



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

Ronan McKeon
The Flaggers
Maghermore
Co. Wicklow

13th Of July 2026

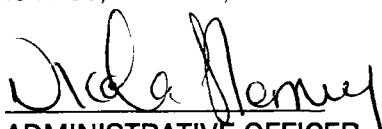
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 78/2026**

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,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**





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

Applicant: Ronan McKeon

Location: The Flaggers, Maghermore, Co. Wicklow

Reference Number:

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/851

A question has arisen as to whether *"the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development"* at The Flaggers, Maghermore, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted on the 24th of June 2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);

Main Reasons with respect to Section 5 Declaration:

- i. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling comes within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling are works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- iii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling would come within the description and limitations as set out under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and is therefore exempted development.

The Planning Authority considers that "the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development" at The Flaggers, Maghermore, Co. Wicklow is development and IS exempted development.

Signed: 
**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Date: 13/07/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/851

Reference Number: EX 78/2026

Name of Applicant: Ronan McKeon

Nature of Application: Section 5 Referral as to whether *"the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development"* is or is not development and is or is not exempted development.

Location of Subject Site: The Flaggers, Maghermore, Co. Wicklow

Report from: Lyndsey Blackmore, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development"* at The Flaggers, Maghermore, 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 on the 24th of June 2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);

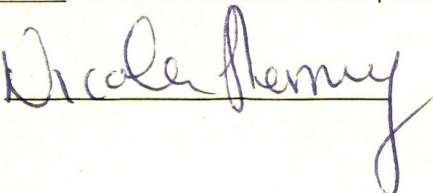
Main Reasons with respect to Section 5 Declaration:

- i. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling comes within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling are works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- iii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling would come within the description and limitations as set out under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and is therefore exempted development.

Recommendation

The Planning Authority considers that *"the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development"* at The Flaggers, Maghermore, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed:



Date:

13/09/2026

ORDER:

I HEREBY DECLARE:

THAT *"the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match the existing development"* at The Flaggers, Maghermore, Co. Wicklow is **development** and is **exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:

S. J. Donoghue

T/Senior Planner

Planning, Economic & Rural Development

Date:

13/7/2026

Section 5 Declaration

Ref: 78/2026
Name: Ronan McKeon
Development: Decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development .
Location: The Flaggers, Maghermore, Co. Wicklow

Observations: The applicant is seeking a Section 5 Declaration for the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development

The site

The subject site is located at The Flaggers, Maghermore, Wicklow Existing single storey dwelling on site.

Question

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

The decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development

Relevant Legislation:

-Planning and Development Act, 2000 (as amended):

Section 2 (1) defines works as including: *"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal"*;

Section 3 (1) 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 structures or other land"*;

Section 4 (1)(a) to (l) specifies various categories of development which shall be exempted for the purposes of the Act;

Section 4(1)(h) relates to *"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 characters 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) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply;

Wicklow County Development Plan 2022 – 2028

The site is located in a rural area south of Wicklow Town. Area of Outstanding Natural Beauty. Maherbeg Dunes SAC is 500m from the site.



Assessment: The applicant is requesting a Declaration in accordance with Section 5 for the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development.

The applicants propose:

The decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development

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.

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 proposal involves the decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development to an existing dwelling and would therefore involve works within the meaning of Section 3 of the Act. As such it constitutes 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 it's associated Regulations.

Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) states:

“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.”

The proposed removal of the chimney of an existing detached dwelling relatively remote from neighbouring dwellings is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as although the works would affect the external appearance of the property, the impact would 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.

Therefore, it is considered **exempt development** as per Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether the replacement of existing conservatory with like for like with improved energy efficient triple glazing constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended)

The Planning Authority considers that:

The decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted on the 24th June 2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);

Main Reasons with respect to Section 5 Declaration:

- i. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling comes within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling are works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- iii. The removal of an existing chimney and subsequent make good of roof to match existing development at an existing detached dwelling would come within the description and limitations as set out under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and is therefore exempted development.

Lyndsey Blackmore
Executive Planner
03/07/26

8/7/2026

Google Streetview 2025



MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Lyndsey Blackmore
Executive Planner**

**FROM: Aoife Kinsella
Clerical Officer**

**RE: - EX78/2026 - 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 24/06/2026.

The due date on this declaration is the 21/07/2026.

