

Ballintleva National School,

Reference Number:	DED 538
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Application Received: 3rd February, 2023

Location: Ballintleva National School, Cuilleenirwan, Curraghboy, Co. Roscommon.

WHEREAS a question has arisen as to whether the installation of an astro turf pitch and ancillary site works at Ballintleva National School, Cuilleenirwan Townland, Curraghboy, 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) Class 33 of Part 1, Schedule 2 of the Planning and Development Regulations 2001(as amended)
- (c) Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended0
- (d) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- (e) 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);

AND WHEREAS Roscommon County Council has concluded that:

- (a) The installation of an astro turf pitch and ancillary site works (excluding the 3-metre-high fencing) constitutes development that is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
- (b) The erection of 3-metre-high fencing around the perimeter of the pitch constitutes development that is not exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

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 installation of an astro turf pitch and ancillary site works (excluding the 3-metre-high fencing) at Ballintleva National School, Cuilleenirwan Townland, Curraghboy, Co. Roscommon constitutes development that is exempted development** as defined in the Planning and Development Act 2000 (as amended) and associated Regulations and that the said works consisting of **the erection of 3-metre-high fencing around the perimeter of the pitch at Ballintleva National School, Cuilleenirwan Townland, Curraghboy, Co. Roscommon, constitutes development that is not exempted development as** defined in 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.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the said Council

Administrative Officer, Planning.

Date: 29th March, 2023

<u>EMAIL</u>

cc. Dolan and Associates Ltd., Church Street, Ballinasloe, Co. Roscommon.

M J Dolan

From:	Planning Department
Sent:	Wednesday 29 March 2023 11:39
То:	Christy Dolan
Cc:	Dolan and Associates Ltd
Subject:	DED 538 - Section 5 Declaration on Development- Notification of Decision
Attachments:	DED 538 Section 5 Declaration - Notification of Decision.pdf

A Chara,

Please find attached, Section 5 Declaration on Development and Exempted Development – Notification of Decision in regard to DED 538.

Mise le meas,

Mary Dolan, Administrative Officer, Planning, Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98. (090) 6637176 <u>marydolan@roscommoncoco.ie</u> Please address all e-mail correspondence to planning@roscommoncoco.ie

www.roscommoncoco.ie

Comhairle Contae Ros Comáin Ros Comáin Ros comáin County Council



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

DED 538
Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development to install astro turf pitch and ancillary site works
Ballintleva National School
Cuilleenirwan Td, Curraghboy, Co Roscommon

1.0 Introduction

Street .

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 6th March 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions
- Planning history on site

Further information requested: 8th March 2023

Clarification response received: 10th March 2023

3.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1: Clarification if the proposed astro turf pitch will be open to the public

Assessment of further information received:

Item 1: The applicant clarified that the pitch will not be open to the public

Final assessment:

Having regard to class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended which provides for exempted development for amenity or recreational purposes, the proposed astro turf pitch is exempt development and a declaration to this effect can be issued.

However, the applicant is also proposing to provide 3m wire mesh fencing around the perimeter of the pitch. Class 11 of Part 1, Schedule 2 provides for fencing and is detailed below:

Schedule 2, Part 1 Sundry Works Class 11

Description of Development	Conditions and Limitations
The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –	1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
(a) any fence (not being a hoarding or sheet metal fence), or(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

Having regard to the height of the proposed fence in excess of 1.2 m and in light of the above, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000 as amended and associated Regulations, the development works would be constrained by the *conditions and limitations* on in Class 11 of the Planning & Development Regulations 2001 as amended, and therefore, the works do **not** constitute 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) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (c) Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 as amended
- (d) Article 6 and 9 of the planning and Development Regulations 2001 as amended.
- (e) 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);

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

- The works are development
- The proposed works are exempted development.

Having regard to the above, I am satisfied that the proposal to 'erect 3 metre high fencing around the perimeter of the pitch' raised in this referral application can be determined as follows:

- The works are development
- The proposed works are **not** exempted development.

Recommendation: I recommend a split declaration be issued to the following effect:

1) I have concluded that to' install astro turf pitch and all ancillary site works, excluding the 3 metre high fencing' is development and IS exempted development and I recommend that a declaration to that effect should be issued to the applicant.

2) I have concluded that to 'erect 3 metre high fencing around the perimeter of the pitch' is development and is NOT exempted development and I recommend that a declaration to that effect should be issued to the applicant.

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Date: 22/03/2023

Roscommon South Planner

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Signed

Dolan and Associates Ltd.

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Civil Engineering and Architectural Consultants Telephone/Fax: 090 96 44371. E-Mail: dolanandassociatesltd@outlook.com

> Teach Mhuire, Church Street, Creagh, Ballinasloe, Co. Galway.

> > . Al

09th March 2023

The Secretary (Planning, Roscommon County Council, Aras An Chontae, Roscommon.

Planning Ref No: DED 538

Applicants: Ballintelva National School

Proposed Development:

Whereas a question has arisen as to whether the installation of an astro turf pitch and ancillary site works at Cuilleenirwan Townland, Curraghboy, Co Roscommon, is or is not development, and is or is not exempted development.

Dear Secretary

We refer to your letter dated 8th March 2023 and wish to reply as follows:

1. The proposed Astro turf pitch will not be open to members of the public.

Yours sincerely,

Grand Colar.

