



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Áras An Chontae / County Building
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklow.gov.ie
Suíomh / Website www.wicklow.gov.ie

Liam Kenna
Moneystown
Roundwood
Co. Wicklow

13th Of April 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX44/2026 for Kieran Burke

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.





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

Applicant: Kieran Burke

Location: 5 Belan Street, Baltinglass, Co. Wicklow

Reference Number: EX 44/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/398

A question has arisen as to whether “*the construction of a rear extension of 31.6sqm*” at 5 Belan Street, Baltinglass, Co. Wicklow is or is not exempted development.

Having regard to:

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

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that “the construction of a rear extension of 31.6sqm” at 5 Belan Street, Baltinglass, Co. Wicklow is development and IS exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:

13/04/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/398

Reference Number: EX 44/2026

Name of Applicant: Kieran Burke

Nature of Application: Section 5 Referral as to whether "*the construction of a rear extension of 31.6sqm*" is or is not development and is or is not exempted development.

Location of Subject Site: 5 Belan Street, Baltinglass, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of a rear extension of 31.6sqm*" at 5 Belan Street, Baltinglass, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

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

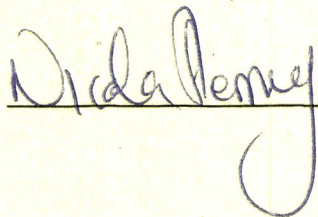
Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "*the construction of a rear extension of 31.6sqm*" at 5 Belan Street, Baltinglass, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: _____



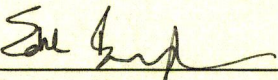
Date: _____

13/04/2026

ORDER:

I HEREBY DECLARE:

THAT "*the construction of a rear extension of 31.6sqm*" at 5 Belan Street, Baltinglass, 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: 13/4/2026

Section 5 Application EX 44/2026

Date : 1/4/2026

Applicant : Kieran Burke

Address : 5 Belan Street , Baltinglass, Co. Wicklow. .

Exemption Whether or not :

The construction of a rear extension of 31.6 sqm

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

Planning History :

N/A

Relevant legislation :

Planning and Development Act 2000 (as amended)

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is 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 (ii)*;

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

Section 3 :

3.—

(1) In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4 :

4.—

(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

< See Regulations for List >

Schedule 2 : Part 1

CLASS 1

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

Conditions/ Limitations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assessment

The Section 5 application seeks a declaration as to whether the construction of a rear extension of 31.6sqm is or is not development or is or is not exempted development .

The extension is wholly to the rear of the existing two-storey dwelling which fronts onto Belan Street in Baltinglass. The extension is flat roofed with an overall height indicated as 2.65m, with French doors to the rear elevation and two windows along the side elevation.

The first question to be asked is whether the identified works are or are not development. It is evident that the provision of an extension involves operations of construction would be works having regard to Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

The relevant exemption with respect to the construction of the extension is Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

Class 1 provides for -

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

The extension would come within the description set out under Class 1.

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

Limitations :

Limitation 1 – The extensions would not exceed 40sqm

Limitation 2 – n/a

Limitation 3-n/a

Limitation 4 – This limitation is met

Limitation 5- over 25sqm rear garden is retained.

Limitation 6- All distances met

Limitation 7 – No balcony being proposed

Nothing in Article 9 of the Regulations would de-exempt this development. In particular it is noted that the proposed extension would not be located within or adjoining any Natura 2000 site, and is not connected to any Natura 2000 site, therefore the need for a Stage 2 Appropriate Assessment is ruled-out.

The proposed extension given the above assessment is exempted development.

Recommendation :

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

the construction of a rear extension of 31.6 sqm at 5 Belan Street, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the construction of a rear extension of 31.6 sqm **is Development and is Exempted development.**

Main Considerations with respect to Section 5 Declaration :

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

Main Reasons with respect to Section 5 Declaration :

- (i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

J.H. Cunningham T/SP

1/4/2026



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
A/Senior Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX44/2026 - 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 27/03/2026.

The due date on this declaration is the 23/04/2026.



**Staff Officer
Planning Development & Environment**





COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Liam Kenna
Moneystown
Roundwood
Co. Wicklow

1st April 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX44/2026

A Chara

I wish to acknowledge receipt on 27/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 23/04/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

31/03/2026 10 56 21

Receipt No L1/0/361345

LIAM KENNA
MONEYSTOWN
ROUNDWOOD
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
2	

Change	0 00
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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: _____ KIERAN BURKE _____
Address of applicant: _____

5 BELAN STREET, BALTINGLASS, CO. WICKLOW _____

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

2. Agents Details (Where Applicable)

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

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW _____

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

WICKLOW COUNTY COUNCIL
27 MAR 2026
PLANNING DEPT.

