




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

 June 2025

Marcus Horgan

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX65/2025 for Blainroe Golf Club**

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 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 mise, le meas,


**ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT**



Comhairle Contae Chill Mhantáin Wicklow County Council

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27/6
June 2025

Blainroe Golf Club
Kilpoole Lower
Blainroe
Co. Wicklow

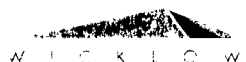
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Is mise, le meas,


**ADMINISTRATIVE OFFICER
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: Marcus Horgan

Location: Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow

Reference Number: EX65/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/677

Section 5 Declaration as to whether “the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights” at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- 1) The details and drawings received with this section 5 application
- 2) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- 3) The Planning and Development Regulations 2001 (as amended) including article 6 on exempted development and
- 4) Part 1 of Schedule 2 of the Regulations including class 33 and the definition of ‘use’ as set out in the Planning and Development Act 2000 (as amended)

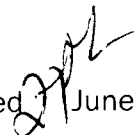
Main Reasons with respect to Section 5 Declaration:

- i. The proposal involves the carrying out of works, and are therefore constitutes development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The development would not come within the description set out under Class 33 : Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iii. There are no other exemptions within the Planning and Development Act 2000(as amended) or the Planning and Development Regulations 2001(as amended) that would be applicable to this development.

The Planning Authority considers that “the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights” at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  June 2025

WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/655

Reference Number: EX65/2025

Name of Applicant: Marcus Horgan

Nature of Application: Section 5 Declaration request as to whether or not:- "the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights" is or is not development and is or is not exempted development.

Location of Subject Site: Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights" at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- 1) The details and drawings received with this section 5 application
- 2) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- 3) The Planning and Development Regulations 2001 (as amended) including article 6 on exempted development and
- 4) Part 1 of Schedule 2 of the Regulations including class 33 and the definition of 'use' as set out in the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

- i. The proposal involves the carrying out of works, and are therefore constitutes development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The development would not come within the description set out under Class 33 : Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iii. There are no other exemptions within the Planning and Development Act 2000(as amended) or the Planning and Development Regulations 2001(as amended) that would be applicable to this development.

Recommendation:

The Planning Authority considers that "the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights" at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed 

Dated  day of June 2025

ORDER:

I HEREBY DECLARE THAT the "the installation of 3 no. c.8metre tall lighting columns with high intensity LED lights" at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer

Planning, Economic & Rural Development

Dated  day of June 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX65/2025
NAME: MARCUS HORGAN
DEVELOPMENT: INSTALLATION OF 3NO. C.8M TALL LIGHTING COLUMNS
LOCATION: BLAINROE GOLF CLUB, KILPOOLE LOWER, BLAINROE, CO. WICKLOW
SITE VISIT: 23/06/2025

The site

The subject site is located on the western side of the R750 to the south of Blainroe/Blainroe Lodge and west of Blainroe Golf Club.

Planning History

Applications

24/80: permission granted for a golf academy comprising of a covered training bay and practice bays, building circa 239.5 sqm, linked to a coffee / pro shop building circa 52 sqm, improvements to existing vehicular exit / entrance, associated car parking, security fencing, practice fairways and greens, range lighting and a proprietary waste water treatment system to EPA standards together with all associated site development works.

23/915: Extension of Appropriate Period for PRR18/314. Application withdrawn noting recommendation to refuse as the development which was the subject of this application had not commenced and substantial works had not been completed. The application therefore did not accord with the requirements of Section 42(1)(a)(i) (I) and (III).

18/314: Planning permission GRANTED to The Management Committee Blainroe Golf Club for golf academy comprising of a covered training bay and practice bays, building circa 239.5 sqm, linked to a coffee / pro shop building circa 52 sqm, improvements to existing vehicular exit / entrance, associated car parking, security fencing, practice fairways and greens, range lighting and a proprietary waste water treatment system to EPA standards together with all associated site development works.

01/5164: Planning permission GRANTED to Mr. Don Feeley Captain for a golf driving range, septic tank and ancillary works.

