

Comhairle Contae Chill Mhantáin Uicklow 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@wicklowcoco Suíomh / Website: www.wicklow.ie

SK Design Rednagh Road Aughrim Co. Wicklow

)¹ March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX05/2024 – Neil & Melanie Wrynne

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 Pleanala 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







Comhairle Contae Chill Mhantáin Ulicklow County Council

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

Applicant: Neil & Melanie Wrynne

Location: Mount John, Newcastle, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/385/2024

A question has arisen as to whether "erection of fenced area for training & exercising of horses and ponies" at Mount John, Newcastle, Co. Wicklow is or is not exempted development.

Having regard to:

- i. The details submitted on 31/01/2024 and 08/03/2024;
- 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.

The Planning Authority considers that "erection of fenced area for training & exercising of horses and ponies" at Mount John, Newcastle, Co. Wicklow <u>is development and is exempted development.</u>

Signed

DMINISTRATIVE OFF

PLANNING , ECONOMIC & RURAL DEVELOPMEN

Dated March 2024





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended) SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/385/2024

Reference Number:

EX05/2024

Name of Applicant:

Neil & Melanie Wrynne

Nature of Application:

Section 5 Referral as to whether or not "erection of fenced area for training & exercising of horses and ponies" is or is not

exempted development.

Location of Subject Site:

Mount John, Newcastle, Co. Wicklow

Report from Dara Keane, AP & Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "erection of 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 Acts 2000 (as amended).

Having regard to:

i. The details submitted on 31/01/2024 and 08/03/2024;

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:

- 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.

Recommendation:

The Planning Authority considers that "erection of 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 SEP.

Signed

Dated S day of March 2024

ORDER:

I HEREBY DECLARE:

That "erection of 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 2 day of March 2024



To:

Fergal Keogh S.E / Edel Bermingham S.E.P. / Suzanne White S.E.P.

From:

Dara Keane A.P. Section 5 Application

Type: REF:

EX 5/2024

Applicant:

Neil & Melanie Wrynne

Address:

Mount John, Newcastle, Co. Wicklow

Date of FI received: 08/03/2024 Decision Due Date: 28/03/2024

Exemption Query: Erection of fenced area for training & exercising of horses & ponies.

Assessment:

The issued further information sought clarification with regard to the following:

- In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed erection of a fenced area for training and exercising of horses & ponies inclusive of:
- a) Whether or not the proposed area will be used for the staging of public events or private use only.
- b) Detail the final finished level of the training area.
- c) Detail if materials are to be the brought in from the outside to facilitate the levelling of the lands to facilitate the training area.

In response to above concerns, the applicant has made a submission stating the following:

- The proposed fenced area for training and exercising of horses & ponies is intended for private use only and no staging of public events will take place within the proposed area.
- The final finished level of the training area is 96.097m as indicated on section A/A Drawing ref: 1268/01/P1. The existing ground levels have been outlined in attached drawings and with the proposed finished level of the training area at 96.097m, ground works do not exceed 1m in depth/height, with a maximum alteration in ground level of 588mm.
- 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.

Considering the information submitted, it is considered that the proposed unroofed fenced area for training and exercising of horses & ponies 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). The development would also not fall within the remit of limitations of exempt development as set out under Article 9 (1). Hence, it is considered that the submitted response has sufficiently addressed the concerns of the PA.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for the 'Erection of fenced are for training & exercising of horses & ponies at Mount John, Newcastle, Co. Wicklow' is or is not exempted development.

The Planning Authority considers that:

The proposal of the 'Erection of fenced are 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 31/01/2024 and 08/03/2024:
- 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.

Issue declaration of the second declaration of the second second

Dara Keane A.P. 25/03/2024

Agad Illot 850 25/2/2014

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Dara Keane Assistant Planner FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX05/2024

I enclose herewith application for Section 5 Declaration received $31^{\rm st}$ January 2024 and Further Information received on $8^{\rm th}$ March 2024.

The due date on this declaration is 28th March 2024.

Staff Officer

Planning Development & Environment

RECEIVED OB MAR 2024

SK Design

Rednagh Road,
Aughrim,
Co. Wicklow.

Tel: 0102 91680

Finail: skdcsignaughrim@gmail.com

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

06th of March 2024

EX 05/2024

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

Dear Planner,

I would like to address each point in turn:

- 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



Comhairle Contae Chill Mhantáin Uicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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26/02/2024

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

RE:

EX 05/2024

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

A Chara

In respect of you query under Section 5 of the Planning and Development Act 2000(as amended), received on 31/01/2024 in order to fully assess if the proposed development comes within the scope of Schedule 2, Part 3, Class 10, the following information is required:

- (a) Whether or not the proposed area will be used for the staging of public events or for private use only
- (b) Detail the final finished level of the training area.
- (c) Detail if materials are to be brought in from the outside to facilitate the levelling of the lands to facilitate the training area.

Mise, le meas

ESTHER BRESLIN,

SENIOR STAFF OFFICER,

PLANNING DEVELOPMENT AND ENVIRONMENT.





To:

Fergal Keogh S.E. / Edel Bermingham S.E.P./ Suzanne White S.E.P.

