



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

Applicant	Ms Olga Doyle, Equine Evolve
Address	T/A Evolve Sport Horse Management Ltd. Kylmakill, Moyne, Thurles, Co. Tipperary E41VK29
Telephone No.	[REDACTED]
E-mail	[REDACTED]

**2. Agent's (if any) address:**

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent [ ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballypatrick Thurles, Co. Tipperary E41DN30
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**4. Development Details:**

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

<p>Land area for private use (88.5m long X 59.5m wide) with a          Gallop off same 600m long. This will be used to exercise          &amp; improve the standard of my personal horses, that are          already stabled onsite @ Ballypatrick @ Barn 8 on the          attached plan. No additional traffic or nuisance will be generated.          because of this reason.</p>	
Proposed floor area of proposed works/uses:	sqm

**5. Legal Interest of Applicant in the Land or Structure:**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
Where legal interest is 'Other', please expand further on your interest in the land or structure	The area for the proposed arena is rented by me Olga Doyle, Equine Evolve,	
If you are not the legal owner, please state the name and address of the owner	Name: Greg Beedeen. Address: Ballypatrick, Thurlis, Co. Tipperary.	

Signature of Applicant(s) Olga Doyle

Date: 16/04/2024

**Note:** If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

**GUIDANCE NOTES**

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
  
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>
<b><u>DATE STAMP</u></b>
<b>Fee Recd. € <u>80.00</u></b>
Receipt No <u>NENAM 1/0/119231</u>
Date <u>18/4/2024</u>
Received by _____

Olga Doyle, Equine Evolve

Kylemakill,

Moynes,

Thurles

Co. Tipperary.

16/04/2024

**Additional information:**

**To whom it may concern:**

I have land and stables rented from Greg Broderick, GBBS International Ltd.

I have my ponies and horses stabled at Ballypatrick and this can be seen from the attached farmyard legend. Barn 8 is mine and I also use the entrance marked 12 on same legend. This entrance is independent of the main entrance at Ballypatrick and is on the laneway.

I currently have independent lands and stables at Ballypatrick but now require an independent sand area and gallop for my private use.

Please note that GBBS International Ltd., previously applied for a Section 5 Declaration sand arena 20m shorter at this location/site and received same from the Local Authority.

GBBS International Ltd also applied for planning permission for an arena at this location but never went ahead with this arena as they didn't need same and just improved the surface on their existing arena.

I have 2 boys (Mas and Gavin Doyle) who now compete at various horse and pony shows. We have our ponies and horses' stabled on site and plan to use this arena and gallop for our own animals so my kids can continue to improve and enjoy showjumping.

Trusting the attached is satisfactory.

Kind regards,

A handwritten signature in black ink that reads "Olga Doyle". The signature is written in a cursive style with a horizontal line drawn through the middle of the name.

Olga Doyle



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
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Tipperary County Council,  
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Co. Tipperary  
E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 19<sup>th</sup> April, 2024

Our Ref: S5/24/49

Civic Offices, Nenagh

**Ms Olga Doyle, Equine Evolve  
T/A Evolve Sport Horse Management Ltd  
Kylemakill  
Moyne  
Thurles, Co. Tipperary  
E41 VK29**

**Re: Application for a Section 5 Declaration – Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long at Ballypatrick, Thurles, Co Tipperary**

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 18<sup>th</sup> April, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

  
for **Director of Services**

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

Planning & Development Act 2000, as amended  
Planning & Development Regulations 2001, as amended

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**Planning Ref.:** S5/24/49

**Applicant:** Olga Doyle

**Development Address:** Ballypatrick Stables, Ballypatrick, Thurles, Co. Tipperary

**Proposed Development:** Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long

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### **1. GENERAL**

On 18.04/2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Olga Doyle as to whether or not the following works constituted development and if so, whether same was exempted development:

Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long

### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

#### **Planning and Development Act, 2000, as amended**

Section 2(1) of the Planning and Development Act, 2000, as amended, 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.

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."*

## **Planning and Development Regulations 2001**

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

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.

Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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

This exemption is subject to the following conditions/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.*

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

Section 4 (4) of the Planning and Development Act 2000, as amended states:

*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.*

### **3. ASSESSMENT**

#### **a. Site Location**

The site comprises part of an existing equine enterprise at Ballypatrick, Thurles

#### **a. Relevant Planning History**

- 13510387 Permission granted for 2 No. agricultural storage sheds, to retain a straw bed foaling shed and all associated works and for permission to develop a new show jump horse training building and carry out associated works
- 21/1187 Permission granted for outdoor sand arena, floodlighting and including all associated site works
- S5.20.111 Exemption Certificate granted to Greg Broderick to Construct a sand jumping arena (68.5m x 59.436m)
- S5.23.64 Application for an Exemption Certificate for an Outdoor sand jumping arena (75 yards x 65 yards) – further information was requested, but no response received to date.