27 MAR 2026
PLANNING DEPARTMENT
WICKLOW COUNTY COUNCIL

3. Declaration Details

- i. Location of Development subject of Declaration
5 BELAN STREET, BALTINGLASS, CO. WICKLOW

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

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

N/A

- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration
MY CLIENT WISHES TO BUILD A 31.6 SQM REAR EXTENSION AND WE BELIEVE THESE WORKS ARE EXEMPT UNDER CLASS 1 PART 1 OF SCHEDULE 2
AND My clients now seek section 5 approval for the conversion under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.
Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration
CLASS 1 PART 1 OF SCHEDULE 2
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
- vii. List of Plans, Drawings submitted with this Declaration Application _____
PLEASE SEE ATTACHED
- viii. Fee of € 80 Attached ? PLEASE CONTACT ME ON 0879636167 FOR PAYMENT

Signed : Liam Linn Dated : 23/3/26

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.

Drawing Schedule

001 Existing and Proposed Site Layout

A1 1: 250

002 OSI Map and Existing Dwelling

A1 1:5000, 1000, 100

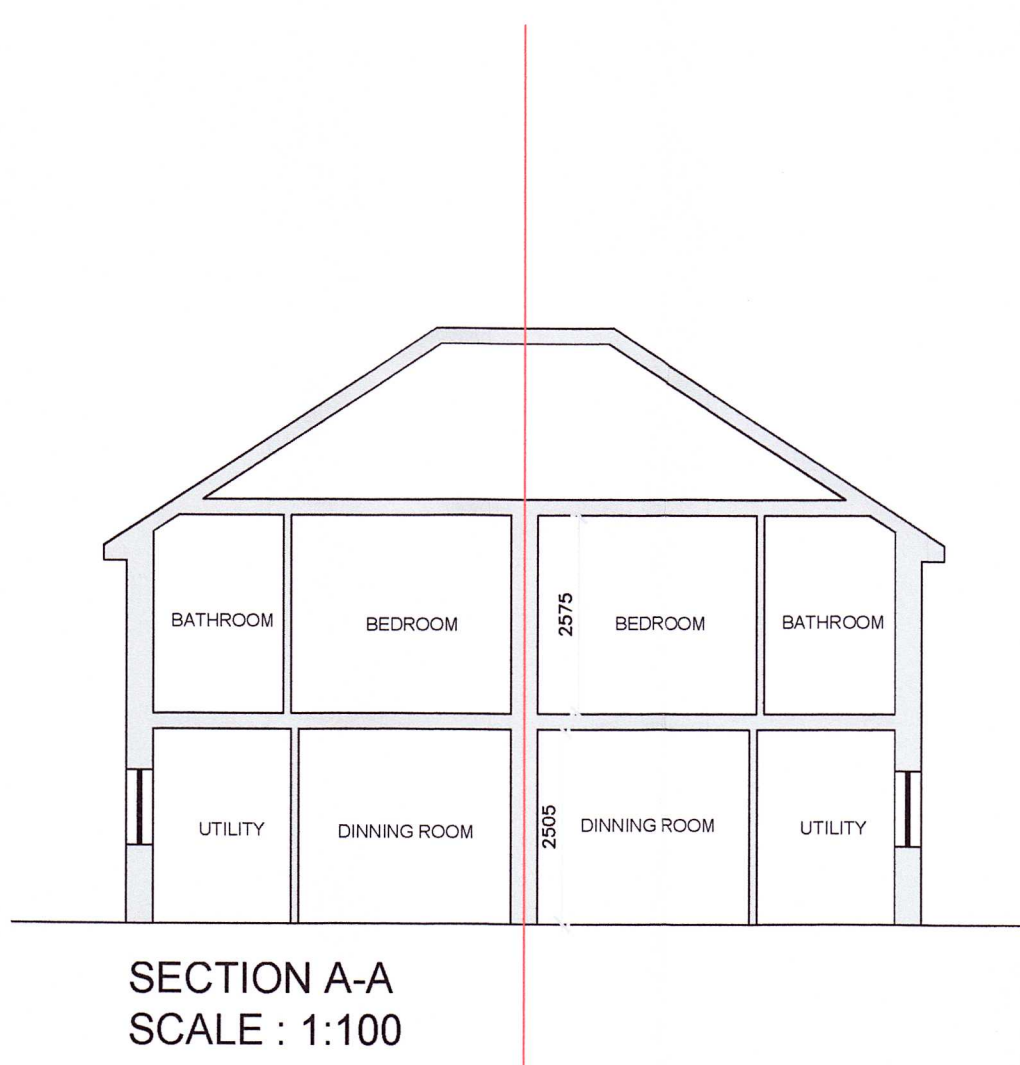
003 Proposed Dwelling

A1 1:1000, 100



FRONT ELEVATION
SCALE : 1:100

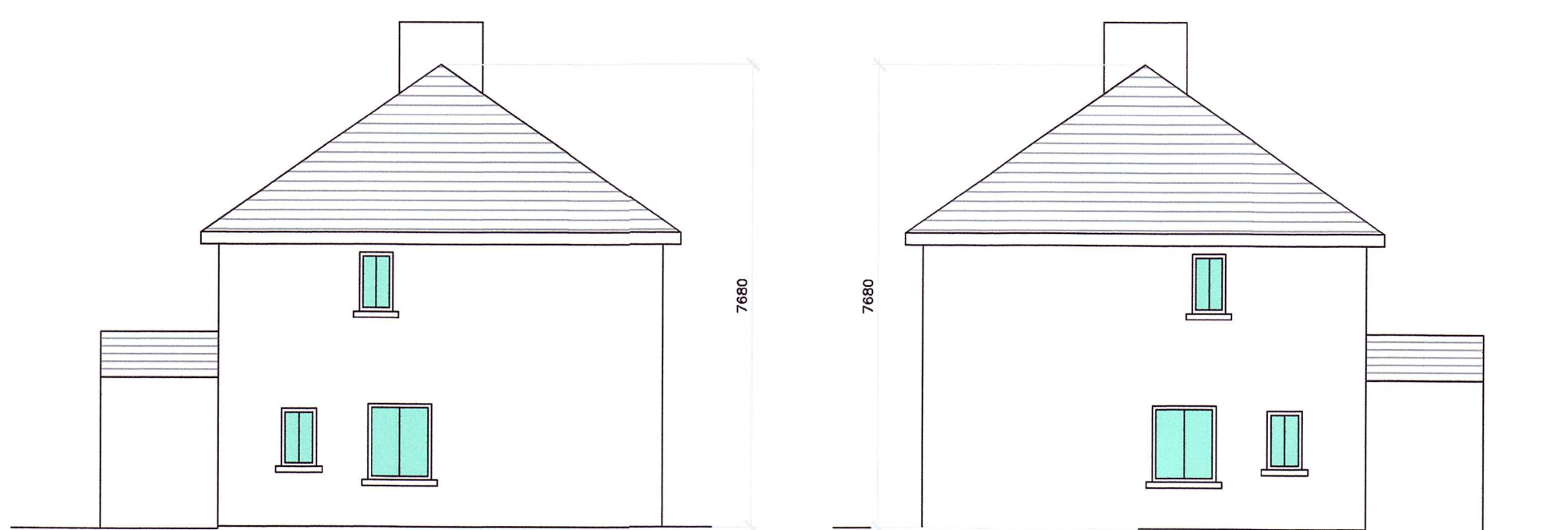
REAR ELEVATION
SCALE : 1:100



SECTION A-A
SCALE : 1:100

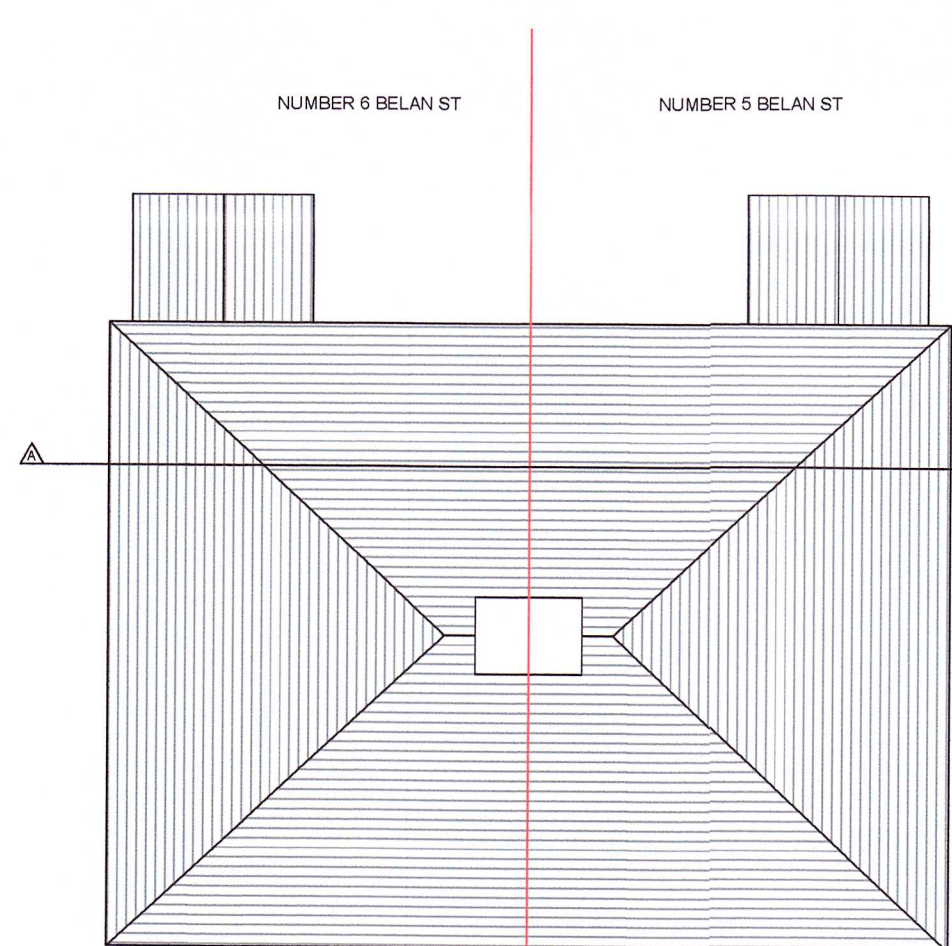
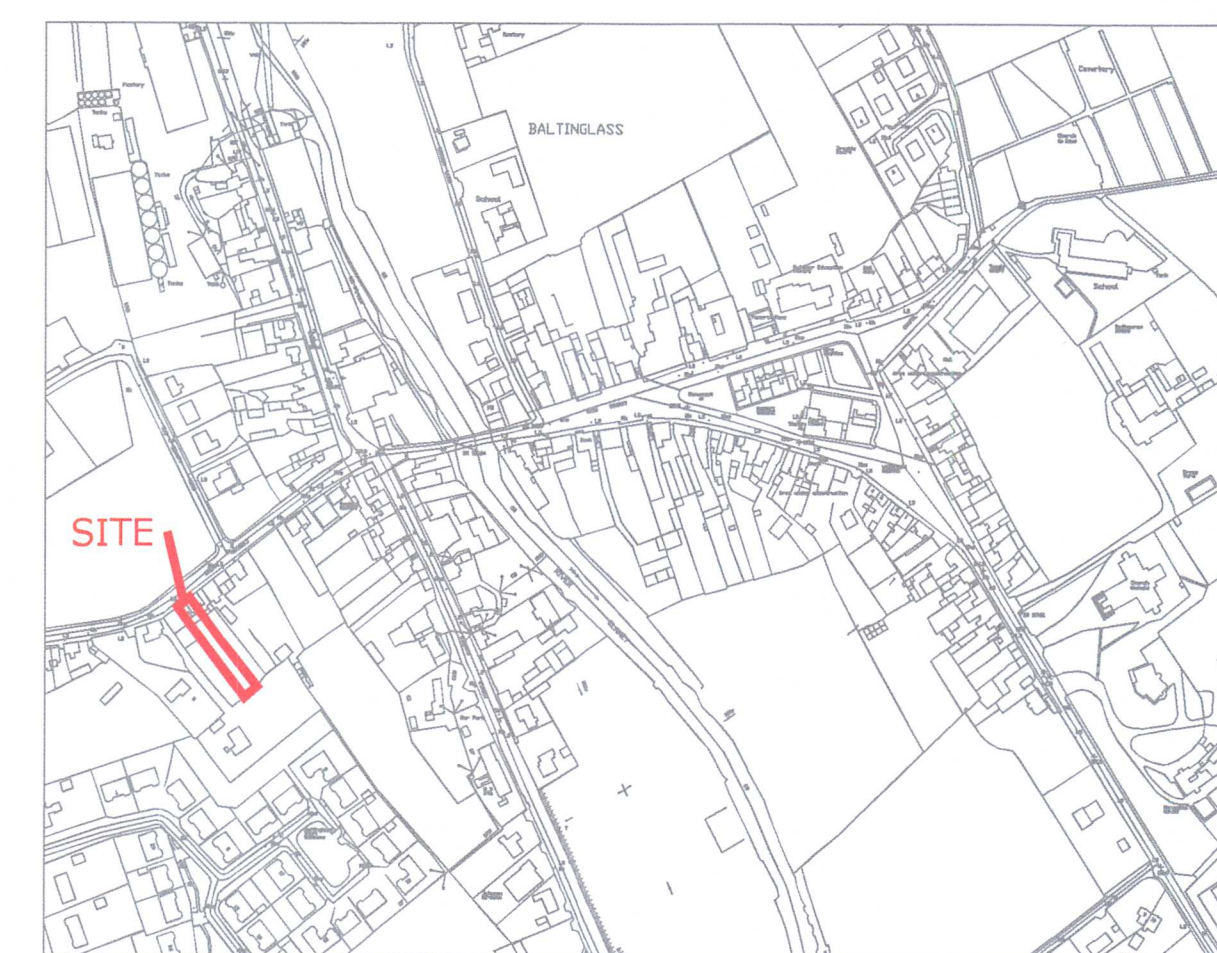
EXISTING

FINISHES:
 ROOF: Brown Tiles
 WALLS: Plaster render
 CILLS: Concrete
 WINDOWS: White PVC

