



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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

Avril Hobson

30 June 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX34/2023**

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 DEVELOPMENT & ENVIRONMENT.





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Applicant: Avril Hobson

Location: Barraderry, Kiltegan, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1135/2023

A question has arisen as to whether “erection of an unroofed area for the exercising or training of ponies” at Barraderry, Kiltegan, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted on 02/06/2023 and 29/06/2023;
- b) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- c) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- d) 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 an unroofed area for the exercising or training of ponies” at Barraderry, Kiltegan, Co. Wicklow, Co. Wicklow is development and is exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 30 June 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5


CHIEF EXECUTIVE ORDER NO. CE/PDE/1135/2023

Reference Number: EX 34/2023

Name of Applicant: Avril Hobson

Nature of Application: Section 5 Referral as to whether "erection of an unroofed area for the exercising or training of ponies" is or is not exempted development

Location of Subject Site: Barraderry, Kiltegan, Co. Wicklow

Report from Billy Slater, GP & ~~Suzanne White~~, SEP *Edel Bernighan* 

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "erection of an unroofed area for the exercising or training of ponies" at Barraderry, Kiltegan, 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 02/06/2023 and 29/06/2023;
- 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.

Recommendation

The Planning Authority considers that "erection of an unroofed area for the exercising or training of ponies" at Barraderry, Kiltegan, Co. Wicklow " is development and is exempted development as recommended in the planning report.

Signed  Dated *29th* day of June 2023

ORDER:

I HEREBY APPROVE that a declaration to issue stating:

That "erection of an unroofed area for the exercising or training of ponies" at Barraderry, Kiltegan, Co. Wicklow" **is development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
Director of Services
Planning Development & Environment

Dated 30th day of June 2023

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



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater G.P.
Type: Section 5 Application
REF: EX 34/2023
Applicant: Avril Hobson
Address: Barraderry, Kiltegan, Co. Wicklow
Date of FI received: 29/06/2023
Decision Due Date: 17/07/2023
Exemption Query: Erection of an unroofed area for the exercising or training of ponies.

Assessment :

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

- 1. In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed unroofed area for the exercising or training of ponies inclusive of;*
- a) The extent of any ground works required as to facilitate the erection of an unroofed area at the proposed locality including overall depth where appropriate.*
 - b) The distance of the proposed unroofed area to the adjacent watercourse present to the east.*

In response to above concerns, the applicant has stated the following.

- 1) There will be no change in ground levels by over 1 metre to construct the Arena.*
- 2) The arena at its closest point to the watercourse will be a minimum of 5 metres extending to 8 metres. Additionally, the watercourse/ drain starts on our land and after the curve of the woodland, runs down internally in the woodland, in the area of the development of the arena (i.e. it does not run along boundary of field and wood). There is hedging/ trees between the field fence and watercourse, which will be maintained. The watercourse is not visible from the field in this area of the field. Also there will be a retaining board around the arena to keep the surface in.*

To note this is an outdoor exercise arena with sand mix. It will have a drainage system with graded stones. This drainage system is to handle rainfall. As horses will be only exercised on it there will be no effluent. Horse droppings are picked up to maintain the quality of the surface.

Considering the information submitted, it is considered that the proposed exercise arena will be unlikely to impose adverse environmental effects upon the adjoining watercourse. It is also stated that groundworks will not exceed 1m in height/depth which is permissible. Hence, it is considered that the submitted response has sufficiently addressed the concerns of the PA and would not fall within the remit of limitations of exempt development under 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 'Erection of an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, Co. Wicklow' is or is not exempted development.

The Planning Authority considers that:

The proposal of the '*Erection of an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, Co. Wicklow*' is development and is exempt development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 02/06/2023 and 29/06/2023;
- 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 excepted development.

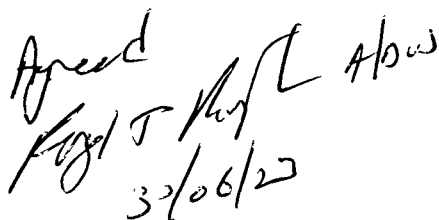


Billy Slater G.P.

29/06/2023



29/6/2023



30/06/23

Nicola Fleming

From: Avril Hobson <
Sent: Thursday 29 June 2023 15:30
To: Nicola Fleming
Subject: Re: Ref Ex 34/2023

Nicola

Further to the emails below please see as follows:

1) There will be no change in ground levels by over 1 metre to construct the Arena.