Section 5's

None recorded.

Unauthorised development

UD5914C – non compliance with Conditions 4, 5(b), 9(a) and 12(b), (c) of PRR 24/80 relating to light pollution.

Question

The applicant has applied to see whether or not the following is or is not development and exempted development:

- Installation of 3no. c. 8metre tall lighting columns with high intensity LED lights

The details submitted include plans submitted under PRR 24/80 and photographs of the lighting columns in situ. There is no site layout plan showing the location of the 3no. columns, which the applicant states do not appear on the plans approved under PRR 24/80, however the photos submitted provide an indication of the general location.

Following review of the submitted information, planning file PRR 24/80 and from site observations, it is noted that 1no. column is located to the south of the vehicular access to the site, adjacent to the car park. 2no. columns are located to the south of the driving range building and to the east of the driving range bays. The 3no. columns to which the application relates are not shown on the approved site layout plan 23/120/015E received 19th June 2024.

No details of the specification of the floodlights or their dimensions have been submitted, though the description included in the application form states that they are c. 8metres in height and the photos included show that they are of metal construction. It is stated that they are high intensity LED lights.

Development plan:

Wicklow County Development Plan 2022-2028

Landscape & Visual Amenity

Landscape Character Area: 2(b) - The Southern Coastline AONB

The southern coastline comprises of lands south of Wicklow Town beginning at the Glen Turn, encompassing Wicklow head and extending as far as south of Arklow Rock. This area comprises of the main sandy beaches of Brittas Bay, Ennereilly and Clogga and provides for a continuous prospect and numerous views from the coast road out to sea. Sand dunes are dominant in sections of the area forming a number of important environmental designations such as Magherabeg Dunes and Buckroneys-Brittas Dunes and Fen (NHA and SAC) and Arklow Rock/Askintinny NHA. These areas are important not just from a landscape or habitat perspective, but also are increasingly important for recreational activities, the development and promotion of which must be managed appropriately.

Prospect ID 31 – R750 Wicklow to Arklow. Prospect towards the sea from Coast Road.

Heritage

No known archaeological features on or within close proximity to the application site.

National Monuments: 2 Located within the application site:

WI01419: Enclosure

WI01420: Ring Ditch along the western boundary of the site.

North of the site on the opposite side of the stream:

WI01418: Enclosure

WI01417: Redundant Record.

It is noted that there is a cluster of monuments located within the larger Blainroe Golf Course site to the east of the current application site.

Environment

Rivers Streams: Stream along the northern side of the laneway which enters the Irish Sea circa 5.5km downstream to the east. Noted that there are no Natura Sites where this stream/river enters the sea.

Coastal Cell – Cell 8: Wicklow Head/Kilpoole

Legislative Context

Planning and Development Act, 2000 (as amended):

Section 2

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

“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 (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);

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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) of the Act states the following in respect of ‘development’:

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

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

Section 4 (1) lists exempted development for the purpose of the Act

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Section 4(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.

Section 4 (4) Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1)* and any regulations under *subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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) Restrictions on exemption

Development to which article 6 relates shall not be exempted development for the purposes of the Act–
(a) (i) to (xii)

Schedule 2, Part 1 outlines classes of exempt development - general

Development for amenity or recreational purposes

CLASS 33

Development consisting of the laying out and use of land –

(a) as a park, private open space or ornamental garden

(b) as a roadside shrine, or

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

Condition:

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated

Assessment

Is or is not development

The proposal would involve 'works' and therefore the proposal does constitute development.

Is or is not exempted development

Having reviewed Section 4 of the Act, there is no provision for exempted development that relates to the development proposal.

Having reviewed the Exempted Development provisions of the Regulations, there is no provision for exempted development that relates to the development proposal.

Class 33 relates to development for amenity or recreational purposes. Class 33 applies to development consisting of the laying out and use of land for purposes including athletics or sports where no charge is made for admission of the public. The definition of 'use' in the Act in relation to land does not include the use of the land by the carrying out of works. Furthermore, the Blainroe Golf Club charges the public. Therefore class 33 does not apply.

