act, any person may, on
payment of the prescribed fee, request in writing from the relevant planning
authority a declaration on that question. You should therefore set out the query
for which you seek the Section 5 Declaration _____

WHETHER THE PROVISION OF A 40 SQ.M. EXTENSION TO THE
REAR OF THE EXISTING DWELLING, INCLUDING ALL
ASSOCIATED SITE WORKS, AT PRIMROSE COTTAGE, SCALP
ROAD, ENNISKERRY (NOT A PROTECTED STRUCTURE) IS OR IS
NOT DEVELOPMENT

[FOR FURTHER DETAILS PLEASE SEE ACCOMPANYING
SUBMISSION]

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 _____

CLASS 1, PART 1, OF SCHEDULE 2 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED)

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

List of Plans, Drawings submitted with this Declaration Application _____

Site Location Map ("Planning Pack Map") @ 1:2500

Site Layout Plan @ 1:1000

Existing Dwelling – plans and elevations @1:50

Proposed Plan – Option 8 @1:50

Proposed Elevations – Option 8 @1:50

(cover letter with Screening for Appropriate Assessment also submitted)

- viii. Fee of € 80 Attached ? YES



Signed : _____ Dated : 20 NOVEMBER 2025
Jason Kenna,

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.

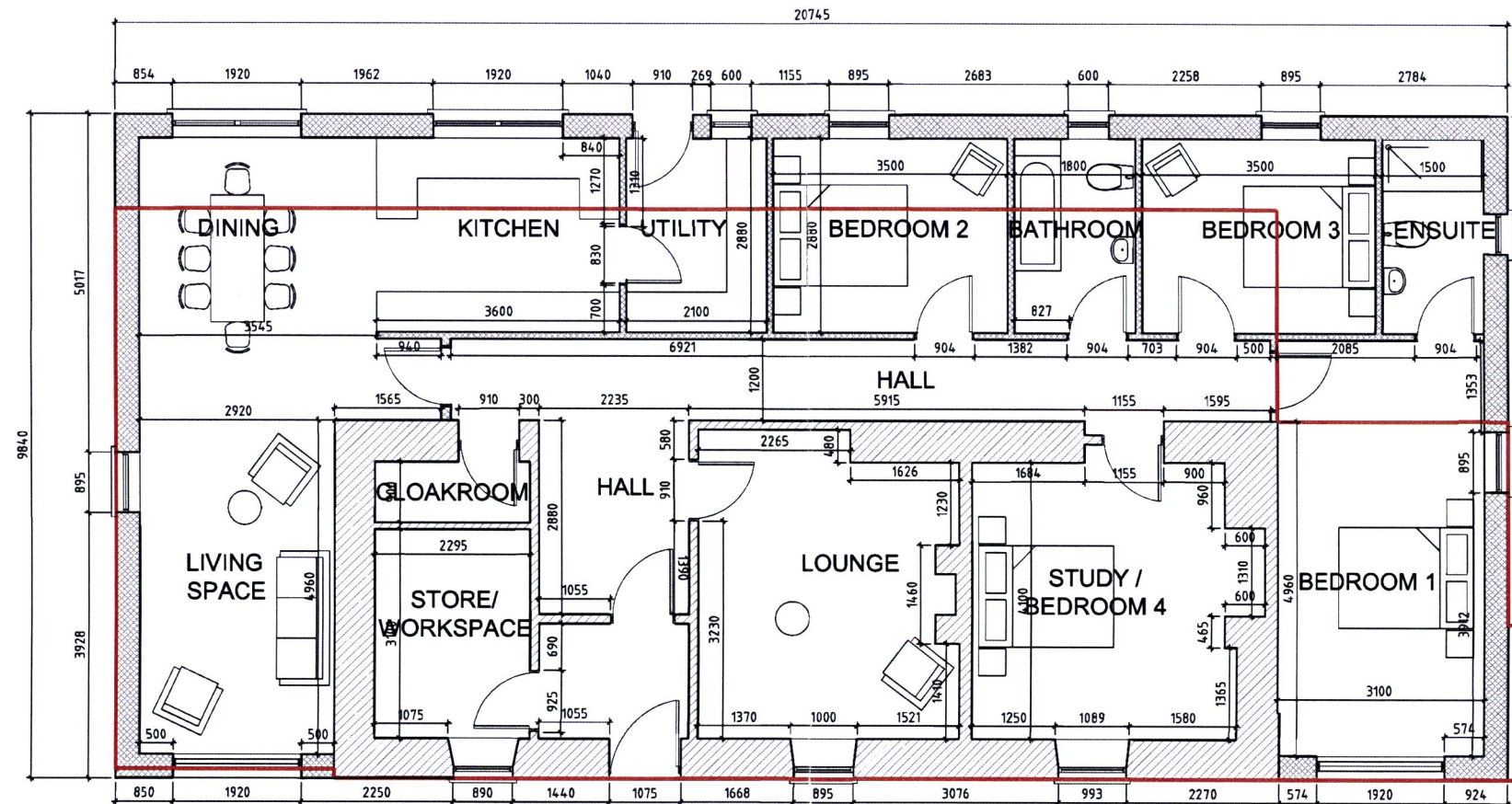
B. Land Reclamation -

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.

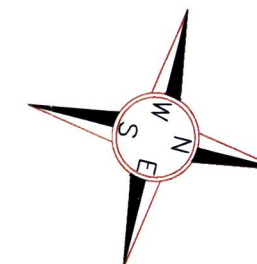
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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 GROUND FLOOR PLAN
(RED LINE INDICATES EXISTING DWELLING FOOTPRINT)



REVISION	DATE	DESCRIPTION
PROJECT	PROPOSED RENOVATIONS & EXTENSION TO COTTAGE AT ENNISKERRY ROAD, WICKLOW	
CLIENT	MR JASON KENNA	
DRAWING TITLE	PROPOSED PLAN - OPTION 8 (DIMENSIONS ADDED)	
SCALE	1:50 @A1	DATE NOVEMBER 2025
DRAWN BY	C.W.	CHECKED BY P.M.
DRAWING NO.	1811/203/8	