2) The arena at its closest point to the watercourse will be a minimum of 5 metres extending to 8 metres. Additionally, the watercourse/ drain starts on our land and after the curve of the woodland, runs down internally in the woodland, in the area of the development of the arena (i.e. it does not run along boundary of field and wood). There is hedging/ trees between the field fence and watercourse, which will be maintained. The watercourse is not visible from the field in this area of the field. Also there will be a retaining board around the arena to keep the surface in.

I hope this is sufficient information

Kind regards
Avril

>

>> On 28 Jun 2023, at 17:02, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:

>>

>> Avril this is the reply from the Planner.

>>

>> -----Original Message-----

>> From: Billy Slater

>> Sent: Wednesday 28 June 2023 16:50

>> To: Nicola Fleming

>> Subject: RE: Ref Ex 34/2023

>>

>> Hi Nicola, we are looking for confirmation that no change in ground levels by over 1m shall occur (i.e. no change in excess of 1m for the levelling of the arena), not that the arena will be less than 1 metre above the water course as stated. Additionally, we require the distance from the watercourse on site to the proposed exercise area.

>>

>> Many Thanks

>>

>> -----Original Message-----

>> From: Nicola Fleming

>> Sent: Wednesday 28 June 2023 16:43

>> To: Billy Slater

>> Subject: FW: Ref Ex 34/2023

>>

>>

>>

>> -----Original Message-----

>> From: Avril Hobson [<mailto:>_____]

>> Sent: Wednesday 28 June 2023 16:38

>> To: Nicola Fleming
>> Subject: Re: Ref Ex 34/2023
>>
>> Hi Nicola
>>
>> Thanks for response. The arena will be less than 1 metre above the water course.
>> What are the guidelines for distance from the watercourse please? Once I know that, I can confirm distance.
>> To note this is an outdoor exercise arena with sand mix. It will have a drainage system with graded stones. This drainage system is to handle rainfall. As horses will be only exercised on it there will be no effluent. Horse droppings are picked up to maintain the quality of the surface.
>>
>> Kind regards
>>
>> Avril Hobson
>>
>> Sent from my iPhone
>>
>>> On 28 Jun 2023, at 13:09, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:
>>>
>>> Hi Avril this is the response from the Planner.
>>>
>>> The attached response would not be sufficient as we require confirmation that no change in ground levels by over 1m shall occur. Applicant also needs to accurately identify distance requirements from the stream.
>>>
>>> -----Original Message-----
>>> From: Avril Hobson
>>> Sent: Wednesday 28 June 2023 11:06
>>> To: Nicola Fleming
>>> Subject: Re: Ref Ex 34/2023
>>>
>>> Hi Nicola
>>>
>>> Just wondering if there is any update on this
>>>
>>> Kind regards
>>> Avril
>>>
>>> Sent from my iPhone
>>>
>>>> On 27 Jun 2023, at 15:55, Avril Hobson
>>>>
>>>> Thanks Nicola. That would be great
>>>>
>>>> Avril
>>>>
>>>> Sent from my iPhone
>>>>
>>>>> On 27 Jun 2023, at 10:40, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:
>>>>>
>>>>> Hi Avril Billy is on site this afternoon I will revert to you in the morning in relation to our phone call this afternoon once I talk to Billy.
>>>>>
>>>>> Regards
>>>>>
>>>>>
>>>>> Nicola Fleming

From: Billy Slater
Sent: Wednesday 28 June 2023 12:34
To: Nicola Fleming
Subject: RE: Ref Ex 34/2023

Hi Nicola

The attached response would not be sufficient as we require confirmation that no change in ground levels by over 1m shall occur. Applicant also needs to accurately identify distance requirements from the stream.

Regards,

Billy

-----Original Message-----

From: Nicola Fleming
Sent: Tuesday 27 June 2023 15:40
To: Billy Slater
Subject: FW: Ref Ex 34/2023

Billy I just had this lady on to me about her exemption application. She is in a real rush for it looking for it for Friday for a grant application. Do you think this is a sufficient reply.

Thanks

-----Original Message-----

From: Avril Hobson
Sent: Monday 26 June 2023 16:54
To: Planning - Planning and Development Secretariat
Subject: Ref Ex 34/2023

Dear Sir/ Madam

Regarding further information requested on the development of outdoor exercise arena, the area will be levelled by lowering the upper side and raising the lower side. The drainage system will be made of stone layers over the base.

