



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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

MK Associates  
125 Butterfield Park  
Rathfarnham  
Dublin  
D14 A295

24<sup>th</sup> Of June 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX61/2026 for SIPTU- 7 Marine Terrace, Bray, Co. Wicklow

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.





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Applicant: SIPTU

Location: 7 Marine Terrace, Bray, Co. Wicklow

Reference Number: EX 61/2026

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/766

A question has arisen as to whether “the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use” at 7 Marine Terrace, Bray, Co. Wicklow is or is not exempted development.

#### Having regard to:

- a) The details submitted with this Section 5 Application on the 14/05/2026 and as clarified by Further Information received on the 18/06/2026.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended).
- c) Section 4 (1) (h) of the Planning and Development Act 2000(as amended).
- d) Articles 9 and 10 (6) of the Planning and Development Regulations 2001, as amended;
- e) Schedule 2, Part 4 Exempted Development-Classes of Use of the Planning and Development Regulations 2001, as amended.

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

- i. The change of use from office to use as a single residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as an office.
- ii. The change of use would therefore be development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iii. The change of use would accord with the provisions and limitations set out in Article 10 (6) of the Planning and Development Regulations 2001 (as amended), and the change of use is therefore exempted development.

**The Planning Authority considers that “the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use” at 7 Marine Terrace, Bray, Co. Wicklow is development and IS exempted development.**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 24/06/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/766

Reference Number: EX 61/2026  
Name of Applicant: SIPTU  
Nature of Application: Section 5 Referral as to whether "the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use" is or is not development and is or is not exempted development.  
Location of Subject Site: 7 Marine Terrace, Bray, Co. Wicklow  
Report from: Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use" at 7 Marine Terrace, Bray, 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 this Section 5 Application on the 14/05/2026 and as clarified by Further Information received on the 18/06/2026.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended).
- c) Section 4 (1) (h) of the Planning and Development Act 2000(as amended).
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- iii. The change of use would accord with the provisions and limitations set out in Article 10 (6) of the Planning and Development Regulations 2001 (as amended), and the change of use is therefore exempted development.

Recommendation

The Planning Authority considers that "the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use" at 7 Marine Terrace, Bray, Co. Wicklow **is development and is exempted development** as recommended in the planning reports.

Signed:  \_\_\_\_\_

Date: 24/06/2026

ORDER:

I HEREBY DECLARE:

THAT "the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use" at 7 Marine Terrace, Bray, 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: 24/6/2026

**Section 5 Application : EX 61/2026**

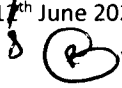
**Date :** 22/06/2026

**Applicant :** SIPTU

**Address :** 7 Marine Terrace, Bray, Co. Wicklow

See previous report dated the 3<sup>RD</sup> of June 2026; a request for the submission of further information issued on the 3<sup>rd</sup> of June 2026, and a response was received on the 17<sup>th</sup> June 2026.

**Further information was sought as follows:**



**Item 1**

**Article 10 (6)(c)(iii)** requires that *“the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d)”*.

While it is submitted that the building has been vacant and out of use for at least 3 years, no specific dates or details have been submitted to confirm this. You are requested to submit details of the date of when the premises became vacant, including any documentation you may have to support this.

**Response and Assessment**

SIPTU have submitted that the Bray office has been vacant since January 2020 at which time Mr. Kieron Connolly, SIPTU Official, retired. The building has been vacant ever since. It is therefore accepted that the building has been vacant for at least 3 years.

**Item 2**

**Article 10 (6)(d)(i)** requires that *“The development is commenced and completed during the relevant period”*. The relevant period is the 18th February 2018 until 31 December 2028 - No details have been provided as to when works will be completed. Please address.

**Response and Assessment**

Submitted that the minor internal works required will be completed by December 2028 noting that the works required to convert the premises are decorative only and not structural.

**Item 3**

**Article 10(6)(d)(ii)** requires that *“Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall – (I) primarily affect the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures”*.