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DWELLING

R117

EXISTING DWELLING
SUBJECT TO
SECTION-5
DECLARATION
REQUEST

Site Area 3580m²

DWELLING

DWELLING

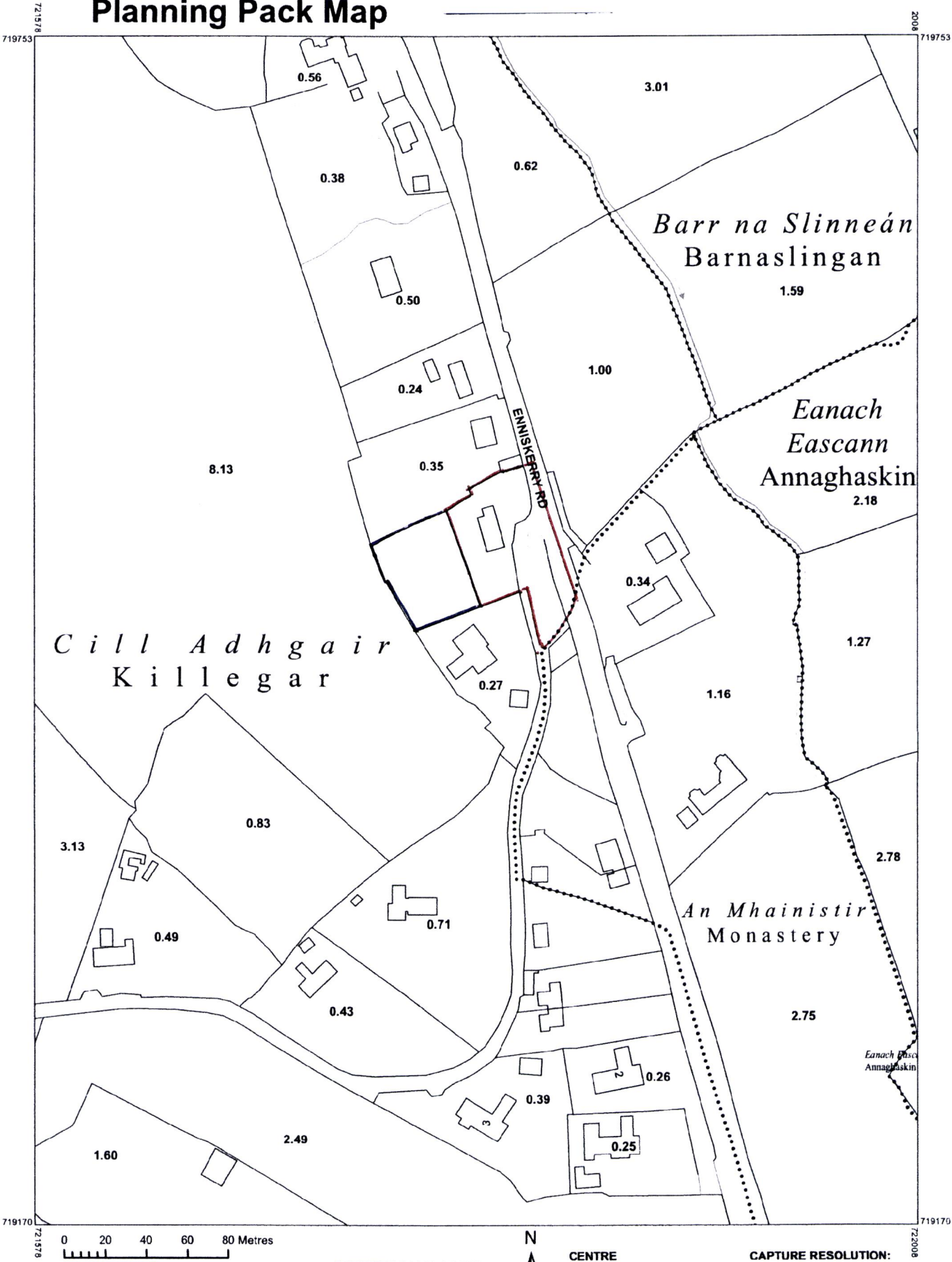
R117

L-5008

L-5008

Project:	Section- 5 Declaration Request Primrose Cottage, Scalp Road Enniskerry, Co. Wicklow
Client:	Jason Kenna
Drawing Title:	Site Layout 01
Date:	November 2025
Scale:	
<div><div>010203040Metres</div><div>020406080100Feet</div></div>	