I am applying for Grant aid to develop this arena from Department of Agriculture under a TAMs grant and closing date is this Friday. I would be grateful if you could review this at your earliest convenience

Kind regards
Avril

Sent from my iPhone

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Graduate Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX 34/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**
Avril Hobson

I enclose herewith for your attention application for Section 5 Declaration received 2nd June 2023 along with Further Information received on 26/06/23.

The due date on this declaration is 17th July 2023



Staff Officer
Planning Development & Environment

Nicola Fleming

From: Nicola Fleming
Sent: Tuesday 27 June 2023 15:24
To: 'Avril Hobson'
Subject: RE: Ref Ex 34/2023

I acknowledge receipt of your email decision is due on EX34/2023 on 17/07/23.

Regards,

Nicola Fleming
Staff Officer
Planning Department
WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96
PhP: +353 (0404) 20148 | : nfleming@wicklowcoco.ie
Website: <http://www.wicklow.ie>

-----Original Message-----

From: Avril Hobson [[mailto](#)]
Sent: Monday 26 June 2023 16:54
To: Planning - Planning and Development Secretariat
Subject: Ref Ex 34/2023

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Kind regards
Avril

Sent from my iPhone

Nicola Fleming

From: Avril Hobson
Sent: Monday 26 June 2023 16:54
To: Planning - Planning and Development Secretariat
Subject: Ref Ex 34/2023

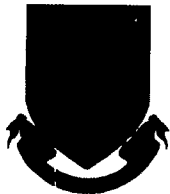
Dear Sir/ Madam

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I am applying for Grant aid to develop this arena from Department of Agriculture under a TAMs grant and closing date is this Friday. I would be grateful if you could review this at your earliest convenience

Kind regards
Avril

Sent from my iPhone



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21/06/2023

Avril Hobson

RE: EX 34/2023

'Erection of unroofed area for the exercising of training of horses or ponies at Barraderry, Kiltegan, W97 R599'

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 2nd of June 2023.

Further Information:

Recommend that further information be sought under Section 5(2)(b) of the Planning and Development Act 2000 (as amended) as follows:

In order to fully assess the Section 5 query, you are requested to submit further details concerning the purposed unroofed area for the exercising or training of ponies inclusive of;

- a) The extent of any ground works required as to facilitate the erection of an unroofed area at the proposed locality including overall depth where appropriate.
- b) The distance of the proposed unroofed area to the adjacent watercourse present to the east.

Mise, le meas

**SENIOR STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater G.P.
Type: Section 5 Application
REF: EX 34/2023
Applicant: Avril Hobson
Date of Application: 02/06/2023
Decision Due Date: 29/06/2023
Address: Barraderry, Kiltegan, Co. Wicklow
Exemption Query: Erection of an unroofed area for the exercising or training of ponies.

Application Site: The application site is an established agricultural complex with an adjacent two storey dwelling located in a level 10 rural area.

Aerial Image Subject site with approx. location of proposed unroofed area highlighted in yellow.



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows,

- *Erection of an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, Co. Wicklow.*

Relevant Planning History:

Ref 08/825
Applicant Avril Hobson

Development	construction of a two storey four-bed house, with a new access point, entrance gateway and access drive from the R747, an effluent treatment system and percolation field and all associated landscaping works.
Decision	Grant
Ref	15/825
Applicant	Avril Hobson & Michael Keane
Development	Single storey detached garage and storage area (52sqm) and service gates to front and side of existing detached house.
Decision	Grant

Question:

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

- *Erection of an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, 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 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,*
 - (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,*
- And so on.*

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 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 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.*

Assessment

The subject site is located in the townland of Barraderry, some 600m west of the village of Kiltegan. The site is currently occupied by a dwelling and garage, with the subject proposal referencing a unroofed training / exercise yard to be situated to the rear of the existing structures on 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:

“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. 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.

<i>1. 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 exercise horse / ponies .
<i>2. No such area shall be used for the staging of public events</i>	Yes - It is stated that the development will not be used to stage events.
<i>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.</i>	Yes – Not situated within 10 metres of any public road, nor is any entrance to such area directly off any public road.
<i>4. The height of any such structure shall not exceed 2 metres.</i>	Yes – It is stated that the height of the structure does not exceed 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)**

The proposal is considered to fall under Schedule 2, Part 3 Class 8 as well as its associated conditions and limitations. However, upon review of the subject sites planning history, the sites sloped topography and the presence of a stream / watercourse to the immediate east is noted. For this reason, the PA considers that a number of points of clarification are required to ensure the outright exemption of the proposed development. Firstly, any required ground works to facilitate the proposal will need to be specified, noting that groundworks in excess of 1m in height shall not be deemed as exempt. Additionally, the impact of the proposed development upon the adjoining stream must be considered as, although it is acknowledge that the field at present possess an existing agricultural use, due to its proximity, said development may see to impose adverse environmental effects upon the watercourse, acknowledging this watercourses status as a minor tributary of the Slaney River a protected European Site / SAC (as outlined within limitations of exempt development under **Article 9 (1) vii(B)**).