While it is noted that this structure would have originally been built as and used as a dwelling, no details have been submitted in relation to the scope of the proposed works required to facilitate this change of use. The applicant is requested to submit details, including drawings showing the scope of the works required to facilitate the change of use of the building from office to residential, including any changes to the interior layout and exterior appearance of the building. If no internal or external changes are proposed, this shall be clearly stated.

### **Response and Assessment**

The applicant has submitted that there will be no external structural changes and no internal structural changes to the property.

#### **Item 4**

**Article 10(6)(d)(v)** states that *"No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure"*.

No details submitted in this regard. The applicant is requested to confirm how many dwellings will be accommodated in the building as a result of the change of use.

### **Response and Assessment**

The applicant has confirmed that the property will comprises of one principle private residence only.

#### **Item 5**

- a) **Article 10(6)(d)(vi)** requires that *"Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines" and;*
- b) **Article 10 (6)(d)(vii)** requires that *"Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting"*.

No details or floor plans have been submitted, and it is not indicated if building is to be a single dwelling house or to comprise of apartments. This detail is required and existing and proposed floor plans are also required to be submitted in order for this Section 5 to be assessed against the above criteria. In the event that apartments are proposed the details submitted shall demonstrate how the proposed apartments comply with the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities.

### **Response and Assessment**

The applicant has submitted that no elevation for floor plans have been prepared as there are no proposed changes to the building. It is submitted that the property will be one standalone dwelling.

I note that the property was originally built as one single dwelling and noting that it is again proposed to be used as a single dwelling and it is reasonable to assume that the applicant can comply with Article 10 (6)(d)(vii) noting that Article 10(6)(d)(vi) is no longer applicable as it is confirmed that no apartments are proposed.

### **CONCLUSION**

It is considered that the applicant has addressed all 5 Items of Further Information to the satisfaction of the Planning Authority.

**RECOMMENDATION:**

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

*“the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use is development and is exempted development”.*

**The Planning Authority considers that:**

The change of use of existing structure from office to one residential unit is **Development and is Exempted Development**.

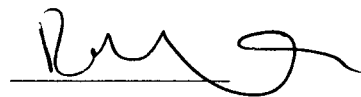
**Main Considerations with respect to Section 5 Declaration:**

- a) The details submitted with this Section 5 Application on the 14/05/2026 and as clarified by Further Information received on the 18/06/2026.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended).
- c) Section 4 (1) (h) of the Planning and Development Act 2000(as amended).
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**Main Reasons with respect to Section 5 Declaration:**

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- i. The change of use from office to use as a single residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as an office.
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- iii. The change of use would accord with the provisions and limitations set out in Article 10 (6) of the Planning and Development Regulations 2001 (as amended), and the change of use is therefore exempted development.



**Patrice Ryan SEP**  
**22/06/2026**



## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** Thursday 18 June 2026 12:41  
**To:** 'John D Elliott'  
**Subject:** RE: 7 Marine Terrace, Bray, Co. Wicklow

Hi John

I acknowledge receipt of your Further Information and advise that a decision is due on 8<sup>th</sup> July 2026.

Regards,

*Nicola Fleming*

Oifigeach Foirne - Staff Officer

Pleanáil, Forbairt Eacnamaíochta & Tuaithe - Planning, Economic & Rural Development -

Comhairle Contae Chill Mhantáin, Halla an Chontae, Bóthar an Stáisiúin, Cill Mhantáin, A67 FW96  
Wicklow County Council, County Building, Station Road, Wicklow Town, A67 FW96

Ph☎: +353 (0404) 20148 |

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



Comhairle Chontae Chill Mhantáin

Wicklow County Council

**From:** John D Elliott <johnd@elfitz.ie>  
**Sent:** Thursday 18 June 2026 12:36  
**To:** Nicola Fleming <NFleming@wicklowcoco.ie>  
**Subject:** 7 Marine Terrace, Bray, Co. Wicklow

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Dear Nicola,

Thank you for taking my call earlier and I managed to obtain your email address from Mike Kelly, the engineer instructed in relation to SIPTU and 7 Marine Terrace, Strand Road Bray, Co. Wicklow.

