



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

Irish Girl Guides
Enniskerry Memorial Cottage
Enniskerry
Co. Wicklow
A98 W990

13th August 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX58/2025

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**



*Ta an doic mead seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and 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: Irish Girl Guides

Location: National Memorial Cottage, Enniskerry, Co. Wicklow

Reference Number: EX 58/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/866

A question has arisen as to whether "The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" at National Memorial Cottage, Enniskerry, Co. Wicklow" at Brunswick Row, Carnew, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with this Section 5 Application on the 14th May 2025 and the 18 June 2025.
- b) The site plan for a coach turning area & relocated entrance on the subject lands, permitted under PRR 93/184.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Schedule 2 of the Planning and Development Regulations 2001(as amended).

Main Reason with respect to Section 5 Declaration:

- i. The laying out of lands for carspaces, kerbing and resurfacing existing areas would be operations of alteration, repair and renewal and would therefore be works having regard to the provisions of Section 2 of the Planning and Development Act 2000(as amended).
- ii. 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)
- iii. The works would not come within the provisions of Section 4(1)(h) as it would involve the provision of a new structure i.e. carpark given the permitted use of the area as a bus turning area, and would involve a new laid out area for parking to adjoin the existing cottage on site.
- iv. There are no exempted classes of development within the Planning and Development Regulations 2001 (as amended) for the carrying out of works on lands for the provision of a car park or for the use of lands as a carpark.

The Planning Authority considers that "The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" at National Memorial Cottage, Enniskerry, Co. Wicklow is development and is NOT exempted development

Signed:

ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 13th August 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/866

Reference Number: EX 58/2025

Name of Applicant: Irish Girl Guides

Nature of Application: Section 5 Referral as to whether or not "The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" is or is not development and is or is not exempted development.

Location of Subject Site: National Memorial Cottage, Enniskerry, Co. Wicklow

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 redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" at **National Memorial Cottage, Enniskerry, Co. Wicklow** is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- a) The details submitted with this Section 5 Application on the 14th May 2025 and the 18 June 2025.
- b) The site plan for a coach turning area & relocated entrance on the subject lands, permitted under PRR 93/184.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Schedule 2 of the Planning and Development Regulations 2001(as amended).

Main Reason with respect to Section 5 Declaration:

- i. The laying out of lands for carspaces, kerbing and resurfacing existing areas would be operations of alteration, repair and renewal and would therefore be works having regard to the provisions of Section 2 of the Planning and Development Act 2000(as amended).
- ii. 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)
- iii. The works would not come within the provisions of Section 4(1)(h) as it would involve the provision of a new structure i.e. carpark given the permitted use of the area as a bus turning area, and would involve a new laid out area for parking to adjoin the existing cottage on site.
- iv. There are no exempted classes of development within the Planning and Development Regulations 2001 (as amended) for the carrying out of works on lands for the provision of a car park or for the use of lands as a carpark.

Recommendation

The Planning Authority considers that "The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" at National Memorial Cottage, Enniskerry, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed: 

Dated 13th day of August 2025

ORDER:

I HEREBY DECLARE:

That "The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner" at National Memorial Cottage, Enniskerry, 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 13th day of August 2025



WICKLOW COUNTY COUNCIL
Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 58/2025
Name:	Irish Girl Guides
Development:	Redevelopment of carpark
Location:	National Memorial Cottage, Enniskerry, Co. Wicklow. A98 W660.

Application Site

The site comprises a cottage used by the girl guides, which is accessed by steel gates and fronts onto the R760, a winding and narrow road with mature landscaping along the roadside. The cottage and site itself is not visible from the public road.

Planning History

93/184: Permission granted to Irish Girl Guides for coach turning area & relocated entrance.

Question

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

"Redevelopment of carpark to include clearing and resurfacing in an eco friendly manner"

Legislative Context:

Planning and Development Act 2000 (as amended)

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

"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 situated on land"

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

'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 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) (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.”*

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

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not:

Redevelopment of carpark to include clearing and resurfacing in an eco friendly manner Is or is not development; and is or is not exempted development.

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, “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 proposal involves works to the existing land and therefore constitutes development.

The proposal is for the ‘Redevelopment of carpark to include clearing and resurfacing in an eco friendly manner’. The applicant has not stated what material will be used to surface the car park. From a review of the permitted car park under PRR 93/184, the car park will be increasing in area, closest to the cottage. There do not appear to be any classes listed in Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), whereby the proposed redevelopment of the carpark could be considered to fall under, to exempt the development from requiring planning permission.

RECOMMENDATION

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

“The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner is or is not exempted development”.

