

## Comhairle Contae Chill Mhantáin Uicklou 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 Suiomh / Website. www.wicklow.ie

May 2025

Fr. Aquinas Duffy The Abbey Wicklow A67 AK59

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX49/2025 – St Patricks Church, Wicklow Town

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT







## Comhairle Contae Chill Mhantáin Ulicklow County Council

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

Applicant: Fr. Aquinas Duffy

Location: St Patricks Church, Wicklow Town

Reference Number: EX49/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/556

Section 5 Declaration as to whether "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

#### Having regard to:

- a) The details submitted with this application 6th May 2025
- 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).
- d) Section 57(1) of the Planning and Development Act 2000(as amended).
- e) Record of Protected Structures: RPS9

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

- i. The installation of the chair lift is works, and therefore development having regard to Section 2 and Section 3(i) of the Planning & Development Act 2000 (as amended)
- ii. The installation of the chair lift at the ground floor 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 proposed development would therefore come within the scope of Section 4(1)(h) and Section 57 (1) of the Planning and Development Act 2000(as amended).

The Planning Authority considers that "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated May 2025







# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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May 2025

St. Laurence O'Toole Diocesan Trust Company Limited by Guarantee Archbishops House Drumcondra Dublin 9

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX49/2025 – St Patricks Church, Wicklow Town

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT







# Comhairle Contae Chill Mhantáin Ulicklow County Council

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

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

Applicant: Fr. Aquinas Duffy

Location: St Patricks Church, Wicklow Town

Reference Number: EX49/2025

#### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/556

Section 5 Declaration as to whether "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

#### Having regard to:

- a) The details submitted with this application 6th May 2025
- 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).
- d) Section 57(1) of the Planning and Development Act 2000(as amended).
- e) Record of Protected Structures: RPS9

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

- i. The installation of the chair lift is works, and therefore development having regard to Section 2 and Section 3(i) of the Planning & Development Act 2000 (as amended)
- ii. The installation of the chair lift at the ground floor 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 proposed development would therefore come within the scope of Section 4(1)(h) and Section 57 (1) of the Planning and Development Act 2000(as amended).

The Planning Authority considers that "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE<sup>J</sup>OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated AMay 2025





#### WICKLOW COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

#### **SECTION 5**

#### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/556

Reference Number:

EX49/2025

Name of Applicant:

Fr. Aguinas Duffy

Nature of Application:

Section 5 Declaration request as to whether or not:-"the

installation of a chair lift at the ground floor" is or is not development and is or is not exempted development.

Location of Subject Site:

St Patricks Church, Wicklow Town

Report from Keara Kennedy, EP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town 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 6th May 2025

- 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).
- d) Section 57(1) of the Planning and Development Act 2000(as amended).
- e) Record of Protected Structures: RPS9

Main Reason with respect to Section 5 Declaration:

- The installation of the chair lift is works, and therefore development having regard to Section 2 and Section 3(i) of the Planning & Development Act 2000 (as amended)
- The installation of the chair lift at the ground floor 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 proposed development would therefore come within the scope of Section 4(1)(h) and Section 57 (1) of the Planning and Development Act 2000(as amended).

Recommendation:

The Planning Authority considers that "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town is development and is exempted development as recommended in the report by the SEP.

Signed 1

Dated 29 day of May 2025

ORDER:

I HEREBY DECLARE THAT "the installation of a chair lift at the ground floor" at St Patricks Church, Wicklow Town is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

Senior Engineer

Planning, Economic & Rural Development

Dated y day of May 2025

Section 5 Application: EX 49/2025

Date: 29<sup>th</sup> May 2025

Applicant: Fr Aquinas Duffy

Address: St Patricks Church, Wicklow Town, Co. Wicklow.

Whether or not:

Works to structure is development and is exempted development. The works proposed comprise the provision of a chair lift to allow for elderly people in the choir to easily access the organ gallery in the church. A photo of a chair lift has been provided an as example as well as photos of the existing stairs to the gallery and of the organ gallery from the church. The stairs appear to be just inside the doorway to the church.

#### **Planning History:**

18/527: Retention permission granted to Fr Donal Rocke for a single storey extension (circa 12 sqm), use of part of former De La Salle School as a Parish and Community Centre, parish offices previously granted planning under Reg Ref 12/623464 as constructed, portion of former De La Salle School for Childcare facilities.