Gerard Dofan Dolan & Associates Ltd



From:Planning DepartmentSent:Wednesday 8 March 2023 15:45To:'Dolan and Associates Ltd'Subject:RCC Planning Ref. No. DED 538 - Request for Further InformationAttachments:DED 538 Request for Further Information.pdf

A Chara,

Please find attached, letter dated 8th March 2023 requesting the submission of Further Information in respect of Planning Application Reference No. DED 538.

Given that an e-mail address has not been provided by the applicant we would be obliged if you could ensure that a copy of this Request for Further Information is provided to the applicant.

Mise le meas,

 Mary Dolan, Administrative Officer, Planning,

 Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.

 ☎ (090) 6637176

 △marydolan@roscommoncoco.ie

 Please address all e-mail correspondence to planning@roscommoncoco.ie

www.roscommoncoco.ie



Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only except in instances where an e-mail address has not been provided.



Comhairle Contae Ros Comáin Roscommon County Council



EMAIL Ballintleva National School,



Date:8TH March 2023Reference No:DED 538

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: Whereas a question has arisen as to whether the installation of an astro turf pitch and ancillary site works at Cuilleenirwan Townland, Curraghboy, Co. Roscommon, is or is not development, and is or is not exempted development.

A Chara,

Further to your application received on the 9th February, 2023 and in order for the Planning Authority to determine whether the installation of an astro turf pitch and ancillary site works at Cuilleenirwan Townland, Curraghboy, Co. Roscommon is or is not development, and is or is not exempted development, you are requested to submit the following further information:

1. Please clarify of the pitch will be open to the members of the public and if so, will there be an admission cost for its use.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 538**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Administrative Officer, Planning.

CC. EMAIL Dolan & Associates Ltd., Church Street, Ballinasloe, Co. Roscommon.

Page 1 of 1





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

Reference Number:	DED 538		
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development to install astro turf pitch and ancillary site works.		
Name and Address of Applicant:	Ballintleva National School		
Location of Development: Cuilleenirwan Td, Curraghboy, Co Roscommon			

WHEREAS a question has arisen as to whether the following works; Installation of a astro turf pitch 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) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (c) Article 6 and 9 of the planning and Development Regulations 2001 as amended.
- (d) 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);

Site Location & Development Description

The proposed development is located on a local road c 3 km north east of the village of Dysert and consists of a national school. The applicant is proposing to install an astro turf pitch 800 sqm and erect 3 m high double beam fencing along all perimeters of the pitch.

Planning History

08/896: Permission granted for reconstruction and extension of existing school building

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

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.

-	Class 33	3 of Pari	t 1 of 9	Schedule 2	2: Exempted	development	-General
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Description of Development	Conditions and Limitations
For amenity or recreational purposes CLASS 33	
Development consisting of the laying out and use of land— (a) as a park, private open space or ornamental garden,	The area of any such chrine chall not exceed 2 square metros, the
(b) as a roadside shrine, or	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.
(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 also be noted that any development for which Environmental Impact Assessment 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 EIA 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.

Furthermore, the restrictions on exemption, (Art. 9 (1)(a)(i)) exclude development, which would otherwise be exempted development under these regulations, if they were in an area to which a special amenity area applies. The proposed astro turf is not located in such an area.

Assessment

The question to be determined in this Section 5 referral is whether the 'Installation of an astro turf and ancillary site works' is or is not development, and is or is not exempted development. The development also includes the erection of 3m high wire mesh fencing along the perimeter of the pitch. Having considered the definition of both "works" and "development" outlined above, I would deem that these proposed developments constitute works and is therefore development.

Having established that the 'works' amount to 'development', the issue to be considered is whether the development is exempted development or not

Having regard to class 33 above which provides for exempted development for amenity or recreational purposes the laying of a pitch would appear exempt if there is no charge for admission to the public. The applicant has not provided any information on whether the pitch will be open to the public and if so will there will be an admission cost. Notwithstanding the fact it is on school property clarification will be required in relation to this. It is evident from class 33 that no exemption is extended to the provision of fencing. In terms of the provision of fencing around the perimeter of the pitch, there is no provision in the Act or Regulations which references such a structure as being exempt. In the absence of any explicit exemptions it must be deemed that the fencing is not exempt from the requirement to obtain planning permission.

The site in question is not within nor abutting a designated Natura 2000 site. 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.

Final assessment:

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 'erection of 3m high fencing' does not fall within the classes of development listed in Part 1, Schedule 2 of the Planning & Development Regulations 2011 as amended.
- Further information is required in relation to the use of the pitch in order to determine if it falls within the Class 33 of the Planning and Development Regulations 2001 as amended.

Recommendation

Request further information:

1. Please clarify of the pitch will be open to the members of the public and if so, will there be an admission cost for its use.

Connerfl

Signed

Roscommon South Planner

Date: 6th March 2023







Ballintleva National School,

Date: 10th February, 2023. Planning Reference: DED 538

Re:	Application for a Declaration under Section 5 of the Plan Development Act 2000 (as amended), regarding Exempted Developr	•
Development:	To install an astro turf pitch and ancillary site works at Cuilleenirv Curraghboy, Co. Roscommon.	
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A Chara,

I wish to acknowledge receipt of your application received on the 9th February, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/221198** dated 10/02/2023 refers, copy of receipt attached herewith for the attention of the Agent.