Planning Pack Map



COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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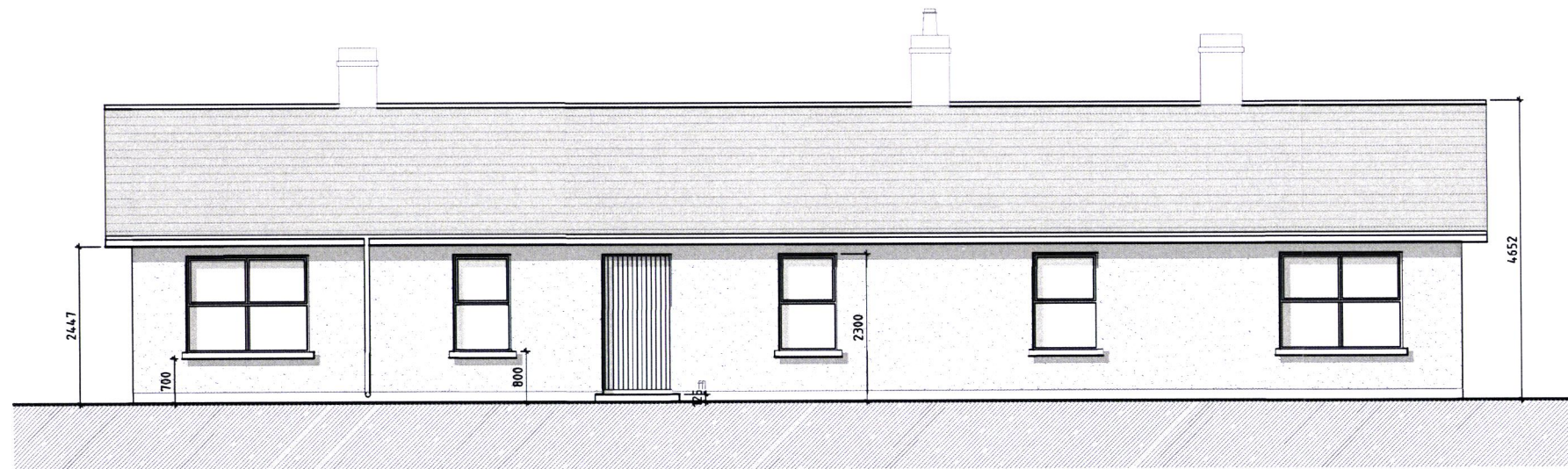
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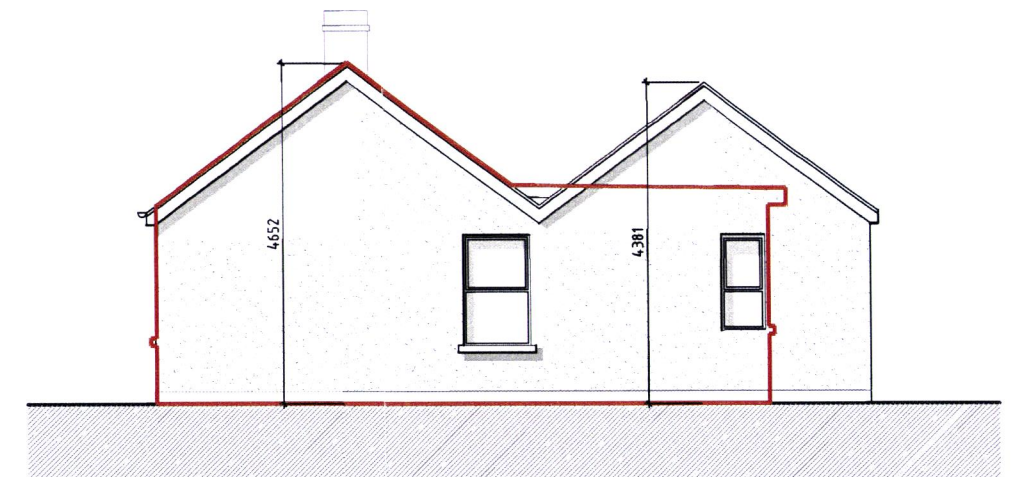
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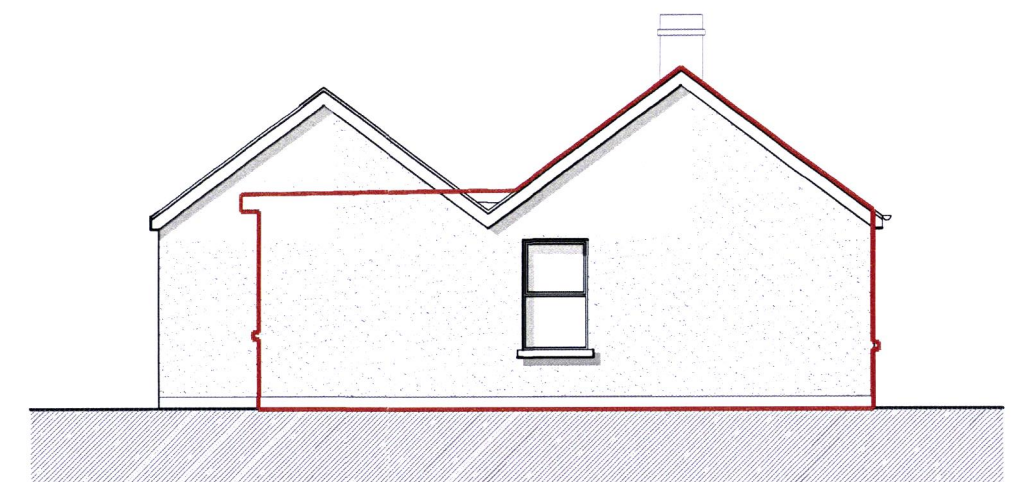
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PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