Further to our conversation, I would respond as follows in relation to the queries raised:

**Question 1** – We understand that this has already been addressed in our engineer's completed form.

**Question 2 (Proposed Works)** – As currently understood, the minor internal works will be completed by Decemb 2028. These works are decorative and not structural.

**Question 3 (Structural Changes)** – There will be no external structural changes and no internal structural changes to the property.

**Question 4 (Use of Property)** – The property will comprise one development only, namely a single principal private residence / one dwelling.

**Question 5 (Elevations and Drawings)** – No elevations or drawings have been prepared, as there are no proposed changes to the building. The property will remain one standalone dwelling used as a principal private residence.

I trust the above addresses the queries raised and thank you again for your assistance over the phone clarifying the require.

Should you require any further information or clarification, please do not hesitate to contact me.

Kind Regards,

John

John D. Elliott, BSc (Hons) MRICS, MCSI,  
**ELLIOTT & FITZGERALD**  
PROPERTY CONSULTANTS & CHARTERED SURVEYORS  
T. 00 353 1 6614403  
F. 00 353 1 6614200  
W. [www.elfitz.ie](http://www.elfitz.ie)

**Elliott &  
FitzGerald**

11 PEMBROKE STREET LOWER DUBLIN 2

PSRA No. 003298

For the avoidance of doubt please be advised that discussions and correspondence in respect of this matter are of an exploratory nature only and we have no authority to bind our client.

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## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** Thursday 18 June 2026 11:02  
**To:** 'Mike Kelly'  
**Subject:** RE: SIPTU property Bray, County Wicklow, your ref EX61/2026

A Chara,

I note the contents of your email however the Planning Authority cannot assess the Section 5 unless all items of the FI request have been responded to.

The Planning Authority do not condition Section 5 applications that is not the process in this instance. The Planning Authority makes a determination if a development is exempted development or not and in this instance this determination cannot be decided upon unless the sufficient information (i.e. the information requested in the FI) has been responded to.

Is mise, le meas,

*Nicola Fleming*

Oifigeach Foirne - Staff Officer

Pleanáil, Forbairt Eacnamaíochta & Tuaithe - Planning, Economic & Rural Development -

Comhairle Contae Chill Mhantáin, Halla an Chontae, Bóthar an Stáisiúin, Cill Mhantáin, A67 FW96  
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Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin  
Wicklow County Council

**From:** Mike Kelly <mkassocltd@gmail.com>  
**Sent:** Wednesday 17 June 2026 16:53  
**To:** Nicola Fleming <NFleming@wicklowcoco.ie>  
**Subject:** Re: SIPTU property Bray, County Wicklow, your ref EX61/2026

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Dear Ms Fleming,

Re:Application for certificate of exemption under section 5 of the Planning and Development Acts 2000 (as amended) -EX61/2026- for SIPTU, 7 Marine Terrace, Bray, Co. Wicklow.

Direct responses were not provided for the items described because SIPTU intends to sell the property to a buyer that will design the changes that are proposed, and provide drawings and specifications to demonstrate compliance with the requirements for exemption under the Planning and Development Acts 2000 (as amended). The buyer is seeking to ascertain, inasmuch as this is possible, that if they comply with the conditions described in your letter of 3rd June, they will be able to avail of an exemption.

It would be very helpful if you could indicate that Wicklow County council accepts that point 1 of your letter has been satisfied, ie that the property has been out of use for the required period of time, and that an exemption may be granted, provided that the proposed modifications to the building comply with the conditions outlined in points 2 to 5 of your letter. We could then inform the buyer that the onus would be on them to comply with the remaining conditions in order to obtain an exemption.

We would appreciate your help in relation to this.

Yours Sincerely

Mike Kelly

On Mon 15 Jun 2026, 14:04 Nicola Fleming, <[NFleming@wicklowcoco.ie](mailto:NFleming@wicklowcoco.ie)> wrote:

A Chara,

I acknowledge response to our letter of 3<sup>rd</sup> June 2026 however I note not information has been provided in response to items 2, 3, 4or 5.

