



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

Outline Architects,
112 q House,
76 Furze Road,
Sandyford Business Park,
Co. Dublin

17th August 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 90/2026**

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,

pp. Joanne Byrne.
**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**





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

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

Applicant: Mary Frances O'Mahony

Location: Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow.

Reference Number: EX 90/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1004

A question has arisen as to whether *"the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level"* at Bella Vista, Parknasilloge, Enniskerry, 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 5: Part 1: Schedule 2 of the Planning and Development Regulations /2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a boundary wall to the north/ rear of the dwelling comes 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 (1) (a) of the Planning and Development Act 2000 (as amended).
- (iii) The construction of a masonry wall would come within the description of Class 5 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the development meets the limitation requirements under these regulations.

The Planning Authority considers that "the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level" at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow. is Development and is Exempted Development.

Signed: Joanne Byrne
pp ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 17/08/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1004

Reference Number: EX 90/2026

Name of Applicant: Mary Frances O'Mahony

Nature of Application: Section 5 Referral as to whether "the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level" is or is not development and is or is not exempted development.

Location of Subject Site: Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow.

Report from: Laoise O'Connor, GP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level*" at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow. Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

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 5: Part 1: Schedule 2 of the Planning and Development Regulations /2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a boundary wall to the north/ rear of the dwelling comes 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 (1) (a) of the Planning and Development Act 2000 (as amended).
- (iii) The construction of a masonry wall would come within the description of Class 5 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the development meets the limitation requirements under these regulations.

Recommendation

The Planning Authority considers that "the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level" at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow. is Development and is Exempted Development as recommended in the planning reports.

Signed: Barne Byrne

Date: 17/08/2026

ORDER:

I HEREBY DECLARE:

THAT "the construction of the existing stone masonry wall along the northern boundary of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level" at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow. is Development and is Exempted Development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: St. Samson

T/Senior Planner

Planning, Economic & Rural Development

Date: 17/8/2026



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX90/2026
Applicant: Mary Frances O'Mahony
Exemption Query: Whether the construction, circa the early 2000s, of the existing stone masonry wall along the northern end of the residential property at Bella Vista, Enniskerry constitutes development and, if so, whether it constitutes exempted development within the meaning of the Planning & Development Act 2000 (as amended), having regard to the exempted development applicable at the time the wall was constructed. The wall varies in height between approximately 0.65m and 1.90 metres above the adjoining ground level, arising from the sloping nature of the site.
Address: Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow, A98 P935

Site Location:

The subject site is located within the settlement boundary of the level 4 settlement of Enniskerry, on lands zoned Existing Residential. The subject site is at the edge of the settlement boundary, bound by other residential dwellings to the west and east. The dwelling on site consists of a two storey, detached dwelling with access driveway on the southern elevation and bound by a boundary wall on the south and eastern elevation.

Planning History

REF: 26/60122
Applicant: Mary Frances O'Mahony
Development: existing 10sqm single storey sunroom to the side (northern) elevation of a permitted 150sqm two storey dwelling and increased width to entrance driveway and vehicle set down
Decision: Grant

REF: 99/232
Applicant: Mary Maguire
Development: alterations to finish of external walls to house
Decision: Grant

REF: 97/7274
Applicant: Mary Maguire
Development: Dwelling house
Decision: Grant

Relevant legislation:**Planning and Development Act 2000 (as amended)****Section 2 (1)**

“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)*;

“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)(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 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;

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;

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

- (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in permission under the Act,
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,
- (viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other than concrete blocks or mass concrete

Condition / Limitations

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

Relevant Planning: Wicklow County Development Plan 2022-2028

Zoning Objective: RE: Existing Residential under Bray Municipal District Local Area Plan 2018
To protect, provide and improve residential amenities of existing residential areas.

Declaration details submitted:

A stone masonry wall was constructed c. early 2000s, along the northern end of the residential property at Bella Vista, Enniskerry.

The applicant states the wall varies in height between approximately 0.65m and 1.90 metres above the adjoining ground level, arising from the sloping nature of the site.

A site layout plan was submitted illustrating the dimensions of the boundary wall along the east and north elevation of the subject site along with photographs of same.

The applicant states that Section 2 and 3 of the Planning & Development Act 2000 (as amended) and Articles 9 and 10 and Class 5 of Part 1 of the Second Schedule of the Local Government (Planning & Development Regulations 1994 (as amended) is the relevant legislation for when the wall was constructed.

Given that the wall was constructed in the early 2000s and no exact date has been provided, the development will be assessed against the current Planning and Development Regulations 2001 (as amended).

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 2000. In this regard, Section 3 of the Planning and Development Act provides that: "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

I am satisfied that the proposal involved works of construction and therefore does constitute development.

The second stage of the assessment is to determine whether or not the development would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations. The relevant exemption Class 1: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) i.e.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other than concrete blocks or mass concrete

The development would come within the description. This exemption is subject to a number of limitations and they are assessed below.

