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

Dao Van Dung

2ND Of November 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 128/2026

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

Applicant: Dao Van Dung

Location: Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow

Reference Number: EX128/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1320

A question has arisen as to whether *"the continued use of unit within a town centre development as a beauticians"* at Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow is or is not exempted development.

Having regard to:

a) The details submitted with the Section 5 Declaration application
b) Sections 2(1), 3 and 4(1) of the Planning & Development Act 2000 (as amended)
c) Articles 5 and 6, and Classes 1of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
d) Planning Permission Register Reference 01/1136

Main Reasons with respect to Section 5 Declaration:
The use class will not be changing from Class 1 as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore exempted development.

The Planning Authority considers that *"the continued use of unit within a town centre development as a beauticians"* at Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow is development and IS exempted development.

Signed: Dianne Byrne. Date: 02/11/2026
pp ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1320

Reference Number:	EX 128/2026
Name of Applicant:	Dao Van Dung
Nature of Application:	Section 5 Referral as to whether *"the continued use of unit within a town centre development as a beauticians"* is or is not development and is or is not exempted development.
Location of Subject Site:	Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow
Report from:	Lyndsey Blackmore EP Patrice Ryan SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the continued use of unit within a town centre development as a beauticians" at* Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

a) The details submitted with the Section 5 Declaration application
b) Sections 2(1), 3 and 4(1) of the Planning & Development Act 2000 (as amended)
c) Articles 5 and 6, and Classes 1of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
d) Planning Permission Register Reference 01/1136

Main Reasons with respect to Section 5 Declaration:

The use class will not be changing from Class 1 as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore exempted development.

Recommendation

The Planning Authority, as recommended by the above named, considers that *"the continued use of unit within a town centre development as a beauticians" at* Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow **is development and is exempted development** as recommended in the planning reports.

Signed: Dianne Byrne **Date:** 02/11/2026

ORDER:

I HEREBY DECLARE:

THAT *"the continued use of unit within a town centre development as a beauticians"* at Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Helen Dendy

Director of Services
Planning, Economic & Rural Development

Date: 21/11/26

WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT
Section 5 – Application for declaration of Exemption Certificate

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Ref:	**EX128/2026**
Name:	*Dao Van Dung*
Development:	Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
RE:	Change of use
Location:	*Unit 2 The Mall Upper, Blessington Town centre, Blessington, Co. Wicklow.*

The Site: The subject site is located at The Mall Upper in Blessington Town Centre Co. Wicklow

Question: *Whether or not:*

The continued use of unit within a town centre development as a beauticians constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History:
Subject site:
01/1136 Permission granted for new town centre development on the site
A number of applications have followed this permission for amendments and alterations to the overall development.

Relevant Legislation:

Planning and Development Act, 2000 (as amended):

Section 2
"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 situated, 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 (l) 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;

Section 4 (2) provides for certain classes of development to be designated as exempted development by way of legislation.

Planning and Development Regulations, 2001 (as amended):

Schedule 2: Part 4:

CLASS 1

Use as a shop

Part 2, Exempted Development -Article 5

'shop' means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

(a) for the retail sale of goods,

(b) as a post office,

(c) for the sale of tickets or as a travel agency

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910),

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired, but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

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;

Article 10 details development that consists of a change of use that would be exempt.

Relevant Planning: Wicklow County Development Plan 2022-2028
Blessington Level Self Sustaining Growth Towns
Bray MD LAP 2025

Zoning Objective:
Town Centre :To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use

Details of Query: Proposal
In accordance with the details submitted with Section 5 application:

Does the continued use of Unit 2 as a beauty and nail salon constitutes a material change of use (and therefore development) and if so, whether it is considered exempted development not requiring planning permission?

Assessment

The application seeks a declaration as to whether;
The continued use of Unit 2 as a beauty and nail salon constitutes a material change of use (and therefore development) and if so, whether it is considered exempted development not requiring planning permission:

It is noted that the building was previously operated as a beautician s, which is Class 1.
Permission has been granted originally for use of the unit for retail purposes.

The applicant is proposing to continue using the unit as a beauticians and therefore falls under Class 1.
Therefore, the use class will not be changing.

The first assessment must be whether or not the works outlined above constitute 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.

In this regard the applicant has stated that there will be a new fit out and internal works to the premises.

The definition of development is defined as:
(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****,*

Therefore, due to the internal works to fit out the shop the proposed change of use is constituted as development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

Section 4 (2) provides for certain classes of development to be designated as exempted development by way of legislation.

