Comhairle Contae Chill Mhantáin
Wicklow County Council
Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
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Suíomh / Website www.wicklow.ie

Sylvester Bourke
Monastery House
Enniskerry
Co. Wicklow
A98 AK16

6th Of November 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 119/2025

A Chara,

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 DEVELOPMENT & ENVIRONMENT.

Comhairle Contae Chill Mhantáin
Wicklow County Council
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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: EX 119/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1208

A question has arisen as to whether *"an all-weather turnout and exercise arena for horses and ponies"* at Monastery House, Enniskerry, Co. Wicklow is or is not exempted development.

Having regard to:

A. The details submitted with the Section 5 Declaration.
B. Section 5 Declaration EX 18/2025
C. An Bord Pleanála Referrals RL 27.304225, RL3812, and RL3363.
D. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
E. Article 6, 9 Schedule 2, Part 3, Class 10, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

i. The provision of an all-weather turnout and exercise arena would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
iii. The turnout and exercise arena would come within the description/ limitations set out under Class 10: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
iv. Nothing in Article 9 of the Planning and Development Regulations 2001 (as amended) would restrict the exemption under Class 10: Part 3: Schedule 2 of the Regulations.

The Planning Authority considers that *"an all-weather turnout and exercise arena for horses and ponies" at Monastery House, Enniskerry, Co. Wicklow* **is development and IS exempted development.**

Signed: ____________ Dated: 06/11/2025
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1208

Reference Number:	EX 119/2025
Name of Applicant:	Sylvester Bourke
Nature of Application:	Section 5 Referral as to whether *"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: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"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:

a) The details submitted with the Section 5 Declaration.
b) Section 5 Declaration EX 18/2025
c) An Bord Pleanála Referrals RL 27.304225, RL3812, and RL3363.
d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
e) Article 6, 9 Schedule 2, Part 3, Class 10, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

I. The provision of an all-weather turnout and exercise arena would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
II. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
III. The turnout and exercise arena would come within the description/ limitations set out under Class 10: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
IV. Nothing in Article 9 of the Planning and Development Regulations 2001 (as amended) would restrict the exemption under Class 10: Part 3: Schedule 2 of the Regulations.

Recommendation
The Planning Authority considers that *"an all-weather turnout and exercise arena for horses and ponies"* at Monastery House, Enniskerry, Co. Wicklow <u>is development and is exempted development</u> as recommended in the planning reports.

Signed: ______________________ Dated: 5th day of November 2025

ORDER:
I HEREBY DECLARE:
That *"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 Acts 2000 (as amended).

Signed: ______________________ Dated: 6th day of November 2025
T/Senior Planner
Planning, Economic & Rural Development

Section 5 Application : EX 119/2025

Date : 31st October 2025

Applicant : Mr Sylvester Bourke

Address : Monastery House, Enniskerry, Co. Wicklow

Exemption Whether or not :

All weather turnout and exercise arena for house and ponies

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History

PRR 18/503	Permission granted for an 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
PRR 13/8100	Permission granted for the 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...
PRR 04/1381	Permission granted for outbuilding for sheep & agricultural purposes

Section 5 :
EX 18/2025

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 i**s development and is exempted development** as recommended in the report by the SEP.

An Bord Pleanala Reference

RL27.304225
An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction and operations of a track/gallops for the exercising of equine animals as constructed on the southern part of the grounds of the former Kilternan Hotel and Country Club, Kilternan which is located in the townland of Killegar, Enniskerry, County Wicklow is development and is not exempted development .An Bord Pleanála has concluded that –
(a) the construction of a track/gallops for the exercising of equine animals constitutes works,
(b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, and
(c) the development does not come within the scope of Class 10 of Part 3 of Schedule 2 to the Planning and Development Regulations 2000 as the track/gallops exceeds two metres in height and, therefore, does not constitute exempted development.

RL3812 An Bord Pleanála, hereby decides that the erection of an unroofed fenced area for the exercising and training of horses or ponies together with a drainage bed or soft surface material to provide an all-weather surface at Palmerstown House, Johnstown, County Kildare is development and is not exempted development as : -

(a) the construction of an unroofed fenced area constitutes works, and these works constitute development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,
(b) having regard to the Environmental Protection Agency Determination, and to the nature of the infill that forms part of the unroofed fenced area, which infill includes builders waste, rubbish and debris, the deposition of which on the subject land comes within the scope of the provisions of Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended, the use of the land in question has materially changed and such material change of use is development,
(c) this development would generally come within the scope of Class 10 of Part 3 of the Second Schedule to the Planning and Development Regulations 2001, as amended, but does not comply with conditions and limitation number 4 of this Class, as, based on the inspections carried out, the subject unroofed fenced area is more than two metres in height above existing ground level at certain locations along its length, and
(d) in any event, having regard to the enforcement history and the Environmental Protection Agency determination, it is considered that the restrictions on exemption set out in Article 9(1)(a)(viiC) and Article 9(1)(a)(viii) are applicable in this instance:

