



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
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco
Suíomh / Website www.wicklow.ie

6th November 2024

SK Design
Rednagh Road
Aughrim
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX89/2024 – Neil & Melanie Wryne

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 Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



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

Applicant: Neil & Melanie Wrynn

Location: Mount John, Newcastle, Co. Wicklow

Reference Number: EX89/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1326

Section 5 Declaration as to whether “the erection of a fenced area for training & exercising of horses and ponies” at Mount John, Newcastle, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:


- i. The details submitted on 11/10/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 10 of the Planning and Development Regulations 2001 (as amended).


Main Reasons with respect to Section 5 Declaration:

- 1) The proposal is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2) The proposal would come within the description and limitations as set out under Schedule 2, Part 3, Class 10, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that “the erection of a fenced area for training & exercising of horses and ponies” at Mount John, Newcastle, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  November 2024

WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1326

Reference Number: EX89/2024

Name of Applicant: Neil & Melanie Wrynne

Nature of Application: Section 5 Declaration request as to whether or not: -
"the erection of a fenced area for training & exercising of horses and ponies" is or is not development and is or is not exempted development.

Location of Subject Site: Mount John, Newcastle, Co. Wicklow

Report from Keara Kennedy, EP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the erection of a fenced area for training & exercising of horses and ponies" at Mount John, Newcastle, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

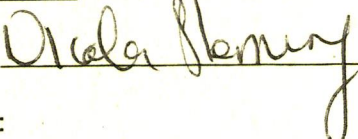
- i. The details submitted on 11/10/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 10 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- 1) The proposal is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2) The proposal would come within the description and limitations as set out under Schedule 2, Part 3, Class 10, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation:

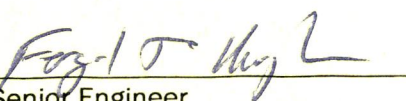
The Planning Authority considers that "the erection of a fenced area for training & exercising of horses and ponies" at Mount John, Newcastle, Co. Wicklow is development and is exempted development as recommended in the report by the EP.

Signed 

Dated 6th day of November 2024

ORDER:

I HEREBY DECLARE THAT "the erection of a fenced area for training & exercising of horses and ponies" at Mount John, Newcastle, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer
Planning, Economic & Rural Development

Dated 6th day of November 2024

Section 5 Application: EX 89/2024

Date: 4th November 2024
Applicant: Neil & Melanie Wrynn
Address: Mountjohn, Newcastle, Co. Wicklow.

Whether or not:

The erection of a fenced area for Training & Exercising of Horses & Ponies at Mount John, Newcastle, Co. Wicklow is or is not development and is or is not exempted development.

Planning History:

EX 05/2024 – Erection of fenced area for training & exercising of horses and ponies was deemed to be exempted development.

PRR23/65- Permission GRANTED for the installation of a new effluent treatment system to comply with current EPA requirements at Mount John, Newcastle, Co. Wicklow

PRR21/953- Permission GRANTED for the Construction of a Cover Horse arena and storage shed along with associated site works at Mount John, Newcastle, Co. Wicklow

PRR18/1205- Retention Permission GRANTED for retention of lunge ring enclosure at Mount John, Newcastle, Co. Wicklow

PRR16/832- Permission GRANTED for the construction of a new private equestrian facility to include main barn, 16 no. stables, tack room, rug rum, office, reception, toilets, changing room, storage barn, muck heap, vehicle parking, hard standing area, outdoor arena, new vehicular access, dormer dwelling house, garage, wwts and associated works at Mount John, Newcastle, Co. Wicklow

Wicklow County Development Plan 2022-2028

The site is located in the open countryside.

Relevant Legislation:

Planning and Development Act, 2000 (as amended):

Section 2 (1) defines works as 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 on land";

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

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):

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 as follows:

If the carrying out of such development would—

- (i) Contravene a condition attached to permission under Act or be inconsistent with any use specified in permission under the Act,
 - (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,
- And so on...etc.

Schedule 2, Part 3 outlines classes of exempt development in the rural area as well as associated conditions and limitations. The following is of relevance.