Is mise, le meas

*Nicola Fleming*

Oifigeach Foirne - Staff Officer

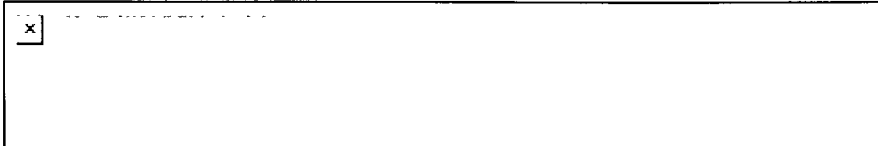
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---

**From:** Mike Kelly <[mkassocltd@gmail.com](mailto:mkassocltd@gmail.com)>  
**Sent:** Friday 12 June 2026 14:53  
**To:** Planning - Planning and Development Secretariat <[plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)>  
**Cc:** Paul O'Sullivan <[posullivan@siptu.ie](mailto:posullivan@siptu.ie)>  
**Subject:** SIPTU property Bray, County Wicklow, your ref EX61/2026

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A Chairde,

Please see attached correspondence, for your attention.

Mise, le meas,

Mike Kelly

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Is d'úsáid an duine/na ndaoine chuig a bhfuil sí seolta agus sin amháin atá an teachtaireacht seo. D'fhéadfadh go bhfuil faisnéis faoi phribhléid nó faoi rún de réir bhrí an dlí is infheidhme inti. Má fuair tú an ríomhphost seo de bharr earráide, téigh i dteagmháil leis an seoltóir chomh luath agus is féidir, le do thoil. Ní gá gurb ionann na dearcaí a léirítear sa ríomhphost seo agus dearcaí Comhairle Contae Chill Mhantáin. Tá aon iatáin seiceáilte ag scanóir víris agus dealraíonn sé go bhfuil siad glan. Bí cinnte go ndéanfaidh tusa scanáil ar gach teachtaireacht chomh maith, le do thoil, mar ní ghlacann an Chomhairle dliteanas ar bith i leith éilliú ná dámáiste do do chuid córas.

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## Cola Fleming

---

**From:** Mike Kelly <mkassocltd@gmail.com>  
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**Subject:** Re: SIPTU property Bray, County Wicklow, your ref EX61/2026  
**Attachments:** image001.png

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We would appreciate your help in relation to this.

Yours Sincerely

Mike Kelly

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Nicola Fleming

Oifigeach Foirne - Staff Officer

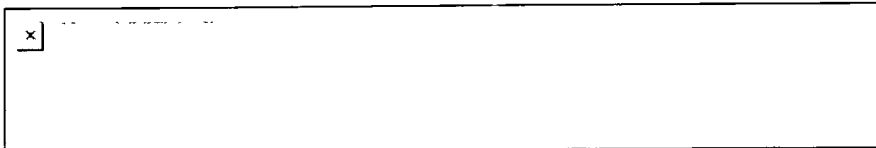
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**Sent:** Friday 12 June 2026 14:53

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**Cc:** Paul O'Sullivan <[posullivan@siptu.ie](mailto:posullivan@siptu.ie)>

**Subject:** SIPTU property Bray, County Wicklow, your ref EX61/2026

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## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** Monday 15 June 2026 13:50  
**To:** 'Mike Kelly'  
**Subject:** RE: SIPTU property Bray, County Wicklow, your ref EX61/2026

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I acknowledge response to our letter of 3<sup>rd</sup> June 2026 however I note not information has been provided in response to items 2, 3, 4or 5.

Is mise, le meas

*Nicola Fleming*

Oifigeach Foirne - Staff Officer

Pleanáil, Forbairt Eacnamaíochta & Tuaithe - Planning, Economic & Rural Development -

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Wicklow County Council

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A Chairde,

Please see attached correspondence, for your attention.

