




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

Ian Heffernan
Cnoc Dubh
Ballymanus Lower
Blackhill
Glenealy
Co. Wicklow

 Of June 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX66/2026 for Matthew Farrell

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.





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: Matthew Farrell

Location: Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow

Reference Number: EX 66/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/710

A question has arisen as to whether "(i) the removal of one of two existing chimneys (ii) replacement of a door and window in the rear elevation with a 2.8m sliding door" at Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with this application 02nd June 2026
- Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Section 4(1)(h) of the Planning and Development Act 2000(as amended).

Main Reasons with respect to Section 5 Declaration:

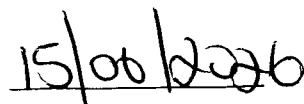
- The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- The proposed development would therefore come within the scope of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would 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 "(i) the removal of one of two existing chimneys (ii) replacement of a door and window in the rear elevation with a 2.8m sliding door" at Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow **is development and IS exempted development.**

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/710

Reference Number: EX 66/2026

Name of Applicant: Matthew Farrell

Nature of Application: Section 5 Referral as to whether "(i) *the removal of one of two existing chimneys* (ii) *replacement of a door and window in the rear elevation with a 2.8m sliding door*" is or is not development and is or is not exempted development.

Location of Subject Site: Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow

Report from: Michael Lynch, AP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "(i) *the removal of one of two existing chimneys* (ii) *replacement of a door and window in the rear elevation with a 2.8m sliding door*" at Kingston Cottage, Ballinaskea, Arklow, 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 this application 02nd June 2026
- b) Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- c) Section 4(1)(h) of the Planning and Development Act 2000(as amended).

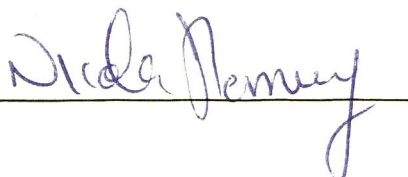
Main Reasons with respect to Section 5 Declaration:

- (a) The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The proposed development would therefore come within the scope of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would 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

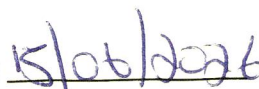
Recommendation

The Planning Authority considers that "(i) *the removal of one of two existing chimneys* (ii) *replacement of a door and window in the rear elevation with a 2.8m sliding door*" at Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: _____



Date: _____



ORDER:

I HEREBY DECLARE:

THAT "(i) *the removal of one of two existing chimneys* (ii) *replacement of a door and window in the rear elevation with a 2.8m sliding door*" at Kingston Cottage, Ballinaskea, Arklow, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner

Planning, Economic & Rural Development

Date: 15/6/2020

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM: MICHAEL LYNCH A.P
SUBJECT REF: EX 66/2026
DECISION DATE: 29/06/2026
APPLICANT: MATTHEW FARRELL
ADDRESS: KINGSTON COTTAGE, BALLINASKEA, ARKLOW
EXEMPTION QUERY: REMOVE CHIMNEY & ADDITION OF SLIDING DOOR TO REPLACE DOOR & WINDOW

Site Location:

The subject site is located along the R772, on the eastern side of the M11 motorway in the urban area approximately 3km north of Arklow. The site is located within the Level 10 – Open Countryside on lands categorized as the Eastern Corridor. The subject site consists of a dormer style detached dwelling.

Planning History:

94/651

Eugene Doherty

Retention of bungalow, septic tank and garage and percolation area

Grant

Land use:

Settlement: Level 10 – The Rural Area

Category: Eastern Corridor

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

“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 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:

(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.

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

Declaration details submitted:

- Removal of one of two existing chimneys
- Replacement of a door and window in the rear elevation with a 2.8m sliding door

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 2 of the Act defines works as “works” alteration of the interior or exterior of a structure. 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. I am satisfied that the proposal would involve works to a structure and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

The removal of the chimney, rear door and window and installation of sliding door would 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 having regard to the minor nature of

the works and the minor visual impact they would have. The only visible work would be the removal of the chimney which has a minor impact. The works to the rear of the dwelling are inconsequential in this regard. Therefore, the work is exempt as per S.4.1.(h).

Recommendation

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

- Removal of one of two existing chimneys
- Replacement of a door and window in the rear elevation with a 2.8m sliding door

to the dwelling known as Kingston Cottage, Ballinaskea Arklow is development and is exempted development.

