



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@wicklowco
Suíomh / Website www.wicklow.ie

Ivan Toole
Parkmore
Ashford
Co. Wicklow
A67 XK10

16th Of February 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX11/2026

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: Ivan Toole

Location: Parkmore, Ashford, Co. Wicklow

Reference Number: EX 11/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/180

A question has arisen as to whether “the construction of 282sqm Dry Storage Shed” at Parkmore, Ashford, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration, and site visit.
- b) An Bord Pleanála Referrals ABP-314397-22 and ABP -309911-21.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 6, 9 Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

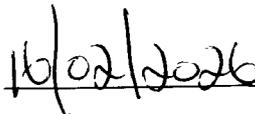
- i. The construction of a Dry Storage Shed involves operations of construction and would therefore come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The dry storage shed would come within the description and limitations set out under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The restrictions on exempted development pursuant to Article 9(1) of the Planning and Development Regulations 2001(as amended), would not be applicable in this instance.

The Planning Authority considers that “the construction of 282sqm Dry Storage Shed” at Parkmore, Ashford, Co. Wicklow is development and IS exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/180

Reference Number: EX 11/2026

Name of Applicant: Ivan Toole

Nature of Application: Section 5 Referral as to whether "*the construction of 282sqm Dry Storage Shed*" is or is not development and is or is not exempted development.

Location of Subject Site: Parkmore, Ashford, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of 282sqm Dry Storage Shed*" at Parkmore, Ashford, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

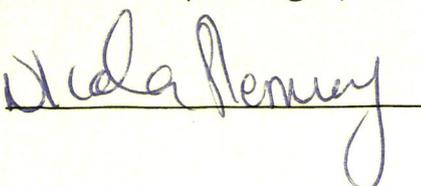
- a) The details submitted with the Section 5 Declaration, and site visit.
- b) An Bord Pleanála Referrals ABP-314397-22 and ABP -309911-21.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 6, 9 Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The construction of a Dry Storage Shed involves operations of construction and would therefore come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The dry storage shed would come within the description and limitations set out under Class 9: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The restrictions on exempted development pursuant to Article 9(1) of the Planning and Development Regulations 2001(as amended), would not be applicable in this instance.

Recommendation

The Planning Authority considers that "*the construction of 282sqm Dry Storage Shed*" at Parkmore, Ashford, Co. Wicklow is development and is exempted development as recommended in the planning reports.

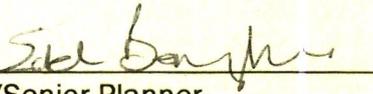
Signed: 

Date: 16/02/2026

ORDER:

I HEREBY DECLARE:

That "*the construction of 282sqm Dry Storage Shed*" at Parkmore, Ashford, 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: 16/2/2026.

Section 5 Application : EX 11/2026

Date : 13th February 2025

Applicant : Ivan Toole

Address : Parkmore, Ashford , Co. Wicklow

Exemption Whether or not :

Erection of an 282sqm Dry Storage Shed

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History - None

An Bord Pleanala Referrals

ABP-314397-22

An Bord Pleanala, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the placement of a 23.4 square metres shed for agricultural use at Springhill, Ballymonduff Road, Sandyford, Dublin is development and is not exempted development as -

- (a) having regard to the nature and design of the shed, and its prominent position making it clearly visible from the Ballymonduff Road;
- (b) the shed would interfere with views which the development plan has an objective to preserve, said views being from the Ballymonduff Road in a westerly direction as indicated graphically on development plan map number 9, and therefore
- (c) the restriction on exempted development pursuant to article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.

ABP -309911-21

An Bord Pleanala, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction of a farm storage shed at Ardmore, Sneem, County Kerry at Ardmore, Sneem, County Kerry is development and is not exempted development.

- (a) The works of construction of a farm storage shed come within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000, as amended.
- (b) The proposed agricultural storage shed would come within the scope of exemption provided at Class 9 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

(c) The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users and would therefore be restricted by the terms of Article 9(1)(a)(iii) of those Regulations.