Mise, le meas,

Mike Kelly

MK Associates

Engineering Consultants

87 Harold's Cross Rd, Dublin D6W W406

0851949208 [mkassociates@gmail.com](mailto:mkassociates@gmail.com)

Wicklow County Council,

Planning, Economic and Rural Development

County Buildings

Wicklow A67 FW96

11<sup>th</sup> June 2026

Re: Application for certificate of exemption under section 5 of the Planning and Development Acts 2000 (as amended) -EX61/2026- for SIPTU, 7 Marine Terrace, Bray, Co. Wicklow.

A Chairde,

Further to your letter dated 3<sup>rd</sup> June 2026, please find attached a letter from SIPTU confirming that the property in question has been vacant since January 2020, along with documentation from Kelcon Ltd, a building and fitout contractor, relating to the clearing out of the building, after that date.

SIPTU is currently in the process of selling the property and the successful bidders intend to convert the building into a single-family dwelling. The buyers are seeking certainty that if they comply with all of the conditions of article 10(6), they will be able to avail of exemption under section 5 of the Planning and Development Acts 2000 (as amended). We would be grateful if you could please confirm if this would be the case, in the light of the attached information.

We look forward to hearing from you. If you have any further queries or requirements, please contact us.

Mise, le meas



Mike Kelly

RECEIVED 12 JUN 2026

Michael Kelly Dip.Eng, BSc(Eng), MA, C,Eng MIE, MIEI. MCIBSE

# **Kelcon fitout and contracting**

**33 barrack street**

**tallow Waterford**

**Tel 0851244986**

**Vat no 3669836sh**

**11 June 26**

**Siptu bray**

**To whom it may concern**

**In feb 2021 we did an initial clear out for siptu in the bray siptu office, in March 2023 we did a full clearout and remedial work of the garden and interior in preparation for sale.**

**Kind regards**

**Colum kelly**

**RECEIVED 12 JUN 2026**



**FINANCE & ADMINISTRATIVE DIVISION  
LIBERTY HALL, DUBLIN 1.**

Tel. No. 01 – 8586315 / 087 1716912E-mail: [eclarke@siptu.ie](mailto:eclarke@siptu.ie)

9<sup>th</sup> June 2026

**Strictly Private and Confidential**

**To Whom it May Concern**

**Re: SIPTU Bray Office**

I hereby wish to confirm that the SIPTU Bray Office has been vacant since Jan 2020. Mr Kieron Connolly, SIPTU Official, who was working from the Bray office, retired in Jan 2020 and it has been vacant ever since.

Please do not hesitate to contact me with any queries you may have.

Mise, le meas  
**SIPTU**

*Elaine Clarke*  
**ELAINE CLARKE  
FINANCE OFFICER**

**RECEIVED 12 JUN 2026**

Ceardchumann Seirbhíse, Tionsclaíoch, Gairmiúil agus Teicniúil  
Services Industrial Professional & Technical Staff  
Head Office • Liberty Hall, Dublin 1, Tel: 01 858 6315 • Fax: 01 801 4758  
[info@siptu.ie](mailto:info@siptu.ie) • [www.siptu.ie](http://www.siptu.ie)



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

MK Associates  
125 Butterfield Park  
Rathfarnham  
Dublin  
D14 A295

3<sup>rd</sup> of June 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning & development Acts 2000 (as amended) – EX61/2026 – for SIPTU, 7 Marine Terrace, Bray, Co. Wicklow**

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 14<sup>th</sup> of May 2026 having regard to the provisions of Section 5(1)(b) of the Planning and Development Act 2000(as amended) the following further information is requested –

1. Article 10 (6)(c)(iii) requires that “the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d)”.  
While it is submitted that the building has been vacant and out of use for at least 3 years, no specific dates or details have been submitted to confirm this. You are requested to submit details of the date of when the premises became vacant, including any documentation you may have to support this.
2. Article 10 (6)(d)(i) requires that “The development is commenced and completed during the relevant period”. The relevant period is the 18th of February 2018 until 31 December 2028 - No details have been provided as to when works will be completed. Please address.
3. Article 10(6)(d)(ii) requires that “Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall – (I) primarily affect the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures”.  
While it is noted that this structure would have originally been built as and used as a dwelling, no details have been submitted in relation to the scope of the proposed works required to facilitate this change of use. The applicant is requested to submit details, including drawings showing the scope of the works required to facilitate the change of use of the building from office to residential, including any changes to the interior layout and exterior appearance of the building. If no internal or external changes are proposed, this shall be clearly stated.
4. Article 10(6)(d)(v) states that “No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure”.