Schedule 2, Part 3 Class 10

The erection of an unroofed fencing area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

The conditions are:

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies
2. No such area shall be used for the staging of public events
3. No such structure shall be situated within 10 metres of any public road and no entrance to such area shall be directly off any public road
4. The height of any such structure shall not exceed 2 metres.

Details of Current Proposal:

The applicant has submitted the application form, cover letter outlining the proposal and site plan and elevations showing the location and design of the fence.

Assessment

The first assessment must be whether or not the proposal outlined above constitutes 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.

I am satisfied that the proposal would involve works and therefore the proposal does constitute 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.

Class 10, Pt.3, Schedule 2, of the Planning and Development Regulations 2001 (as amended) ***provides for the erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.***

The proposed works are considered to fall under Schedule 2, Part 3 Class 10. The following checklist will determine if the development complies with associated conditions and limitations.

1. <i>No such structure shall be used for any purpose other than the exercising or training of horses or ponies.</i>	Yes - It is stated that the development will be used to train horse / ponies.
2. <i>No such area shall be used for the staging of public events</i>	Yes – it is stated the arena is for private use only.
3. <i>No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.</i>	Yes – Not situated within 10 metres of any public road, nor is any entrance to such area directly off any public road.
4. <i>The height of any such structure shall not exceed 2 metres.</i>	Yes - It is stated that the height of the structure will be 1.4m.

Having regard to the information submitted, it is considered that the proposed unroofed fenced area for training and exercising of horses and ponies would come within the description and limitations set out under Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001 (as amended).

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether the erection of a fenced area for Training & Exercising of Horses & Ponies at Mount John, Newcastle, Co. Wicklow is or is not development and is or is not exempted development.

The Planning Authority consider the erection of a fenced area for Training & Exercising of Horses & Ponies at Mount John, Newcastle, Co. Wicklow is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 11/10/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 10 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The proposal is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposal would come within the description and limitations as set out under Schedule 2, Part 3, Class 10, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Keara Kennedy

Keara Kennedy
Executive Planner
04/11/2024

Issue decked as recommended
Kyl T. King
04/11/24



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Keara Kennedy
Executive Planner

FROM: Nicola Fleming
Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX89/2024

I enclose herewith application for Section 5 Declaration received 11th October 2024.

The due date on this declaration is 7th November 2024.

Staff Officer
Planning Development & Environment





COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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Planning, Economic and Rural Development**

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Suíomh / Website www.wicklow.ie

15th October 2024

**SK Design
Rednagh Road
Aughrim
Co. Wicklow**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX89/2024 – Neil & Melanie Wryne

A Chara

I wish to acknowledge receipt on 11/10/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 07/11/2025.

Mise, le meas

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



SK Design

*Rednagh Road,
Aughrim,
Co. Wicklow.*

Tel: 0402 94680

Email: skdesignaughrim@gmail.com

Senior Executive Officer
Planning Section
Wicklow County Council
County Buildings
Wicklow.

26th of September 2024

Re: Erection of fenced area for training and exercising of horses and ponies at Mount John, Newcastle, Co. Wicklow.

Dear Planner,

As you are probably aware our clients had a previous application on this site EX 05/2024 subsequent to this, they applied for a TAMS grant to construct the development and one of the requirements of the grant application is that the fencing height required is 1.4m and not 1.2m high as indicated on our previous application hence the reason for this fresh application.

The details of this application are generally the same as the previous application as follows:

- a) This arena is intended for private use only and no staging of public events will take place within the proposed arena.
- b) The final finished level of the training area is 96.097m as indicated on section A/A Drawing ref: 1268/01/P1.
- c) No materials are intended to be brought in to facilitate the levelling of the lands to facilitate the training area as there are sufficient materials on site to carry out the works.

If you require any further assistance, please do not hesitate to contact my office or call me personally on 087 9129930 to discuss.