The Planning Authority consider that:

The removal of the chimney and replacement of a door and window in the rear elevation with a 2.8m sliding door to the dwelling known as Kingston Cottage, Ballinaskea Arklow is development and is **exempted** development.

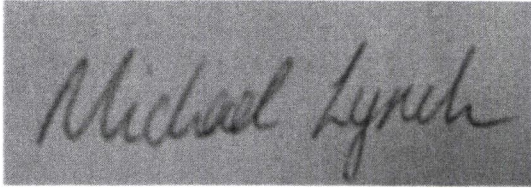
Main Considerations with respect to Section 5 Declaration:

- The details submitted with this application 02nd June 2026
- Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Section 4(1)(h) of the Planning and Development Act 2000(as amended).

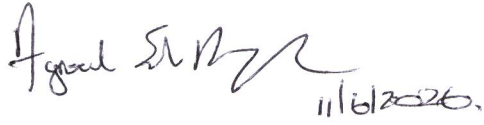
Main Reasons with respect to Section 5 Declaration:

The removal of the chimney and replacement of a door and window in the rear elevation with a 2.8m sliding door to the dwelling would 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.

- (a) The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The proposed development would therefore come within the scope of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would 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

A rectangular stamp containing a handwritten signature in cursive that reads "Michael Lynch".

Michael Lynch A.P
05/06/2026

A handwritten signature in cursive, possibly reading "Agreed SA [unclear]", with the date "11/6/2026" written below it.



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Michael Lynch
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX66/2026 - 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 02/06/2026.

The due date on this declaration is the 29/06/2026.



**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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Suíomh / Website. www.wicklow.ie

Ian Heffernan
Cnoc Dubh
Ballymanus Lower
Blackhill
Glenealy
Co. Wicklow

3rd June 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). - EX66/2026 for Matthew Farrell

A Chara

I wish to acknowledge receipt on 02/06/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 29/06/2026

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

02/06/2026 15 25 51

Receipt No L1/0/364546

***** REPRINT *****

MATTHEW FARRELL
BALLINASKEA
ARKLOW
CO WICKLOW
Y14 P297

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered Credit Card	80 00
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Change	0 00
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Fee Received

WICKLOW COUNTY COUNCIL

02 JUN 2026

PLANNING DEPT.

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: Matthew Farrell
Address of applicant: Ballinaskea, Arklow Co. Wicklow
Y14 P297

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Ian Heffernan
Address of Agent: Cnoc Dubh, Ballymanus Lower,
Blackhill Glenageary, Co. Wicklow

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

3. Declaration Details

i. Location of Development subject of Declaration Kingston Cottage,
Ballinaskea, Arflow, Co. Wicklow Y14 P297

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
 Yes/ No.

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration
1. Is Planning required for the removal of a chimney
2. Is planning required for the addition of a 2.8m
wide sliding door, which will replace a single door &
single window

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 Section 2 of the
Planning & Development Act 2000 (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) ? It is NOT a protected structure

vii. List of Plans, Drawings submitted with this Declaration Application _____
1. Floor Plans
2. Elevations
3. Site Location Maps
4. Photographs

viii. Fee of € 80 Attached ? Yes

Signed : Matthew Farrell Dated : 02nd June 2026

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.

