

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

Chairperson St. Aidan's GAA Club,

Reference Number: DED 571

Application Received: 6th June, 2023

Location: St. Aidan's GAA Club, Ballyforan, Co. Roscommon.

WHEREAS a question has arisen as to whether works consisting of the laying of artificial turf surface to playing side of ball wall area of 865 sq.m. at St. Aidan's GAA Club, Ballyforan, Co. Roscommon, is or is not development and 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 Acts 2000 (as amended);
- b) Article 6 and 9 of the planning and Development Regulations 2001 as amended.
- c) Class 33 of Part 1 of Schedule 2 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);

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.

NOW THEREFORE:

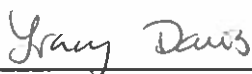
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **the laying of artificial turf surface to playing side of ball wall area of 865 sq.m. at St. Aidan's GAA Club, Ballyforan, Co. Roscommon, constitutes development 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.

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 Council:



Senior Executive Planner,
Planning.

Date: 26th July, 2023

CC: PJ Moran,
Highfield,
Four Roads,
Roscommon.

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

Assessment of Further Information Received

Reference Number:	DED 571
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000, regrading exempted development for laying of artificial turf surface to playing side of ball wall area of 865 sqm.
Name and Address of Applicant:	St. Aidan's GAA Club.
Location of Development:	Ballyforan, Co. Roscommon.

WHEREAS a question has arisen as to whether the following works; '*laying of artificial turf surface to playing side of ball wall area of 865 sqm*' is or is not development, and is or is not exempted development:

Further information was sought, in regards to clarification if the proposed development (artificial turf surface to playing side of ball wall area of 865 sq.m) would be open to members of the public and, if so, would there be an admission charge for use of said development.

The applicant has confirmed that the facility will be open to all members of the public and no charge will apply for the use of this development.

Having received the further information, the original case officer report and the proposal itself, 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);

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.

Planning and Development Regulations 2001 (as amended)
Class 33 of Part 1 of Schedule 2: Exempted development -General

Description of Development	Conditions and Limitations
<p><i>For amenity or recreational purposes</i> CLASS 33</p> <p><i>Development consisting of the laying out and use of land—</i> <i>(a) as a park, private open space or ornamental garden,</i></p> <p><i>(b) as a roadside shrine, or</i></p> <p><i>(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.</i></p>	<p><i>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.</i></p>

Assessment

The question to be determined in this Section 5 referral is whether the 'laying of artificial turf surface to playing side of ball wall area of 865 sq.m' 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 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 or is not exempted development.

Having regard to class 33 above which provides for exempted development for amenity or recreational purposes the laying of a pitch constitutes exempted development. As outlined, the applicant has clarified there is no charge for admission to the public. It is considered that no further information is necessary.

Recommendation


I recommend that a declaration to the following effect should be issued to the applicant:

Where a question has arisen as to whether the **laying of artificial turf surface to playing side of ball wall area of 865 sq.m.** is or is not development and is or is not exempted development

And having regard to-

- (a) the provisions of Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

It is considered that the aforesaid works constitute development that is **exempted development**.



Signed: _____ Date: 26-07-2023

Brian Farragher
Senior Executive Planner

P. J. Moran , B.E., C. Eng., M.I.E.I.,

chartered civil engineer

email pjjmoraneng@gmail.com

mob 087 2617161



Highfield
Four Roads
Roscommon

5 July 2023

Planning Office
Roscommon Co Co
Aras an Chontae

Re: Provision of Artificial Turf area
At : St. Aidan's G A A Ground, Ballyforan, Roscommon
Applicant [REDACTED] Chairperson
PD Ref No DED 571

Dear Sirs

I refer to letter from Planning Authority dated 3 July last

I am instructed to advise that the area , in common with the remainder of the facilities at the club grounds will be open to all members of the public, and there will be no charge for the use of the facilities

This is an extension of current practices where all areas of the club grounds are available for all members of the wider community

Yours Faithfully

A handwritten signature in cursive script, appearing to read "P. J. Moran", written over a horizontal dashed line.