The Planning Authority considers that:

The redevelopment of carpark to include clearing and resurfacing in an eco friendly manner is development but is **not** exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with this Section 5 Application on the 14th May 2025 and the 18 June 2025.
- b) The site plan for a coach turning area & relocated entrance on the subject lands, permitted under PRR 93/184.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Schedule 2 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The laying out of lands for carspaces, kerbing and resurfacing existing areas would be operations of alteration, repair and renewal and would therefore be works having regard to the provisions of Section 2 of the Planning and Development Act 2000(as amended).
- ii. 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)
- iii. The works would not come within the provisions of Section 4(1)(h) as it would involve the provision of a new structure i.e. carpark given the permitted use of the area as a bus turning area, and would involve a new laid out area for parking to adjoin the existing cottage on site.

~~iv. The car park will be increasing in area from that permitted under PRR 93/184 and there are no exempted classes of development provisions with the Planning and Development Act 2000 (as amended) or its associated regulations (within the Planning and Development Regulations 2001 (as amended)) for the carrying out of works on lands for the provision of a car park or for the use of lands as a carpark.~~

Keara Kennedy

Keara Kennedy
Executive Planner
08/08/2025

Seán Dunningham SEP
Agreed as modified 8/8/2025

*Issue declaration as debated
Feb 1 or May 12 22
13/08/25*

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).
EX58/2025**

I enclose herewith application for Section 5 Declaration received completed on 21st July 2025.

The due date on this declaration is 17th August 2025.



**Staff Officer
Planning, Economic & Rural Development**

Nicola Fleming

From: Nicola Fleming
Sent: Monday 21 July 2025 13:05
To: 'National Memorial Cottage'
Subject: RE: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

Cathy,

I acknowledge receipt of completed details in relation to Section 5 application and to advise that a decision is due on 17/08/2025.

Regards,

Nicola Fleming

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
Wicklow County Council

From: National Memorial Cottage [<mailto:iggmemorialcottage@gmail.com>]
Sent: Monday 21 July 2025 09:38
To: Nicola Fleming
Subject: Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

External Sender - From: (National Memorial Cottage
<iggmemorialcottage@gmail.com>)

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Dear Nicola,

Please find required information attached. Please could you confirm that these have been received and suffice.

Kind regards,

Cathy White

On Fri, 23 May 2025 at 11:30, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:

Letter issued in this regard on 15/05/2025 which has been returned to us by an post.

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 14/05/2025.

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

- Site location map is required (eircode map will suffice)
- Details of the redevelopment of the car park including a site layout (drawing submitted illegible) showing details including size, material to be used etc.

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

Nicola Fleming

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
Wicklow County Council



Comhairle Contae Chill Mhantáin Wicklow County Council

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IRISH GIRL GUIDES

NATIONAL MEMORIAL COTTAGE

TINNEHINCH

ENNISKERRY

CO. WICKLOW

A98 W660

[Address Query ?](#)