RL2676 Whether the construction of unroofed fenced area for exercising horse/ponies with drainage bed and all weather surface and construction of 2 metre wall/fence is or is not exempted development or is or is not exempted development at Kilconlea, Abbeyfeale, Co. Limerick. An Bord Pleanala concluded that the said construction of an unroofed fenced area for exercising horses/ponies together with a drainage bed and all weather surface, and the construction of a two metre high wall/fence is not exempted development as

(a) the walls form part of a structure and so do not come under the scope of Class 4 of Part 3 of Schedule 2 of the said Regulations,

(b) the unroofed exercise area would, in part, be enclosed by concrete block walls,
(c) the entrance to the unroofed exercise area would be directly from a public road,
(d) and the said works do not come within the scope of Class 10 of Part 3 of the Second Schedule of the Planning and Development Regulations, 2001, or any other provision of the Planning and Development Act, 2000, as amended, or associated Regulations.

The Board in the August 2010 made a decision stating that the development was not exempted development. Pertaining to the applicant's landholding:

RL3363 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 at the former Kilternan Golf and Country Club, Enniskerry Road, Kilternan, County Dublin is development and is exempted development. An Bord Pleanala concluded -

(a) construction of an unroofed fenced area constitutes works,
(b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, and
(c) the development comes within the scope of Class 10 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001:

County Development Plan 2022-2028

Landscape Designation - Area of Outstanding Natural Beauty – North Eastern Valley-Glencree.

View 3

L5507 Ballyman Road, Enniskerry	View of The Scalp and the Scalp Valley from Ballyman

Designations

Knocksink Wood SAC – 600m to south
Qualifying Interests
Petrifying springs with tufa formation (Cratoneurion) [7220]
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000·

"agriculture" – includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and "agricultural" shall be construed accordingly.

"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.

Section 3 :

3.—(1) In this Act, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(2) For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

(*a*) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(*b*) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

(2) (*a*) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(4) Notwithstanding paragraphs (*a*), (*i*), (*ia*) and (*l*) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001(as amended).

Article 6

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article
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—

(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

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2 : Part 3

Part 3 (Classes 1-20) of Schedule 2 describes classes of development situated within the rural area which are exempted development, provided that such development complies with the associated conditions and limitations.

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.

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.

Submission :

Indicated that the exemption certificate is required as they wish to locate the arena in an alternative area to that identified in EX 18/2025. All details are essential the same. Will not be used by public or commercial use. The surface will be improved by installation of an all weather permeable surface, no permanent buildings proposed.

Assessment :

The applicant has queried under Section 5 of the Planning and Development Act 2000 (as amended) as to whether

All weather turnout and exercise arena for house and ponies

is or is not development and is or is not exempted development.

Having regard to the definition of *"works"* as set out under Section 2(1) of the Planning and Development Act 2000 (as amended) it is considered that the surface improvements which will involve removal of grass surface , minor levelling/ grading and installation of permeable surface are operations of excavation and construction , and would be works, and would come within the scope of *"development"* as defined in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).

The provision of the turnout arena would come within the exemption description for Class 10 : Part 1 of Schedule 2 of the Regulations i.e.

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.

This exemption would be subject to a number of Limitations i.e. -

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

Structures solely for exercising

2. No such area shall be used for the staging of public events.

Not to be used for staging of 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.

Not situated within 10m of the public road.

4. The height of any such structure shall not exceed 2 metres.

Does not exceed 2m in height.

<u>Article 9 examination</u>

(a) if the carrying out of such development would—

(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,

Not applicable.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

Access to be via entrance from the existing entrance of L-3216, there are no issues in this regard.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

The development is located within an AONB and there is a listed view however given the description of the view, and the type of works it is considered that the development would not interfere with this view or with the landscape designation.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The development is located 600m uphill of the Knocksink Wood SAC, there is no hydrologic connection to the SAC, and existing boundaries, structures and agricultural fields are located between the SAC and the works the subject of this referral. Given the distance, and intervening lands/ structures, and lack of any hydrological connection it is considered that the works would not have any impact on the qualifying interest of the Natura 2000 site, on its own or in combination with other developments, and therefore the need for a Stage 2 Appropriate Assessment can be ruled out.