P. J. Moran

Tracy Davis

From: Tracy Davis
Sent: Monday 3 July 2023 16:07
To: pjmoraneng@gmail.com
Subject: RCC Planning Ref. No. DED - Request for further information
Attachments: DED571 FI Request Letter 03-07-23.pdf

A Chara,

Please find attached, letter dated 3rd July 2023 requesting the submission of Further Information in respect of Planning Application Reference No. DED 571.

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,
Tracy

Tracy Davis | Planning Department
Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98
☎ (090) 6637100 ✉ planning@roscommoncoco.ie
🌐 www.roscommoncoco.ie



Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



Comhairle Contae
Ros Comáin
Roscommon
County Council



Chairperson St. Aidan's GAA Club,

Date: 03/07/2023
Planning Reference: DED 571

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 works consisting of the laying of artificial turf surface to playing side of ball wall area of 865sq.m at St. Aidan's GAA Club, Ballyforan, Co. Roscommon, is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 6th June, 2023 and in order for the Planning Authority to determine as to whether works consisting of the laying of artificial turf surface to playing side of ball wall area of 865sq.m at St. Aidan's GAA Club, Ballyforan, Co. Roscommon, is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Please clarify if 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 571**.

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

Mise le meas,


Senior Executive Planner,
Planning.

CC: EMAIL:
P.J. Moran,
Highfield,
Four Roads,
Roscommon.

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

Reference Number: DED 571

Re: Application for a Declaration under Section 5 of the Planning and Development Act 2000, regrading exempted development for laying of artificial turf surface to playing side of ball wall area of 865 sqm.

Name and Address of Applicant: St. Aidan's GAA Club.

Location of Development: Ballyforan, Co. Roscommon.

WHEREAS a question has arisen as to whether the following works; '*laying of artificial turf surface to playing side of ball wall area of 865 sqm*' 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 application site is located to the rear of a primary school in the village of Ballyforan and consists a playing pitch, stand and dressing rooms. The applicant is proposing to lay an astro turf pitch 865 sqm.

Planning History

20/392: Permission granted for the erection of pre cast concrete hurling wall at club grounds.

18/470 permission granted for the erection of lighting standards to walking track around perimeter of playing pitches

12/187: permission granted to construction of new astro turf playing surface and enclosure, hurling wall and all ancillary development at club grounds

0/09: permission granted to erect new dressing rooms, refurbish existing dressing rooms, erect floodlights and press box

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)

Planning and Development Regulations 2001 (as amended)

Class 33 of Part 1 of Schedule 2: Exempted development -General

Description of Development	Conditions and Limitations
<p><i>For amenity or recreational purposes</i> CLASS 33</p> <p><i>Development consisting of the laying out and use of land—</i> <i>(a) as a park, private open space or ornamental garden,</i> <i>(b) as a roadside shrine, or</i> <i>(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.</i></p>	<p><i>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.</i></p>

Assessment

The question to be determined in this Section 5 referral is whether the *'laying of artificial turf surface to playing side of ball wall area of 865 sqm'* 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 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.

Final assessment:

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



Signed _____
Roscommon South Planner

Date: 30th June 2023



Map Viewer Printout



6/29/2023, 10:05:26 AM

 County Boundary

1:50,000
0 0.42 0.85 1.7 mi
0 0.5 1 2 km
© Ordnance Survey Ireland, © Roscommon County Council



Comhairle Contae
Ros Comáin
Roscommon
County Council



Chairperson of St. Aidan's GAA Club,
Ballyforan

Date: 12th June, 2023.

Planning Reference: DED 571

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

Development: The laying of artificial turf surface to playing side of ball wall area of 865sq.m at St.
Aidan's GAA Club, Ballyforan, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 6th June, 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. L01/0/223067 dated 6th June, 2023 refers, receipt attached herewith.

Note: Please note your Planning Reference No. is **DED 571**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mary Dolan

**Administrative Officer,
Planning.**

cc. **EMAIL**
PJ Moran,
Highfield,
Four Roads,
Roscommon.