Yours Sincerely

Pádraig Clancy

Wicklow County Council
County Buildings
Wicklow
0404 20100

11/10/2024 16 17 37

Receipt No L1/0/335777

MOUNT JOHN LTD
MOUNT JOHN
NEWCASTLE
CO WICKLOW

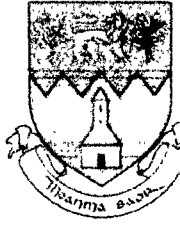
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By Annmarie Ryan
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: Neil & Melanie Wryne

Address of applicant: Mount John, Newcastle, Co. Wicklow.

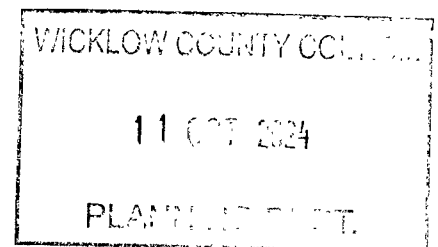
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) SK Design

Address of Agent : Rednagh Road, Aughrim, Co. Wicklow

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



3. Declaration Details

i. Location of Development subject of Declaration Mount John, Newcastle, Co.Wicklow.

ii. Are you the owner and/or occupier of these lands at the location under 1. above ?
Yes/ ~~No~~.

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

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 Fenced area for Training & Exercising of Horses & Ponies

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 Agricultural Structures Class 10 The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

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 _____
Site Layout Plan, Site Section & Location Map