Aoife Kinsella
**Clerical 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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Suíomh / Website: www.wicklow.ie

Ronan McKeon
The Flaggers
Maghermore
Co. Wicklow
A67 WR63

25th of June 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX78/2026

A Chara

I wish to acknowledge receipt on 24/06/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 21/07/2026

Mise, le meas

Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

24/06/2026 11:49:48

Receipt No: L11/0/365684
***** REPRINT *****

RONAN MCKEON
THE FLAGGERS
MAGHERAMORE
A67 WR63

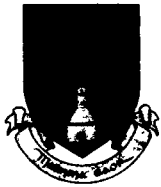
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Postal Order	80.00
A67WR63	

Change	0.00
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Issued By: Ruth Graham
From: Customer Service Hub
Vat reg No 0015233H

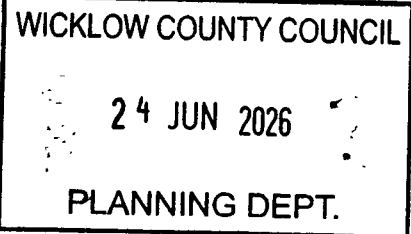


Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

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:

Ronan McKeon

Address of applicant: The Flaggers
Magheramore
A67 WR63
Co. Wicklow

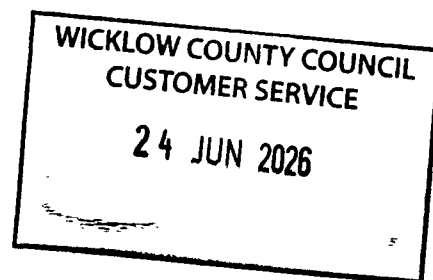
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable)

- 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

The Flaggers
Magheramore
A67 WR63
Co. Wicklow

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

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

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

Additional details may be submitted by way of separate submission.

- Decommissioning, dismantling and removal of a redundant external chimney stack and subsequent making good of roof to match existing development and if so whether it is exempted development
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

Additional details may be submitted by way of separate submission.

Section 4(1)(b) of the Planning and Development Act 2000 (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

- ① Site Location Map
- ② Site Layout Plan
- ③ Sketches / Elevations
- ④ Photograph.

- viii. Fee of € 80 Attached ?

- Yes, paid An Post

Signed :  Dated : 20/06/2026

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.



Tailte Éireann

Clárúcháin, Luchtúcháin
Subsídúcháin
Registration, Valuation,
Surveying

Folio: WW1584F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit



A full list of burdens and their symbology can be found at:
www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500 Scale