Note: Please note your Planning Reference No. is DED 538. This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer, Planning.

CC: Dolan & Associates Ltd, Church Street, Ballinasloe, Co. Galway.

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DOC			Áras an Chontae,		
	omhairle Colore os Comáin	ANNING SECTION	Roscommon,		
Ro Ro	scommon xunty Council		Co. Roscommon.		
non			Phone: (090) 6637100 Email: planning@roscom	monco	co.ie

Roscommon County Council

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

Name:	BallINTLEIA NATIONIAL SCHOOL
Address:	
Name & Address of Agent:	Palan & Associa TES LTO CHURCH STREET BALLNASLOC Co GAMMAG
Nature of Proposed Works	Lo CATALINA 9 To INISTAIL TAN ASTRO TURF PITCH AND ANCICLARY SITTE VICALLS
Location (Townland & O.S No.)	LUILLEATTRUMAN TO, LURAAAABCY
Floor Area	20 ngm
Height above ground level	3M
Total area of private open space remaining after completion of this development	8045 ngm.
Roofing Material (Slates, Tiles, other) (Specify)	NIA
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	31x HIGH DOUGLE BEAM 808 FENILIPG (GREEN).
Is proposed works located at front/rear/side of existing house.	REAR SIDE OF EUSTING SCHEEL.

Roscommon County Council

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

Has an application been	
made previously for this	11-
site	YES.
If yes give ref. number	
(include full details of	
existing extension, if	KS IDDI
any)	00/876
Existing use of land or	EDUCATIONAL EDUCATIONAL
structure	FDUCATIONAL
Proposed use of land or	
structure	EDUCATION AL
Distance of proposed	
building line from edge	TOUR
of roadway	58 M.
Does the proposed	
development involve the	
provision of a piped	x/
water supply	NO
Does the proposed	
development involve the	
provision of sanitary	1/-
facilities	NO

Signature:

Date:

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) Detailed specification of development proposed