viii. Fee of € 80 Attached ? Yes

Signed : P Clancy Dated : 10/10/2024

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

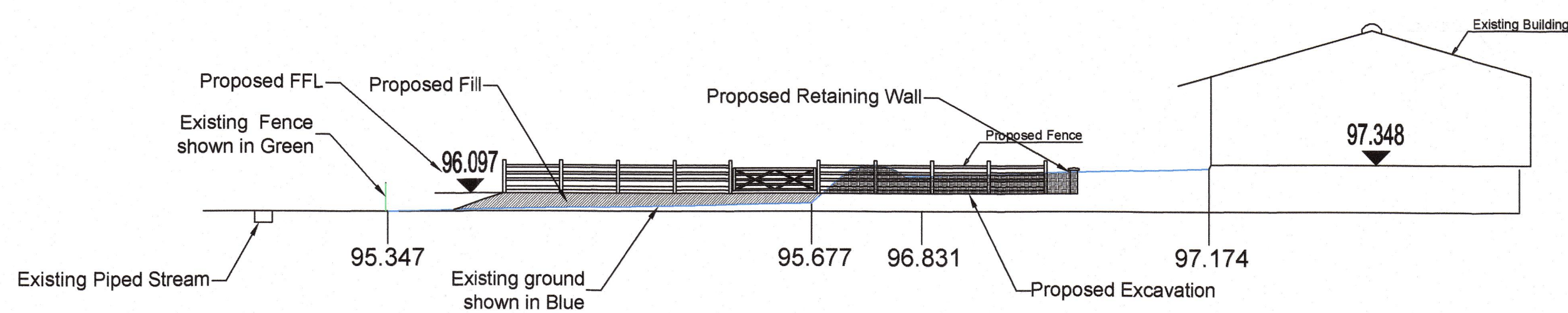
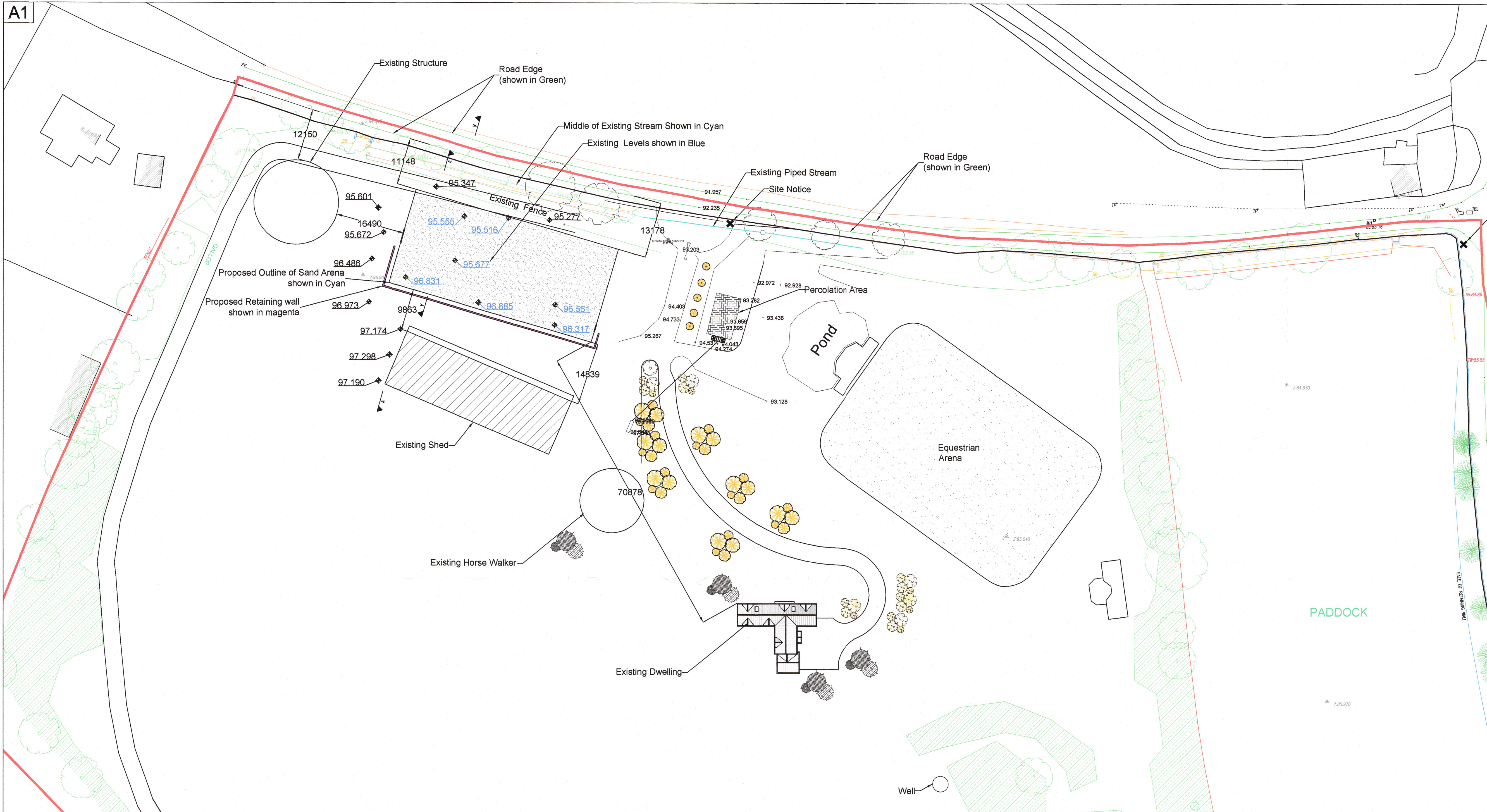
exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice 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.

A1



Section A-A
Scale 1:200

Rev.	Date	By	Description
P2	09/24	PC	ISSUED FOR UPDATE
P1	01/24	PC	ISSUED FOR PLANNING

Drawing Status
PLANNING



21.850 Acre
8.842 Ha

Job Title
**Neil & Melanie Wrynn,
Mount John,
Newcastle,
Co. Wicklow.**

Drawing Title
**Site layout Plan &
Section A-A**

SK DESIGN
Rednagh Road,
Aughtrim, Co. Wicklow
Tel: 0402 94880

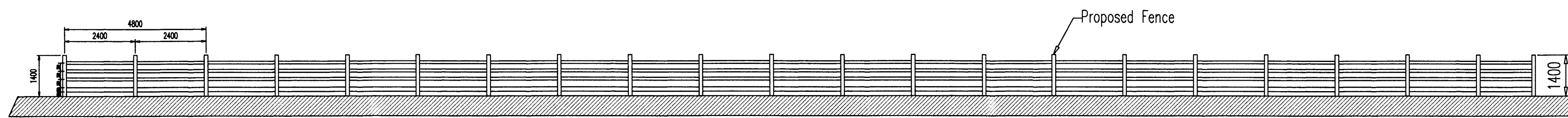
Scales 1:500, 1:200
Checked Approved Date 01/23
Originator PC