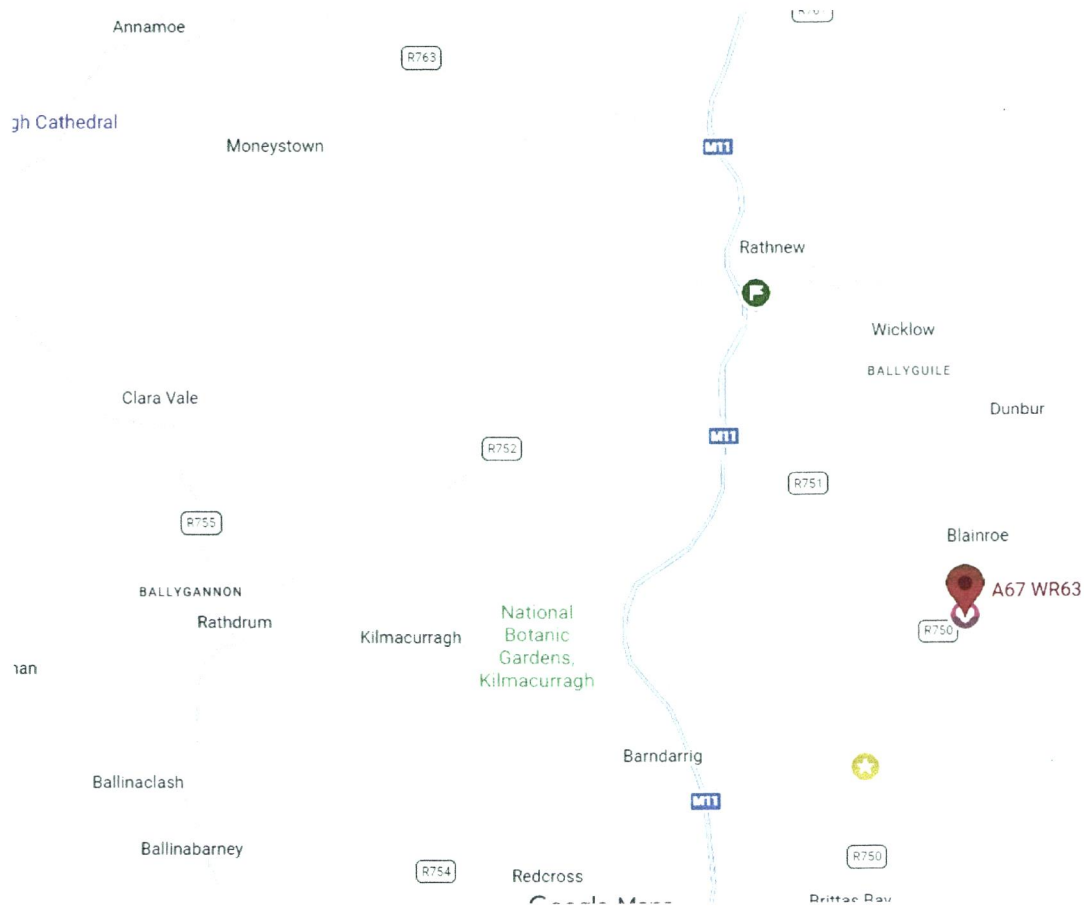


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Location Map of property for folio WW1584F

