

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

Shannon Gaels GAA Club,
Croghan,
Boyle,
Co. Roscommon.

Reference Number: DED 523

Application Received: 15th July, 2022.

Location: Croghan, Boyle, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a 2 metre wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000(as amended)
- (b) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000(as amended)
- (c) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)
- (e) Article 9 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- b) The proposed development is exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of the construction of a 2 metre wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Signed on behalf of the Council:



Administrative Officer, Planning.

Date: 2nd August, 2022.

cc. Colm Kelly,



**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number:

DED 523

Name and Address of Applicant:

Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon.

AGENT:

Colm Kelly, [REDACTED]

WHEREAS a question has arisen as to whether to construct a 2m wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon is or is not development and is or is not exempted development:

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000(as amended)**
- (b) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000(as amended)**
- (c) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)**
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)**
- (e) Article 9 of the Planning and Development Regulations 2001 (as amended)**

1.0 <u>Site Location and Description</u>

The application site contains a GAA complex and is the home of Shannon Gaels GAA Club, the majority of the site is within the settlement boundary of Croghan as defined in the Roscommon County Development Plan 2022-2028. It is proposed to develop a 2m wide running track around both the playing pitch and the training pitch. In relation to Natura 2000 sites, Cloonshanville Bog SAC (site code 000614) is the closest at 10.6km west.

2.0 <u>Planning History</u>
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PD/96/180 – Permission was granted to reconstruct and extend dressing rooms, construction of septic tank and provision of covered accommodation at playing pitch.

3.0 <u>Relevant Legislation</u>
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Planning and Development Act, 2000

Section 2 (1)

“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)

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 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001

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

(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 1

Class 13

Description of Development	Conditions and Limitations
The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving	The width of any such private footpath or paving shall not exceed 3 metres.

Development for amenity and recreation purposes

Class 33

Description of Development	Conditions and Limitations
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<p>Development consisting of the laying out and use of land—</p> <p>(a) as a park, private open space or ornamental garden,</p> <p>(b) as a roadside shrine, or</p> <p>(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.</p>	<p>The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>
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It should also be noted that any development for which an Environmental Impact Assessment Report or Appropriate Assessment is required shall not be exempted development unless specifically exempted in Regulations where there is provision in other legislation for the carrying out of EIAR or AA. In addition, the restrictions on exemption, (Art. 9 (1)(a)(viiB)) exclude development, which would otherwise be exempted development under these regulations, where an Appropriate Assessment is required.

4.0 Planning Assessment

The question to be determined in this Section 5 referral is whether to construct a 2m wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the proposed works to the training pitch constitutes works and is therefore development.

Having established that the ‘works’ undertaken amount to ‘development’, the issue to be considered is whether the development is exempted development or not. Section 4(1) of the Act defines certain types of development as being ‘exempted development’. The proposed development does not fall within any of the categories identified in this section. I am satisfied that the development in question is not considered to be exempted development under the provisions of the Planning & Development Act, 2000 – 2015.

The following classes of development is considered relevant in relation to this referral:

- Class 13 of Part 1 of Schedule 2 – Exempted Development – General
- Class 33 of Part 1 of Schedule 2 – Exempted Development – Rural

The proposed development in this instance will involve an excavation of 150mm of existing topsoil followed by the installation of a 2m wide walking path around both the training pitch and playing pitch. Specifications in relation to the materials to be used for construction have been provided and they are common for developments of this nature. It is noted that footpaths of this nature are becoming hugely popular in GAA complexes for the use of the wider community. It is acknowledged that the path is of such a width that is in accordance with the limitations for a development of this nature as outlined in Class 13.

Class 33 (c) of Part 1 of Schedule 2 of the Planning and Development Regulations state that the laying out and use of land for athletics or sports is deemed exempted development once no charge is made for admission of the public to the land. There are no conditions or limitations relating to this portion of class 33.

With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening

determination, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIAR or AA does not apply with respect to the current referral case.

In light of the above, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000-2015, and associated Regulations, the development works would not be constrained by the restrictions on exempted development detailed in the conditions and limitations of Class 33 and Class 13 of Part 1 of Schedule 2 of the Planning & Development Regulations, and therefore, the works do constitute exempted development.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to construct a 2m wide footpath around an existing GAA field fall within the classes of development listed in Schedule 2 of the Planning & Development Regulations.
- Given that the development is within the conditions and limitations for Class 13 and Class 33 of Part 1 of Schedule 2 of the Planning & Development Regulations, I have concluded that the proposal is exempted development.

5.0 Recommendation

Recommendation:

WHEREAS a question has arisen as to whether to construct a 2m wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon is or is not development, constitutes a material change of use, and is or is not exempted development:

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000(as amended)
- (b) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000(as amended)
- (c) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended)
Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)
- (e) Article 9 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS I have concluded that

- The works are development
- The works to construct a 2m wide footpath around an existing GAA field fall within the classes of development listed in Part 1 of Schedule 2 of the Planning & Development Regulations.

