



An
Bord
Pleanála

Board Direction
ABP-304225-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/07/2019.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the construction and operations of a track/gallops for the exercising of equine animals as constructed at Killegar is or is not development or is or is not exempted development:

AND WHEREAS NIJINSKY Property Company requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 20th day of March 2019 stating that the matter was development and was not exempted development:

AND WHEREAS NIJINSKY Property Company referred this declaration for review to An Bord Pleanála on the 16th day of April 2019.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2, 3 and 4 of the of the Planning and Development Act, 2000, as amended,
- (b) Article 5(2), 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 10 of Part 3 of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS 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;
- (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 2m in height.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the said works, consisting of the construction and operation of a track/gallops for the exercising of equine animals, as constructed, is development and is not exempted development.

Board Member:

Date: 31/07/2019

Terry Ó Niadh