The Flaggers, Magheramore, A67WR63, Co. Wicklow



L1102
Kilipoolie Upr

Bobbio Retreat Centre

Sunrise View Cottages

St Columbans
Nursing Home

R750

MAGHERAMORE

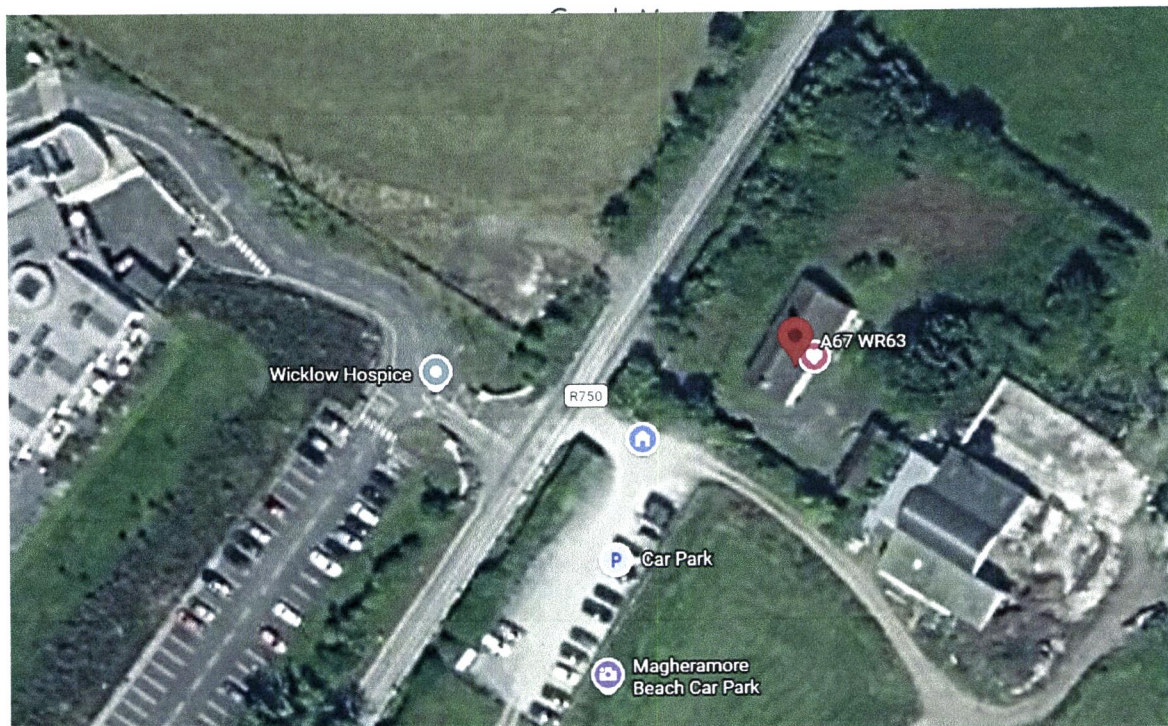
A67 WR63

Seapark Poin

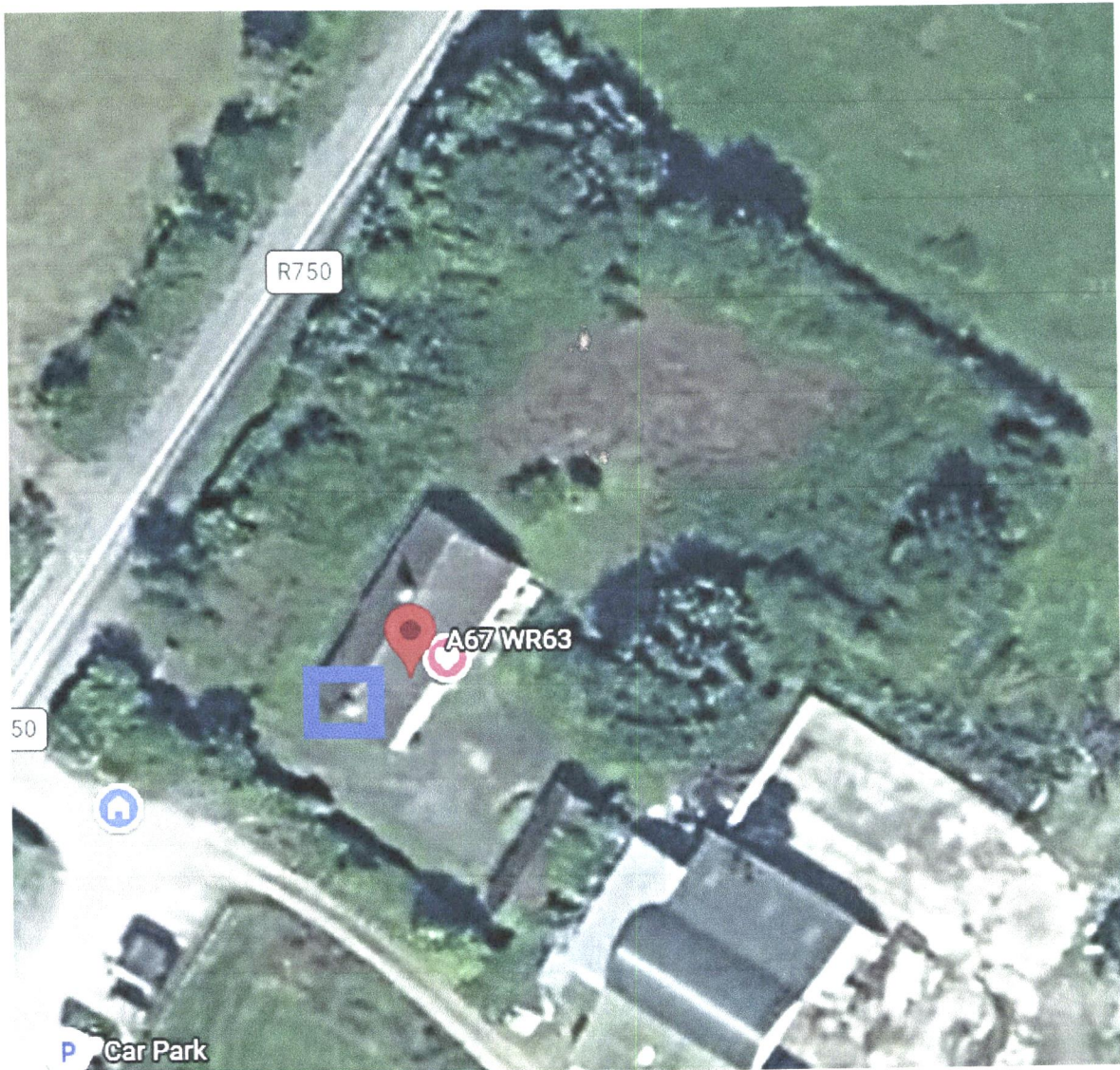
R750

Magheramore Beach

L1102