#### **b. Assessment**

##### A) "Is or is not Development"

I consider the above listed proposals constitute "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

##### B) "Is or is not Exempted Development"

I am satisfied that the proposal comes under the planning exemption under Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

It is considered that both the proposed sand arena and the gallop would constitute an unroofed, area for the exercising or training of horses or ponies as described under Class 10 of Schedule 2, Part 3 of the Planning and Development Regulations. As set out above, the proposed sand arena and gallop is for exercising and training ponies and is for private use and will not be open to the general public and therefore satisfies the requirements of Schedule 2, Part 3, Class 10 (1) and (2) above.

It is noted from the site layout map provided that the proposed development will be situated in excess of 80m from the public road and therefore satisfies the requirements of Schedule 2, Part 3, Class 10 (3) above.



The applicant has not provided any elevations of the proposed structure or detailing in relation to the fencing etc therefore it is not possible to ascertain whether the height of any such structure would exceed 2 metres as set out in limitations under Class 10 above. Further information is needed to confirm this.

C) Is the exemption restricted under Article 9

The proposed development will be accessed from a private laneway off the local road, L8153 at Ballypatrick and will therefore not impact on the Strategic Regional Road, R498. The proposed arena is for private use by the applicants family and is not open for public use and will therefore not result in an increase in traffic to and from the site. The Planning Authority is satisfied that the restrictions under article 9(1)(a)(iii) do not apply.

The application advises the facility will be used to exercise ponies and horses stabled on the site and therefore will not generate traffic movements-Jonathan Flood A/SEP 10/5/2024

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

An Appropriate Assessment Screening of the development has been undertaken which shows that impacts on a Natura 2000 site arising from the development are not likely.

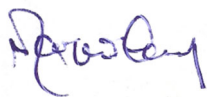
The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See attached.

**4. RECOMMENDATION**

It is recommended, pursuant to Section 5 (2) (b) of the Planning and Development Act to seek the following further information:

1. The documentation and details as submitted to the Planning Authority are not adequate in order to assess the application. The applicant is requested to elevational drawings to a suitable scale of the proposed development to include both the sand arena and the gallop to include details of proposed fencing/boundary treatments.

**District Planner:** \_\_\_\_\_



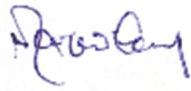
**Date:** 10.05.2024

**A/Senior Executive Planner:** \_\_\_\_\_



**Date:** 10/5/2024



<b>EIA Pre-Screening</b> <b>Establishing if the proposal is a 'sub-threshold development':</b>	
Planning Register Reference:	S5.24.49
Development Summary:	Outdoor sand arena and gallop
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class ___[insert here]_____	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): ___[specify class & threshold here]___	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>
<b>Signature and Date of Recommending Officer:</b>	 18.07.2023

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

### STEP 1. Description of the project/proposal and local site characteristics:

<b>(a) File Reference No:</b>	S5.24.49
<b>(b) Brief description of the project or plan:</b>	Sand arena and gallop
<b>(c) Brief description of site characteristics:</b>	The site is located in Ballypatrick, and is to be situated within an existing equine enterprise.
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	none
<b>(e) Response to consultation:</b>	No report to date

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC, 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Less than 10km	No	No
Slievefelim to Silvermines Mountains SPA, Site Code. 004165	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Less than 15km	No	No
Anglesey Road SAC	<a href="https://www.npws.ie/protected-sites/spa/002125">https://www.npws.ie/protected-sites/spa/002125</a>	Less than 15km	No	No
Kilduff, Devilsbit Mountain SAC	<a href="https://www.npws.ie/protected-sites/spa/000934">https://www.npws.ie/protected-sites/spa/000934</a>	Less than 15km	No	No

Anglesey Road SAC	<a href="https://www.npws.ie/protected-sites/spa/002125">https://www.npws.ie/protected-sites/spa/002125</a>	Less than 15km	No	No
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**STEP 3. Assessment of Likely Significant Effects**

**(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
In-combination/Other	

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
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(water or air quality etc.)

- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

Yes  No


#### STEP 4. Screening Determination Statement

##### The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No details submitted, further information required

##### Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b> 10.05.2024



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 14<sup>th</sup> May, 2024

Our Ref: S5/24/49

Civic Offices, Nenagh

**Ms Olga Doyle**  
**Ballypatrick**  
**Thurles**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – The construction of sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long Ballypatrick Stables, Ballypatrick, Thurles, Co. Tipperary.**

Dear Ms Doyle,

I refer to an application received from you on 18<sup>th</sup> April, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

**Further information is requested as follows;**

It is recommended, pursuant to Section 5 (2) (b) of the Planning and Development Act to seek the following further information:

1. The documentation and details as submitted to the Planning Authority are not adequate in order to assess the application. The applicant is requested to submit elevational drawings to a suitable scale of the proposed development to include both the sand arena and the gallop to include details of proposed fencing/boundary treatments.