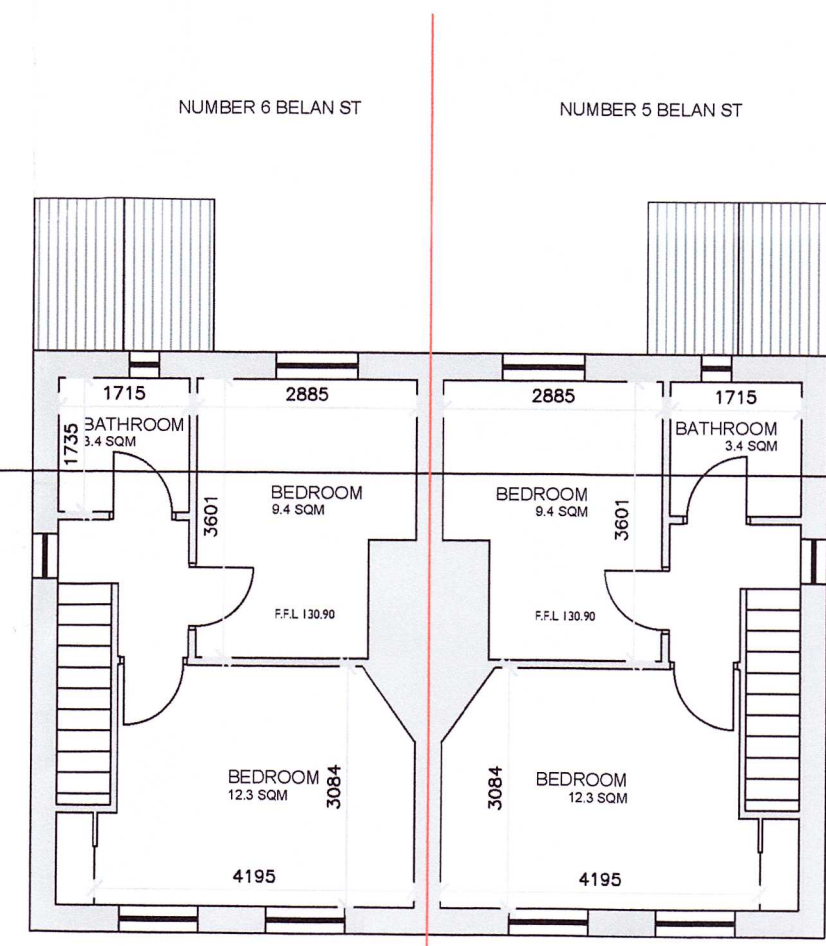


SIDE ELEVATION
SCALE : 1:100

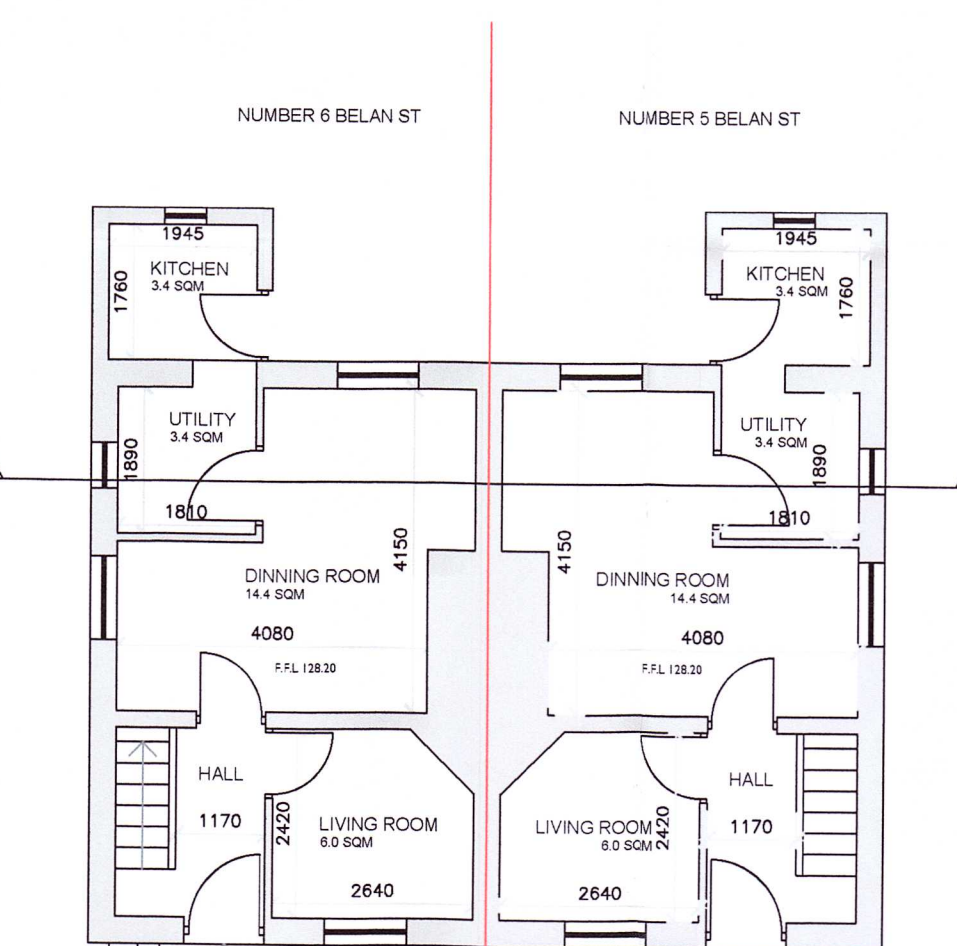
SIDE ELEVATION
SCALE : 1:100



ROOF FLOOR PLAN :
SCALE : 1:100

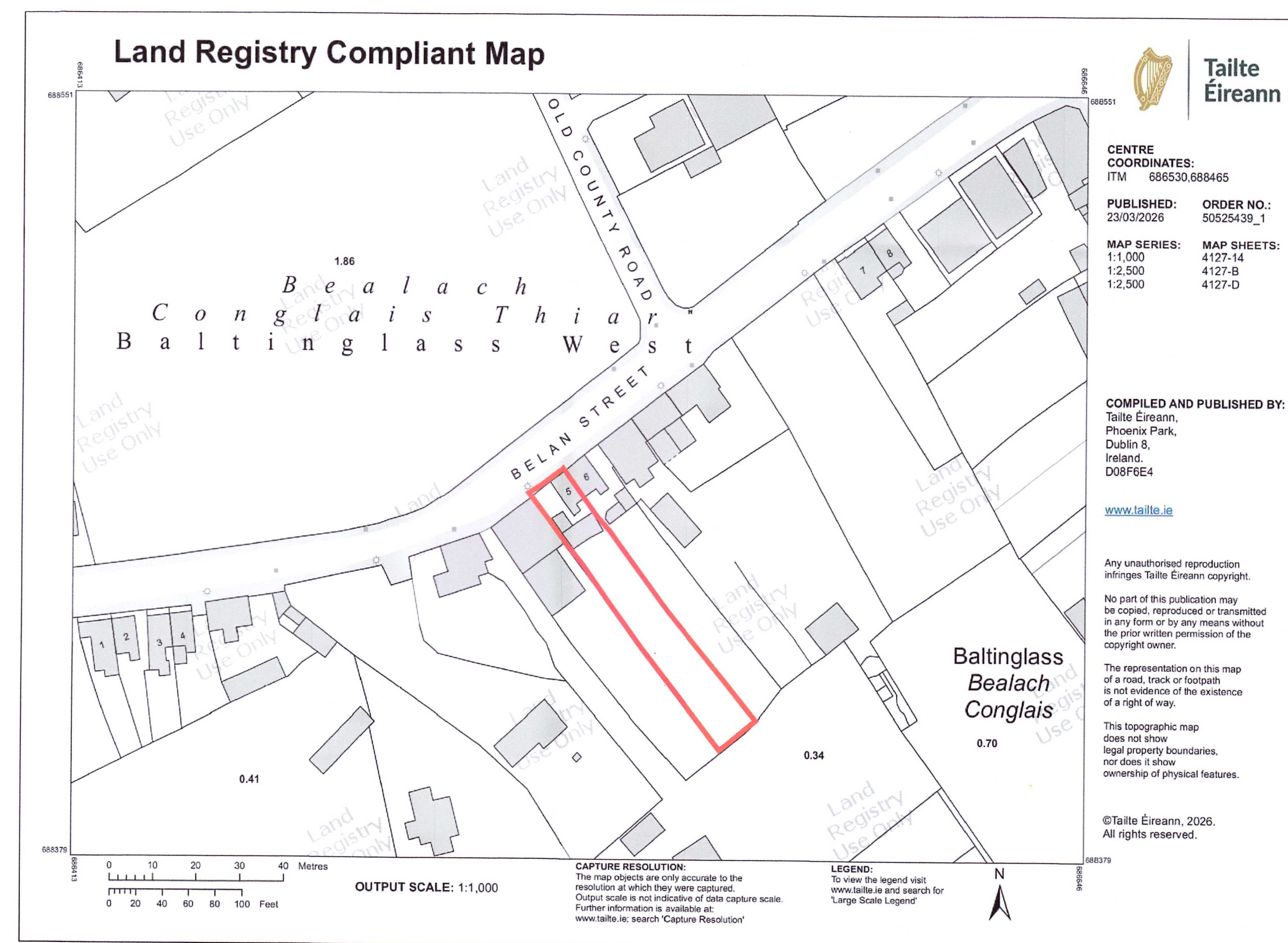


FIRST FLOOR PLAN :
SCALE : 1:100



GROUND FLOOR PLAN :
SCALE : 1:100

GROUND FLOOR AREA - 34.5 SQ M
 FIRST FLOOR AREA - 30.5 SQ M
 TOTAL FLOOR AREA - 65.0 SQ M



NOTE : FIGURED DIMENSIONS ONLY.
 DO NOT SCALE DRAWING.
 CONTRACTOR TO CHECK DIMENSIONS
 ON SITE BEFORE CONSTRUCTION.
 DISCREPANCIES ARE TO BE BROUGHT
 TO ATTENTION OF THE SURVYORS
 PRIOR TO THE COMMENCEMENT OF
 WORK.

DRAWING IS INTENDED SOLELY FOR
 PURPOSE NOTED. ONLY DRAWINGS
 MARKED CONTRACT ARE TO BE USED
 FOR CONSTRUCTION.

