



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
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Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

Wicklow Methodist Church
C/O Selina Lennox
Ballyhara
Two Mile Water
Wicklow

June 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX16/2023**

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

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

Is maise, le meas,

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Wicklow Methodist Church

Location: Wicklow Methodist Church, New Road, Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1131/2023

A question has arisen as to whether "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" is or is not exempted development" is or is not exempted development.

Having regard to:

- The details submitted with this Section 5 Application on the 01/03/2023 and by way of Further Information on the 21/06/2023.
- Sections 2, 3, 4(1)(h), 57(1), 82(1) of the Planning and Development Act 2000, as amended.
- County Development Plan 2022-2028 : Record of Protected Structures : WTC-RPS13 Methodist Chapel, Bay View Road.

Main Reasons with respect to Section 5 Declaration:

- The works to be carried out would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended).
- Having regard to the Protected Status of Wicklow Methodist Church and the photographs submitted showing the extent of the pews to be removed, it is considered that the works would be exempt development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the works only affect the interior of the structure, in addition the works would not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

The Planning Authority considers that "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" at Wicklow Methodist Church, New Road, Wicklow is development and is exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated June 2023



WICKLOW COUNTY COUNCIL

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

CHIEF EXECUTIVE ORDER NO. CE/PDE/1131/2023

Reference Number: EX 16/2023

Name of Applicant: Wicklow Methodist Church

Nature of Application: Section 5 Referral as to whether "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" is or is not exempted development

Location of Subject Site: Wicklow Methodist Church, New Road, Wicklow

Report from Patrice Ryan EP & ~~Suzanne White~~ ^{Edel Bermingham}, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" at Wicklow Methodist Church, New Road, Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

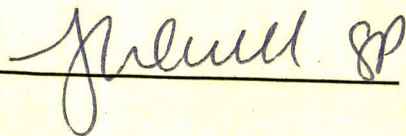
- The details submitted with this Section 5 Application on the 01/03/2023 and by way of Further Information on the 21/06/2023.
- Sections 2, 3, 4(1)(h), 57(1), 82(1) of the Planning and Development Act 2000, as amended.
- County Development Plan 2022-2028 : Record of Protected Structures : WTC-RPS13 Methodist Chapel, Bay View Road.

Main Reasons with respect to Section 5 Declaration:

- The works to be carried out would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended).
- Having regard to the Protected Status of Wicklow Methodist Church and the photographs submitted showing the extent of the pews to be removed, it is considered that the works would be exempt development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the works only affect the interior of the structure, in addition the works would not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Recommendation

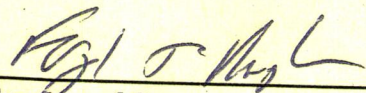
The Planning Authority considers that "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" at Wicklow Methodist Church, New Road, Wicklow **is development and is exempted development** as recommended in the planning report.

Signed  Dated 29th day of June 2023

ORDER:

I HEREBY APPROVE that a declaration to issue stating:

That "remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church" at Wicklow Methodist Church, New Road, Wicklow" **is development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
A/ Director of Services
Planning Development & Environment

Dated 3rd day of June 2023

WICKLOW COUNTY COUNCIL
Planning Department
Section 5 – Application for declaration of Exemption Certificate

Ref: EX16/2023

Name: Wicklow Methodist Church

Development: Remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church

Address: Wicklow Methodist Church, New Road, Wicklow Town

See previous report dated the 27th March 2023; a request for the submission of further information issued on the 28th March 2023, and a response was received on the 21st June 2023.

Further Information was sought as follows:

Insufficient information has been submitted to allow the Planning Authority to carry out an assessment of this Section 5 Declaration. The following information is required to be submitted by the applicant.

- a) A site location map with the site outlined in red to allow the Planning Authority to accurately locate the site of the proposed development.
- b) Photographs of the section of pew to be removed as part of this Section 5 Declaration.

I recommend that the applicant be informed accordingly.

Response:

The applicant has submitted a site location map clearly identifying the site. A floor plan and photographs clearly showing the section of pew to be removed has also been submitted. It is noted that the applicant is now seeking to remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church. Photographs of the pew ends to be removed have been submitted.

Site Details:

The subject site is located on the northern side of Convent Road in Wicklow Town across from the Dominican College and Holy Rosary Schools. The building on site comprises of a chapel which is a protected structure described as a Detached four bay Wesleyan Methodist chapel, built 1866. The site is also located within the Wicklow Town, Bayview Road Architectural Conservation Area. This will be considered as part of this Section 5.

Planning History:

03/622768: Retention permission GRANTED for the temporary change of use to education centre, temporary portocabin.

00/622448: Planning permission GRANTED for alterations to proposed assembly hall.

96/622093: Planning permission GRANTED for a new hall.

91/621676: Outline permission GRANTED for 4 townhouses, new street and hall.

QUESTION:

The applicant is looking to confirm if the below items are considered exempted development.

- Remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church

LEGISLATIVE CONTEXT

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of 'development':

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 2(1) of the Act states the following in respect of 'works':

'Works' includes "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

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.