From:

Dara Keane A.P. Section 5 Application

Type: REF:

EX 05/2024

Applicant:

Neil & Melanie Wrynne

Date of Application: 31/01/2024 Decision Due Date: 27/02/2024

Address:

Mount John, Newcastle, Co. Wicklow

Exemption Query: Application Site:

Erection of a fenced area for Training & Exercising of Horses & Ponies The application site is located in a level 10 rural area and is accessed

via the L-5062-0 Local road. A dwelling is present to the south-east of

the site, with agricultural lands surrounding.

Aerial Image

Subject site with approx. location of proposed fenced area highlighted

with an orange star.



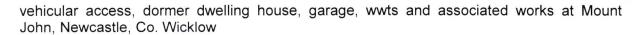
Relevant Planning History:

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



Question:

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

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

"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 situate, and

"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3(1) of the Act states the following in respect of 'development':

"In this Act, '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."

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4 (1) (a)

"development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;"

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations 2001(as amended)

Article 6 (1):

Subject to Article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

Article 9 (1):

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-
 - (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 are of relevance.

Schedule 2, Part 3 Class 10

The erection of a fenced area for Training & Exercising of Horses & Ponies at Mount John, Newcastle, Co. Wicklow

Associated conditions and limitations include:

- 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 Submitted in support of Application:

- Existing and proposed site layout plans and elevations all to scale.
- Application form.

Assessment

The subject site is located in the townland of Mount John, some 1km south of the town of Newtownmountkennedy. The site is currently occupied by a large dwelling and equestrian centre, with the subject proposal referencing a fenced area for Training & Exercising of Horses & Ponies which will be situated within the North West corner of the site.

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:

<u>"development"</u> 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:

<u>"works"</u> 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 <u>works</u> 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 it's associated Regulations.

Class 10, Pt.3, Schedule 2, of the Planning and Development Regulations 2001 (as amended) provides for the erection of a 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. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.	Yes - It is stated that the development will be used to train horse / ponies.
2. No such area shall be used for the staging of public events	Unknown – It has not been stated whether or not the proposed area will be used for the staging of public events or for private use only.
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.	Yes – Not situated within 10 metres of any public road, nor is any entrance to such area directly off any public road.
4. The height of any such structure shall not exceed 2 metres.	Yes - It is stated that the height of the structure will not exceed 2m.(1.2m)

The proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per **Article 9 (1)**. Having regard to this and information submitted, It is not considered that the proposed development would contravene with the limitations as set out per **Article 9 (1)**.

However, The PA considers that clarification is required to ensure the outright exemption of the proposed development. In this regard, clarification is required as to whether or not the use of the structure for the exercising and training of horses or ponies will be used for the staging of public events or for private use only.

Further Information is required.

Conclusion:

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

The Planning Authority considers that:

The proposal of the 'Erection of a fenced area for Training & Exercising of Horses & Ponies at Mount John, Newcastle, Co. Wicklow is development and that Further Information is required to determine if the proposed development is exempt development.

Recommendation:

FURTHER INFORMATION

1. In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed erection of a fenced area for Training & Exercising of Horses & Ponies inclusive of:

Whether or not the proposed area will be used for the staging of public events or finished for private use only.

26/02/2024

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of the lands to pullitate he having area

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Comhairle Contae Chill Mhantáin Ulicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Dara Keane Assistant Planner FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX05/2024

I enclose herewith application for Section 5 Declaration received 31st January 2024.

The due date on this declaration is 27th February 2024.

Staff Officer

Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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31st January 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). – EX05/2024 – Neil & Melanie Wrynne

A Chara

I wish to acknowledge receipt on 31/01/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 27/02/2024

Mise, le meas

NICOLA FLEMING STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

31/01/2024 11 39 34

Receipt No. L1/0/324623

MELAINE WRYNN MOUNT JOHN NEWCASTLE CO WICKLOW

EXEMPTION CERTIFICATES
GOODS 80 00
VAT Exempt/Non vatable

Total 80 00 EUR

Tendered Credit Card

ard 80 00

80.00

Change 0.00

Issued By Marian Jameson From Customer Service Hub Vat reg No 0015233H



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

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Date Received	1
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 Wrynne

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

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

WICKLOW Godier . GoodCIL

26 JAN 2024

PLANNING DEPT.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) <u>SK Design</u>

Address of Agent : <u>Rednagh Road</u>, <u>Aughrim</u>, <u>Co.Wicklow</u>

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

3. Declaration Details

Location of Development subject of Declaration Mount John, Newcastle, Co.Wicklow
Are you the owner and/or occupier of these lands at the location under i. above ? Yes/ $\overline{\text{No}}$.
If 'No' to it above, please supply the Name and Address of the Owner, and or occupierN/A
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.
Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration <u>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.</u>
Additional details may be submitted by way of separate submission.

	Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)? No
•	List of Plans, Drawings submitted with this Declaration Application Site Layout Plan, Site Section & Location Map
i.	Fee of € 80 Attached ? Yes
gne	d: P Clany Dated 26/01/2024

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