Roscommon County Council Aras an Chontae Roscommon 09066 37100

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10/02/2023 10 52:42

1.0

Receipt No.::: L01/0/221198

BALLINTLEVA NATIONAL SCHOOL

AGENT DOLAN & ASSOCIATES LTD

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 538

Total: 80.00 EUR

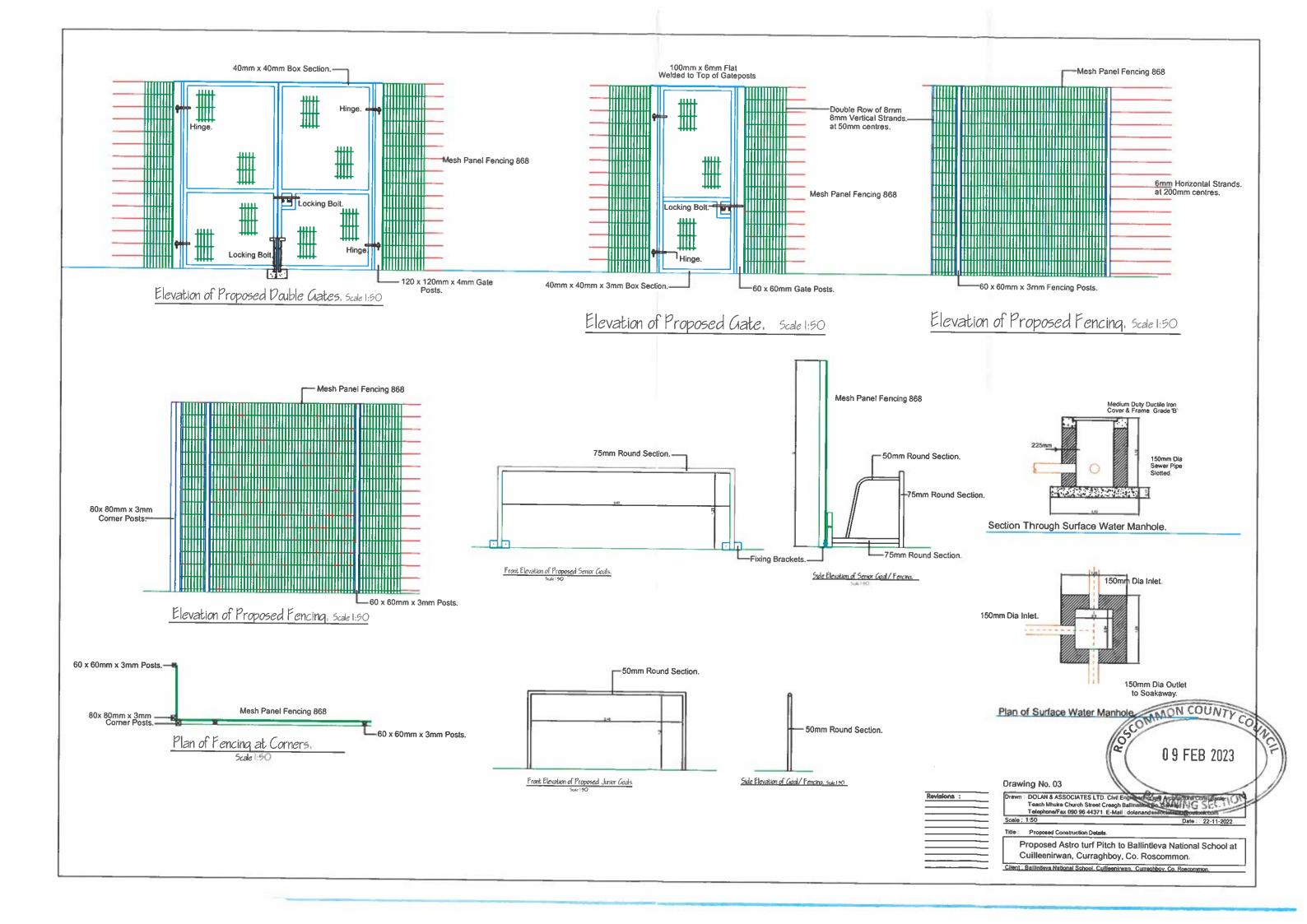
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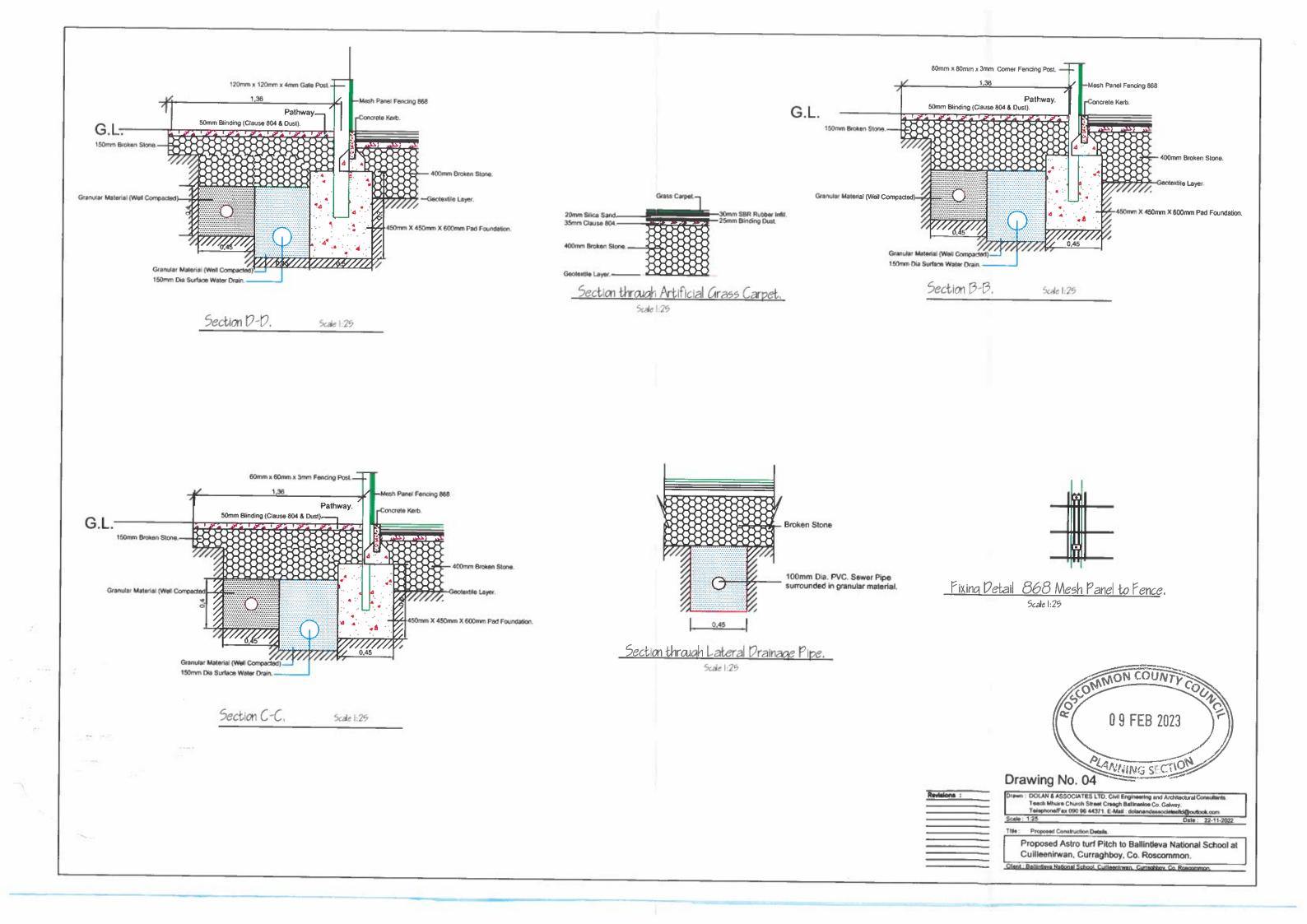
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