



Comhairle Contae Chill Mhantáin
Wicklow 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.ie
Suíomh / Website: www.wicklow.ie

5

March 2025.

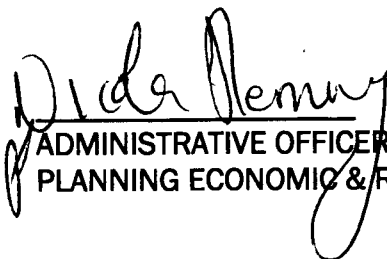
Sylvester Bourke
Monastery House
Enniskerry
Co. Wicklow
A98 AK16

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) –

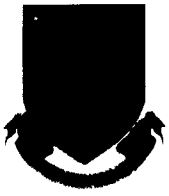
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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: Sylvester Bourke

Location: Monastery House, Enniskerry, Co. Wicklow

Reference Number: EX18/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/204

Section 5 Declaration as to whether “the proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies” at Monastery House, Enniskerry, 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 11/02/2025;
- 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 proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies” at Monastery House, Enniskerry, 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 3 March 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/204

Reference Number: EX18/2025
Name of Applicant: Sylvester Bourke
Nature of Application: Section 5 Declaration request as to whether or not: -
"the proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies" is or is not development and is or is not exempted development.
Location of Subject Site: Monastery House, Enniskerry, Co. Wicklow

Report from Billy Slater, AP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies" at Monastery House, Enniskerry, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

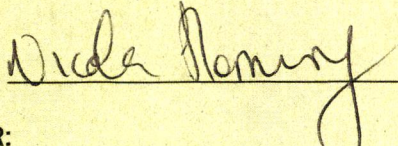
- i. The details submitted on 11/02/2025;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 10 of the Planning and Development Regulations 2001 (as amended).

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:

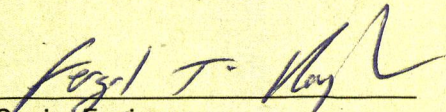
The Planning Authority considers that "the proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies" at Monastery House, Enniskerry, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 31st day of March 2025

ORDER:

I HEREBY DECLARE THAT "the proposal for the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies" at Monastery House, Enniskerry, 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 31st day of March 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 18/2025
Applicant: Sylvester Bourke
Date of Application: 11/02/2025
Decision Due Date: 10/03/2025
Address: Monastery House, Monastery, Co. Wicklow
Exemption Query: Whether the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies.

Application Site: The application site is located within the landholding of Monastery House which is located to the north of Enniskerry on western side of the R117. The site itself forms one of the paddocks nearest the main dwelling on site.

Aerial / Site Image



Relevant Planning History:

Ref	18/503
Applicant	David Bourke
Development	agricultural building (c 230 sqm) planning reference 07/1481 and permission for the construction of a multi purpose agricultural extension (c702 aqm) to the above mentioned building
Decision	Grant
Ref	13/8100
Applicant	Sylvester Bourke
Development	Change of use of the existing two storey grain store and loft into a house for staff accommodation. Changes consist of alterations to the existing building, which comprises a porch extension...
Decision	Grant
Ref	04/1381
Applicant	Sylvester Bourke

Development
Decision

Outbuilding for sheep & agricultural purposes
Grant

Question:

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

- Conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies

at Monastery House, Monastery, Co. Wicklow 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) (h) is relevant for the purposes of this declaration:

“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) 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) 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):

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 a permission under Act or be inconsistent with any use specified in a 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,

Schedule 2, Part 3 outlines classes of exempt development within the rural setting as well as associated conditions and limitations. The following are of relevance.

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.

Associated conditions and limitations:

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 the application:

- Section 5 Application Form.
- OS site location map and aerial image detailing the location / footprint of the proposed training arena.
- Additional Cover letter.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

Whether the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies at Monastery House, Monastery, Co. Wicklow is or is not exempted development.

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 2000 (as amended). 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.

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. Schedule 2, Pt.3 Class 10 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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 8. 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 exercise horse / ponies.
2. No such area shall be used for the staging of public events	Yes - It is stated that no commercial or public use is introduced.
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 – no structure proposed.

It is noted that the subject development site is relatively level in nature and that it is stated within the cover letter provided that no excavation or intensive groundworks are proposed as to facilitate the all-weather turnout and exercise arena.

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)**

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 conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies at Monastery House, Monastery, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:

The proposal of the conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena for horses and ponies at Monastery House, Monastery, Co. Wicklow **is development and is exempted development.**

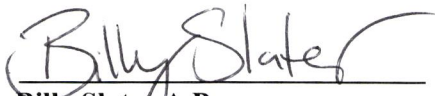
Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 11/02/2025;
- 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.


