



# Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings  
Cill Mhantain / Wicklow  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Deborah Sudding  
Director of The Ultrasound Suite Ltd  
1 Clonoola Grove  
Hillside Estate  
Greystones  
Co. Wicklow  
A63 XV29

*gth*  
Of December 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX 130/2025**

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,

*Viola Hemy*  
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: Deborah Sudding

Location: Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow

Reference Number: EX 130/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1335

A question has arisen as to whether *"the change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations"* at Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow is or is not exempted development.

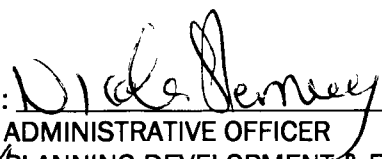
#### Having regard to:

- 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) Article 10 (1) and Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- d) Planning Permission Register Reference BTC 07/111

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

- A. The change of use from the authorized use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations would come within the definition of "development" as set out in 3(1) of the Planning & Development Act 2000 (as amended), as the change of use would be material having differing character from use as an office and differing planning impacts.
- B. Article 10(1) of the Planning and Development Regulations provides that Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, as the proposal involves a change of use from Class 3 office to Class 8 medical facility, such a change between classes is not permissible under Article 10, it is therefore not exempted development.

The Planning Authority considers that "the change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations" at Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow is development and IS NOT exempted development.

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 03/12/25



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1335

Reference Number: EX 130/2025

Name of Applicant: Deborah Sudding

Nature of Application: Section 5 Referral as to whether *"the change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations"* is or is not development and is or is not exempted development.

Location of Subject Site: Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, 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 change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations"* at Suite One (Unit 1), Oriflame Building, IDA Business Park, 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 the Section 5 Declaration application
- b) Sections 2(1), 3 and 4(1) of the Planning & Development Act 2000 (as amended)
- c) Article 10 (1) and Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- d) Planning Permission Register Reference BTC 07/111

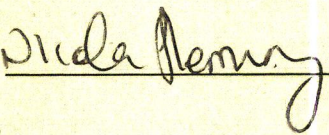
**Main Reasons with respect to Section 5 Declaration:**

- A) The change of use from the authorized use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations would come within the definition of "development" as set out in 3(1) of the Planning & Development Act 2000 (as amended), as the change of use would be material having differing character from use as an office and differing planning impacts.
- B) Article 10(1) of the Planning and Development Regulations provides that Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, as the proposal involves a change of use from Class 3 office to Class 8 medical facility, such a change between classes is not permissible under Article 10, it is therefore not exempted development.



### Recommendation

The Planning Authority considers that *"the change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations"* at Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

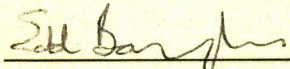
Signed: 

Dated: 08/12/25

### ORDER:

#### I HEREBY DECLARE:

That *"the change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations"* at Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Dated: 8/12/2025





**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

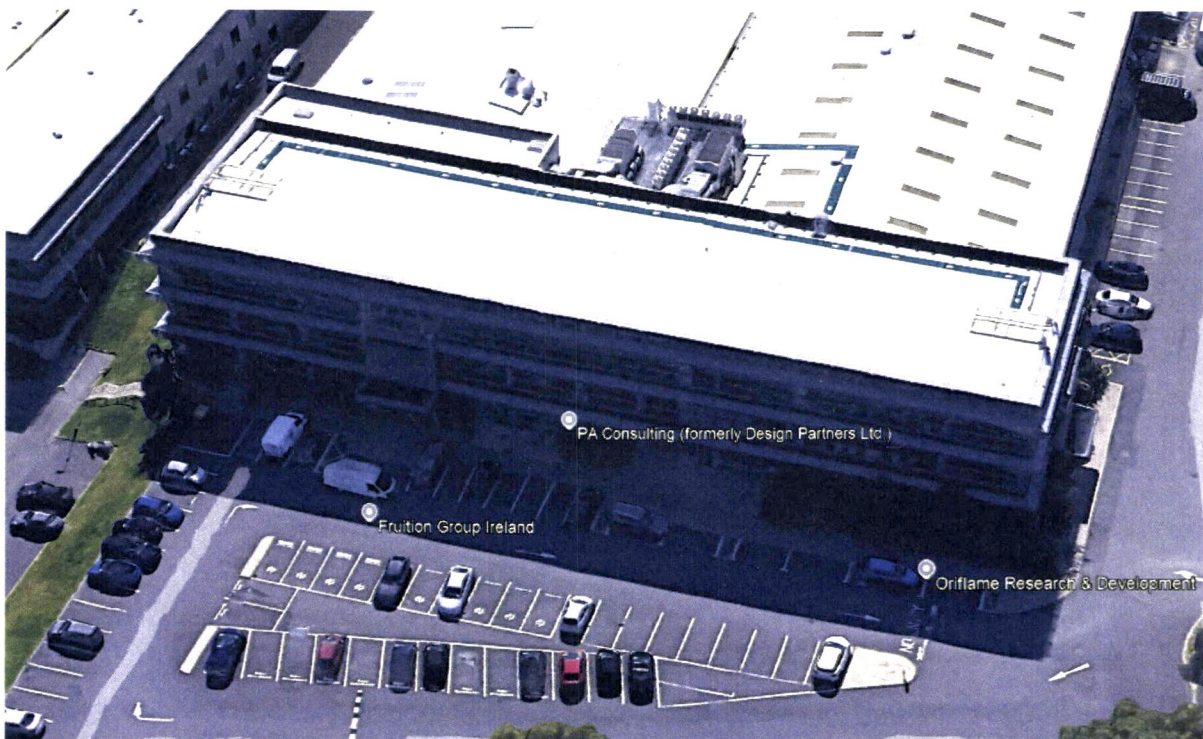
**Section 5 – Application for declaration of Exemption Certificate**