1. <i>The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</i>	The boundary wall is to the rear and side of the existing dwelling and does not exceed 2 meters
2. <i>Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</i>	The wall consists of a stone masonry wall bounding the rear and side of the the subject site
3. <i>No such structure shall be a metal palisade or other security fence.</i>	N/A

While it is noted that a portion of the masonry wall on the ~~northern~~ ^{eastern} elevation (side) of the subject site extends beyond the front building line of the of the existing dwelling, this does not constitute the front boundary of the property which is on the ~~eastern~~ ^{southern} elevation. Furthermore, the maximum height of this wall at this location measures 1.25 meters and is therefore considered exempt.

Recommendation:

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

the construction of the existing stone masonry wall along the northern ^{boundary} ~~end~~ of the residential property which varies in height between c. 0.65m and c. 1.90 metres above the adjoining ground level at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority consider that the masonry wall at Bella Vista, Parknasilloge, Enniskerry, Co. Wicklow, **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 5: Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a boundary wall to the ^{north} ~~side and~~ rear of the dwelling comes 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). ^{(i)(e).}
- (iii) The construction of a masonry wall would come within the description of ~~both Class 9 and Class 5~~ of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the development meets the limitation requirements under ~~both~~ these regulations.

Laoise O'Connor

Laoise O'Connor GP

Date: 04/08/2026

Agreed as amended.
13/08/2026.

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Laoise O'Connor
Graduate Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX90/2026 - 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 24/07/2026.

The due date on this declaration is the **20/08/2026**.

A/ Staff Officer
Planning, Development & Environment



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

Outline Architects,
112 Q House,
76 Furze Rd,
Sandyford Business Park,
Co. Dublin

27th of July 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX90/2026

A Chara

I wish to acknowledge receipt on 24/07/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/08/2026.

Mise, le meas

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

27/07/2026 10 02 50

Receipt No L1/0/367415
***** REPRINT *****

OUTLINE ARCHITECTS
FURZE ROAD
SANDYFORD BUSINESS PARK
CO DUBLIN

EXEMPTION CERTIFICATES	80 00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80 00 EUR
-------	-----------

Tendered	
Credit Card	80 00
BELLAVISTA PART 5	

Change	0 00
--------	------

Issued By Adam Copeland
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	
WICKLOW COUNTY COUNCIL	
Date Received	24 JUL 2026
Fee Received	
PLANNING DEPT.	

**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: **Mary Frances O'Mahony**

Address of applicant: **BELLA VISTA, PARKNASILLOGE, ENNISKERRY,
CO. WICKLOW, A98 P935**

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) **Outline Architects**

Address of Agent : **112 Q House, 76 Furze Rd, Sandyford Business Park**

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

3. Declaration Details

i. Location of Development subject of Declaration: **BELLA VISTA, PARKNASILLOGE, ENNISKERRY, CO. WICKLOW, A98 P935**

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ No. **YES**

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

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

Whether the construction, circa the early 2000s, of the existing stone masonry wall along the northern boundary of the residential property at Bella Vista, Parknasilloge, Enniskerry, County Wicklow, as identified and dimensioned on the accompanying drawings, constitutes development and, if so, whether it constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended), having regard to the exempted development provisions applicable at the time the wall was constructed.

The wall varies in height between approximately 0.65 metres and 1.90 metres above the adjoining ground level, arising from the sloping nature of the site.

v.

Additional details may be submitted by way of separate submission.

SEE ATTACHED SITE PLAN LOCATING WALL AND HEIGHTS

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

Sections 2 and 3 of the Planning and Development Act 2000 (as amended), concerning the definitions of "development", "structure" and "works"; Section 4 concerning exempted development; and Section 5 concerning declarations on development and exempted development.

Articles 9 and 10 and Class 5 of Part I of the Second Schedule to the Local

Government (Planning and Development) Regulations 1994 (as amended), insofar as those Regulations applied when the wall was constructed.

Articles 6 and 9 and Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended), insofar as those Regulations applied when the wall was constructed.

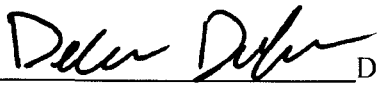
The relevant Class 5 provisions relate to the construction or alteration of a stone wall within or bounding the curtilage of a dwelling house, subject to a maximum height of 2 metres where the wall does not bound a garden or other space in front of the dwelling house.

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? **NO**

List of Plans, Drawings submitted with this Declaration Application See attached

- **Site location map identifying the subject property.**
- **Site layout drawing identifying the northern boundary wall.**
- **Dimensioned Site plan showing the wall's length and varying height above adjoining ground level.**
- **Photographs of the existing northern boundary wall.**
- **Copy of the relevant approved site layout drawing under Planning References 99/232.**

- viii. Fee of € 80 Attached ? **Paid over phone**

Signed :  Dated : 15.07.2026

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.