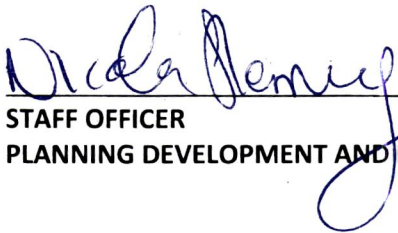


No details submitted in this regard. The applicant is requested to confirm how many dwellings will be accommodated in the building as a result of the change of use.

5. **a)** Article 10(6)(d)(vi) requires that "Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines" and
- b)** Article 10 (6)(d)(vii) requires that "Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting".

No details or floor plans have been submitted, and it is not indicated if building is to be a single dwelling house or to comprise of apartments. This detail is required and existing and proposed floor plans are also required to be submitted in order for this Section 5 to be assessed against the above criteria. In the event that apartments are proposed the details submitted shall demonstrate how the proposed apartments comply with the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities.

Mise, le meas



---

**STAFF OFFICER  
PLANNING DEVELOPMENT AND ENVIRONMENT.**

**Section 5 Application : EX 61/2026**

**Date :** 03/06/2026

**Applicant :** SIPTU

**Address :** 7 Marine Terrace, Bray, Co. Wicklow

Whether or not :

*"No. 7 Marine Terrace can avail of exempted development provision under Article 10(6) of the Planning and Development Act 2001, as inserted by Article 2 of the Planning and Development (Amendment) 9 no. 2) Regulations 2018".*

Having regard to the question submitted on the application form, in the interest of clarity it is considered appropriate to expand on this question and clarify if this section 5 is asking the following:

*"Confirmation as to whether the change of use of No. 7 Marine Terrace from an office/commercial unit to residential use is development and is exempted development".*

It is submitted that the property has been vacant and out of use for at least 3 years and was previously used as an office by SIPTU however no exact dates are given. It has been used for both commercial and residential purposes.

**Planning History:** None recorded.

**Protected Structure:** No.

**Zoning:** Bray Municipal District Local Area Plan 2018- Sea Front

**Relevant Legislation :**

*Planning and Development Act 2000 (as amended)*

Section 2 : (1) In this Act, except where the context otherwise requires—

"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,

"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, "development" means, except where the context otherwise requires,

(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

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

#### Section 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.

#### *Planning and Development Regulations 2001(as amended)*

##### Article 10(6) –

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2028.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

< See Full Article for Restrictions >

#### Schedule 2: Part 4

##### CLASS 1-Use as a shop

CLASS 2 -Use for the provision of— (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 6-Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12-Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

**Assessment:**

The query asks of the change of No. 7 Marine Terrace from a commercial/office unit to residential use is development and is exempted development. The current indicated use of the property is as offices for SIPTU.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

*"development"* means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that 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.

The proposed works/change of use from offices to use as a residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to use as an office. It is therefore considered that the change of use would be material, and therefore development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

The proposed development is also considered to be 'works' noting that it would require alteration, repair or renewal to the structure on site.

The next question is therefore would the conversion come within the provisions set out under Article 10 (6), and the following sets out compliance with respect to each element of Article 10 (6):

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

The structure was in use as an office, and therefore Class 2 use.

(c) (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

Yes - structure was completed prior to the 8<sup>th</sup> February 2018

(c) (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, or 12,

Yes – Currently vacant but most recent use was as offices Class 2. Noted that this building would have originally been used as a dwelling.

(c)(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

No. Submitted that the building has been vacant and out of use for at least 3 years but no specific dates or details submitted. **Further Information Required.**

(d) (i) The development is commenced and completed during the relevant period.