Billy Slater A.P.
21/02/2025

Agreed
S White SEP
27/2/25

Issue declaration as recommended
for 03/03/25
Mig L58



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: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

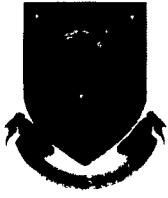
RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX18/2025

I enclose herewith application for Section 5 Declaration received completed on 11/02/2025.

The due date on this declaration is 10th March 2025.

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin
Wicklow County Council

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Sylvester Bourke
Monastery House
Enniskerry
Co. Wicklow
A98 AK16

14th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX18/2025

A Chara

I wish to acknowledge receipt on 11/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/03/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

11/02/2025 13:23:07

Receipt No L1/0/340803

***** REPRINT *****

SYLVESTER BOURKE
MONASTERY HOUSE
ENNISKERRY
WICKLOW
A98AK16

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 Cashier5MW
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: Sylvester Bourke

Address of applicant: Monastery House, Enniskerry, Wicklow A98AK16

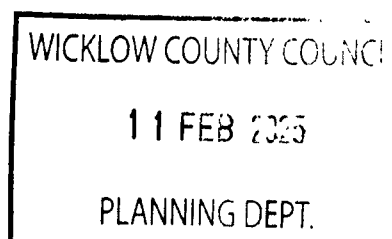
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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



3. Declaration Details

- i. Location of Development subject of Declaration Monastery House,
Enniskerry, Co Wicklow, A98AK16
-
-
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or
occupier _____
-
-
- 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 We seek confirmation on whether
the conversion of an existing grass-based horse paddock into an all-weather
turnout and exercise arena for horses and ponies is considered exempted
development under the Planning and Development Act. The project involves
replacing the current grass surface with a permeable all-weather surface. No
structures, buildings, or significant alterations to the landscape are involved.
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 The proposed development
qualifies as exempted development under Class 6, Part 1, Schedule 2 of the
Planning and Development Regulations 2001. As the site is an established
equestrian facility, the installation of a permeable all-weather surface is
considered an agricultural improvement. No structures are being erected, and the
land use remains unchanged, ensuring compliance with exempted development
criteria.
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 _____
Exhibit 1: Aerial map (taken from Google Earth) of the field. The location of the proposed arena is marked with a yellow border.
Exhibit 2: Map drawing of the farm. The location of the proposed arena is marked with an "X."
Document 1: Description of the Proposed Development.

viii. Fee of € 80 Attached ? Yes

Signed : *Sylvester Bourke* : Dated : 11/2/25.

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

Description of the Proposed Development

This document provides a detailed description of the proposed development, which involves the upgrading of an existing grass-based horse paddock into an all-weather turnout and exercise area. The proposed works are intended to enhance the paddock's usability for equine activities while preserving its existing function.

Location of the Proposed Development

The development is located adjacent to Monastery House, Enniskerry, Co Wicklow. The site is part of an established agricultural holding and has been used historically for the grazing and exercise of horses and ponies.

Description of Proposed Works

The proposed works involve the following:

- Conversion of an existing grass-based horse paddock into an all-weather turnout and exercise arena measuring 71 x 45m.
- Surface improvement: The grass surface will be replaced with a permeable all-weather material suitable for year-round use.
- Ground levelling: Minor levelling and grading may be required to ensure a stable and even surface.
- Drainage considerations: Any necessary drainage measures will be implemented to prevent waterlogging and ensure the sustainability of the surface.
- No structural development: The works will not involve the construction of any permanent buildings, shelters, or enclosures. The paddock will continue to be used for the turnout and exercise of horses and ponies.

Purpose and Justification

The primary objective of this development is to enhance the usability and safety of the paddock for equine activities, particularly in adverse weather conditions. The current grass surface becomes unsuitable during wet weather, leading to potential health and safety risks for the animals.

The proposed upgrade will:

- Provide a consistent and safe surface for year-round turnout and exercise.
- Reduce soil degradation and waterlogging.
- Maintain the existing use and character of the land as an equestrian paddock.

Compliance with Planning and Development Regulations

We seek confirmation under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the proposed works constitute exempted development under the Planning and Development Regulations 2001.

The proposed development falls within the scope of exempted development as outlined in Class 6, Part 1, Schedule 2 of the Planning and Development Regulations 2001, which states:

"The provision of any store, barn, shed, glasshouse or other structure, having a gross floor area not exceeding 300 square metres, or the carrying out of works, including the provision of hard surfaces, for the purpose of agriculture."