NOTES

TOP OF WALL HEIGHT MARKERS TAKEN FROM GROUND LEVEL

BLUE LINE INDICATES EXTENT OF NORTHERN BOUNDARY WALL

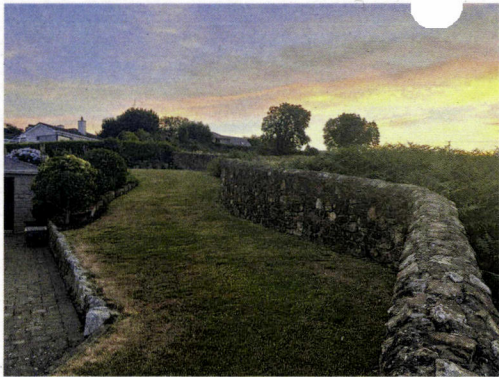
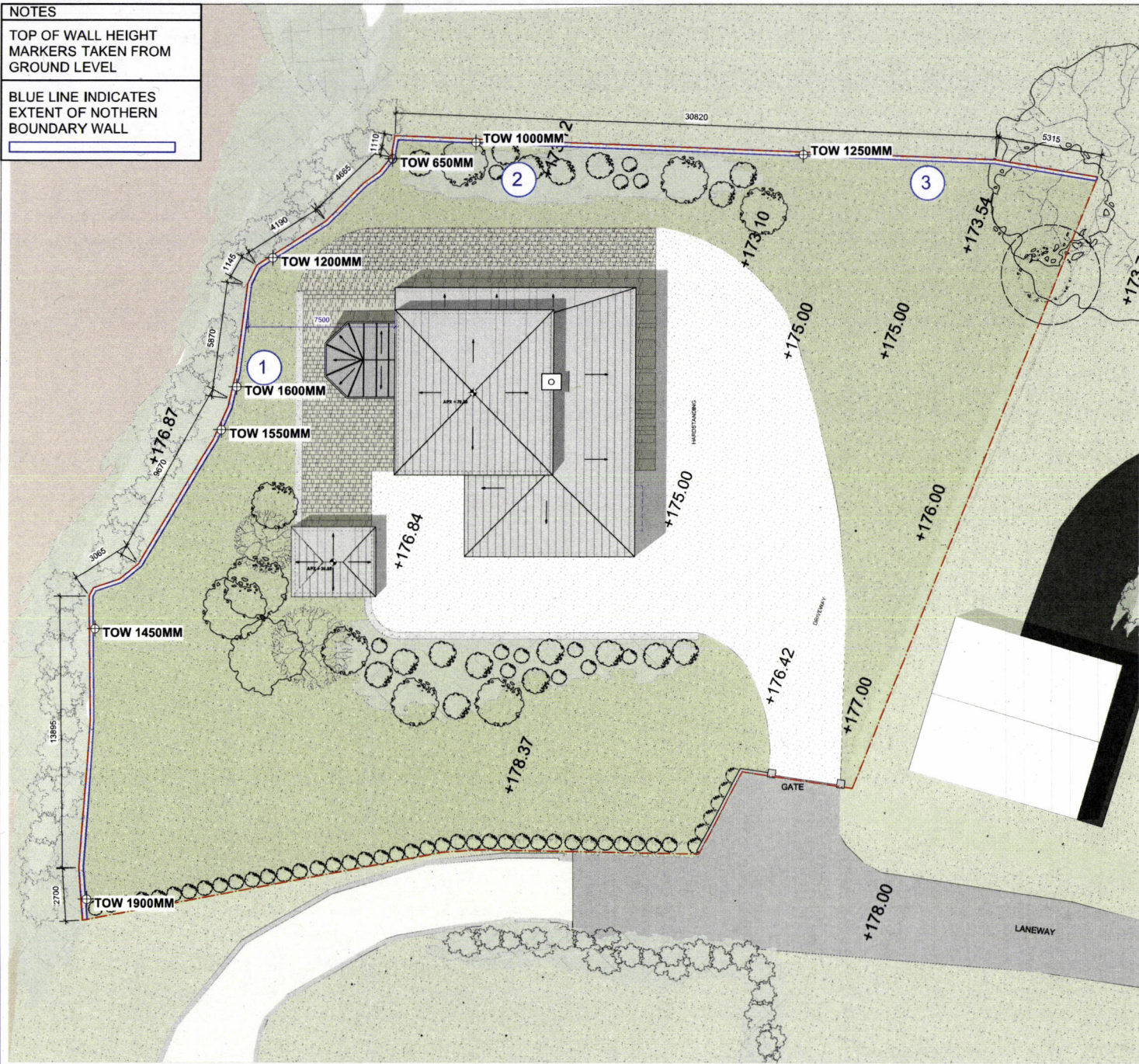


PHOTO LOCATION 01



PHOTO LOCATION 02



PHOTO LOCATION 03

01 SITE PLAN - EXISTING
L000 SCALE 1: 100



OUTLINE ARCHITECTS

PROJECT: BELLA VISTA PARKHILL LODGE, LIMERICK CITY, WICKLOW AIB P202
DRAWING: SITE PLAN
SCALE: 1:100
DATE: JANUARY 2021

DGN NO: 2604- L001

PLANNING

INDICATES DEMOLITIONS OF EXISTING STRUCTURE
INDICATES BOUNDARY OF SITE TO WHICH THIS APPLICATION RELATES

