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WICKLOW COUNTY COUNCIL

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

Applicant: Judy Osborne on behalf of Friends of The Murrough
Location: Conway Port Industrial Estate, The Murrough, Wicklow.

DIRECTOR OF SERVICES ORDER NUMBER : 9851/09

A question has arisen as to whether or not the provision of a metal recycling Facility at Conway Port Industrial Estate, The Murrough, Wicklow and the construction of a 1.8m high wall constitutes exempt development.

The Planning Authority considers that:

- A. The usage of lands for metal recycling is development but is exempted development.
- B. The construction of a 1.8m high wall is development and is not exempted development.

Main considerations with respect to Section 5 Declaration

- i. The details submitted on the 23rd October, 2009
- ii. The details submitted under Exemption Certificate EX 43/09
- iii. Section 3 of the Planning and Development Act 2000
- iv. Articles 5(2), 6(1), 9 and 10 of the Planning and Development Regulations 2001
- v. Schedule 2, Part 4 of the Planning and Development Regulations 2001
- vi. Schedule 2, Part 1, Class 11, 21, and 22 of the Planning and Development Regulations 2001

Main Reasons with respect to Section 5 Declaration:

- A. The proposed usage of lands for metal recycling is development but is exempted development, as having regard to the provisions of Section 3 of the Planning and Development Act 2000, and Article 5 and Schedule 2, Part 1, Class 21 & Class 22 of the Planning and Development Regulations 2001, the usage is not considered to be a material change of use, and such a use would come within the definition of industrial building/ industrial process set out in the 2001 Regulations, and would therefore be exempted having regard to such definitions and the provisions of Class 21 and Class 22 of Schedule 2, Part 1 of the Planning and Development Regulations 2001.
- B. The construction of a 1.8m high concrete wall is development but is not exempted development, as having regard to the conditions and limitations of Schedule 2, Part 1, Class 11 of the Planning and Development Regulations 2001, the wall would exceed the 1.2m limitation placed on such structures.

C. Canterbury
**PP SENIOR EXECUTIVE OFFICER
PLANNING & ECONOMIC DEV.**

Dated 20 November, 2009.