



# Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eachnamaíochta agus Tuaithe  
Planning, Economic and Rural Development

Áras An Chontae / County Buildings  
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RE: Referral Ref. **08 MAY 2024** ABP 319561-24 (EX17/2024)

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: 9.00am By: Reg Post

07<sup>th</sup> May 2024

Dear Ms. Flynn,

I refer to your letter of the 23/04/24 in relation to the above mentioned Referral. The Planning Authority considers that its reasons and considerations in relation to the submitted S5 Declaration Request are fully set out in its planning report and Declaration previously forwarded to the Board. However, the Planning Authority would like, in the interests of clarification, to comment on the submitted Referral as follows.

In the PA's Declaration 5 reasons are given for why the PA considers the proposed development is not exempted development. These can be grouped into 3 main matters, i.e. 1) the scale of the works, 2) the type of the works and 3) the location of the works.

In relation to the scale of the works, the PA would note that not all proposed development comes within the scope of an exemption Class, just because it is the same type of development that is in effect described for the class. Consideration has to be given to what is envisaged by the exemption Class. In this regard, the PA would refer the Board to one of many S5 Declarations the Board have issued, where it considered that a proposed development did not come within the scope of what was envisaged by an exemption class, i.e. An Bord Pleanála Reference Number: 06D.RL.2076. In this referral the Board concluded that the laying out and use of the said field as a hard surface area for sports and recreational use does not come within the scope of laying out and use of land as set out in Class 33 (c) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001: having regard to (a) the extent of works, (b) the raising and lowering of ground levels, and (c) the importation of large quantities of fill material. This referral in effect states that the scale of development has to be considered when considering an exemption class.

In relation to the type of the works, which links back to the scale of the works as well, the Planning Authority considers that in prescribing Class 58 as an exemption, the Legislator, had regard to the fact that Uisce Eireann as a Statutory Undertaker, would require a specific exemption to cover its likely works, which could be of a scale much bigger scale and type (e.g. new trunk sewers, etc, as opposed to a mere connection) than envisaged for the connection of a premises to an existing sewer. This supports the PA's consideration that the Class 48 exemption does not apply to sewer connection works of a significant scale but to a relatively simple small connection to an existing sewer that is on a public road in close proximity to the premises to be connected.

In relation to the location of the works, the PA considers that the Class 48 exemption would mainly apply to serviced areas, which would infrequently apply to rural areas and would mainly apply to urban/built up areas. This is not saying that in the unusual occasion a sewer passes the entrance of a premise located in a rural area that Class 48 wouldn't apply.

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.  
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eachnamaíochta agus Tuaithe.  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.







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The PA would also highlight that any agreements with Uisce Éireann via Connection Agreements does not result in proposed development being development proposed by Uisce Éireann.

The Planning Authority would request that the Board has regard to the above.

Yours Sincerely

Fergal Keogh  
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Planning & Development  
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