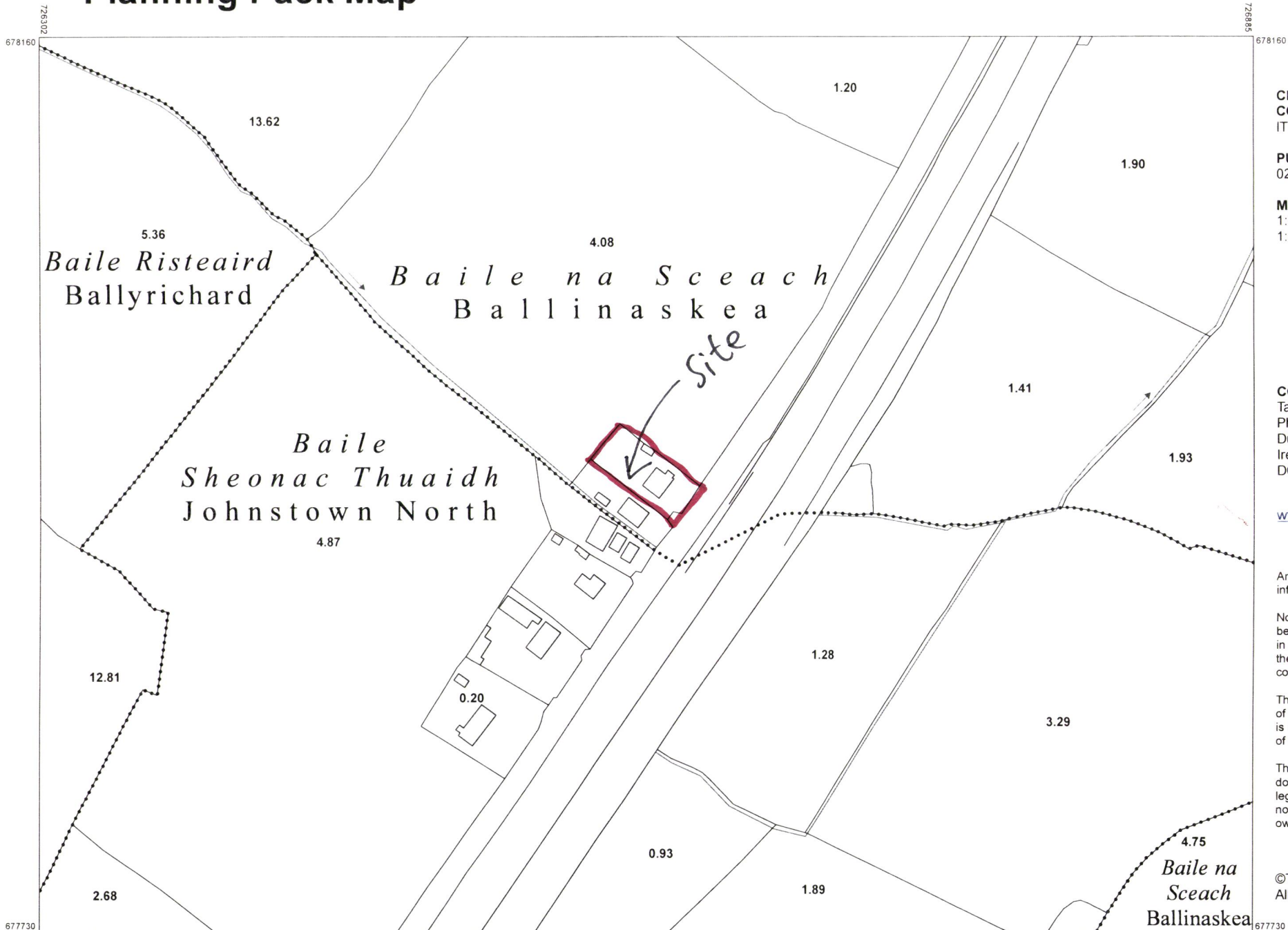
B. Land Reclamation -

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

Planning Pack Map



Tailte
Éireann



CENTRE COORDINATES:
ITM 726594,677945

PUBLISHED: 02/06/2026
ORDER NO.: 50539478_1

MAP SERIES: 1:5,000
MAP SHEETS: 4312, 4370

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