Justification for Exemption:

1. Agricultural Use:
 - The site is an established equestrian paddock that forms part of a larger agricultural holding.
 - Equine-related activities, including horse breeding, training, and exercise, are considered agricultural activities under planning law.

2. Nature of the Works:
 - The development involves surface improvements (installation of an all-weather permeable surface), which qualifies as “the provision of hard surfaces for the purpose of agriculture” under Class 6.
 - There are no permanent buildings, shelters, or enclosures involved.

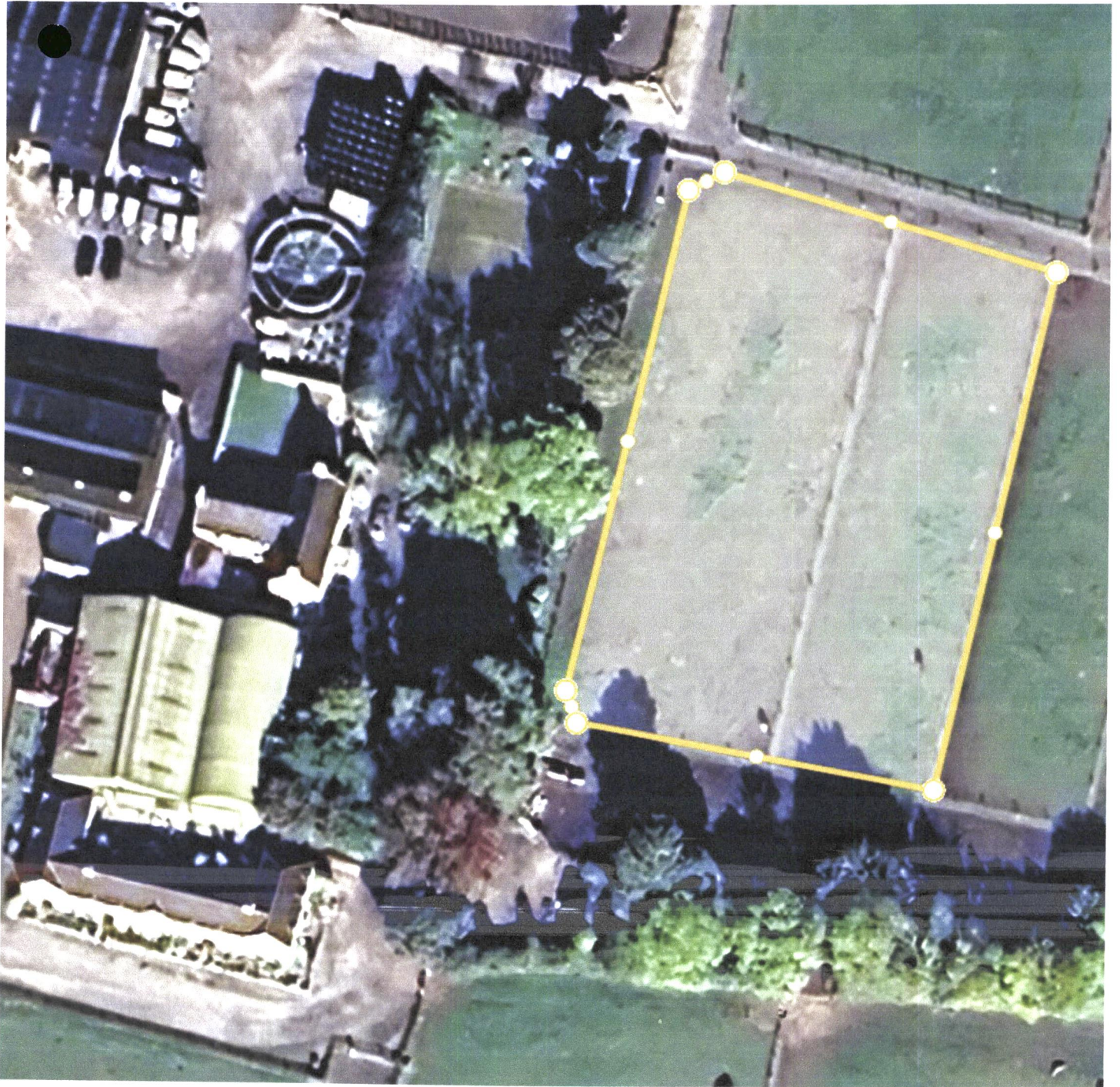
3. No Material Change of Use:
 - The function and character of the land remain unchanged; it will continue to be used for equestrian turnout and exercise.
 - No public or commercial use is introduced—this remains a private agricultural improvement.