County Development Plan

Landscape - Area of High Amenity : North East Mountain Lowlands

Designation

Natura 2000 site – Slaney River Valley SAC – Located 1.7km downstream.

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

“agriculture” – includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and “agricultural” shall be construed accordingly.

“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, except where the context otherwise requires, “development” means—

- (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).

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001(as amended).

Article 6

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users
 - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,
 - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
 - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2 : Part 3

CLASS 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Assessment :

General

The applicant has queried under Section 5 of the Planning and Development Act 2000 (as amended) whether the construction of 282sqm Dry Storage Shed at Parkmore, Ashford, Co. Wicklow is or is not exempted development.

The development is located in the rural area of Parkmore, off the L5093. The site is bounded by existing forestry, with the shed to be setback 80m from the roadside. There is an existing farm entrance along the public road which will facilitate access to the proposed structure. The drawings identify a floor area of 282sqm, overall height 8m, concrete walls and green galvanised side walls and roofing.

Having regard to the definition of "works" as set out under Section 2(1) of the Planning and Development Act 2000 (as amended) it is considered that the construction of a farm shed would come within the scope of "development" given the definition of development set out in Section 3 of the Planning and Development Act 2000(as amended).

The relevant exemption is set out under Class 9 : Part 3 ; Schedule 2 i.e.

"Works consisting of the provision of any store, barn, shed, glass house or other structure, not being of a type specified in Class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square meters" subject to:

The shed would come within the description.

This exemption is restricted by a number of limitations, and the proposal is assessed having regard to same i.e.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent;*

Located on farmlands

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor area in aggregate;*

Existing farm complex on opposite side of the road is just over 100m from the structure

3. *No such structure shall be situated within 10 metres of any public road;*

Structure over 10m from public road.

4. *No such structure within 100 metres of any public road shall exceed 8 metres in height;*

Structure is 8m in height

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof;*

The structures are within 100m of the applicants family home located on lands opposite the field

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Finish to be green galvanised sheeting therefore is compliant

Article 9 examination

- (a) if the carrying out of such development would—

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

Existing gate .

- (iii) endanger public safety by reason of traffic hazard or obstruction of road users

No

- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

No

- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The shed is not located within or adjoining any Natura 2000 site, and is not connected hydrogeologically to any Natura 2000 site, and it is considered that the construction of the shed structure would not give rise to any negative impacts on any Natura 2000 site and therefore the need for a Stage 2 Appropriate Assessment can be ruled out.

In light of the above assessment the Dry Storage Shed is development and is exempted development.

Recommendation:

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

The construction of 282sqm Dry Storage Shed at Parkmore, Ashford, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the construction of 282sqm Dry Storage Shed **is Development and is Exempted Development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration, and site visit.
- b) An Bord Pleanála Referrals ABP-314397-22 and ABP -309911-21
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended).
- d) Article 6, 9 Schedule 2, Part 3 , Class 9, of the Planning and Development Regulations 2001 (as amended).

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- ii. The works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The dry storage shed would come within the description and limitations set out under Class 9 :Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The restrictions on exempted development pursuant to Article 9(1) of the Planning and Development Regulations 2001(as amended), would not be applicable in this instance.

John Cunningham

13/2/2025



Comhairle Contae Chill Mhantáin
Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham **FROM: Nicola Fleming**
A/ Senior Planner **Staff Officer**

**RE:- EX11/2026 - 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 26/01/2026

The due date on this declaration is the 22/02/2026.