Section 34 (13) of the Act states that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'

It is noted that the subject site is located within an Architectural Conservation Area and the building itself is a protected structure. In this regard Section 57(1) and Section 82 (1) are noted and state the following:

Section 57 – (1) states that Notwithstanding section 4(1)(a), (h), (i), F480[(ia)] (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 82 (1) states Notwithstanding section 4 (1)(h), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Planning and Development Regulations 2001(as amended)

Article 6 states:-

“(1) Subject to Article 9, development of a class specified in column 1 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.

In this regard it is noted that there is no exemption listed under Article 6, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the Removal of 800mm of pew to the left side of Church. Pew end to be moved to the end to provide a 1200 x1200 wheelchair space within the Church. Section 4, 57 and 82 of the Planning and Development Act 2000(as amended) will be relevant to the assessment of this Section 5 Declaration.

ASSESSMENT

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

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

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

I am satisfied that the proposals would involve works and therefore the proposals do constitute development.

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

Question: Remove 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church.

It is considered that these works would come within the exemption provisions set under Section 4(1)(h) of the Act as they are works for improvement or other alteration of any structure, being works which affect only the interior of the structure.

In addition it is considered that the proposed development will not impact on the exterior of the structure and therefor will not materially affect the character of the architectural conservation area or materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

RECOMMENDATION

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

- the removal of 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church at Wicklow Methodist Church, New Road, Wicklow Town

is or is not development and is or is not exempted development

The Planning Authority consider that the removal of 800mm of pew end from the back left of the church and 800mm pew end from the back right of the church to provide 2 wheelchair spaces within the church at Wicklow Methodist Church is **Development and is Exempted Development**

Main Considerations with respect to Section 5 Declaration:


- The details submitted with this Section 5 Application on the 01/03/2023 and by way of Further Information on the 21/06/2023.
- Sections 2, 3, 4(1)(h), 57(1), 82(1) of the Planning and Development Act 2000, as amended.
- County Development Plan 2022-2028 : Record of Protected Structures : WTC-RPS13 Methodist Chapel, Bay View Road.

Main Reasons with respect to Section 5 Declaration :

- The works to be carried out would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended).
- Having regard to the Protected Status of Wicklow Methodist Church and the photographs submitted showing the extent of the pews to be removed, it is considered that the works would be exempt development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the works only affect the interior of the structure, in addition the works would not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.



Patrice Ryan
Executive Planner
26/06/2023



28/6/2023

Agreed
15/6/23
30/6/23



Comhairle Contae Chill Mhantáin Wicklow County Council

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28/03/2023

Wicklow Methodist Church
C/O Selina Lennox
Ballyhara
Two Mile Water
Wicklow

RE: EX 16/2023

Removal of 800mm of Pew to left side of Church. Pew end to be moved to the end of Pew. This will provide a 1200 x 1200 wheelchair space within the Church

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 1st of March 2023.

Further Information:

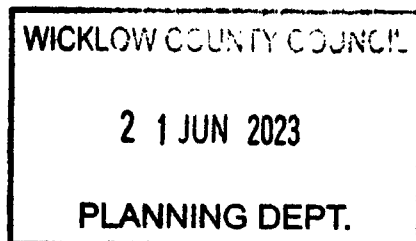
Insufficient information has been submitted to allow the Planning Authority to carry out an assessment of this Section 5 Declaration. The following information is required to be submitted by the applicant.

- a) A site location map with the site outlined in red to allow the Planning Authority to accurately locate the site of the proposed development.
- b) Photographs of the section of pew to be removed as part of this Section 5 Declaration.

Mise, le meas

SENIOR STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.



Creation Date: 21 June 2023 10:17:07

Front of church/pulpit

Access to
hall

Proposed new
wheelchair access
space

Proposed new
wheelchair access
space

Wheelchair
ramp with
access to hall
and church

Prayer room. with seated balcony up above, upstairs

Vestibule to front
door of church 2
steps not wheelchair
accessible

WICKLOW COUNTY COUNCIL

21 JUN 2023

PLANNING DEPT.

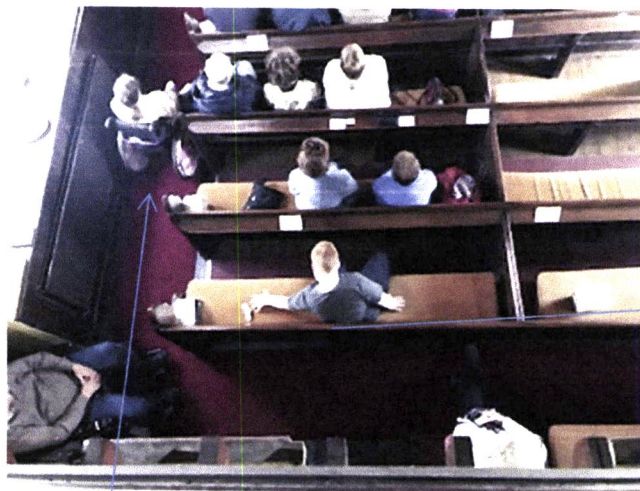
Dear sir Madam.