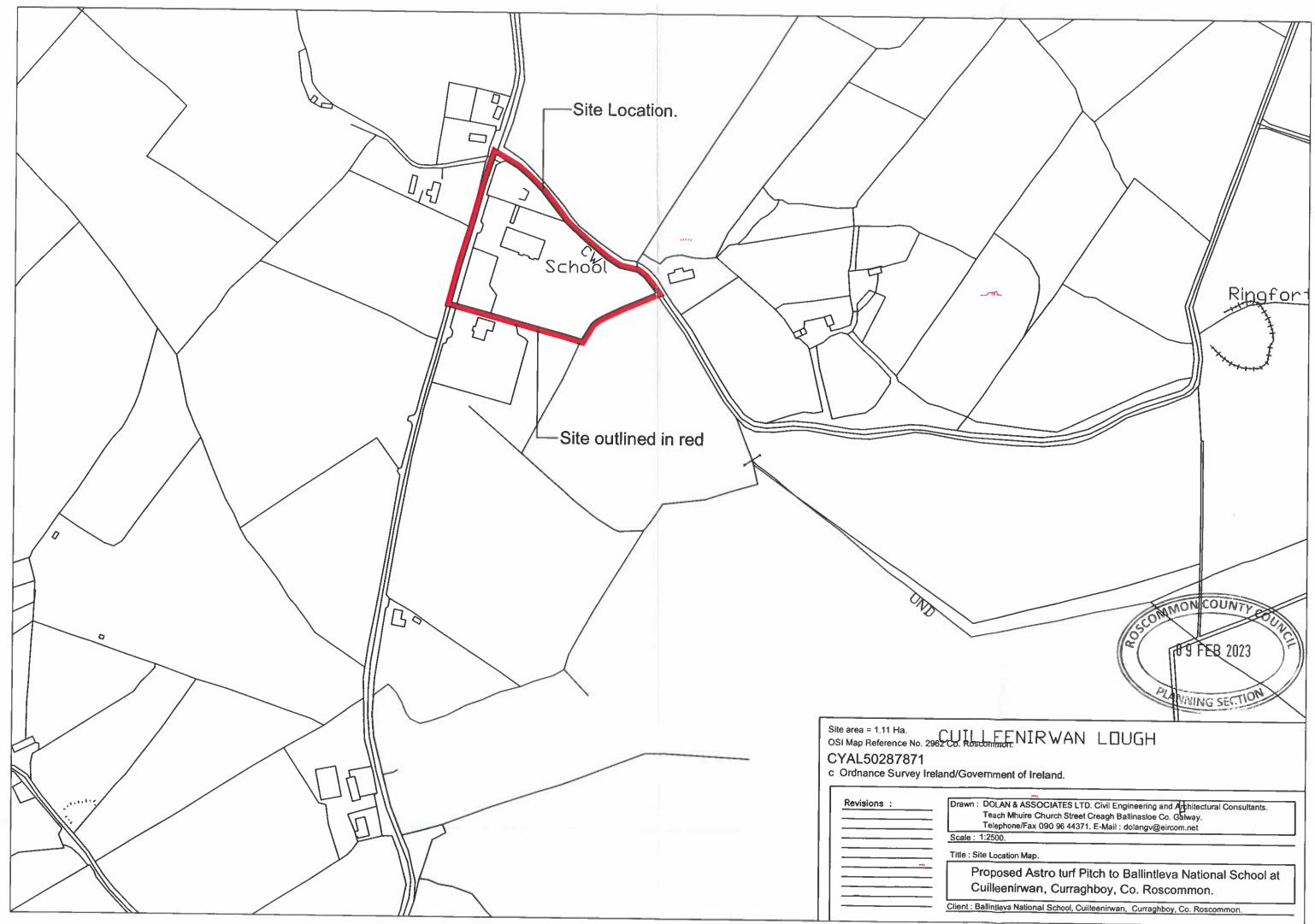
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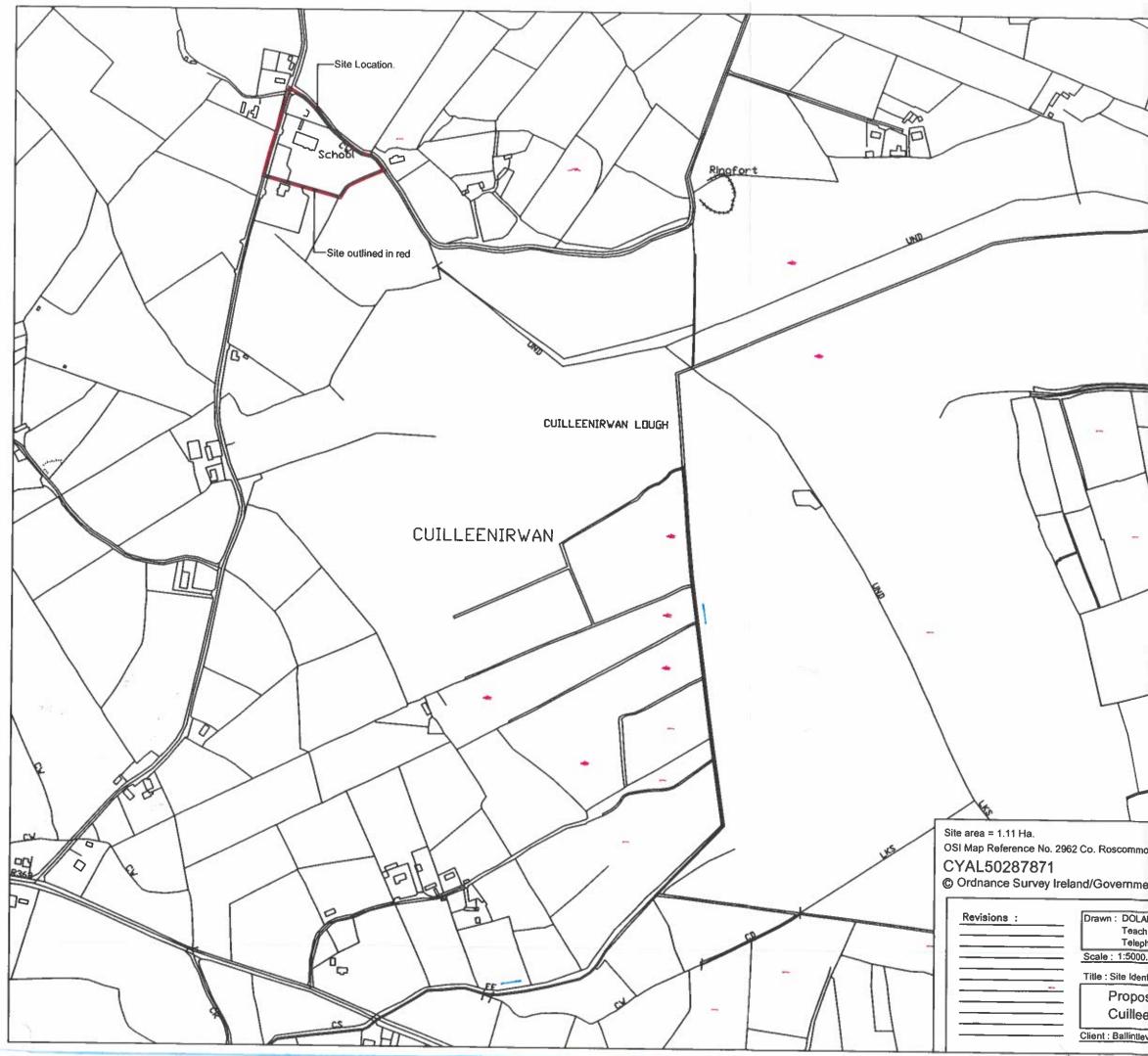
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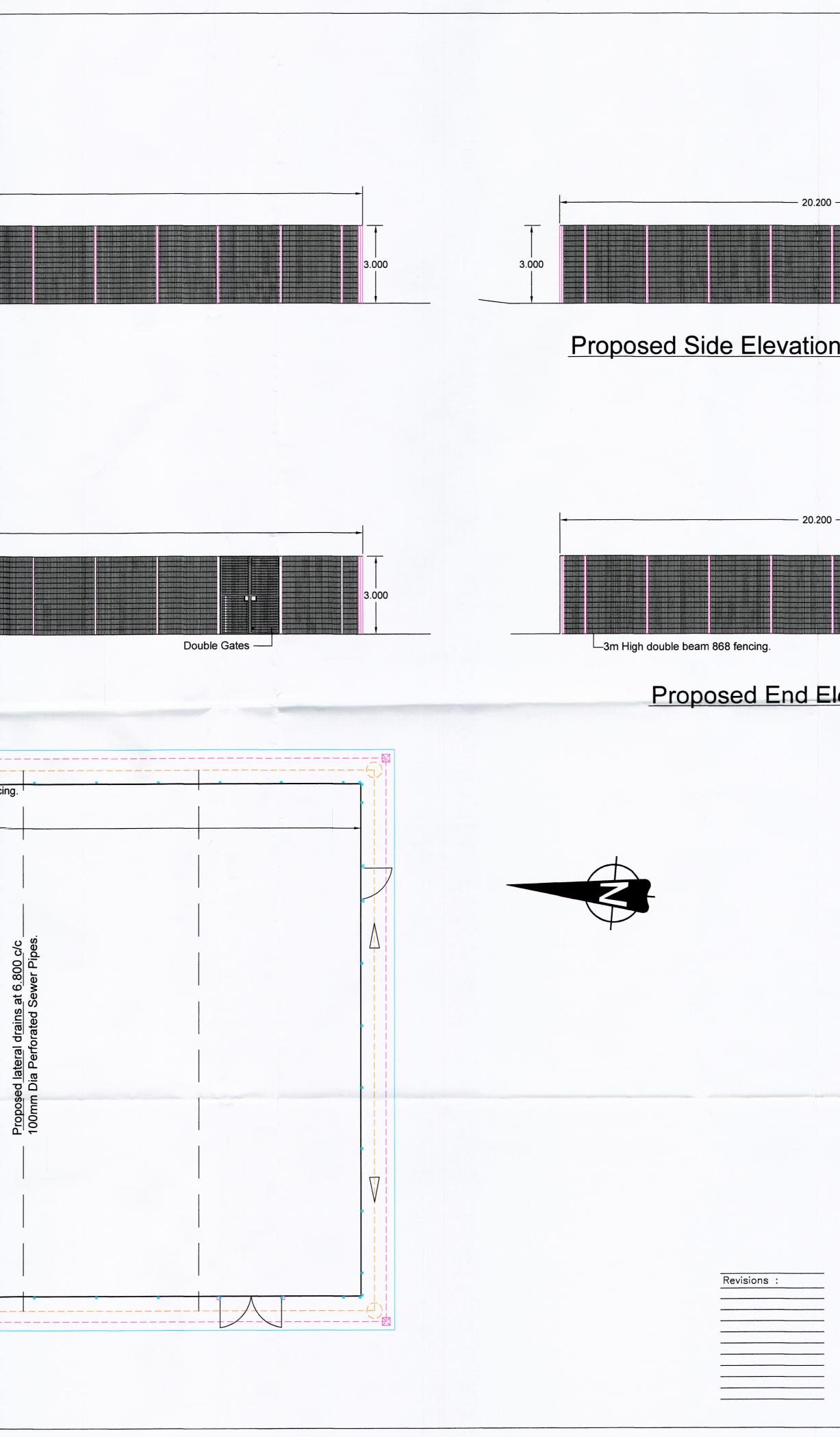