Staff Officer
Planning Development & Environment





COMHAIRLE CONTAE CHILL MhANTÁIN
Wicklow County Council

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Ivan Toole
Parkmore
Ashford
Co. Wicklow
A67 Xk10

3rd February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX11/2026

A Chara

I wish to acknowledge receipt on 26/01/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 22/02/2026

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

27/01/2026 09:42:45

Receipt No L11/0/357955

IVAN TOOLE
PARKMORE
ASHFORD
CO WICKLOW
A67XK10

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

Total . 80 00 EUR

Tendered
Cheque 80 00

Change 0 00

Issued By Ruth Graham
From Customer Service Hub
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Wicklow County Council
County Buildings
Wicklow
Co Wicklow
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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: IUAN TOOLE

Address of applicant: PARKMORE, ASHFORD, WICKLOW
A67XK10

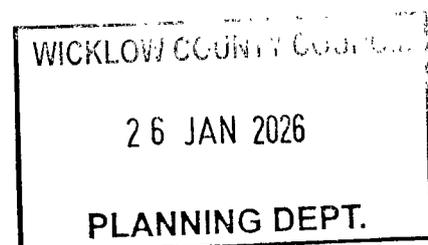
Note Phone number and email to be filled in on separate page.

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 PADUNMORE,
ASHFORD, 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 occupier _____

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, 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 REQUESTING AN
EXEMPT DEVELOPMENT FOR DRY
STORAGE SHED.

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 EXEMPT
DEVELOPMENT DRY STORAGE SHED

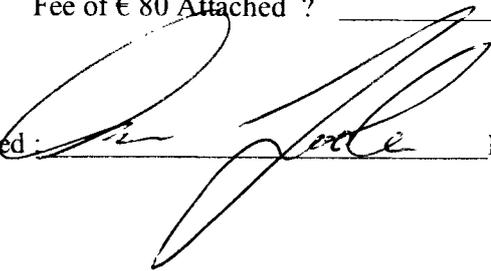
Additional details may be submitted by way of separate submission.

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 SHED PLANS, MAP, OWNERSHIP

viii. Fee of € 80 Attached ? _____

Signed :



Dated :

26/1/26

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.

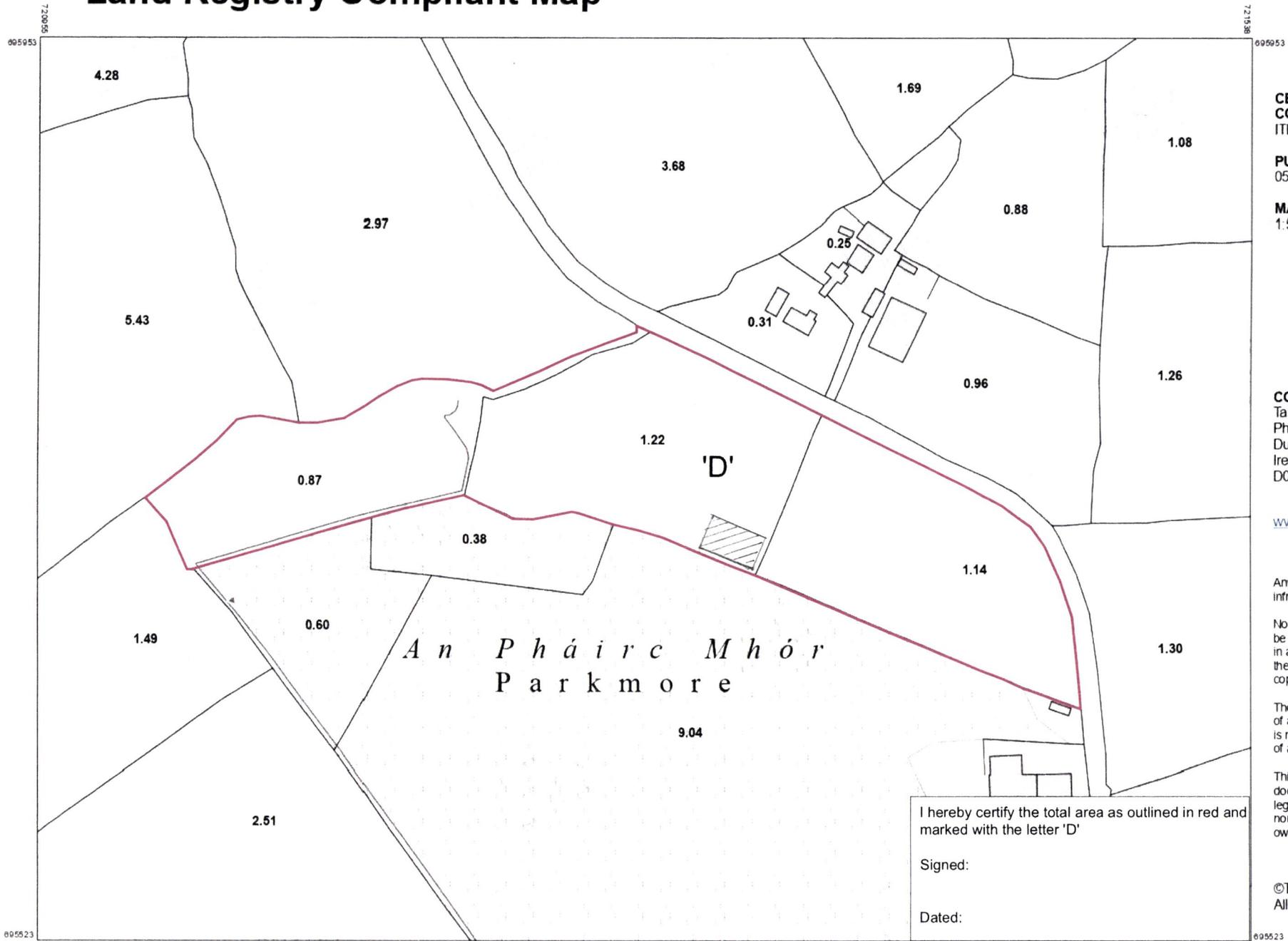
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