In light of the above assessment the all weather turnout and exercise arena for house and ponies is development and is exempted development.

Recommendation:

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

All weather turnout and exercise arena for house and ponies at Monastery House, Enniskerry, Co. Wicklow

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the construction of an all weather turnout and exercise arena for house and ponies at Monastery House, Enniskerry, Co. Wicklow

is Development and is Exempted Development.

Main Considerations with respect to Section 5 Declaration :

a) The details submitted with the Section 5 Declaration.
b) Section 5 Declaration EX 18/2025
c) An Bord Pleanala Referrals RL 27.304225, RL3812, and RL3363.
d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended).
e) Article 6, 9 Schedule 2, Part 3 , Class 10, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

i. The provision of an all weather turnout and exercise arena would involve operations of construction and is therefore works, having regard to Section 2 of the Planning and Development Act 2000(as amended).
ii. The works would be development given the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
iii. The turnout and exercise arena would come within the description/ limitations set out under Class 10 : Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
iv. Nothing in Article 9 of the Planning and Development Regulations 2001 (as amended) would restrict the exemption under Class 10: Part 3 : Schedule 2 of the Regulations.

Edel Bermingham
T/SP
31/10/2025.

Comhairle Contae Chill Mhantáin
Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: **Chris Garde**
Executive Planner

FROM: **Nicola Fleming**
Staff Officer

RE:- EX119/2025 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 14/10/2025.

The due date on this declaration is the 10/11/2025.

Staff Officer
Planning Development & Environment

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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Sylvester Bourke
Monastery House
Enniskerry
Co. Wicklow
A98 AK16

17th October 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX119/2025

A Chara

I wish to acknowledge receipt on 14/10/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/11/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development

Sylvester Bourke
Monastery House
Enniskerry,
Co. Wicklow,
A98 AK16

Planning Department
Wicklow County Council
County Buildings
Wicklow Town
Co. Wicklow

14/10/2025

Re: Application for Declaration under Section 5 of the Planning and Development Act 2000 (as amended) - Proposed Development: Relocation of All-Weather Horse Arena

Dear Sir/Madam,

I previously submitted an application for a Section 5 Declaration regarding the conversion of an existing grass paddock into an all-weather turnout and exercise arena for horses and ponies at Monastery House, Enniskerry, which was confirmed as exempted development.

We are now seeking to relocate the proposed arena to a different area within the same property. The new proposed location is clearly marked in the attached site map and supporting documents.

The nature of the proposed works remain unchanged - the project still involves replacing the existing grass surface with a permeable all-weather surface, without the construction of any buildings, structures, or significant landscape alterations.

Accordingly, we are submitting this new application for a Section 5 Declaration for the revised location and respectfully request confirmation that the proposed development remains exempt under the Planning and Development Regulations.

Please find enclosed:

- Completed Section 5 Application Form
- Site Location Map (showing the revised area)
- Supporting Description of the Proposed Works
- Application fee (€80)

Should you require any further information or clarification, please do not hesitate to contact me at 0862588062.

Yours faithfully,

Sylvester Bourke

Sylvester Bourke

Wicklow County Council
County Buildings
Wicklow
0404-20100

14/10/2025 13 43 55

Receipt No   L1/0/353061
***** REPRINT *****

SLYVESTE BOURKE
MONASTERY HOUSE
ENNISKERRY
CO WICKLOW

PLANNING APPLICATION FEES   80 00
GOODS   80 00
VAT Exempt/Non-vatable

Total   80 00 EUR

Tendered
Cheque   80 00
SECTION 5

Change   0 00

Issued By   Ruth Graham
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 : 14/10/2025

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.

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 roughly measuring 100m x 50m.
- 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.