www.tailte.ie

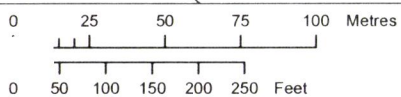
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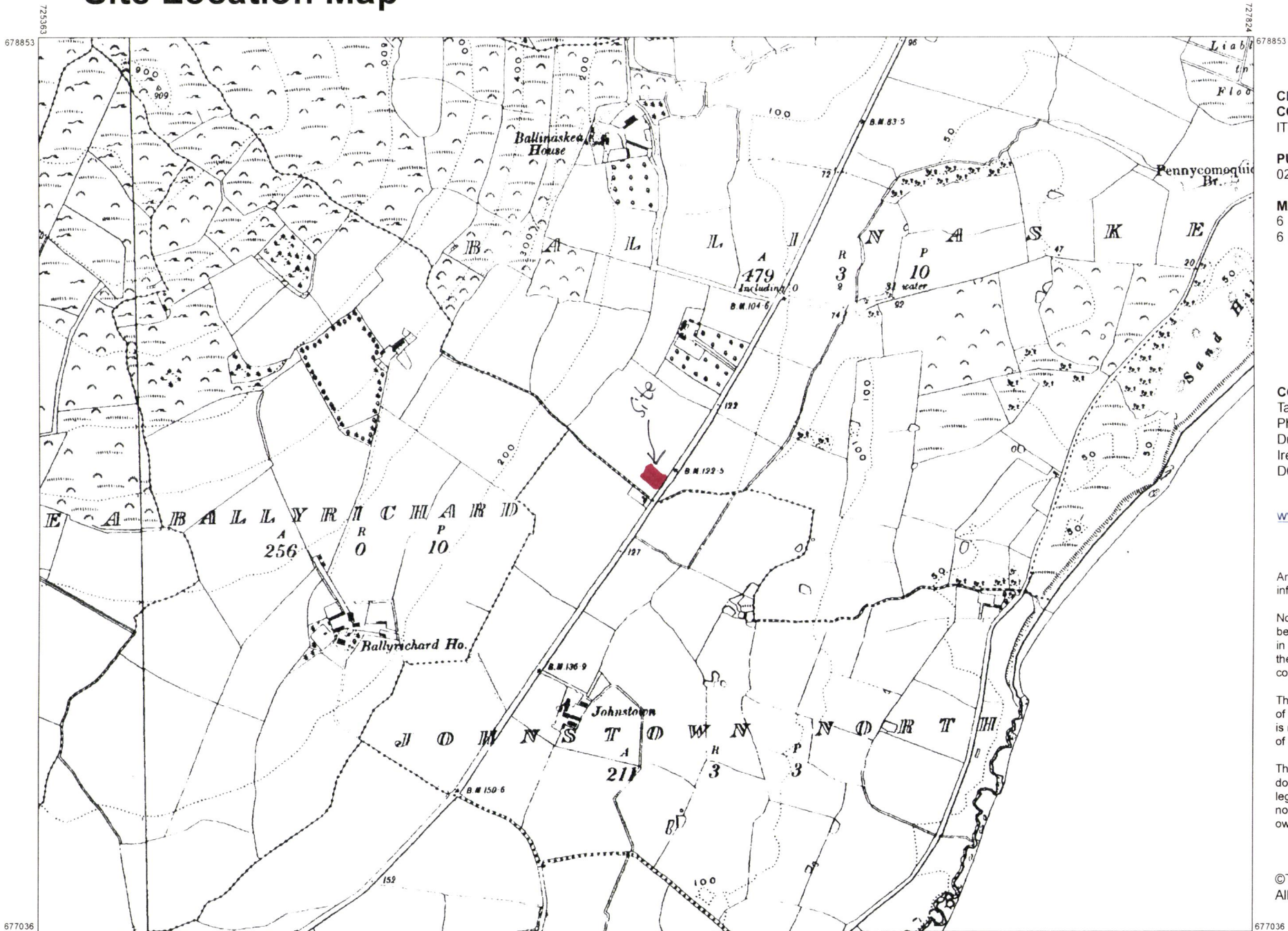
LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 726594.677945

PUBLISHED: 02/06/2026
ORDER NO.: 50539478_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: WW040
6 Inch Raster WW041