Land Registry Compliant Map



Tailte
Éireann



**CENTRE
COORDINATES:**
ITM 721247,695738

PUBLISHED: 05/04/2025
ORDER NO.: 50459102_2

MAP SERIES: 1:5,000
MAP SHEETS: 4018

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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legal property boundaries,
nor does it show
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I hereby certify the total area as outlined in red and
marked with the letter 'D'

Signed:

Dated:

CAPTURE RESOLUTION:

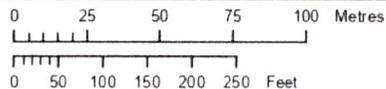
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at
www.tailte.ie; search 'Capture Resolution'

LEGEND:

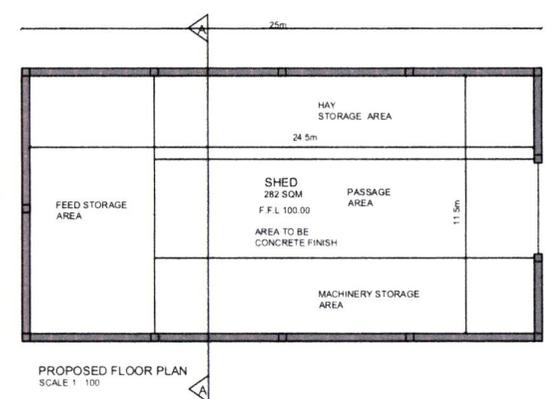
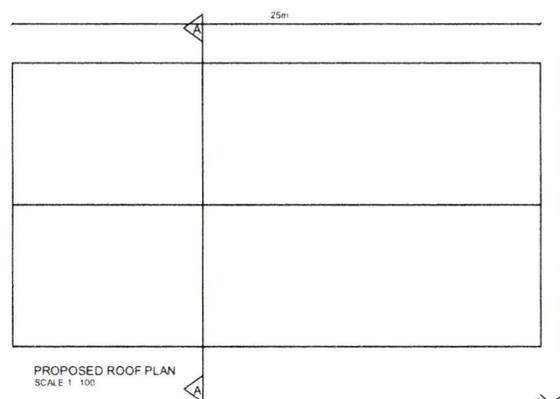
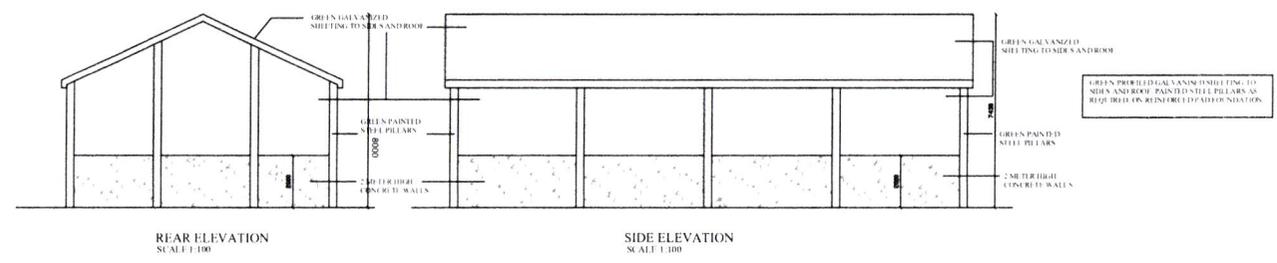
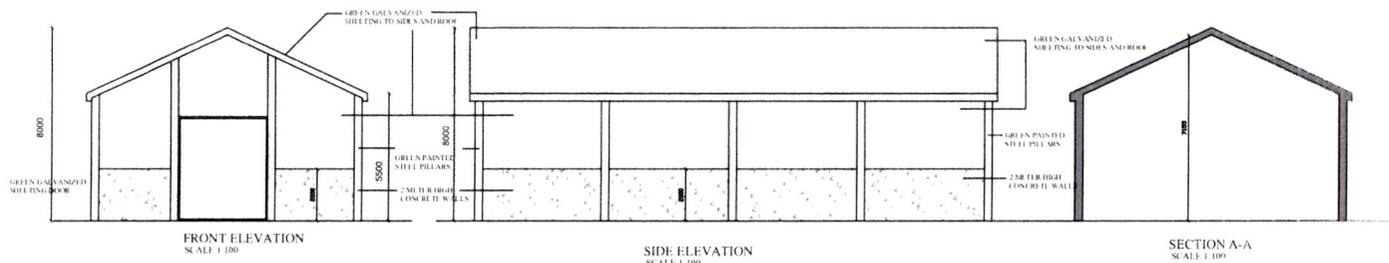
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



OUTPUT SCALE: 1:2,500









Benville Robinson LLP

SOLICITORS

24A Florence Road,
Bray, Co. Wicklow.
A98 F2A2
DX 16007 Bray.
V.A.T. No. 9755329E

Unit 1,
Mountkennedy Town Centre,
Newtownmountkennedy,
Co. Wicklow.
DX 205009 Greystones

Your Ref:

www.benvilleroobinson.ie