**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

for **Director of Services**



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Tipperary County Council

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Date: 14<sup>th</sup> May, 2024

Our Ref: S5/24/49

Civic Offices, Nenagh

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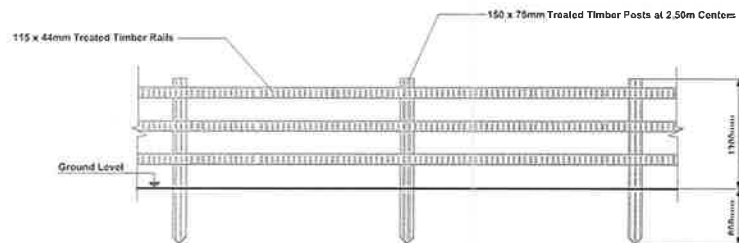
for **Director of Services**






115 x 44mm Treated Timber Rails

150 x 75mm Treated Timber Posts at 2.50m Centers



		<b>multi-disciplinary design consultants</b>	
<b>Main Office</b> Proton House, O'Connell Street Lower, Thurles, Co. Tipperary.	<b>Sub Office</b> Ling 7th Old Mill, Church Avenue, Portlaoise, Co. Laois.	<b>Sub Office</b> Errehall House Glass na Mara Place Glasnevin, Dublin 11.	<b>Client</b> O'Neil Doyle, Kylemakillmoynne, Thurles, Co. Tipperary.
Phone +353 524 92611    E info@abn-consultants.com		<b>Date</b> 22.05.2024	<b>Amount/Inst No</b> 0
<b>Project</b> Outdoor Sand Arena & Gallop, Ballypatrick Stables, Thurles, Co. Tipperary.		<b>Scale</b> 1:100	<b>File No</b> 0
<b>Drawing</b> <b>Post &amp; Rail Fence</b>		<b>Drawn By</b> PR	<b>Checked By</b> PR
		<b>Orig. No.</b> 2470-PP-200 A	

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

Planning & Development Act 2000, as amended  
Planning & Development Regulations 2001, as amended

---

**Planning Ref.:** S5/24/49

**Applicant:** Olga Doyle

**Development Address:** Ballypatrick Stables, Ballypatrick, Thurles, Co. Tipperary

**Proposed Development:** Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long

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#### **1. GENERAL**

On 18.04/2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Olga Doyle as to whether or not the following works constituted development and if so, whether same was exempted development:

Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long

Further information was requested on 14<sup>th</sup> May, 2024 as set out below:

*“1. The documentation and details as submitted to the Planning Authority are not adequate in order to assess the application. The applicant is requested to elevational drawings to a suitable scale of the proposed development to include both the sand arena and the gallop to include details of proposed fencing/boundary treatments.”*

On 28<sup>th</sup> May the applicant submitted details of the proposed fencing, showing a timber post and 3 rail fence, to be erected to a height of 1.5m approximately.

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

##### **Planning and Development Act, 2000, as amended**

Section 2(1) of the Planning and Development Act, 2000, as amended, 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.

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”*

## **Planning and Development Regulations 2001**

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

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.

Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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

This exemption is subject to the following conditions/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.*

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

Section 4 (4) of the Planning and Development Act 2000, as amended states:

*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.*

### **3. ASSESSMENT**

#### **a. Site Location**

The site comprises part of an existing equine enterprise at Ballypatrick, Thurles

#### **a. Relevant Planning History**

- 13510387 Permission granted for 2 No. agricultural storage sheds, to retain a straw bed foaling shed and all associated works and for permission to develop a new show jump horse training building and carry out associated works
- 21/1187 Permission granted for outdoor sand arena, floodlighting and including all associated site works
- S5.20.111 Exemption Certificate granted to Greg Broderick to Construct a sand jumping arena (68.5m x 59.436m)
- S5.23.64 Application for an Exemption Certificate for an Outdoor sand jumping arena (75 yards x 65 yards) – further information was requested, but no response received to date.

#### **b. Assessment**

##### A) “Is or is not Development”

I consider the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

##### B) “Is or is not Exempted Development”

I am satisfied that the proposal comes under the planning exemption under Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

It is considered that both the proposed sand arena and the gallop would constitute an unroofed, area for the exercising or training of horses or ponies as described under Class 10 of Schedule 2, Part 3 of the Planning and Development Regulations. As set out above, the proposed sand arena and gallop is for exercising and training ponies and is for private use and will not be open to the general public and therefore satisfies the requirements of Schedule 2, Part 3, Class 10 (1) and (2) above.