The relevant period is the 18th February 2018 until 31 December 2028 - No indication when works will be completed. **Further Information Required.**

(d) (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall -- (I) primarily affect the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

Noted that this structure would have originally been built as and used as a dwelling, however the applicant has not submitted any details in relation to the scope of the proposed works required for the change of use. **Further Information Required.**

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

N/A

(d)(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

N/A

(d)(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

No details submitted in this regard. **Further Information Required.**

(d)(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

No details submitted. Not indicated if it is to be a single dwelling house or to comprises of apartments. **Further Information Required.**

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

No floor plans submitted. **Further Information Required.**

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Not applicable

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The development will not contravene a condition.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates,

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not Applicable

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Not Applicable.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Not Applicable.

**Conclusion:** Insufficient information has been submitted by the applicant in order to allow the Planning Authority to make a full and informed assessment of this Section 5.

**Recommendation:**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether "No. 7 Marine Terrace can avail of exempted development provision under Article 10(6) of the Planning and Development Act 2001," i.e change of use of No. 7 Marine Terrace from an office/commercial unit to residential use, insufficient details have been submitted in order to allow the Planning Authority to assess this Section 5. Further Information is requested as follows:

1. **Article 10 (6)(c)(iii)** requires that *"the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d)"*.

While it is submitted that the building has been vacant and out of use for at least 3 years, no specific dates or details have been submitted to confirm this. You are requested to submit details of the date of when the premises became vacant, including any documentation you may have to support this.

2. **Article 10 (6)(d)(i)** requires that *"The development is commenced and completed during the relevant period"*. The relevant period is the 18th February 2018 until 31 December 2028 - No details have been provided as to when works will be completed. Please address.

3. **Article 10(6)(d)(ii)** requires that *“Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall – (I) primarily affect the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures”*.

While it is noted that this structure would have originally been built as and used as a dwelling, no details have been submitted in relation to the scope of the proposed works required to facilitate this change of use. The applicant is requested to submit details, including drawings showing the scope of the works required to facilitate the change of use of the building from office to residential, including any changes to the interior layout and exterior appearance of the building. If no internal or external changes are proposed, this shall be clearly stated.

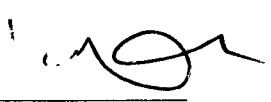
4. **Article 10(6)(d)(v)** states that *“No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure”*.

No details submitted in this regard. The applicant is requested to confirm how many dwellings will be accommodated in the building as a result of the change of use.

5.

- a) **Article 10(6)(d)(vi)** requires that *“Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines”* and;
- b) **Article 10 (6)(d)(vii)** requires that *“Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting”*.

No details or floor plans have been submitted, and it is not indicated if building is to be a single dwelling house or to comprise of apartments. This detail is required and existing and proposed floor plans are also required to be submitted in order for this Section 5 to be assessed against the above criteria. In the event that apartments are proposed the details submitted shall demonstrate how the proposed apartments comply with the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities.



---

Patrice Ryan SEP  
03/06/2026

Google Streetview of Property

June 2023





**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](http://www.wicklow.ie)

**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Lyndsey Blackmore  
Executive Planner**      **FROM: Nicola Fleming  
Staff Officer**

**RE: Declaration in accordance with Section 5 of the Planning &  
Development Acts 2000 (as amended) -EX61/2026**

I enclose herewith for your attention application for Section 5 Declaration received 14/05/2026.

The due date on this declaration is the 10/06/2026.

---

**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  
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Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**MK Associates**  
**125 Butterfield Park**  
**Rathfarnham**  
**Dublin**  
**D14 A295**

20<sup>th</sup> May 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX61/2026 for SIPTU, 7 Martine Terrace, Bray, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 14/05/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/06/2026.