Recommendation

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

The installation of 3no. c.8metre tall lighting columns with high intensity LED lights

At Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow

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

The Planning Authority considers that :

The installation of 3no. c.8metre tall lighting columns with high intensity LED lights at Blainroe Golf Club, Kilpoole Lower, Blainroe, Co Wicklow

IS development and IS NOT exempted development

Main Considerations with respect to Section 5 Declaration:

- The details and drawings received with this section 5 application
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- The Planning and Development Regulations 2001 (as amended) including article 6 on exempted development and
- Part 1 of Schedule 2 of the Regulations including class 33 and the definition of 'use' as set out in the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- (i) The proposal involves the carrying out of works, and are therefore constitutes development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- (ii) The development would not come within the description set out under Class 33 : Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended).
- (iii) There are no other exemptions within the Planning and Development Act 2000(as amended) or the Planning and Development Regulations 2001(as amended) that would be applicable to this development.

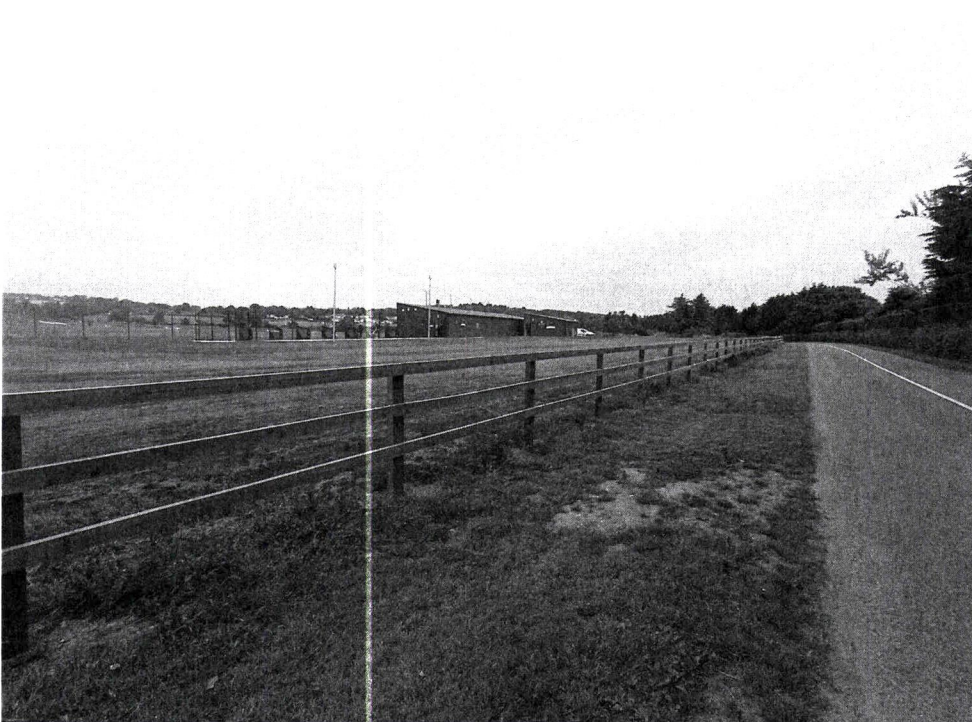


Suzanne White SEP

23/06/2025

*Issue declaration as recommended
page 1 to 11/2 ASB
27/06/25*





MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Suzanne White FROM: Nicola Fleming
Senior Executive Planner `Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX66/2025**

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

The due date on this declaration is 3rd July 2025.



Staff Officer
Planning, Economic & Rural Development

Nicola Fleming

From: BankRec
Sent: Monday 9 June 2025 10:25
To: Planning - Admin; CCSDAdmin
Cc: Edwina Cairnduff; Charles Redmond; SarahJane Cooke; Jacqueline Sayers
Subject: New Payment €80 Ref EX65/2025 Marcus Horgan

Good Morning

Are ye expecting this payment and what would ye like to receipt it too?