Our Ref: EB/VB/2024/3043

info@benvilleroobinson.ie

Date: 2nd December 2025

Telephone: 01 2761330

STRICTLY PRIVATE & CONFIDENTIAL.

Mr Ivan Toole,
Parkmore
Moneystown
Co. Wicklow

Re: Lands at Parkmore, Roundwood, Co. Wicklow.

To whom it may concern,

We confirm that we acted for our above named client in the purchase of the above mentioned property more particularly referred to in the Deed of Transfer dated the 23rd day of October 2025 and referred to in the maps or plans annexed hereto.

We confirm that we have lodged our clients application in Tailte Eireann for registration and confirm that our client is beneficially entitled to be registered as owner of the property.

We trust that this clarifies the position.

Yours Sincerely,

Eilish Bradshaw.

Benville Robinson LLP.



LAW SOCIETY
OF IRELAND
PRACTISING
SOLICITORS

Brian Robinson - State Solicitor

Eilish Bradshaw - Managing Partner

Clare-Ann Temple - Partner

Ciara O'Sullivan - Partner

Solicitors: Peter McQuillan Hannah Stockwell-Quinn Seonadh Twomey

Legal Executives: Jean McCoy Kaley Jameson Gillian Kelly Valene Byrne

Office Manager Alison Heffernan