Re Application 16/2023

Please find enclosed a copy of site map with the Methodist church outlined.

The application has been slightly changed as we now believe we need to make access for 2 wheelchairs. We have 2 new parishioners who are wheelchair users and while one is a manual chair user and can access our side aisles this then blocks fire access for ambulant parishioners. As a matter of safety for everyone we believe the best option is to remove half of both rear pews to make safe space for wheelchair access.

Please see photo below.



Currently 2 wheelchair users blocking fire access

800mm of pew to be removed on left when facing the pulpit/ stained glass windows.



800mm of pew to be removed on right of church facing the pulpit/stained glass.

Rear pew at back of church is a folding bench which allows 1000mm access sufficient for manual wheelchair access.

Selina Lennox Parishioner and Senior occupational therapist.

WICKLOW COUNTY COUNCIL
21 JUN 2023
PLANNING DEPT.



Comhairle Contae Chill Mhantáin Wicklow County Council

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28/03/2023

Wicklow Methodist Church
C/O Selina Lennox
Ballyhara
Two Mile Water
Wicklow

RE: EX 16/2023

Removal of 800mm of Pew to left side of Church. Pew end to be moved to the end of Pew. This will provide a 1200 x 1200 wheelchair space within the Church

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 1st of March 2023.

Further Information:

Insufficient information has been submitted to allow the Planning Authority to carry out an assessment of this Section 5 Declaration. The following information is required to be submitted by the applicant.

- a) A site location map with the site outlined in red to allow the Planning Authority to accurately locate the site of the proposed development.
- b) Photographs of the section of pew to be removed as part of this Section 5 Declaration.

Mise, le meas

**SENIOR STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref: EX16/2023

Name: Wicklow Methodist Church

Development: Removal of 800mm of pew to the left side of Church. Pew end to be moved to the end to provide a 1200 x1200 wheelchair space within the Church.

Address: Wicklow Methodist Church, New Road, Wicklow Town

Assessment


Insufficient information has been submitted to allow the Planning Authority to carry out an assessment of this Section 5 Declaration. The following information is required to be submitted by the applicant.

- a) A site location map with the site outlined in red to allow the Planning Authority to accurately locate the site of the proposed development.
- b) Photographs of the section of pew to be removed as part of this Section 5 Declaration.

I recommend that the applicant be informed accordingly.



Patrice Ryan
Executive Planner
27/03/2023



27/3/23

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Patrice Ryan
Executive Planner**

**FROM: Crystal White
Assistant Staff Officer**

**RE:- EX 16/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Removal of 800mm of Pew to left side of Church. Pew end to be moved to
the end of Pew. This will provide a 1200 x 1200 wheelchair space within
the Church**

I enclose herewith for your attention application for Section 5 Declaration
received 1st of March 2023.

The due date on this declaration is the 28th of March 2023.



Senior Staff Officer

Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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02/03/2023

**Wicklow Methodist Church
C/O Selina Lennox
Ballyhara
Two Mile Water
Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 16/2023
Removal of 800mm of Pew to left side of Church. Pew end to be moved to the end of Pew. This will provide a 1200 x 1200 wheelchair space within the Church**

A Chara

I wish to acknowledge receipt on the 1st of March 2023 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 28/03/2023.

Mise, le meas

**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**

Wicklow County Council
County Buildings
Wicklow
0404 20100

01/03/2023 13 33 02

Receipt No L1/0/309549
***** REPRINT *****

SELINA LENNOX
BALLYHARA
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Charlie Redmond
From Customer Service Hub
Vat reg No 0015233H

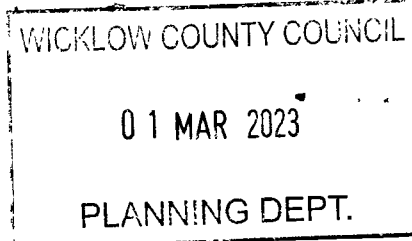


Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____



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

1. Applicant Details

(a) Name of applicant: _____ Wicklow Methodist church

Address of applicant: New road, Wicklow town

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable Selina Lennox

Address of Agent : Ballyhara two mile water
wicklow

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

3. Declaration Details

i. Location of Development subject of
Declaration Wicklow
Methodist _____ church

ii. Are you the owner and/or occupier of these lands at the location under i. above ? Yes/
Noxx

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises
as to what, in any particular case, is or is not development and is or is not
exempted development, within the meaning of this act, any person may, an
payment of the prescribed fee, request in writing from the relevant planning
authority a declaration on that question. You should therefore set out the query
for which you seek the Section 5 Declaration

Additional details may be submitted by way of separate submission.


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

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

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a
Protected Structure (or proposed protected structure)
? yes

vii. List of Plans, Drawings submitted with this Declaration Application
removal of 800mm of length from last pew on left hand side of the church.

viii. Fee of € 80 Attached ?

Signed  Dated : 27/2/2023

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.

Removal of 800mm of Pew
to left side of Church. Pew end
to be moved to end of Pew
This will provide a 1200 x 1200
Wheelchair space within the
Church.