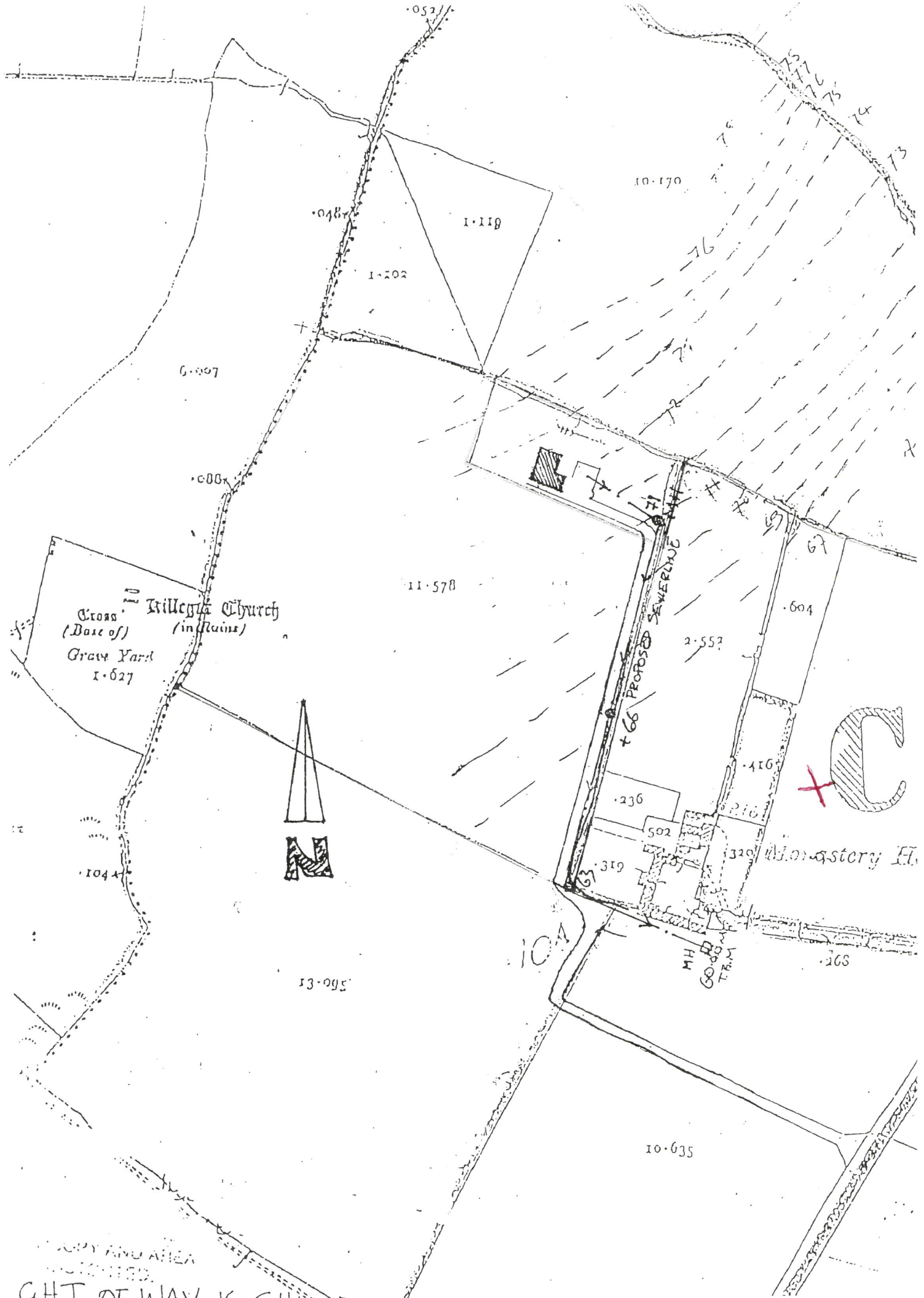
4. Minimal Environmental Impact:
 - The proposed permeable surface allows for natural drainage, ensuring no significant interference with land drainage patterns.
 - No excavation, intensive earthworks, or alterations to natural watercourses are proposed.

Conclusion

As the works comply with Class 6, Part 1, Schedule 2 of the Planning and Development Regulations 2001, and given that no new structures are being built and the existing agricultural use remains unchanged, we submit that the proposed development qualifies as exempted development under planning law.

We respectfully request a Section 5 Declaration confirming that planning permission is not required for these works.





Cross
 (Base of)
 Grave Yard
 1-627

Killegilla Church
 (in Ruins)



PROPOSED
 SEWERLINE

Monastery H.



COPY AND AREA
 INDICATED
 GHT DE WIAN