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 an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, Co. Wicklow*' is or is not exempted development.

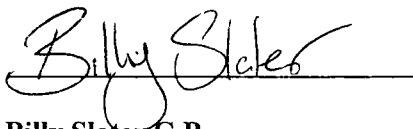
The Planning Authority considers that:

The proposal of the '*Erection of an unroofed area for the exercising or training of ponies, at Barraderry, Kiltegan, 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 unroofed area for the exercising or training of ponies inclusive of;

- a) The extent of any ground works required as to facilitate the erection of an unroofed area at the proposed locality including overall depth where appropriate.
- b) The distance of the proposed unroofed area to the adjacent watercourse present to the east.



Billy Slater G.P.
19/06/2023



20/6/2023



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Graduate Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX 34/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Avril Hobson**

I enclose herewith for your attention application for Section 5 Declaration received 2nd June 2023.

The due date on this declaration is 29th June 2023.



**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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2nd June 2023

Avril Hobson

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

Ex 34/2023 - The erection of an unroofed area for the exercising or training of horse or ponies together with a drainage bed or soft surface material to provide an all weather surface

A Chara

I wish to acknowledge receipt on 2nd June 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 29th June 2023.

Mise, le meas

**NICOLA FLEMING
STAFF OFFICER**

PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

02/06/2023 09:48:52

Receipt No L11/0/314071

AVRIL HOBSON
BARRADE RRY
KILTEGAN
CO WICKLOW

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

Total	80 00 EUR
-------	-----------

Tendered	
Cheque	80 00

Change	0 00
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Issued By Katie Finn
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: AVRIL HOBSON

Address of applicant: _____

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

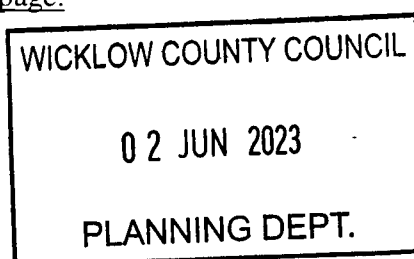
2. Agents Details (Where Applicable)

(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 BARRADERRY
KILTEGAN, CO. WICKLOW
W91 TCE
- 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, on 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
IN ORDER TO SATISFY A DEPARTMENT OF
AGRICULTURE, FOOD & THE MARINE GRANT,
CONFIRMATION IS REQUIRED FROM WICKLOW
COUNTY COUNCIL THAT THE PROPOSED DEVELOPMENT
IS EXEMPTED FROM PLANNING. I.E. A Declaration
Additional details may be submitted by way of separate submission. of Exemption
is Required
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____
CLASS 10.
THE ERECTION OF AN UNROOFED 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.
THIS DEVELOPMENT WILL ONLY BE USED TO EXERCISE
HORSES OR PONIES
IT WILL NOT BE USED TO STAGE PUBLIC EVENTS
IT IS NOT WITHIN 10M OF PUBLIC ROAD.
THE HEIGHT DOES NOT EXCEED 2M.

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 Rural Place map 1:2500.

viii. Fee of € 80 Attached ? YES

Signed : Eul Olsen Dated : 26/6/23.

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.

Y

- 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.

Enclosed 1:2500 Rural Place map -
site layout plan showing location of
unroofed area for exercise & training of
horses & ponies, showing distance >10m
from public road.

The dwelling house in the map ~~but~~ is the
dwelling house of the applicant.

Exercise area ~~area~~ proposed size 25m x 45m.

184956

ITM CENTRE PT COORDS

693036.684666

DESCRIPTION

MAP SHEETS

1.2500

4188-C



Produced by
The Map Centre,
Burchall House, Parnell Street,
Waterford.
On behalf of Ordnance
Survey Ireland
Phoenix Park, Dublin 8.

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3308

Scale:- 1:2,500
Scála:- 1:2,500

Plot Ref. No. 25173436_1_2
Plot Date 07-OCT-2013