15/418: Permission granted to Fr Donal Roche for amendments to car parking facilities at St. Patrick's Parish Church, Wicklow Town (A Protected Structure). The development will comprise of alterations to existing hard surfacing providing 31 no spaces by demarcation and the provision of a new car park

#### Wicklow Town - Rathnew LAP 2025-2031

Zoning Objective: CE: Community & Education

To provide for civic, community and educational facilities

#### **Wicklow County Development Plan 2022-2028**

The church is a protected structure (WTC - RPS 9), which is described as a Detached Gothic Catholic Church, c.1840 in the CDP RPS. The NIAH record states as follows:

Freestanding Gothic revival cruciform-plan Roman Catholic church, on a north-south orientation, built c.1840; having four-bay nave with pinnacled pilaster buttresses; square-plan four-stage entrance tower flanked by squareprofile two-stage gallery towers, all with square-profile corner buttresses; full-height transepts with corner buttresses and full-height chancel; confessional projections to nave; sacristy to south end having hipped slate roof, built c.1890. Pitched slate roofs with carved granite square-profile and octagonal-profile pinnacles and cross finials, crenellated parapets to towers, and cast-iron rainwater goods. Cut granite walls to entrance front, roughcast rendered walls to other elevations, having cut granite plinth and string courses. Pointed arch window openings having cut granite hood mouldings and surrounds, with sloped sills and sill course, twin lights with timber tracery and mullioned panes to nave, stained glass windows to transepts. Tudor arched door opening to entrance front, having carved granite hood moulding, roll mouldings with colonettes, with timber panelled double doors with tripartite overlight. Pointed arch door openings having cut granite hood moulding and timber panelled vertically divided doors to side elevations of nave and to transepts. Tudor arched door opening set within porch, having decorative half-glazed timber panelled double doors with quadripartite overlight. Interior with shallow fan vaulting with bosses and liernes, gallery over entrance with organ, Victorian altar of caen stone c.1865, mosaic reredos c.1936, tiled floor, stained timber pews and confessionals. Marian shrines to grounds. Set in lawned grounds with granite steps.

The appraisal states.

Like many Roman Catholic churches, this dates from the middle of the nineteenth century, following Catholic Emancipation, its scale, grandeur and prominent siting indicating the new confidence of the Church. It was funded by public subscription and built on lar d donated by Fitzwilliam family. The foundations were laid by 1838; was recorded as 'nearly complete' in 1840; dedicated 13 Oct 1844. The original architect is unknown but the practice of W.H.Byrne of Dublin was involved in works in 1923. Highly decorated both externally and internally, it uses many Gothic revival features such as pointed arches, crocketed pinnacles and fan vaulting. The finely executed nineteenth-century stained glass windows provide a pleasing foil for those from the studio of Harry Clarke.

Objectives from Wicklow CDP 2022-2028:

CPO 8.13 To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

CPO 8.14 To positively consider proposals to alter or change the use of protected structures so as to render them viable for modern use, subject to architectural heritage assessment and to demonstration by a suitably qualified Conservation Architect / or other relevant expertise that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised.

CPO 8.15 All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection.

#### **Relevant Legislation:**

#### Planning and Development Act, 2000 (as amended):

Section 3 (1)(a) defines development as: "The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land";

**Section 2 (1)** defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4 (1)(a) to (I) specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

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;

Section 4 (2) provides for certain classes of development to be designated as exempted development by way of legislation.

Section 57 (1) — Notwithstanding section 4(1)(a), (h),(i), (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

(b) Any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

#### Planning and Development Regulations, 2001 (as amended):

**Article 6(1)** states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

#### Assessment:

The 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 works on, in, over or under land or the making of any material change in the use of any land or structures on land.

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

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 installation of a chair lift to the organ gallery, inside this protected structure would fall within the definition of works and would therefore 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. As this structure is a protected structure the main consideration in this case is whether or not the development does not materially affect the character of –

- (a) The structure
- (b) Any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

With regard to the above, it is considered that the works as described in the documents lodged i.e. the installation of a chair lift at ground floor level inside the church are unlikely to materially affect the character of the structure or any element of the structure which contributes to its special interest. It is noted that the description of the Protected Structure in the NIAH register does not make any reference to the stairs.

#### Recommendation:

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

Whether or not the installation of a chair lift at the ground floor of St Patricks Church, Wicklow Town is or is not exempted development

#### The Planning Authority considers that:

The installation of a chair lift at the ground floor of St Patricks Church, Wicklow Town is development but is exempted development

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

<b>(1)</b>	The details submitted with this application 6 <sup>th</sup> May 2025
to)	Sections 2 and 3 of the Planning and Development Act 2000(as amended).
23	Section 4(1)(h) of the Planning and Development Act 2000(as amended).

Section 57(1) of the Planning and Development Act 2000(as amended). ď

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Main Reasons with respect to Section 5 Declaration:

The installation of the chair lift at the ground floor would not materially affect the character of the structure or any Act 20000 element of the structure which contributes to its special architecture. element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. >

The proposed development would therefore come within the scope of Section 4(1)(h) and Section 57 (1) of the Planning and Development Act 2000(as amended).

**Keara Kennedy Executive Planner** 29/05/2025

Agust as modified Sand San 29/15/2025.

Kirri !

Isre declaration of Maj 122

29/05/20

# omhairle Contae Chill Mhantáin Uicklow County Council



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: Keara Kennedy Executive Planner FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX49/2025

I enclose herewith application for Section 5 Declaration received completed on 06/05/2025.

The due date on this declaration is 2<sup>nd</sup> June 2025

Staff Officer

Planning, Economic & Rural Development







# Comhairle Contae Chill Mhantáin Uicklou County Council

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

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6<sup>th</sup> May 2025

Fr. Acquinas Duffy The Abbey Wicklow A67 AK59

RE: Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended). – EX49/2025 – St. Patrick's Church, Wicklow A67 AE37

A Chara

I wish to acknowledge receipt on 06/05/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 02/06/2025.