Mise, le meas

---

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



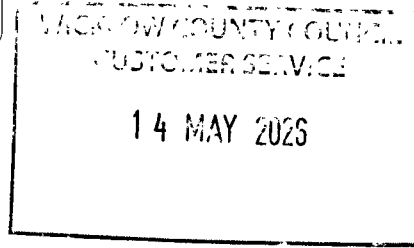
Wicklow County Council  
 County Buildings,  
 Aras An Chontae,  
 Wicklow Town  
 Co Wicklow



Services Industrial Professional & Technical Union  
 HEAD OFFICE: LIBERTY HALL, DUBLIN 1 TELEPHONE 01-8586300

SIPTU  
 Liberty Hall,  
 Dublin 1

tel: +353-1-858 6315  
 fax: +353-1 874 9368



**Remittance - PPI030859**

Remittance Date	A/C No.	Cheque No.	Page No.
13/05/2026	WIC001	102058	1

Date	Our Ref	Your Ref	Invoice Amt	Amount Paid
13/05/2026	PPI030859	7 MARINE TERRACE \ SECTION 5	80.00	80.00

<b>Total Payment Made:</b>	<b>€ 80.00</b>
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Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

14/05/2026 10:37:52

Receipt No: 11/0/363576

SERVICES INDUSTRIAL PROFESSIONAL &  
LIBERTY HALL  
DUBLIN 1

EXEMPTION CERTIFICATE S	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Cheque 80 00  
SECTION 5.7 MARINE TERRACE BRAY

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

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Date Received \_\_\_\_\_

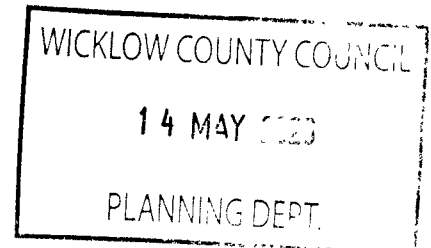
Fee Received \_\_\_\_\_

**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: SIPTU  
Address of applicant: Liberty Hall, Eden quay, Dublin D01 E5Y3

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



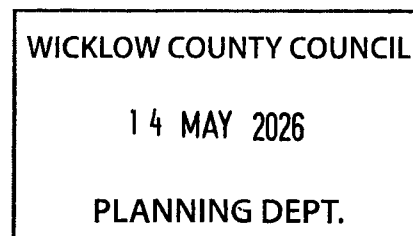
**2. Agents Details (Where Applicable)**

- (b) Name of Agent (where applicable): MK Associates  
Address of Agent : 125 Butterfield Park, Rathfarnham, Dublin D14 A295

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

**3. Declaration Details**

- i. Location of Development subject of Declaration 7 Marine Terrace, Bray Co. Wicklow A98 HK35



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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier SIPTU, Liberty Hall, Eden Quay, Dublin, D01 E5Y3

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

v. Wicklow County Council is requested to conform that & Marine Terrace, Strand Road, Bray, Co Wicklow can avail of exempted development provisions under Article 10(6) of the Planning and Development Regulations 2001, as inserted by Article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018,  
*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 Article 10 as amended by S.I.30/2018, Schedule 2, Part 4 (class 2 building) as amended by S.I.30/2018  
*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

viii. Location Map attached

viii. Fee of € 80 Attached ? YES

Signed :  Dated : 12th MAY 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.

MK Associates

Engineering Consultants

87 Harold's Cross Rd, Dublin D6W W406

0851949208 mkassocltd@gmail.com

12<sup>th</sup> May 2026

**Re: 7 Marine Terrace, Strand Road, Bray, Co. Wicklow A98 HK35**

The above building has been vacant and out of use for at least three years. It was previously used as an office by SIPTU. It has been used for both commercial and residential purposes.

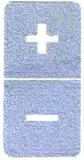
We are acting as agents for SIPTU in relation to the application for a declaration in accordance with Section 5 of the Planning and Development Acts (as amended) as to what is, or is not, exempted development.

Signed:

A handwritten signature in black ink, appearing to read 'Michael Kelly', written in a cursive style.

Michael Kelly

Gaeilge



Florence Road

Bray  
(Daly)

Darqan Hall

R169

Strand Road

BRAY

<b>XY</b>	726950, 718794
<b>Scale</b>	1 : 1000
<b>Townland</b>	Bray
<b>Barony</b>	Rathdown
<b>County</b>	Wicklow