Mary Dolan

From: Planning Department
Sent: Tuesday 20 June 2023 17:53
To: pjmoraneng@gmail.com
Subject: RCC Planning Ref. No. DED 571 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.
Attachments: DED 571 Acknowledgement.pdf; DED 571 Receipt.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), reference no. DED 571.

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 acknowledgement 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

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council



Please address all e-mail correspondence to planning@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



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	[REDACTED]
Address:	CHAMPIONSON, ST. AIDAN'S G.A.A. CLUB BALLYFORKAN CO. ROSCOMMON
Name & Address of Agent:	P. J. MORAN HIGHLAND FOUR ROADS ROSCOMMON pjmoranong@gmail.com
Nature of Proposed Works	LAYING OF ARTIFICIAL TURF SURFACE TO PRAYING SIDE OF BALL WALL AREA 865 SQ. M
Location (Townland & O.S No.)	BALLYFORKAN
Floor Area	NOT APP (GROUND AREA 865m ²)
Height above ground level	LAIN AT EXISTING GROUND LEVEL
Total area of private open space remaining after completion of this development	NOT APPLICABLE - SPORTING CLUB GROUNDS
Roofing Material (Slates, Tiles, other) (Specify)	NOT APPLICABLE
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NOT APPLICABLE
Is proposed works located at front/rear/side of existing house.	NOT APPLICABLE



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	YES
If yes give ref. number (include full details of existing extension, if any)	20 392 GRANTED 12/01/21.
Existing use of land or structure	SPORTS GROUND
Proposed use of land or structure	SPORTS GROUND
Distance of proposed building line from edge of roadway	130 m (MAIN ROAD) 8m (ACCESS ROAD)
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:

P. Meehan pr. St. Aidan's G.A. Club.

Date:

1/6/2023.

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

Surveyed 2000
Revised 2004
Levelled

Rural PLACE Map



182150
246352

ITM CENTRE PT. COORDS

581814,746761

DESCRIPTION

MAP SHEETS

Digital Map
2960



Printed and Compiled by
Cartec Office Solutions Athlone,
RBK House, Golden Island,
Athlone
Co. Westmeath