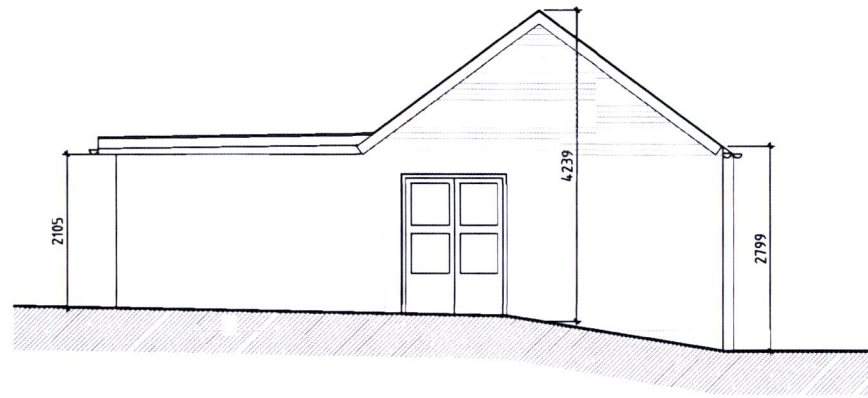


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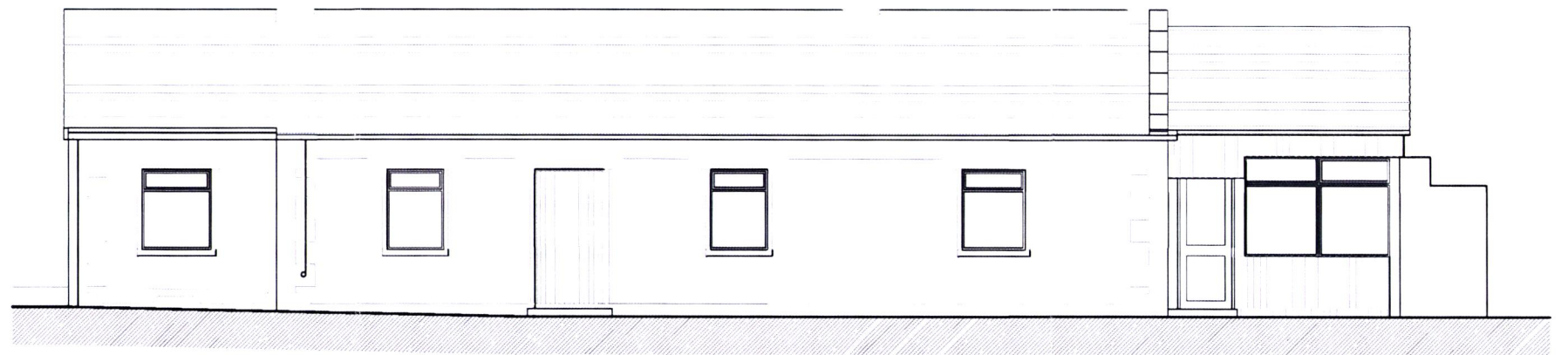
REVISION	DATE	DESCRIPTION
PROJECT	PROPOSED RENOVATIONS & EXTENSION TO COTTAGE AT ENNISKERRY ROAD, WICKLOW	
CLIENT	Mr JASON KENNA	
DRAWING TITLE	PROPOSED ELEVATIONS - OPTION 8 (DIMENSIONS ADDED)	
SCALE	1:50 @A1	
DATE	NOVEMBER 2025	
DRAWN BY	C.W.	
CHECKED BY	P.M.	
DRAWING NO.	1811/501/8	