AND WHEREAS I have concluded that the said development to construct a 2m wide footpath around an existing GAA field at Shannon Gaels GAA Club, Croghan, Boyle, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

Signed: John Wallace

Date: 29th July 2022

John Wallace
Graduate Planner

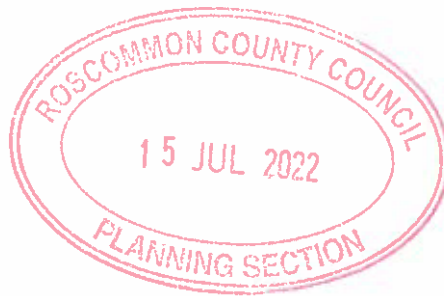








10th July 2022



DEP 524.

Colm Kelly



Roscommon County Council
Planning Department
Áras on Chontae,
Ardnanagh,
Roscommon,
F42 VR98

Att: Senior Planner

Ref: Application for a Declaration under Section 5 of the Planning & Development Act 2000-2022

Dear Sir/Madam,

This application for a Declaration under Section 5 of the Planning & Development Act 2000-2022 refers to proposed works at the existing pitch at Shannon Gaels GAA grounds, Croghan, Co. Roscommon. The proposed works, the detail of which is set out on the attached documents, comprises of the provision of a 2metre wide footpath around the existing gaa grounds.

Documents attached

1. Completed section 5 application form
2. Site location map
3. Map showing details of proposed 2m wide path
4. Footpath specification

It is my opinion that the works proposed are exempt having regard to Class 13 and 33 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 -2022, being

Class 33

'Development consisting of the laying out and use of land-

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land'.

It should be noted that there is no charge for the use of the facility.

Class 13

'the construction of any private footpath or paving'.

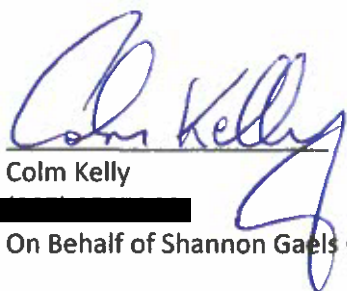
It should be noted that the width of the footpath shall not exceed 3 metres.

The development works are not constrained by any restrictions on exempted development detailed in Article 9 of the Planning & Development Regulations, 2001-2022.

In conclusion, having regard to Sections 3 and 5 of the Planning & Development Act 2000-2022 and having regard to Articles 6 and 9 and Classes 13 and 33 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 -2022, it is considered that the provision of a 2metre footpath around the gaa grounds is Exempted Development.

Your confirmation in this regard is sought via the attached formal application for a Section 5 Declaration.

Regards



Colm Kelly

On Behalf of Shannon Gaels GAA Club.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

15/07/2022 11:26 09

Receipt No : L01/0/217922

SHANNON GAELS GAA CLUB
CROGHAN, BOYLE
CO. ROSCOMMON

CHQ FROM KDM CONSTRUCTION LTD

DED ~~523~~ 523

LICENCE FEES P & D ACT	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

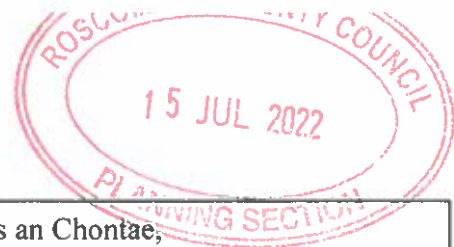
Tendered :
Cheque 80.00
50230

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office




Comhairle Contae
Ros Comáin
Roscommon
County Council



Áras an Chontae,
Roscommon,
Co. Roscommon
Phone: (090) 66 37100
Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development

Name:	Shannon Gaels GAA Club
Address:	CROGHAN BOYLE Co. ROSCOMMON.
Name & Address of Agent:	COLM KELLY 
Nature of Proposed Works	2m wide footpath around existing gaa field.
Location (Townland & O.S No.)	CROGHAN
Floor Area	N/A.
Height above ground level	N/A
Total area of private open space remaining after completion of this development	N/A.
Roofing Material (Slates, Tiles, other) (Specify)	N/A.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A.
Is proposed works located at front/rear/side of existing house.	N/A



Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development

Has an application been made previously for this site	Section 5 for Pitch Maintenance
If yes give ref. number (include full details of existing extension, if any)	DED 246 - 17 th Feb. 2017.
Existing use of land or structure	GAA grounds
Proposed use of land or structure	GAA grounds.
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	No.
Does the proposed development involve the provision of sanitary facilities	No.