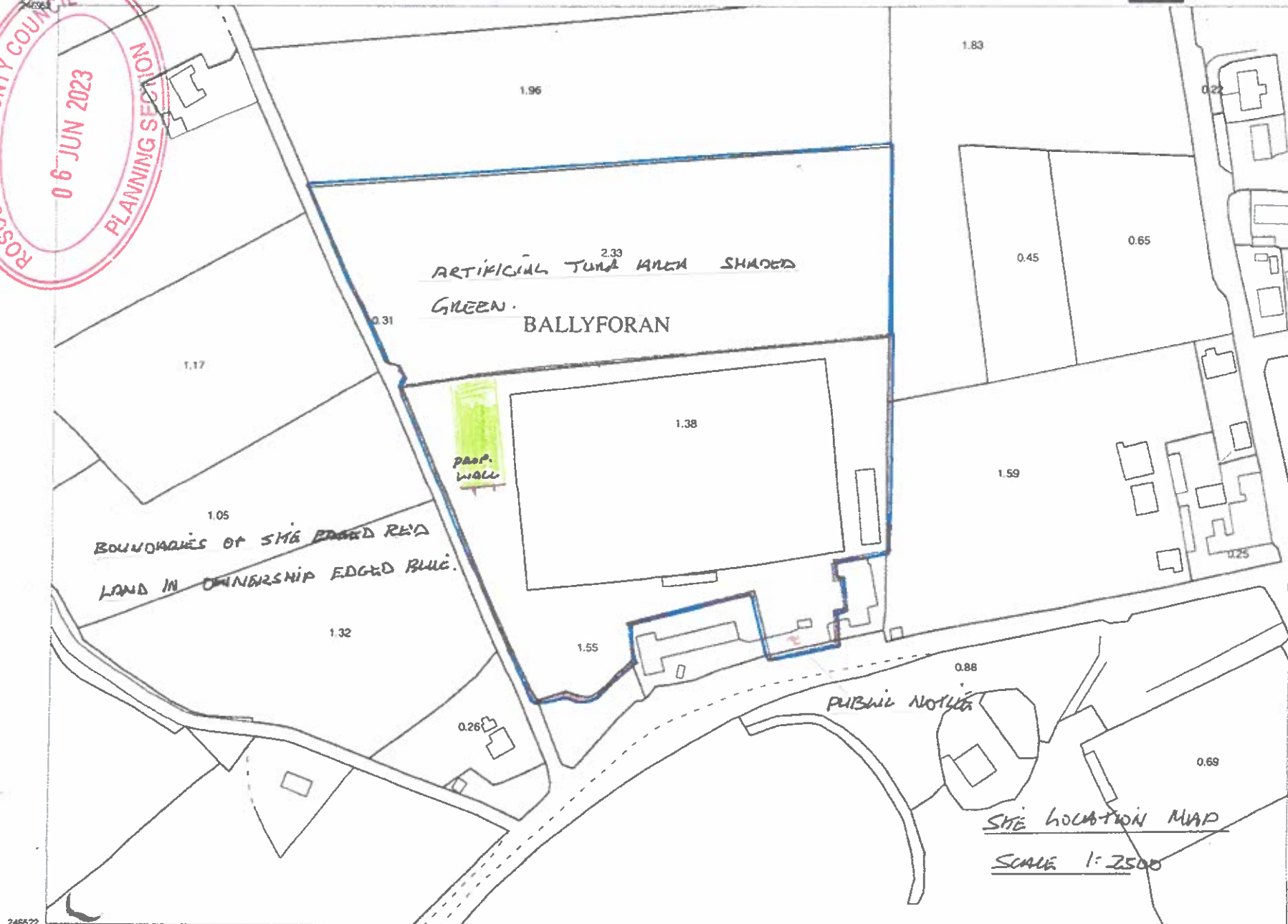
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cead i scríbhne rómh ré ó úinéirí an chóipcheist.
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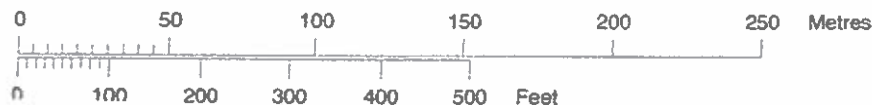


ROSKILL COUNTY COUNCIL
06 JUN 2023
PLANNING SECTION



246522
995181

Scale:- 1:2,500
Scála:- 1:2,500



Plot Ref. No. 1387114_1_5
Plot Date 25-NOV-2009

182150
246522

ROSCOMMON COUNTY COUNCIL
06 JUN 2023
PLANNING SECTION



LOCUS OF PROPOSED PRE-CAST CONCRETE
MURRING WALL SHOWN OUTLINE IN RED
PAVED AREA TO FRONT OF WALL
SHOWN DASHED
ARCH PAVED IN CONC. SLAB.

PLANNING & DEVELOPMENT SECT
30 SEP 2020 20/392
ROSCOMMON COUNTY COUNCIL

EX. GROUND LEVEL
MAINTAINED FOR
ARTIFICIAL TURF
AREA.

ARTIFICIAL TURF AREA TO
BE LAID TO FACILITATE
USE OF NEW CONCRETE
BALL WALL (SHOWN RED)
EXTENT OF ARTIFICIAL TURF
AREA 19m x 45m
TOTAL AREA 845 sq.m
[AREA HATCHED IN GREEN]

BOUNDARIES OF CLUB PITCH +
SITE SHOWN REDGED IN RED LINE

ALL SPOT LEVELS SHOWN ABOUT
SITE RELATED TO 100.00M. A.D
ON ROAD 2.



SITE LAYOUT DETAIL PLAN
SCALE 1/1000.

Roscommon County Council
Aras an Chontae
Roscommon
09068 37100

06/06/2023 15 14 28

Receipt No : L01/0/223067

[REDACTED]
CHAIRPERSON ST. AIDAN'S GAA CLUB
C/O P. J. MORAN
HIGHFIELD
FOURROADS
ROSCOMMON

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 571	

Total : 80 00 EUR

Tendered :
Cheque 80 00
000549

Change : 0 00

Issued By : Bernadine Duignan
From : Central Cash Office