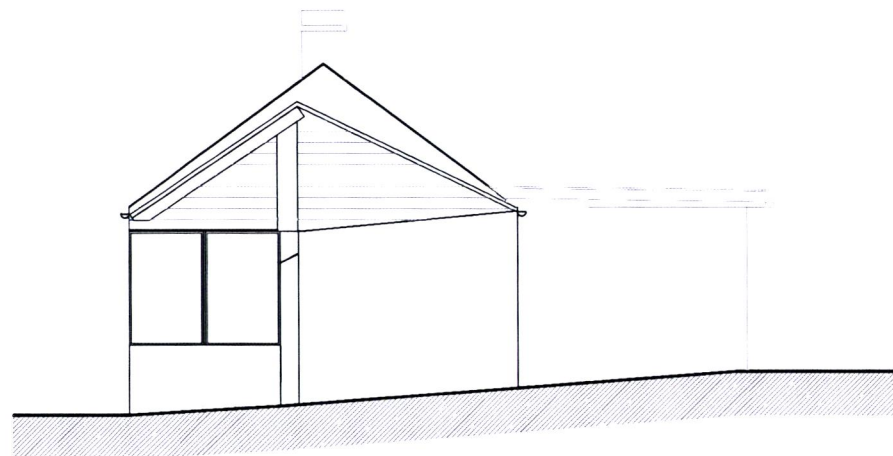
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EXISTING SIDE ELEVATION