DRAWING:
 EXISTING DWELLING AND OSI
 MAPS
 SCALE 1:5000, 1000, 100

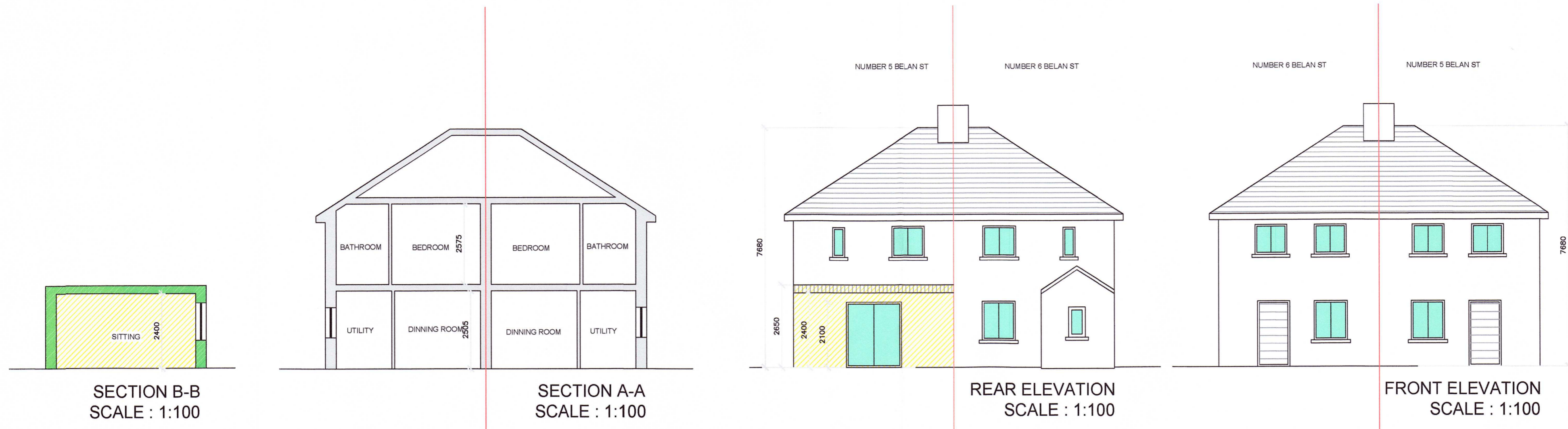
DRAWING BY:
 LIAM KENNA

PROJECT:
 NIERAN BURKE,
 5 BELAN STREET,
 BALTINGLASS
 CO. WICKLOW.