The permitted use as a retail unit is Class 1 and the proposed use as beautician is Class 1.
The proposed change of use is development and is exempt development as no Class of Use from permitted will occur, and that the proposed use would not give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity

HD

Recommendation:

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

The continued use of unit within a town centre development as a beauticians constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

The continued use of unit as a beauticians

is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

a) The details submitted with the Section 5 Declaration application

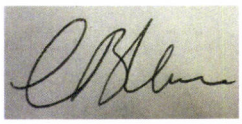
b) Sections 2(1), 3 and 4(1) of the Planning & Development Act 2000 (as amended)

c) Articles 5 and 6, and Classes 1of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

d) Planning Permission Register Reference 01/1136

Main Reason with respect to Section 5 Declaration:

The use class will not be changing from Class 1 as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore exempted development



Lyndsey Blackmore

Executive Planner

22/10/25

Section 5 to issue in accordance with the recommendation above.
Agreed as amended.
28/10/2026.

Noted & agreed
HBondy DOS
2/11/26

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Lyndsey Blackmore
Executive Planner

FROM: Joanne Byrne
A/ Staff Officer

RE:- EX128/2026 - 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 13/10/2026.

The due date on this declaration is the **09/11/2026.**

Joanne Byrne.

A/Staff Officer
Planning, Development & Environment

Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Suíomh / Website: www.wicklow ie

Dao Van Dung,

20th October 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX128/2026

A Chara

I wish to acknowledge receipt on 13/10/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/11/2026.

Mise, le meas

Joanne Byrne

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

Joanne Byrne

From: BankRec
Sent: Tuesday 20 October 2026 08:58
To: Joanne Byrne; BankRec
Subject: RE: FW: Planning Query - Authorized Use for Unit 2, The Mall Upper, Blessington (W91 T997)

Morning Joanne

Yes we did receive payment on 13/10/2026 and was receipted to receipt number 2185346

Planning search - IP

Sender Name:	
Sender ID:	
Payee IBAN:	
Payee Name:	Wicklow County Council
Payee ID Code:	
Payment Reference:	
Name of Sender's Reference Party:	
ID Code of Sender's Reference Party:	
Purpose of the Credit Transfer:	
Name of the Payee's Reference Party:	
ID Code of Payee's Reference Party:	
BOI Reference Number:	
Receiver's Payment Charge:	EUR 0.00
Remittance Information:	Planning search - section 5 ado

Regards
Lorraine

Lorraine Byrne

Oifigeach Cléireachais - Clerical Officer
Airgeadas, Uisce & Córais Faisnéise | Finance, Water & Information Systems

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

☎ 0404 20100 EXT 2254 ✉: lbyrne@wicklowcoco.ie

Website: http://www.wicklow.ie

Comhairle Contae Chill Mhantáin
Wicklow County Council

Hi Wicklow County Council,

Ly sent you €60 via a bank transfer from Revolut. You can find the details below:

Sender
. .

Recipient
Wicklow County Council

Reference
Planning search

Amount
€60

Sent on
October 8, 2026

Expected by
In seconds

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

Office Use Only

Date Received _____

Fee Received _____

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

1. Applicant Details

(a) Name of applicant: ___ DAO VAN DUNG _
Address of applicant: ___

_____

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

Unit 2, The Mall Upper, Blessington Town Centre, Blessington, Co. Wicklow, W91 T997.

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: Patrick O' Connor & Brigid – Reidy Stafford LLP, Moorefield Terrace, Newbridge, Co,Kildare. Applicant status: Prospective Purchaser

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

I am currently finalizing the purchase of First Floor Mall Duplex Unit 2, The Mall Upper, Blessington, Co. Wicklow (W91 T997). Previously, this unit was occupied by a tenant and operated continuously as a beauty salon for several years prior to being placed on the market for sale.

Upon completion of the purchase, I intend to reopen and operate the premises as a beauty, nail, and lash salon (carrying out interior fit-out works only, with no structural or external alterations).

Therefore, I am seeking a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) on the following question: Whether the continued use of Unit 2 as a beauty and nail salon constitutes a "material change of use" (and therefore "development"), and if so, whether it is considered "exempted development" not requiring planning permission.

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

Section 3, Section 4(1)(h), and Section 5 of the Planning and Development Act 2000 (as amended), and Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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 "Site Location Map (outlined in red - previously submitted via email)"

viii. Fee of € 80 Attached ? _____

Signed :_ Dung Dated :_ 13/10/2026

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.


BLESSINGTON
DEMESNE
Saint Joseph's Road
Main Street
Saint Mary's
Junior School
Car Park
N81


BLESSINGTON
DEMESNE
Saint Joseph's Road
Main Street
Saint Mary's
Junior School
Car Park
N81

Folio Number: WW5728L

Application Number: P2025LR073698

M.S.B. Book No. 12, Map No. 10.
County Wicklow O.S. 3610-D.