Signature:

Colin Kelly

Date:

10-July-22

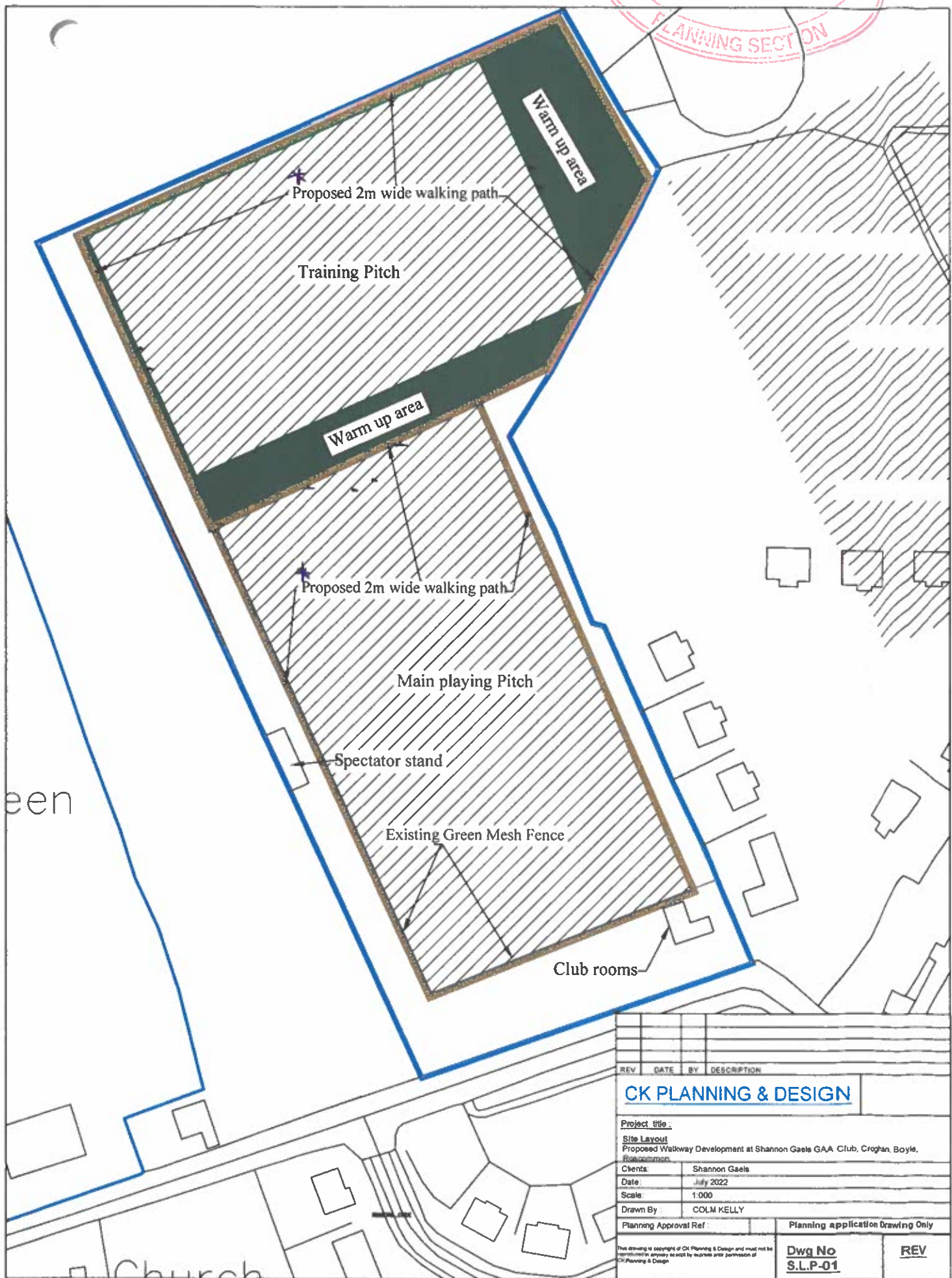
Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed



* SITE LOCATION OUTLINED IN RED

15 JUL 2022
PLANNING SECTION



REV	DATE	BY	DESCRIPTION
CK PLANNING & DESIGN			
Project title			
Site Layout			
Proposed Walkway Development at Shannon Gaels GAA Club, Croghan, Boyle, Roscommon			
Clients:	Shannon Gaels		
Date:	July 2022		
Scale:	1:000		
Drawn By:	COLM KELLY		
Planning Approval Ref:		Planning application Drawing Only	
This drawing is copyright of CK Planning & Design and must not be reproduced in any way without the express prior permission of CK Planning & Design			REV
Dwg No			S.L.P-01

* Proposed 2m wide footpath around existing playing fields shown in gold above.

2m wide Footpath Specification

- Excavation of 150mm of existing topsoil subsoil and disposal on site to agreed location.
- Supply and install 2m wide terram layer.
- 200mm of Clause 804 material
- Surface with 10mm dust blinding for finished surface.