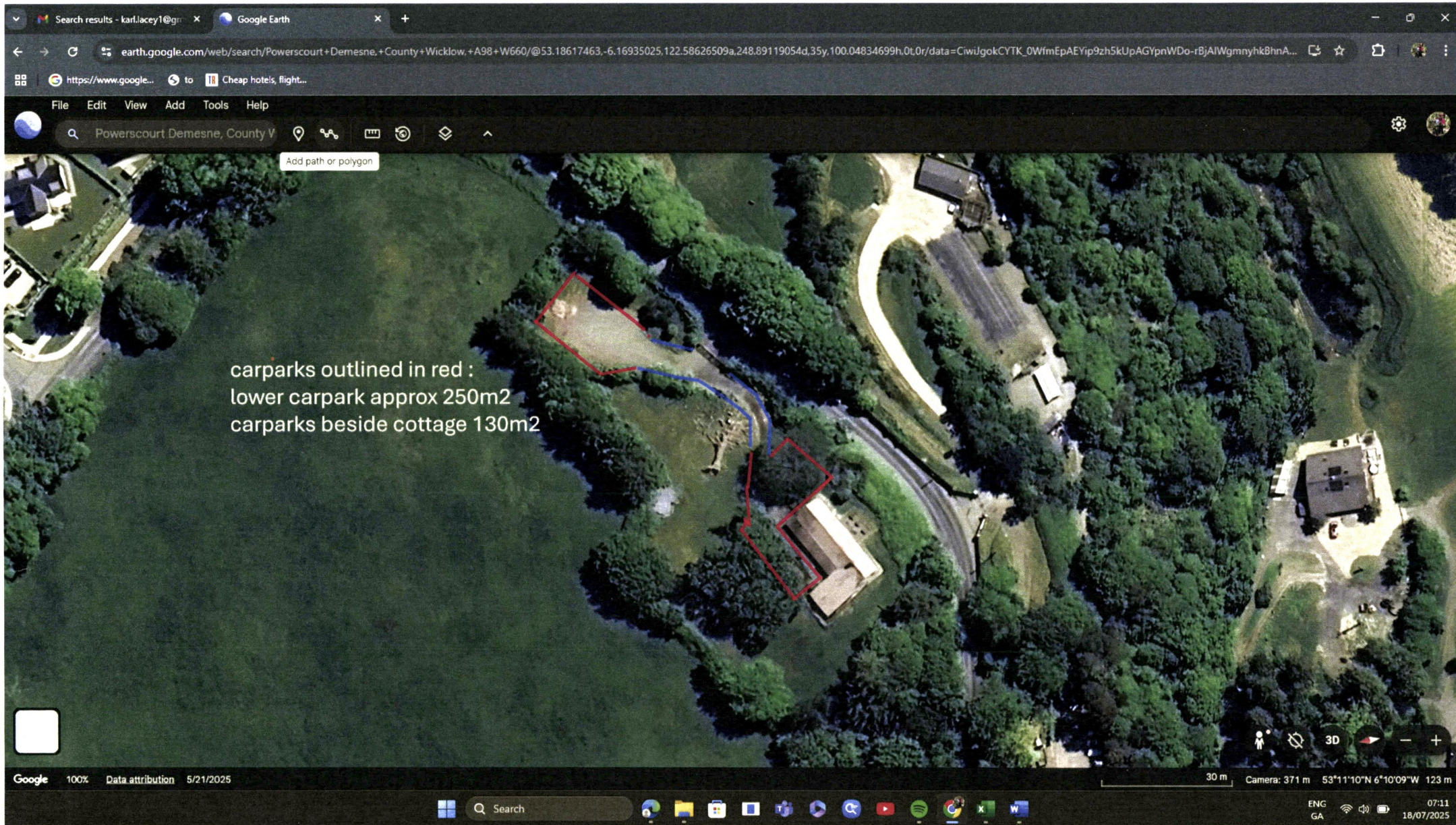


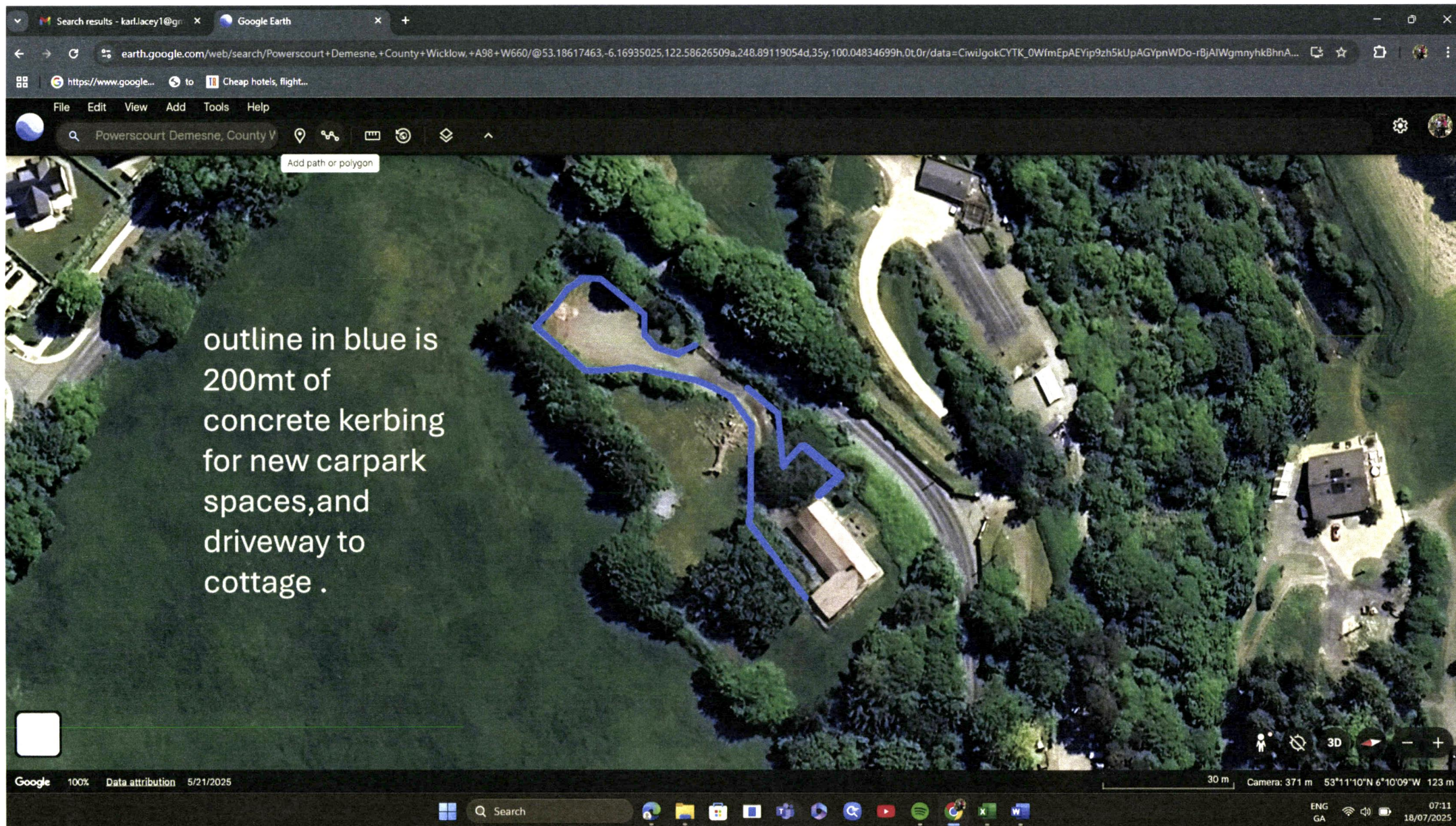
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From: Nicola Fleming
Sent: Wednesday 18 June 2025 07:49
To: 'National Memorial Cottage'
Subject: RE: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