Location Map

Land Registry
Clárlann na Talún
County Wicklow Folio 5728L
This filed plan should be read in conjunction with the folio. The description of the land in the register or on this filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act, 1964).
Reference No. P2011LR040787R
Prepared by N Miller Date 02.08.2011.
PAGE 1 OF 3

Blessington
Area Under Const.
School
Church
Rectory
P.O
Community College
Sports Field
Downshire Lodge
St Mary's Church
Hotel
Area Under Construction
Pond
BLESSINGTON

0 50 100 200 300 400 Metres

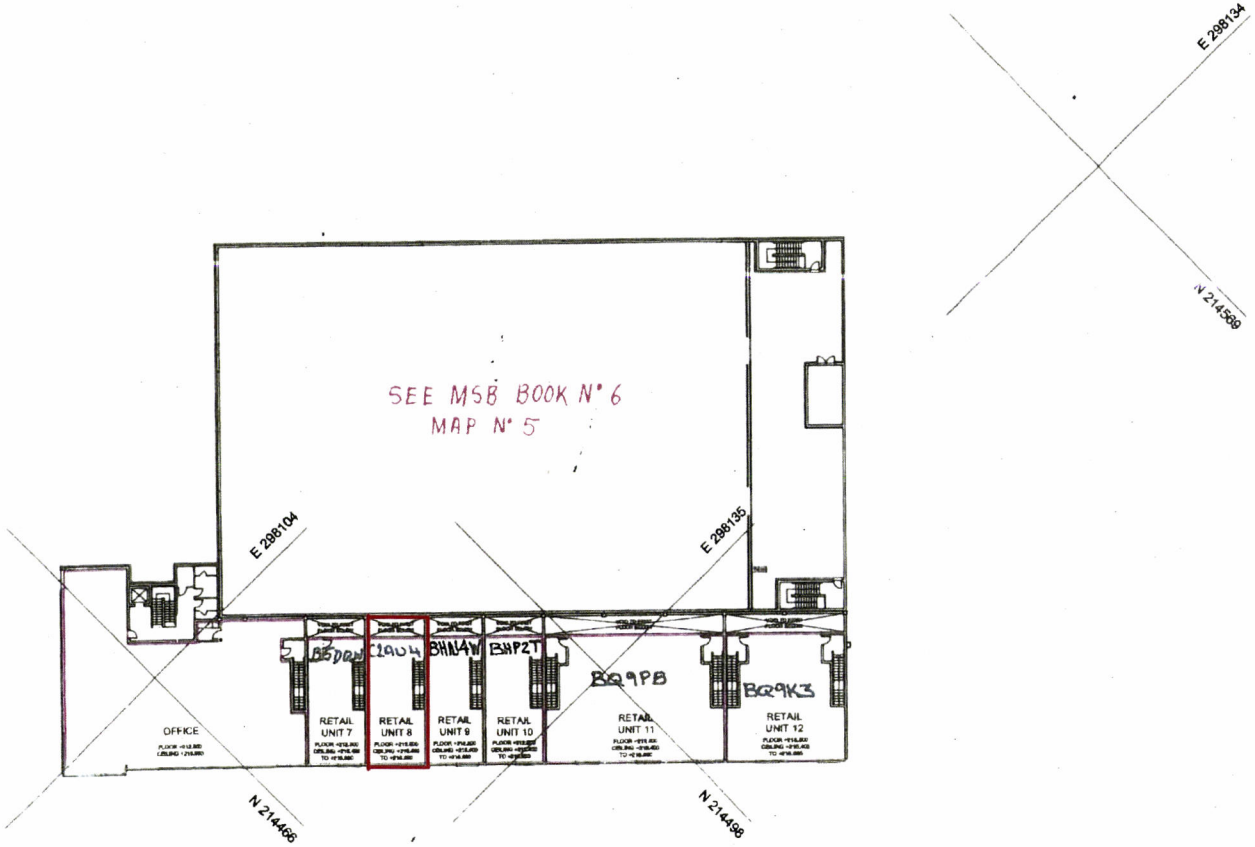
Date Printed: 09/06/2025

Plot Ref. No. 1072606_1_2
Plot Date 11-JAN-2006

Folio Number: WW5728L

Application Number: P2025LR073698H

MIXED USE DEVELOPMENT
BLESSINGTON NEW TOWN CENTRE



Land Registry
Clárlann na Talún
County Wicklow Folio 5728L
This filed plan should be read in conjunction with the folio. The description of the land in the register or on this filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act, 1964).
Reference No. P2011LR040787R
Prepared by W.Mc Ker Date 02.08.2011
PAGE 3 OF 3

CLÁRLANN NA TALÚN PRÍOMH OIFIG

SECOND FLOOR
SCALE 1 : 500

M.S.B. Book No. 12, Map No. 10.
County Wicklow O.S. 3610.

Date Printed: 09/06/2025