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**Ref:** EX130/2025  
**Name:** Deborah Sudding  
**Development:** Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).  
**RE:** Change of use  
**Location:** Suite one (unit 1) Oriflame Building, IDA Business Park, Bray, Co. Wicklow.

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**The Site:** The subject site is located at the Oriflame Building within the IDA Business park off the Southern Cross road in Bray Co. Wicklow



**Question:** *Whether or not:*  
The change of use of part of a building from use as a clinical environment for controlled human testing of cosmetic skincare products to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

## **Planning History:**

### Subject site:

65/94: Permission granted to Oriflame Manufacturing Ltd to construct a warehouse and assembly facility with ancillary office, toilet and lab accommodation.

02/630034: permission granted to Oriflame for technical change of use to retain existing office and lab as separate planning unit.

07/630111: Permission granted to Oriflame /Ronan O’Caoimh for removal of existing two storey office block and construction of a new 4025sqm three storey office building and a new two storey 188+sqm office building.

13/630092: Permission granted for mezzanine level to provide additional floor space (133 sq m) to existing warehouse, two new additional rooflights to existing warehouse roof, external raised timber deck area, planters and enclosed bin storage (7m x 9.9m) to side of existing warehouse

13/630112 Permission granted for mezzanine level to provide additional floor space (157 sq.m) to existing warehouse, additional rooflights to existing warehouse roof, external raised timber deck area, planters and enclosed bin storage (7m x 9.9m) to side of existing warehouse building

## **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 situated on land, or

**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 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 8**

*Use—*

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),*
- (b) as a crèche,*
- (c) as a day nursery,*
- (d) as a day centre.*

**CLASS 9**

*Use—*

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),*
- (b) a museum,*
- (c) a public library or public reading room,*
- (d) a public hall,*
- (e) an exhibition hall,*
- (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.*

**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**

Bray Level 1 Metropolitan Key Town

**Zoning Objective:**

E1 Employment: To provide for the development of enterprise and employment

To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.

**Details of Query: Proposal**

In accordance with the details submitted with Section 5 application:

Does the change of use of part of a building from use as a clinical environment for controlled human testing of cosmetic skincare products to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations constitute exempted development?

**Assessment**

The application seeks a declaration as to whether;

The change of use of part of a building from use as a clinical environment for controlled human testing of cosmetic skincare products to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations constitutes exempted development:

While it is noted that the building was previously partially operated as clinical environment for controlled human testing of cosmetic skincare products, the building is permitted for use as an office, which is Class 3.

Class 8 is for use as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose).

The applicant is proposing to use the unit as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations and therefore falls under Class 8. Therefore, the use class will be changing from a Class 3 (office) to a Class 8 (medical centre).

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 change of use of the structure which is authorised for use as offices to use as a medical facility would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity and therefore would be materially different in character to use as an office, and is a material change of use and therefore development have regard to Section 3.

The change of use of a structure constitutes development under Section 3(1) of the Planning & Development Act. 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, 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 an office is Class 3 and the proposed use as medical facility is Class 8. The proposed change of use is development and is not exempt development having regard to the different Class of Use from permitted, and that the proposed use would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity

**Recommendation:**

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

The change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

The change of use of part of a building from permitted use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations

**is development and is not 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) Article 10 (1) and Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- d) Planning Permission Register Reference BTC 07/630111

Main Reasons with respect to Section 5 Declaration:

- A) The change of use from the authorised use as an office to use as a clinical medical facility providing healthcare services such as ultrasound scanning and medical consultations would come within the definition of “development” as set out in Sections 2(1) and 3(1) of the Planning & Development Act 2000 (as amended), as the change of use would be material having differing character from use as an office and differing planning impacts.
- B) Article 10(1) of the Planning and Development Regulations provides that Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, as the proposal involves a change of use from Class 3 office to Class 8 medical facility, such a change between classes is not permissible under Article 10, and ~~The use class will be changing from Class 3 to use as under Class 8, as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended)~~ and it is therefore not exempted development



**Lyndsey Blackmore**

**Executive Planner**

**04/12/25**



Agreed as modified 4/12/2025



# Comhairle Contae Chill Mhantáin Wicklow County Council

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Planning, Economic and Rural Development**

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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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<b>TO:</b>	<b>Lyndsey Blackmore</b>	<b>FROM:</b>	<b>Nicola Fleming</b>
	<b>Executive Planner</b>		<b>Staff Officer</b>

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**RE:- EX130/2025 - 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 21/11/2025.