Mise, le meas

Nicola Fleming

Staff Officer

**Planning, Economic & Rural Development** 





#### ola Fleming

From:

Nicola Fleming

Sent:

Friday 2 May 2025 09:59

To:

'parishofficewicklow@gmail.com'

Subject:

Application for a Declaration in accordance with Section 5 of the Planning &

Development Act 2000 (as amended): - EX49/2025 at St. Patrick's Church Wicklow

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 30<sup>th</sup> April 2025.

We received your Section 5 application form however this is incomplete as per our additional notes section and is return herewith: -

site location map (an eircode map will suffice)

We need these documents to be able to access the application.

Application is currently classed as incomplete and decision date cannot be noted until the above documentation is received.

#### Regards,

Nicola Flemina

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

**Ph≘**: +353 (0404) 20148 | ⊠: nfleming@wicklowcoco.ie

Website: http://www.wicklow.ie



Comhairle Chontae Chill Mhantáin

The Abbey Abbey Street Wicklow Town Co Wicklow A67 AK59 Mobile: +353-86-8370861

email: aquinasduffy@gmail.com

# Parish of Wicklow

29 April 2025

Wicklow County Council County Buildings Wicklow, Co Wicklow

A Chara,

I enclose an application for an exemption in relation to the proposed addition of a Chair lift to the Choir Gallery Stairs in St Patrick's Church Wicklow.

Yours Sincerely,

Fr Aquinas T Duffy

Parish Priest

APR 223

Wicklow County Council C ty Buildings Wicklow 0404-20100

30/04/2025 11 17 41

Receipt No. L1/0/344636

ST PATRICKS CHURCH WICKLOW THE ABBEY ABBEY ST WICKLOW CO WICKLOW

VAT Exempt/Non-vatable

80.00

80 00 EUR

80.00

EXEMPTION CERTIFICATES

GOODS

lotal

Tendered
Cheque 80 00
EXEMPTION CHAIR LIFT

Change 0.00

Issued By VANESSA PORTER 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

	DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS OT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT
1. Ap	plicant Details
(a)	Name of applicant: Fr. Aquinas Duffy
	Address of applicant: The Abbey, Wicklow, A67 AK59
Note !	Phone number and email to be filled in on separate page.
2. Ag	ents Details (Where Applicable)
(b)	Name of Agent (where applicable)
	Address of Agent :

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

#### 3. Declaration Details

- i. Location of Development subject of Declaration St. Patrick's Church, Wicklow A67 AE37
- 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

St Laurence O'Toole Diocesan Trust Company Limited By Guarantee Archbishops House Drumcondra, Dublin 9.

Section 5 of the Planning and Development Act provides that: If any question iv. 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.

The Choir, in St. Patrick's Church, sing from the Organ Gallery, situated above the main body of the Church. The Gallery is accessed from the ground floor by a 'Spiral' staircase.

Several of the choir members are elderly and are having difficulty getting up and down the stairs. The proposed solution is a chairlift, fixed to the stairs on the Bannister's side of the stairs

This is an image of the type of chairlift proposed. It is fixed to the stairs and bannisters

not to either the wall or



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

Not known. This application is being made as the Church is a Protected Structure.

Does the Declaration relate to a Protected Structure or is it within the curtilage vi. of a Protected Structure (or proposed protected structure)? W09 16003184, Page 69 of Record of Protected Structures 2022-2028

vii. List of Plans, Drawings submitted with this Declaration Application

No plans are available at this stage. 3 quotations have been received. The location of the gallery and 3 photos of the existing stairs are attached below.

viii. Fee of € 80 Attached?

Signed: June Fully

Dated: 29 April 2025

#### **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.

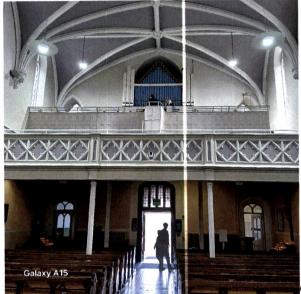
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

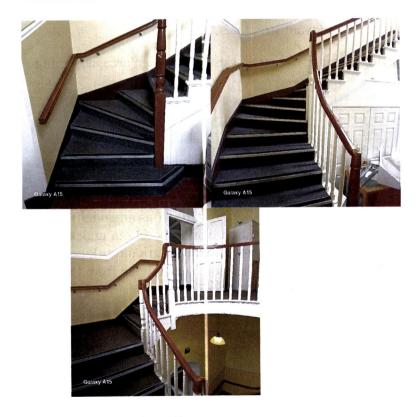
• Site layout plan showing location of structure and any adjoining farm

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.



Choir Gallery



Existing stairs to the gallery

English | Gaeilge

#### SAINT PATRICK'S CHURCH

#### SAINT PATRICK'S ROAD

**WICKLOW** 

## A67 AE37

BALLYNERRIN LOWER

Saint Patrick's Catholic Church

Catholic Church