Planned Chimney removal location marked in blue



Photographs

Front view from entrance – chimney located to the right



Front View Direct - chimney located to the right

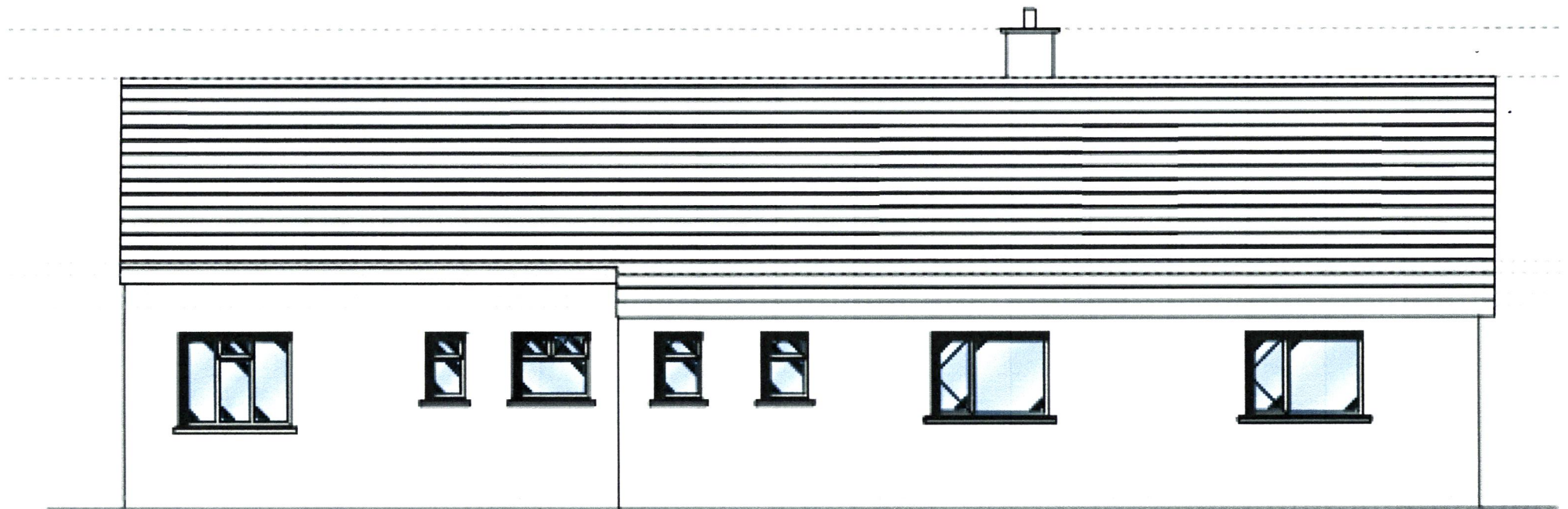




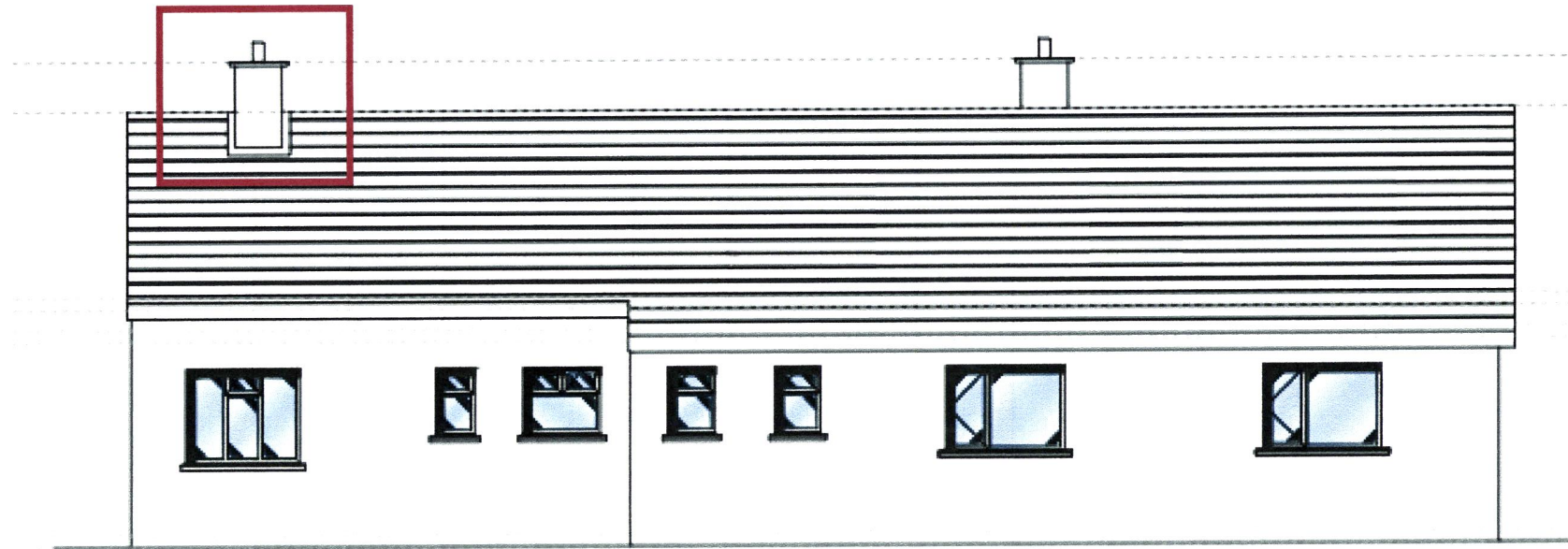
Side view



Rear View



Proposed Rear



Current Rear with
chimney highlighted