Hi Cathy no a sketch will suffice

From: National Memorial Cottage [<mailto:iggmementorialcottage@gmail.com>]
Sent: Tuesday 17 June 2025 17:17
To: Nicola Fleming
Subject: Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

External Sender - From: (National Memorial Cottage
<iggmementorialcottage@gmail.com>)

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Dear Nicola

Can you let me know if they drawing required needs to be official by a landscape architect or equivalent, or will a sketch suffice?

Kind regards

Cathy White

On Fri, 23 May 2025, 11:30 Nicola Fleming, <NFleming@wicklowcoco.ie> wrote:

Letter issued in this regard on 15/05/2025 which has been returned to us by an post.

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- Details of the redevelopment of the car park including a site layout (drawing submitted illegible) showing details including size, material to be used etc.

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Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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Ph☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin
Wicklow County Council

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=

Nicola Fleming

From: Nicola Fleming
Sent: Friday 23 May 2025 11:21
To: 'iggmemorialcottage@gmail.com'
Subject: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

Letter issued in this regard on 15/05/2025 which has been returned to us by an post.

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 14/05/2025.

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

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Nicola Fleming

Staff Officer

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Comhairle Chontae Chill Mhantáin



Comhairle Contae Chill Mhantáin Wicklow County Council

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Irish Girl Guides
Enniskerry Memorial Cottage
Enniskerry
Co. Wicklow
A98 W660

25th March 2025

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 14/05/2025.

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

- Site location map is required (eircode map will suffice)
- Details of the redevelopment of the car park including a site layout (drawing submitted illegible) showing details including size, material to be used etc.

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Mise, le meas

STAFF OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT





Comhairle Contae Chill Mhantáin Wicklow County Council

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**Irish Girl Guides
Enniskerry Memorial Cottage
Enniskerry
Co. Wicklow
A98 W660**

25th March 2025

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX58/2025

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 14/05/2025.

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

- Site location map is required (eircode map will suffice)
- Details of the redevelopment of the car park including a site layout (drawing submitted illegible) showing details including size, material to be used etc.

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Mise, le meas

**STAFF OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT**



Wicklow County Council
County Buildings
Wicklow
0404 20100

14/05/2025 14:56:09

Receipt No: 11/0/345348

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ENNISKERRY MEMORIAL COTTAGE
ENNISKERRY
Co. WICKLOW
A98 W660

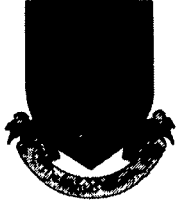
EXEMPTION CERTIFICATES	80.00
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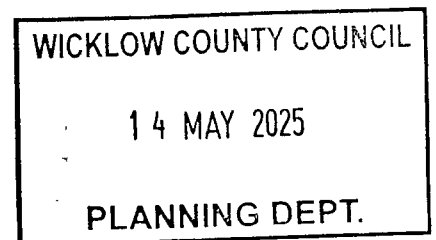
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**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: IRISH Girl Guides
Address of applicant: Enniskerry Memorial Cottage,
Enniskerry, Co. Wicklow A98W660

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 _____
A98W660 53°11'09" N 6°10'2" W

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

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

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

Redevelopment of car park.

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 _____

there is an existing car park which need cleaning and
re surfacing in an eco friendly manner

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 _____

drawing of car park area

viii. Fee of € 80 Attached ? Yes

Signed : Heather Burnett Ireland Dated : _____
warden/ chairperson of the committee in charge
of the cottage.

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.



Heather Burnett Niland <

(no subject)

1 message

Heather Burnett Niland <heather.burnett.niland@usda.gov>
To: Heather Burnett Niland <heather.burnett.niland@usda.gov>

Mon, May 12, 2025 at 5:42 PM