Exhibit 1

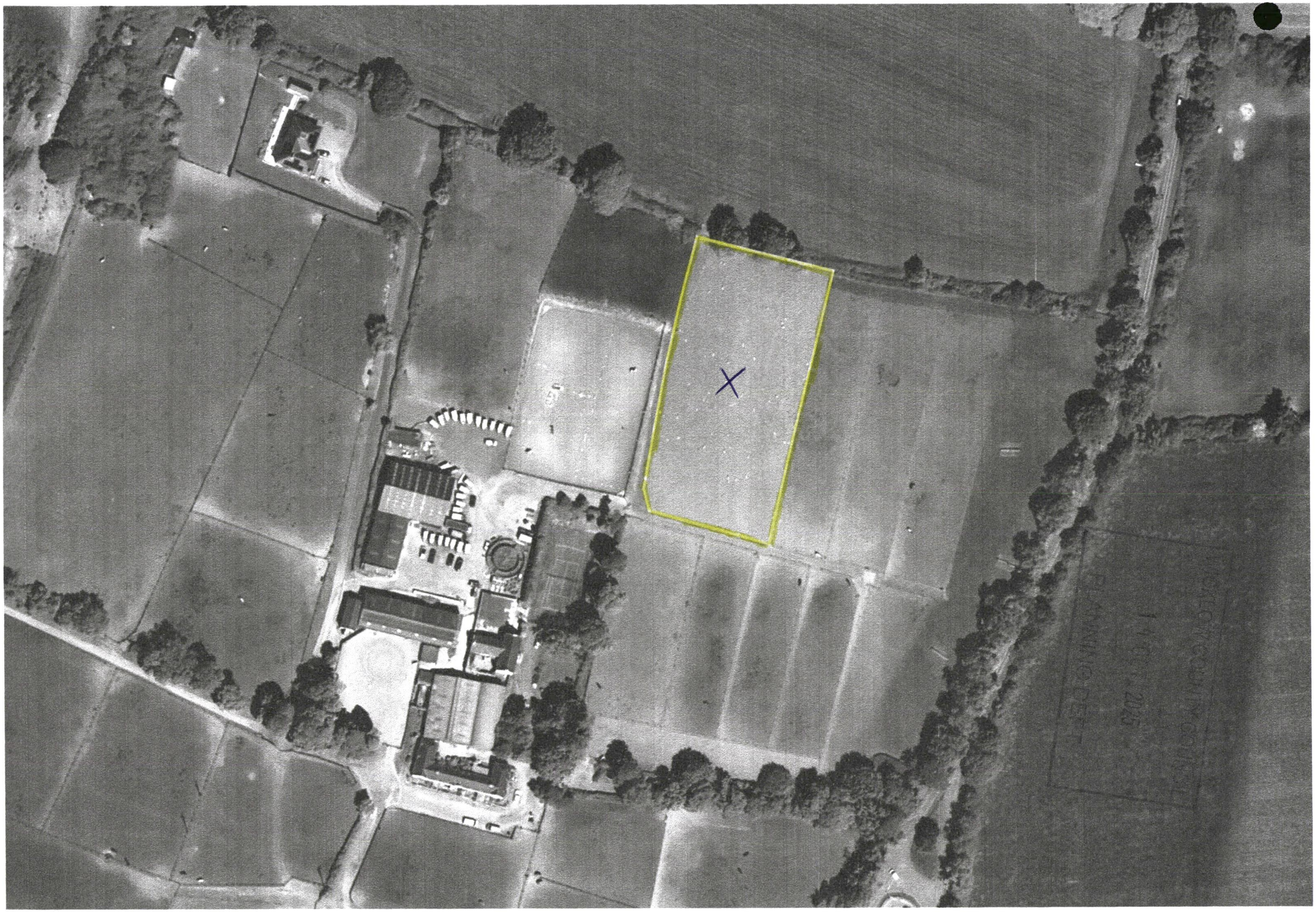

Exhibit 2

An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas of Natural Constraint Scheme and other Area Based Scheme purposes only
Year: 2025

Name: BOURKE PARTNERSHIP
Address: MONASTERY HOUSE
ENNISKERRY
CO WICKLOW

Herd Nos: Z1390287,Z139172X
Townland Code : Z12517
Townland Name: MONASTERY

Parcel	Digitised	Eligible Hectare	Claimed
Z1251700025	3.02	3.02	3.02
Z1251700026	6.87	6.87	6.87
Z1251700030	5.11	5.09	5.09
Z1251700037	4.05	3.12	3.12
Z1251700040	2.81	2.81	2.81
Z1251700041	1.22	1.22	1.22
Z1251700044	0.63	0.56	0.56
Z1251700047	0.65	0.65	0.65
Z1251700048	0.19	0	0

Exclusions

Parcel	Excl	Area	Red%	Elig	Type
Z1251700030	0010	0.02	100	0	Farm Road
Z1251700037	0016	0.11	100	0	Farm Road
Z1251700037	0018	0.09	100	0	Scrub
Z1251700037	0019	0.02	100	0	Farm Road
Z1251700037	0213	0.15	100	0	Scrub
Z1251700037	0215	0.6	100	0	Artificial
Z1251700037	0219	0.09	100	0	Artificial
Z1251700037	0222	0.11	100	0	Artificial
Z1251700044	0024	0.02	100	0	Farm Road
Z1251700044	0025	0.02	100	0	Farm Yard
Z1251700044	0026	0.03	100	0	Ineligible

Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

Imagery Dates: 19/09/2019

ZFP10137