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
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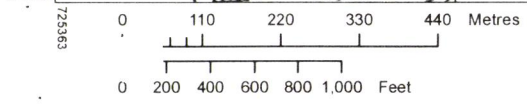
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LEGEND:
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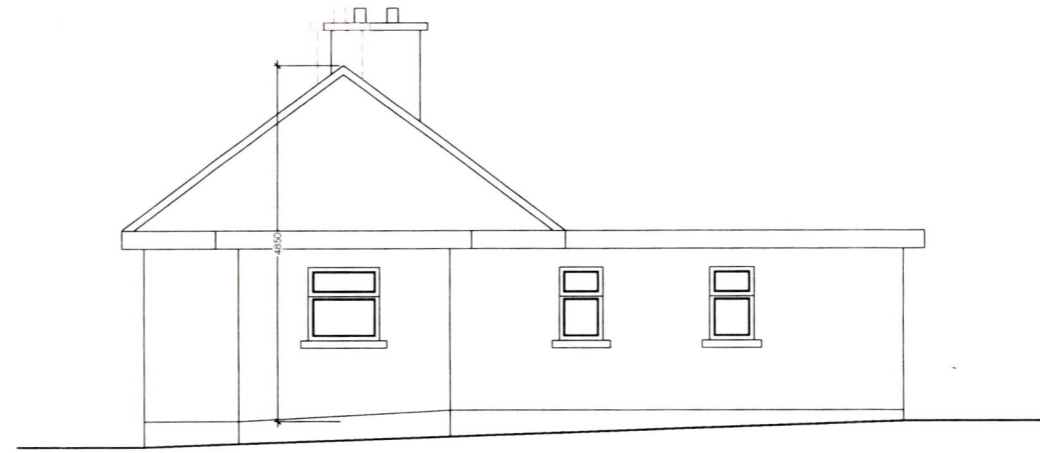