Job No.	Drawing No.	Rev.
1268	01	P2

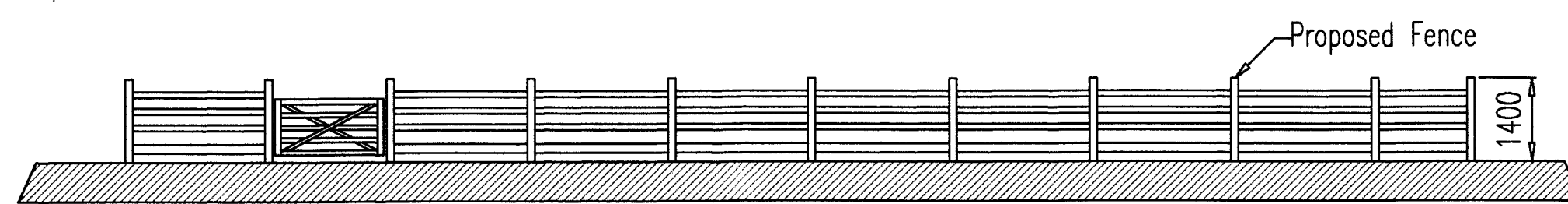


Ground Floor Plan
Scale 1:100

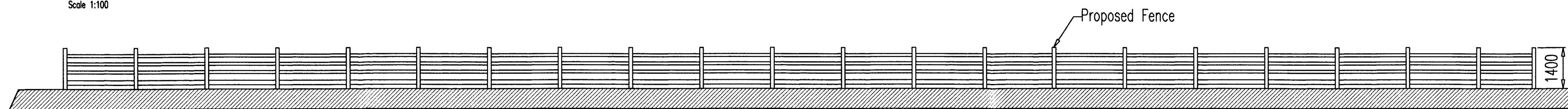
GROSS FLOOR AREA = 1150 sqm (12378 sqft)



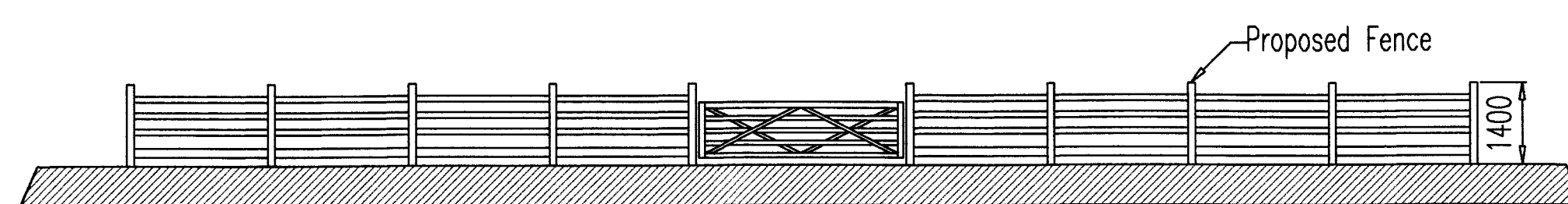
Front Elevation
Scale 1:100



Side Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100

P2	09/24	PC	ISSUED FOR UPDATE
P1	01/24	PC	ISSUED FOR PLANNING
Rev.	Date	By	Description

Drawing Status
PLANNING

Job Title
Neil & Melanie Wryne,
Mount John,
Newcastle,
Co. Wicklow.

Drawing Title
Ground Floor Plan & Elevations

SK DESIGN
Rednagh Road,
Aughrim, Co. Wicklow
Tel: (0402) 94680
Scales: 1:100
Checked: _____ Approved: _____ Date: 08/23
Originator: PC

Job No.	Drawing No.	Rev.
1268	02	P2