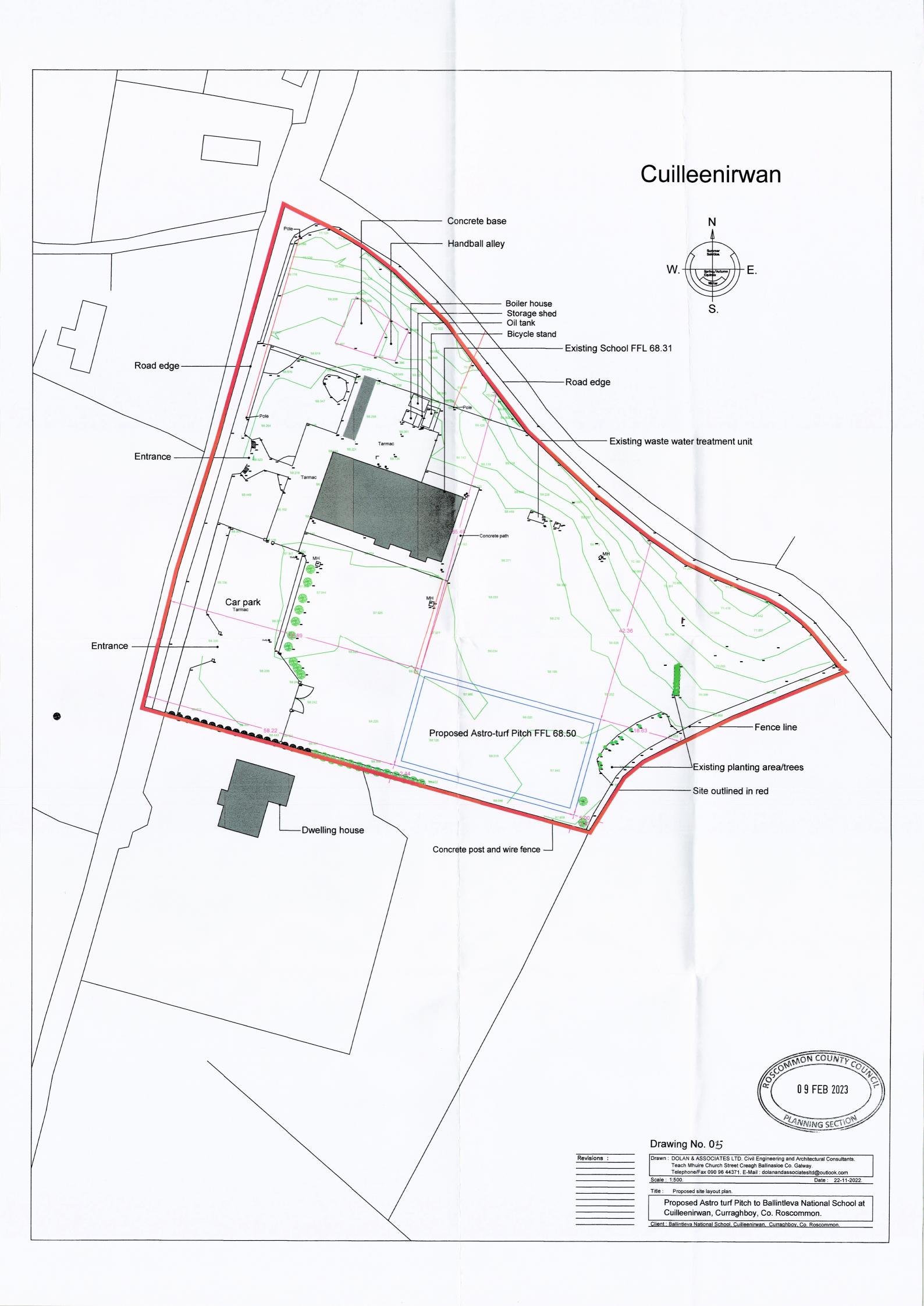


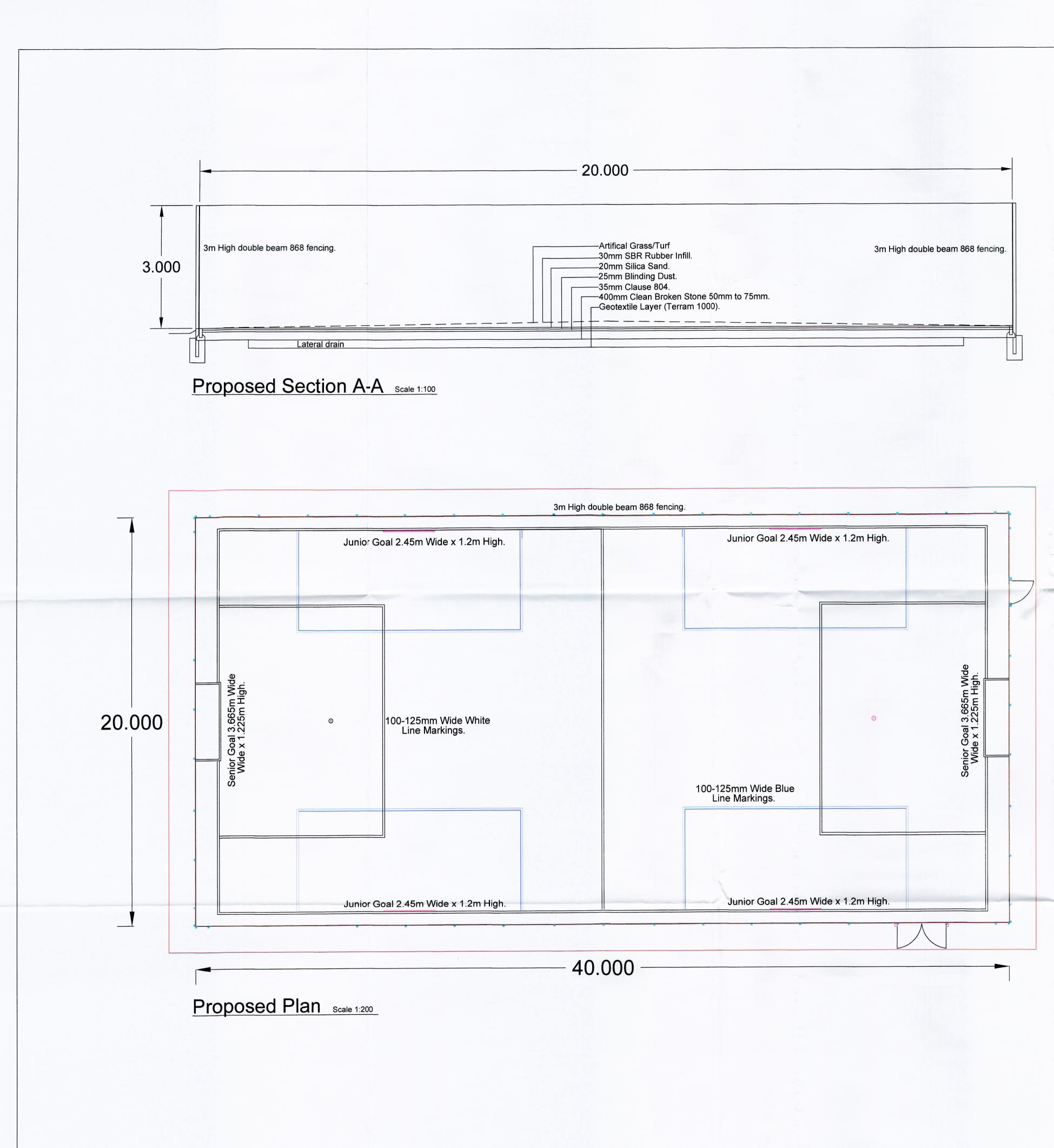
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Proposed R	ear Elevation s	cale 1:200	
		4	0.200
Proposed From		igh double beam 868 fencing.	
Inspection Chamber.	Proposed 100mm Dia I	Duct.	
Surface Water Manhole.	150mm Dia Perforated Sev	ver Pipes.	3m High double beam 868 fenci
Proposed single entry/exit gat	e		
	at 6.800 c/c	ewer Pipes.	
	Proposed lateral drains at 6.800 c/c	100mm Dia Perforated Sewer Pipes.	
	Proposed	100m 100m Dia	
kpit.			
Proposed double mainter gate.	nance		
Proposed Plan s			



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Single gate.	
Scale 1:200.	
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PLANA	
Drawn : DOLAN & ASSOCIATES LTD. Civil Engineering and Architectural Consultants. Teach Mhuire Church Street Creagh Ballinasloe Co. Galway.	
Telephone/Fax 090 96 44371. E-Mail : dolanandassociatesltd@outlook.com Scale : 1:50 Date : 22-11-2022. Title : Proposed layout plan and elevations.	
Proposed Astro turf Pitch to Ballintleva National School at Cuilleenirwan, Curraghboy, Co. Roscommon.	
Client : Ballintleva National School, Cuilleenirwan, Curraghboy, Co. Roscommon.	





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-Artifical Grass/Turf _30mm SBR Rubber Infill. _20mm Silica Sand. _25mm Blinding Dust. _35mm Clause 804. _400mm Clean Broken Stone 50mm to 75mm. _Geotextile Layer (Terram 1000).	3m High double beam 868 fencing.



Revisions :