EX65/2025 P

+ €80.00

Sender Name	Marcus Horgan
Sender ID	
Payee IBAN	
Payee Name	Wicklow County Council Supplementary Credit Account
Payee ID Code	
Payment Reference	
Name of Sender's Reference Party	
ID Code of Sender's Reference Party	
Purpose of the Credit Transfer	
Name of the Payee's Reference Party	
ID Code of Payee's Reference Party	
BOI Reference Number	
Receiver's Payment Charge	EUR 0.00
Remittance Information	EX65/2025

Regards
Lorraine
Bank Rec



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

Marcus Horgan,

9th June 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX65/2025

A Chara

I wish to acknowledge receipt on 05/06/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 02/07/2025.

Mise, le meas

PP *Nicola Fleming*

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development





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

Office Use Only

Date Received _____

Fee Received _____

RECEIVED
05 JUN 2025

**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) Marcus Horgan: 68 The Briary, Blainroe

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____
Address of Agent : _____

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

3. Declaration Details

- i. Location of Development subject of Declaration;
Planning Application: 2480
Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow

Development Description: a golf academy comprising of a covered training bay and practice bays, building circa 239.5 sqm, linked to a coffee / pro shop building circa 52 sqm, improvements to existing vehicular exit / entrance, associated car parking, security fencing, practice fairways and greens, range lighting and a proprietary waste water treatment system to EPA standards together with all associated site development works

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

No.

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

Owner: Blainroe Golf Club, Kilpoole Lower, Blainroe, Co. Wicklow

Occupier: Ciaran Lally, DLH Leisure Limited, Alvor, Ashtown Lane, Wicklow Town, Wicklow, 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, 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

The Applicant notes that in respect of planning application 2480, three ~8m tall lighting columns with high intensity LED lights have been installed within the red line boundary of the now constructed and operating driving range. Two lighting columns are located adjacent the driving range building and a third at the entrance adjacent to the car park. These lighting columns have been installed on a permanent basis as shown in the appended photos and each have two high intensity LED lights installed at the top of the metal column, which illuminates the driving range car park and vast swathes of nearby housing and roads.

Applicants notes that these three lighting columns do not appear on any of the drawings or reports the Owner submitted as part of its planning application.

The below Drawings within the Further Information pack submitted by Owner and attached as Appendix to this application, contain no details or specification on these three lights:

23/120/015E

23/120/016E

23/120/010

The Environmental Impact Assessment by Blueprint lighting also contains no details of these lights.

The Applicant request Wicklow County Council to determine if installation of the three ~8m tall lighting columns with high intensity LED lights constitutes either Development or Exempted Development.

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

The Applicants query that the installation of 3 x ~8m tall lighting columns with high intensity LED lights would constitute the carrying out of works and would therefore be considered to comprise 'development' as defined in Section 3(1) of the Act.

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 not to our knowledge

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

From planning Application : 2480

23/120/015E

23/120/016E

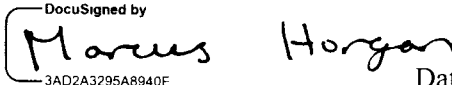
23/120/010

Photo 1

Photo 2

Photo 3

- viii. Fee of € 80 Attached ? To be lodged to WCC bank account

Signed :  Dated : 05/06/2025

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Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

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

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

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

Site Location



Geographic Address

Postal Address

English | Gaelge

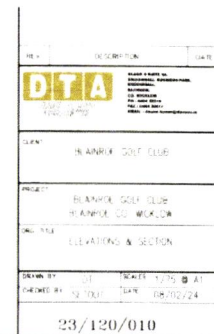
PIN HIGH DRIVING RANGE
BLAINROE
WICKLOW
A67 R5X5

[Address Query ?](#)



Drawing 23/120/016E





Drawing: 23/120/015E



Photo 1: View of the three lighting columns



Photo 2: View of the two lighting columns adjacent to the driving range building



Photo 3: View of the one lighting columns adjacent to the car park