DATE:
 04.03.26

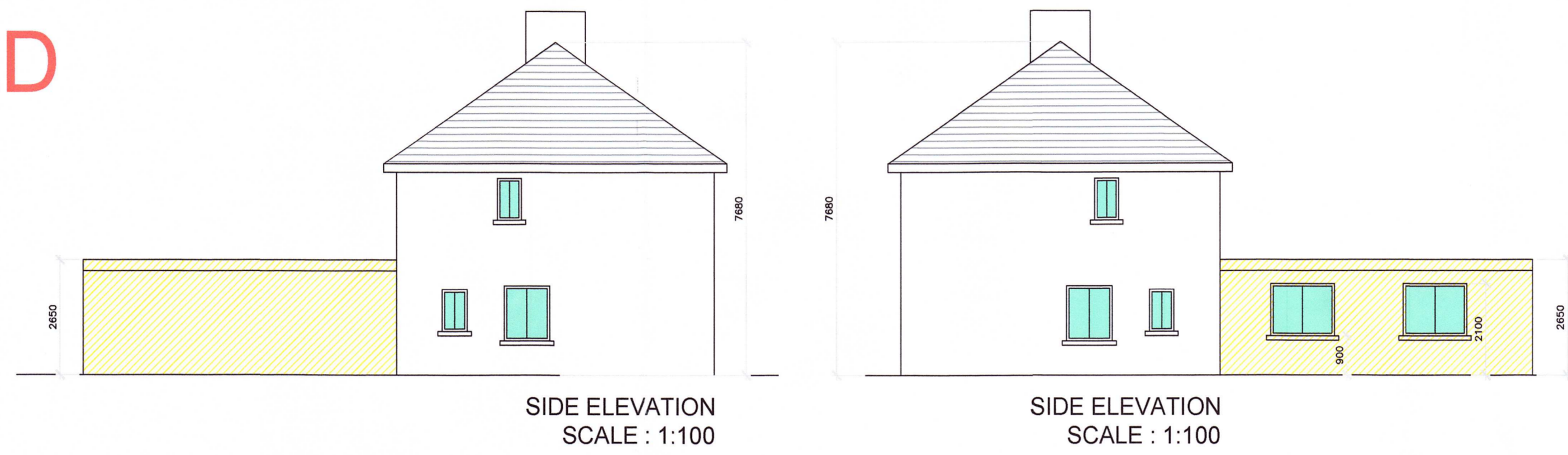
DRAWING NO.
 002

SHEET NO.
 02

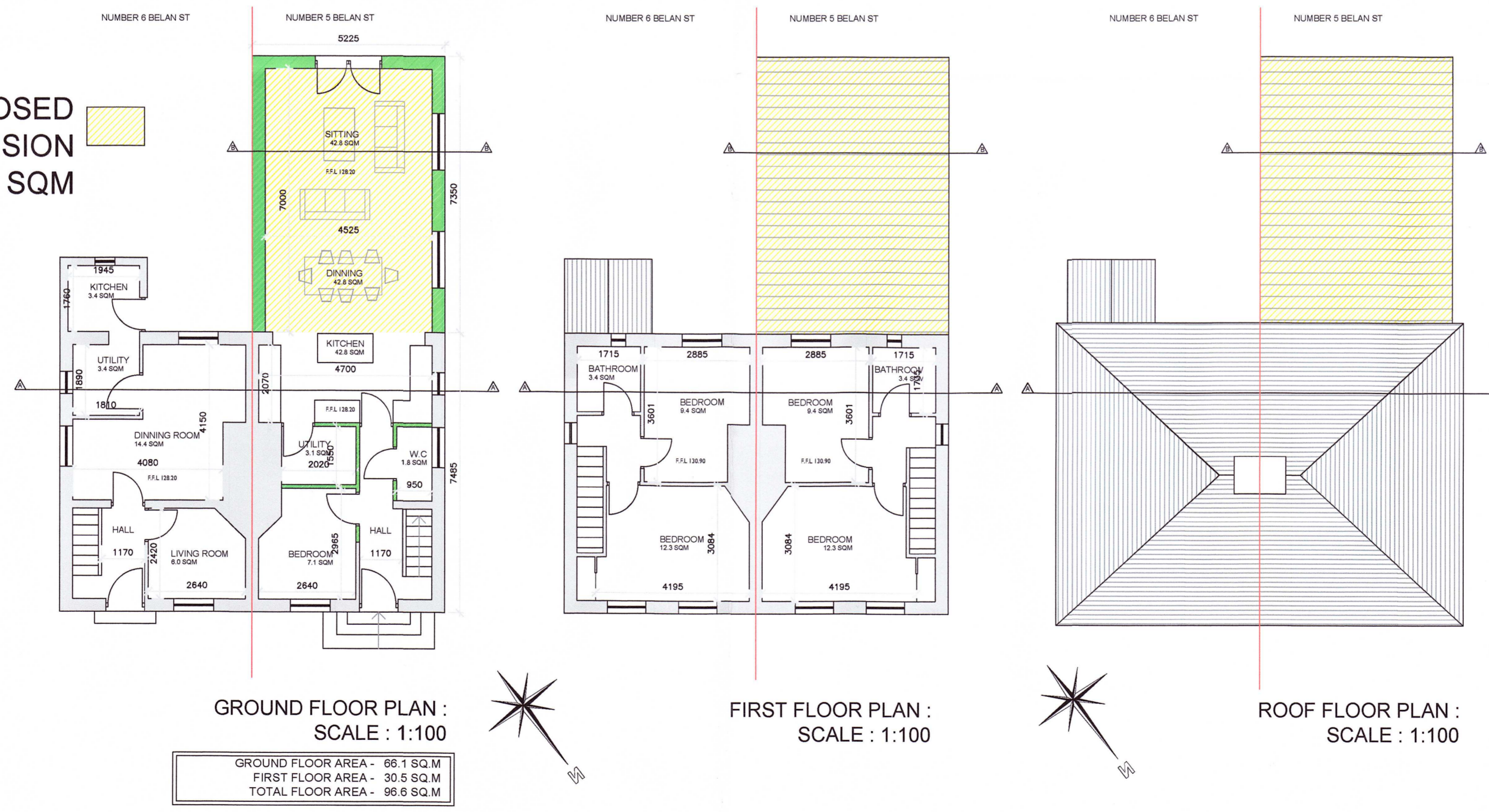


PROPOSED

FINISHES:
 ROOF: Fibre Glass Flat Roof
 WALLS: Plaster render
 CILLS: Concrete
 WINDOWS: White PVC



PROPOSED EXTENSION
 31.6 SQM



GROUND FLOOR AREA - 66.1 SQ.M
 FIRST FLOOR AREA - 30.5 SQ.M
 TOTAL FLOOR AREA - 96.6 SQ.M

NOTE : FIGURED DIMENSIONS ONLY.
 DO NOT SCALE DRAWING.
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 ON SITE BEFORE CONSTRUCTION.
 DISCREPANCIES ARE TO BE BROUGHT
 TO ATTENTION OF THE SURVYORS
 PRIOR TO THE COMMENCEMENT OF
 WORK.

DRAWING IS INTENDED SOLEY FOR
 PURPOSE NOTED. ONLY DRAWINGS
 MARKED CONTRACT ARE TO BE USED
 FOR CONSTRUCTION.

DRAWING BY: LIAM KENNA	DATE: 04.03.26
DRAWING: PROPOSED DWELLING SCALE 1:100	PROJECT: KIERAN BURKE, 5 BELAN STREET, BALTINGLASS CO. WICKLOW.
DRAWING NO. 003	SHEET NO. 03