It is noted from the site layout map provided that the proposed development will be situated in excess of 80m from the public road and therefore satisfies the requirements of Schedule 2, Part 3, Class 10 (3) above.

It is noted that the height of the fence will not exceed 2 metres and therefore satisfied the limitations under Class 10 above.

##### C) Is the exemption restricted under Article 9

The proposed development will be accessed from a private laneway off the local road, L8153 at Ballypatrick and will therefore not impact on the Strategic Regional Road, R498. The proposed arena is for private use by the applicants family and is not open for public use and will therefore not result in an increase in traffic to and from the site. The Planning Authority is satisfied that the restrictions under article 9(1)(a)(iii) do not apply.

The application advises the facility will be used to exercise ponies and horses stabled on the site and therefore will not generate traffic movements.

#### D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

An Appropriate Assessment Screening of the development has been undertaken which shows that impacts on a Natura 2000 site arising from the development are not likely.

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See attached.

#### **4. RECOMMENDATION**

A question has arisen as to whether the following is development and is or is not exempted development;

*“Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m long”*

Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

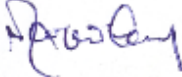
The construction of a sand arena as presented on the drawings provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **“exempted development”** pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended

District Planner:  \_\_\_\_\_

Date: 10.06.2024

A/Senior Executive Planner:  \_\_\_\_\_

Date: 10/6/2024

<b>EIA Pre-Screening</b> <b>Establishing if the proposal is a 'sub-threshold development':</b>	
Planning Register Reference:	S5.24.49
Development Summary:	Outdoor sand arena and gallop
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class <u>    [insert here]    </u>	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): <u>    [specify class &amp; threshold here]    </u>	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>
<b>Signature and Date of Recommending Officer:</b>	 10/6/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

### STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5.24.49
(b) Brief description of the project or plan:	Sand arena and gallop
(c) Brief description of site characteristics:	The site is located in Ballypatrick, and is to be situated within an existing equine enterprise.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	none
(e) Response to consultation:	No report to date

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC, 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Less than 10km	No	No
Slievefelim to Silvermines Mountains SPA, Site Code. 004165	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Less than 15km	No	No
Anglesey Road SAC	<a href="https://www.npws.ie/protected-sites/spa/002125">https://www.npws.ie/protected-sites/spa/002125</a>	Less than 15km	No	No
Kilduff, Devilsbit Mountain SAC	<a href="https://www.npws.ie/protected-sites/spa/000934">https://www.npws.ie/protected-sites/spa/000934</a>	Less than 15km	No	No

Anglesey Road SAC	<a href="https://www.npws.ie/protected-sites/spa/002125">https://www.npws.ie/protected-sites/spa/002125</a>	Less than 15km	No	No
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**STEP 3. Assessment of Likely Significant Effects**

**(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
In-combination/Other	

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	Having regard to the nature and scale of the proposed development there are no impacts anticipated
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No


**STEP 4. Screening Determination Statement**

**The assessment of significance of effects:**

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No details submitted, further information required

**Conclusion:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b> 10.06.2024



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
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Date: 12<sup>th</sup> June, 2024

Our Ref: S5/24/49

Civic Offices, Nenagh

**Ms Olga Doyle, Equine Evolve  
T/A Evolve Sport Horse Management Ltd  
Kylemakill  
Moynes  
Thurles, Co. Tipperary  
E41 VK29**

**Re: Declaration under Section 5 of the Planning and Development Act 2000**

Dear Ms Doyle,

I refer to your application for a Section 5 Declaration received on 18<sup>th</sup> April, 2024, in relation to the following proposed works:

Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m **at Ballypatrick Stables, Ballypatrick, Thurles, Co. Tipperary.**

**WHEREAS** a question has arisen as to whether the proposed development is or is not exempted development:

**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The construction of a sand arena as presented on the drawings provided with the Declaration application, constitutes “development” within the meaning of the

Planning and Development Act 2000, as amended and is "**exempted development**" pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

*Geraldine Quinn*

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/49**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4<sup>th</sup> March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Ms Olga Doyle, Equine Evolve, T/A Evolve Sport Horse Management Ltd, Kylemakill, Moyne, Thurles, Co. Tipperary, re: Construction of Sand arena for private use (88.5m long x 59.5m wide) with a gallop off same 600m **at Ballypatrick Stables, Ballypatrick, Thurles, Co. Tipperary** is development and is exempted development.

**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The construction of a sand arena as presented on the drawings provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**" pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.

**Signed:** 

**Date: 12/06/2024**

**Sharon Kennedy**  
**Director of Services**  
**Planning and Development (including Town Centre First),**  
**Emergency Services and Emergency Planning and**  
**Tipperary/Cahir/Cashel Municipal District**