To be
Removed

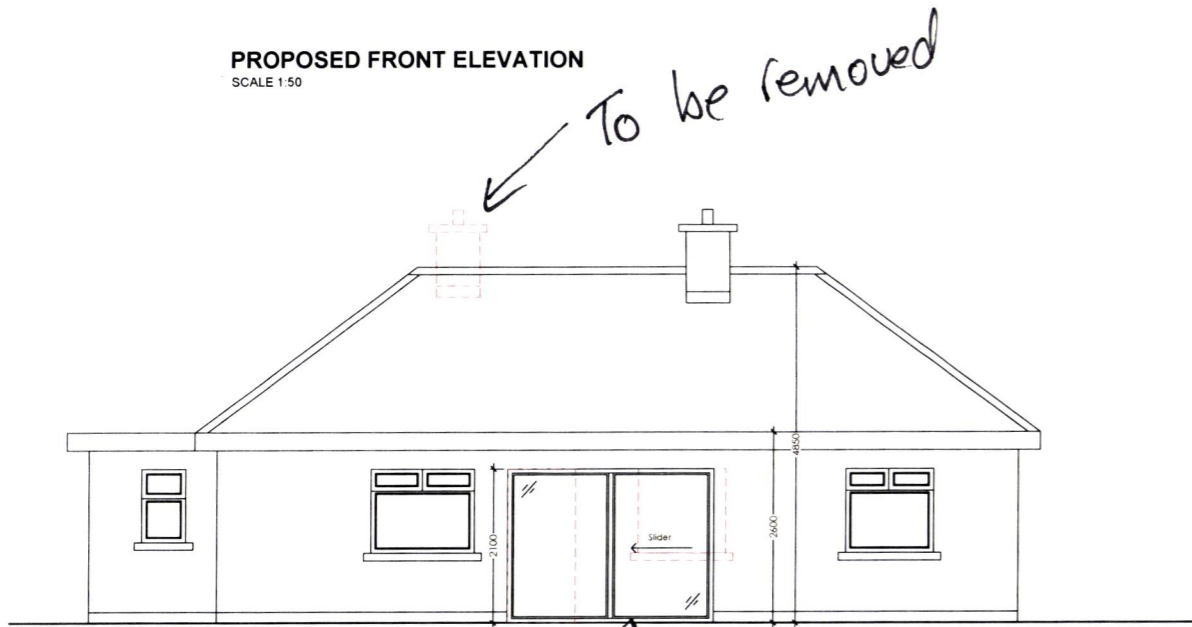
Slider



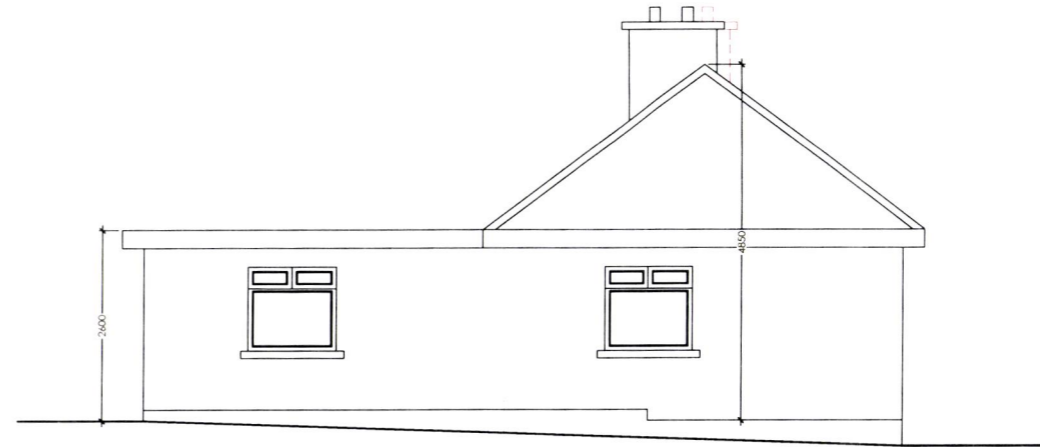
PROPOSED FRONT ELEVATION
SCALE 1:50



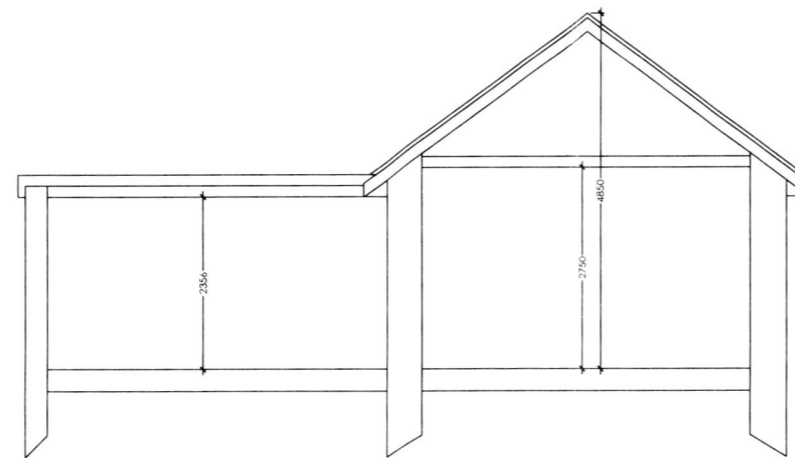
PROPOSED SIDE ELEVATION
SCALE 1:50



PROPOSED REAR ELEVATION
SCALE 1:50@A1



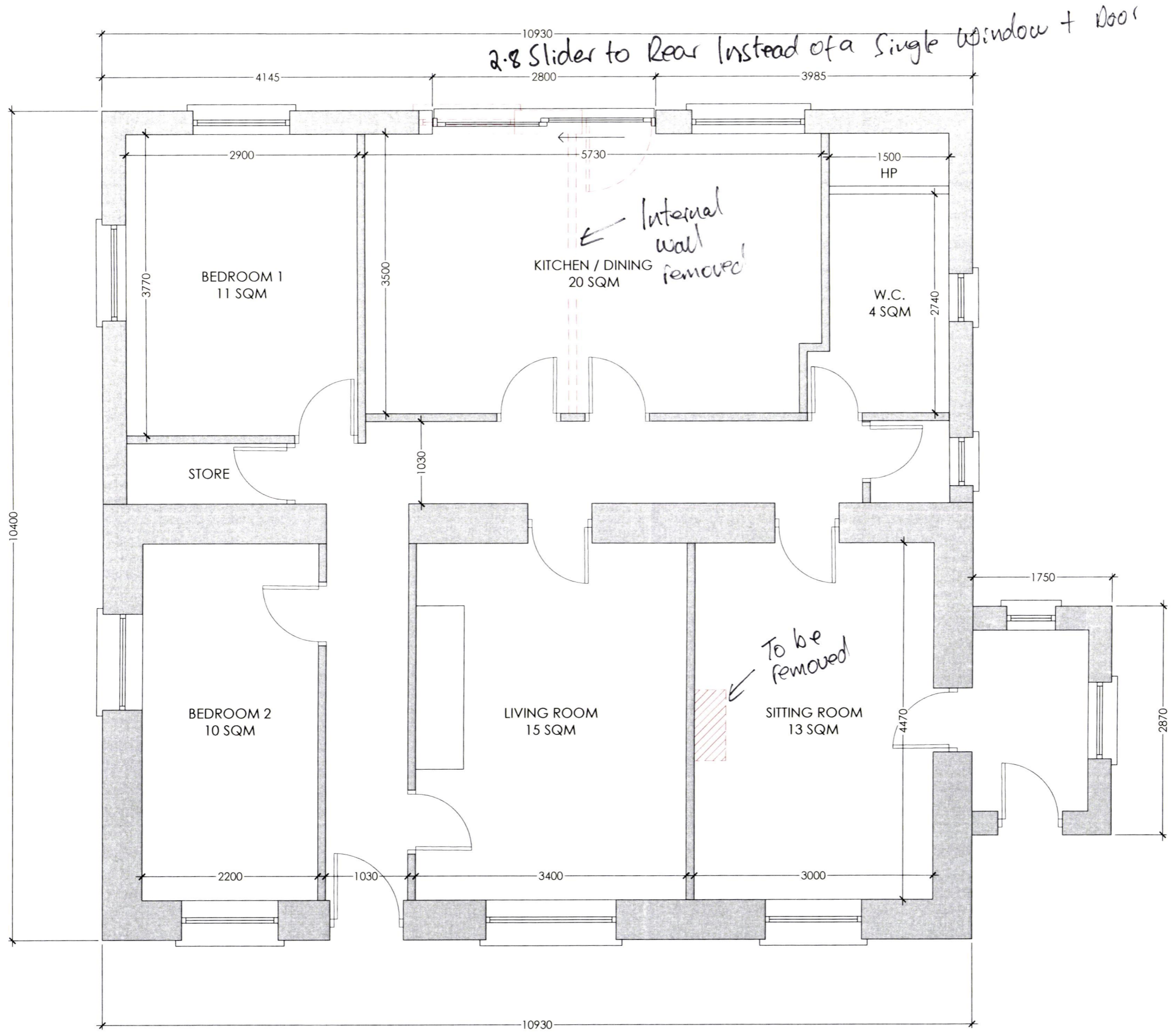
PROPOSED SIDE ELEVATION
SCALE 1:50@A1



PROPOSED SECTION
SCALE 1:50@A1

NOTE: All dimensions to be checked on site & any discrepancies notified. Do NOT scale off these drawings

REV	AMENDMENTS	BY	CHKD	APRD	DATE
<p>Ian Heffernan & Associates</p> <p>Cnoc Dubh Ballymarus Lower Blackhill, Glenealy Co. Wicklow</p> <p>Tel: 096 8991862 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie</p> <p>Ian Heffernan BEng, MIEI, Certified Site Assessor</p>					
<p>CLIENT</p> <p>MATTHEW FARRELL</p>					
<p>PROJECT</p> <p>PROPOSED ALTERATIONS TO DWELLING AT BALLINASKEA, ARKLOW, CO. WICKLOW</p>					
<p>TITLE</p> <p>PROPOSED ELEVATIONS & SECTION</p>					