The due date on this declaration is the 18/12/2025.

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**Staff Officer**  
**Planning Development & Environment**







# Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
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Deborah Sudding  
Director of The Ultrasound Suite Ltd  
1 Clonoola Grove  
Hillside Estate  
Greystones  
Co. Wicklow  
A63 XV29

**25<sup>th</sup> November 2025**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX130/2025 for Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 21/11/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 18/12/2025.

Mise, le meas

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



Wicklow County Council  
County Buildings  
Wicklow  
04 20100

11/11/2025 09:39:38

Receipt No L1/0/354510

DEBORAH SUDDING  
THE ULTRASOUND SUITE LTD  
1 CLOOLA GROVE  
HILLSIDE ESTATE  
GREYSTONES

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Cash	80.00

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

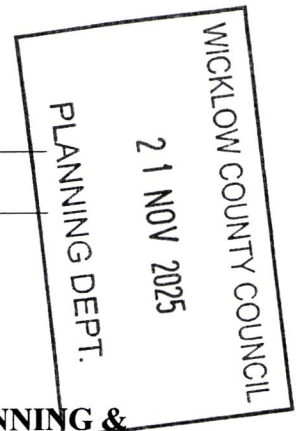


**Wicklow County Council**  
**County Buildings**  
**Wicklow**  
**Co Wicklow**  
**Telephone 0404 20148**  
**Fax 0404 69462**

**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: *Deborah Sadding, Director of The Ultrasound Suite Ltd*

Address of applicant:

*1 Clonoola Grove  
Hillside Estate  
Greystones  
County Wicklow  
A63XV29*

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

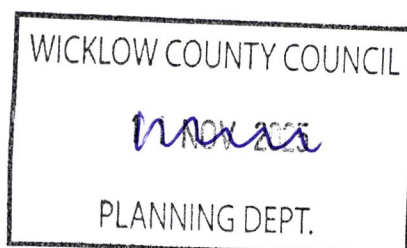


**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) *N/A*

Address of Agent : *N/A*

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





### **3. Declaration Details**

i. Location of Development subject of Declaration

Suite One (Unit 1), Oriflame Building, IDA Business Park, Bray, Co. Wicklow.

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

Mr. Ronan O' Caoimh  
Trinity Biotech  
Building ONE  
IDA Business Park  
Southern Cross Road  
Bray  
County Wicklow

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

The applicant seeks a formal declaration from the Planning Authority under Section 5 of the Planning and Development Act 2000 to determine whether the proposed change of use of Unit One constitutes "development" and, if so, whether it is "exempted development" within the meaning of the Act.

No major alterations will be made to the premises, only cosmetic alterations such as painting, the addition of 3 signs and the removal of an internal door.

*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**

**Previous Use:**

The previous use of Unit One was as a clinical environment for controlled human volunteer dermatological testing of Oriflame's cosmetic skin care products. Activities were conducted under the supervision of qualified clinical skin experts. This involved a regular footfall of volunteer participants attending the premises for the application and assessment of cosmetic products. Participants returned for scheduled follow-up assessments to evaluate safety, skin irritation, and product efficacy. The premises therefore functioned as a controlled clinical testing facility with routine client attendance and clinical oversight.

**Proposed Future Use:**

It is proposed that Unit One be used as a clinical medical facility providing a range of healthcare services, including:

- Ultrasound scanning
- Medical consultations
- Allied healthcare services such as physiotherapy and eye screening

The proposed use maintains the clinical character of the premises and involves a comparable level of public attendance and activity to its previous operation. The transition represents a continuation of clinical use, with no significant increase in footfall or change in the overall nature or intensity of occupation.

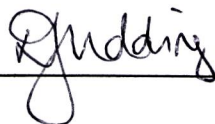
*Additional details may be submitted by way of separate submission.*

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**

Please see official leasehold map of the ground floor - Suite One (bordered in red) being the leasehold area for this submission.

viii. Fee of € 80 Attached ? **Yes - cash**

Signed :  Dated : 19/11/2025

### **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.



## SITE LOCATION MAP

Suite 1, Oriflame Building, IDA Business Park, Bray, Co. Wicklow, A98 Y6W0