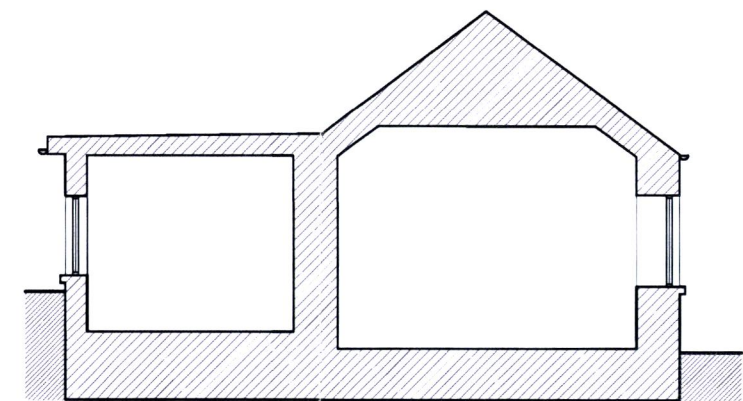
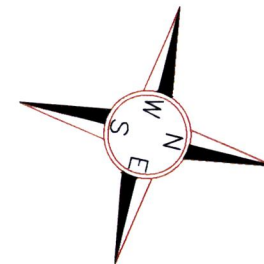
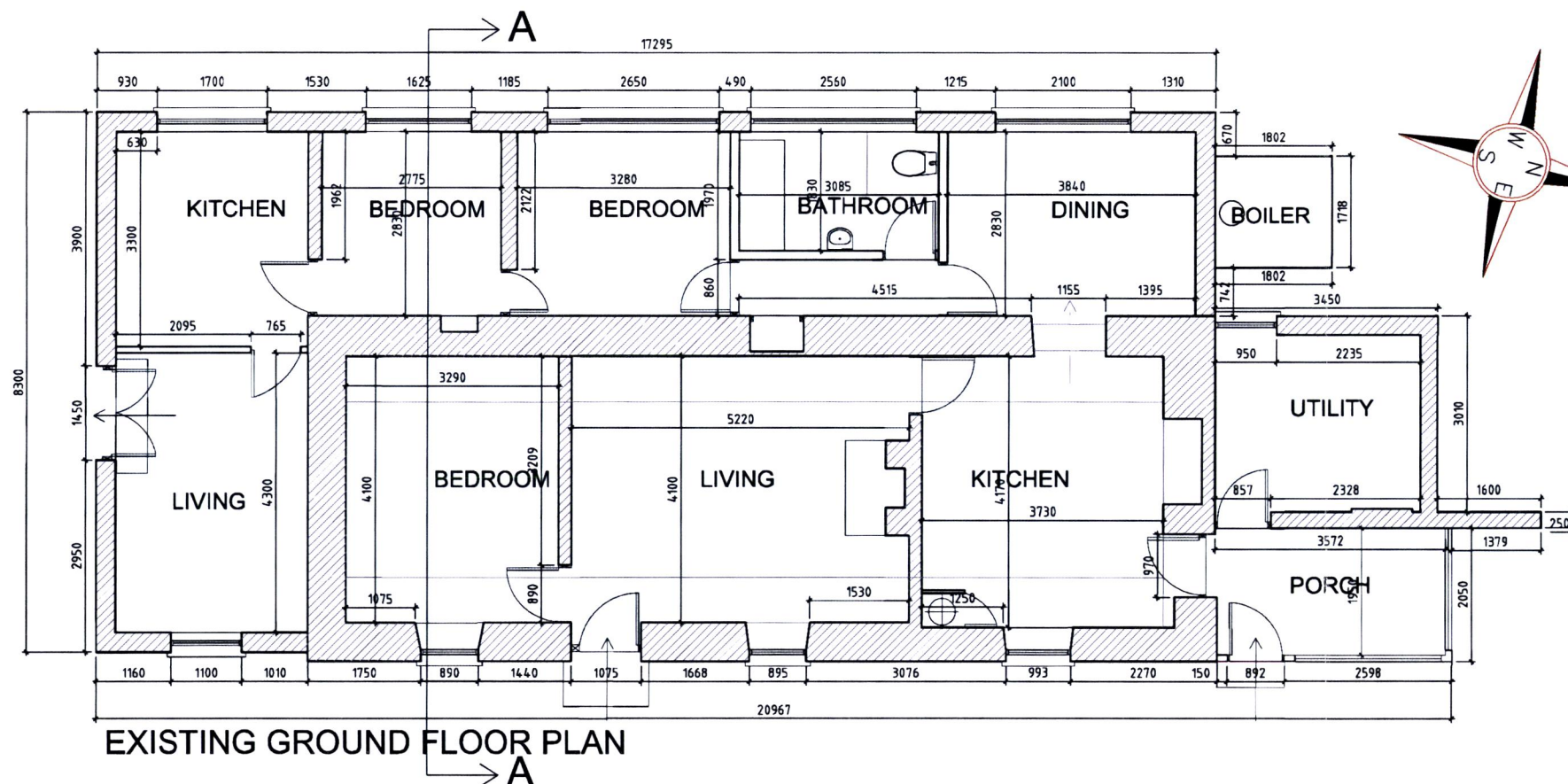
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING SECTION A-A

REVISION	DATE	DESCRIPTION
1		PROPOSED RENOVATIONS & EXTENSION TO COTTAGE AT ENNISKERRY ROAD, WICKLOW
2		CLIENT: MR JASON KENNA
3		DRAWING TITLE: EXISTING PLAN + ELEVATIONS (DIMENSIONS ADDED)
4		SCALE: 1:50 @A1
5		DATE: NOVEMBER 2025
6		DRAWN BY: SMAC
7		CHECKED BY: P.M.
8		DRAWING NO: 1811/200



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