<p>DRAWING STATUS</p> <p>PROPOSED</p>					
DATE	MAY_2026	DRAWN BY	IH		
SCALE	1:50@A1				
DRAWING No	2026/P002	REV	-		



GROUND FLOOR PLAN
SCALE 1:25 @ A1



SCHEDULE OF FLOOR AREAS	
PROPOSED GROUND FLOOR	102.6 SQM
OVERALL FLOOR AREA	102.6 SQM

NOTE: All dimensions to be checked on site & any discrepancies notified. Do NOT scale off these drawings

REV	AMENDMENTS	BY	CHKD	APPRD	DATE
<p>Ian Heffernan & Associates</p> <p>Cnoc Dubh Ballymanus Lower Blackhill, Glenealy Co. Wicklow</p> <p>Tel: 086 8891862 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie</p> <p>Ian Heffernan BEng, MIEI, Certified Site Assessor</p>					
<p>CLIENT</p> <p>MATTHEW FARRELL</p>					
<p>PROJECT</p> <p>PROPOSED ALTERATIONS TO DWELLING AT BALLINASKEA, ARKLOW, CO. WICKLOW</p>					
<p>TITLE</p> <p>PROPOSED FLOOR PLAN</p>					
<p>DRAWING STATUS</p> <p>PROPOSED</p>					
DATE	MAY_2026	DRAWN BY	IH		
SCALE	1:25@A1				
DRAWING No	2026/P001	REV	-		