

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Chairperson,
Oran GAA,
Clooneenbaun,
Roscommon,
F42 CD50.

Reference Number: DED 692
Application Received: 10th April 2024
Name of Applicant: Oran GAA
Agent: N/A

WHEREAS a question has arisen as to whether the erection of a ball wall with astro turf area to side at Oran GAA, Clooneenbaun, 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) 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).
- (e) The planning history of the site.
- (f) ABP Precedent Referral Cases.

AND WHEREAS Roscommon County Council has concluded that:

- 1. The proposed development of a 6m high ball wall is development that is not considered to fall within the provisions set out under Class 33 of Part 1 of Schedule 2 of Article 6 and is therefore, **development that is not exempted development.**
- 2. The proposed development of an astro turf area with a 2.43m high fence is development that is considered to fall within the provisions set out under Class 33 of Part 1 of Schedule 2 of Article 6 and is therefore **development that is exempted development.**

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 in respect of the erection of a ball wall with astro turf area to side at Oran GAA, Clooneenbaun, Co. Roscommon, and having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works detailed in 1 above constitute **development that is not exempted development** and that the said works detailed in 2 above constitute **development that is exempted development.**

Signed on behalf of the Council:



Brian Farragher,
Senior Executive Planner,
Planning.

Date: 4th June 2024

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

Reference Number:	DED 692
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development permission to erect a ball wall with astro turf area to side.
Name of Applicant:	Oran GAA
Location of Development:	Oran GAA, Clooneenbaun, Co Roscommon.

WHEREAS a question has arisen as to whether the following works; permission to erect a ball wall with astro turf area to side at the above address 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);
- (e) The planning history of the site

Site Location & Development Description

The proposed development is located on the N60 at Oran GAA, Clooneenbaun, Co Roscommon. The proposing development erect a 6m high ball wall with astro turf area to side with a 2.43m high fence around 3 sides of the astro turf area is located south of the existing main and training pitch's and is approx. 185m from the N60.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are River Suck Callows SPA (Site Code 004097) and Suck River Callows NHA (Site Code 000222) which are both located circa 5.1km to the south of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, recent planning history as follows

- 06/778 – to construct a stand, training pitch, flood lighting and extension.

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.

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 as amended

Article 6 (1)

Subject to article 9, 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.

Article 9 (1) applies;

Development to which article 6 relates shall not be exempted development for the purposes of 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,

Assessment

In accordance with the Planning and Development Act, 2000, as amended Section 3. (1) development is defined as the following: “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”. The proposed development is considered to be the carrying out of works. Works are defined in the Act as; “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....”. It is considered that said proposed ball wall with astro turf area constitutes development, as defined in Section 3 of the said Act.

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>

The proposed ball wall:

Class 33 refers to the laying out and use of land 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.

However Class 33 is not considered to extend to the scale of works as set out in this Section 5 Declaration i.e. a 6m high wall with a span of 15m. This degree of development is not considered to constitute works 'incidental' to the laying out and use of lands for athletics or sports. Having reviewed the remaining exempted development classes, these works do not fall under any other class of exempted development and it is thus considered that these works are not exempt.

The proposed astro turf area with a 2.43m high fence:

The construction of astro turf area with a 2.43m high fence appears to come within the scope of Class 33 of Part 1 of Schedule 2 of Article 6 - *Exempted Development Rural* of the Regulations.

The proposed development of an astro turf area with a 2.43m high fence is deemed an exempted development as it meets the conditions and limitations of Class 33 of Part 1 of Schedule 2 of Article 6, therefore this development is deemed an exempted development, provided no charge is made to the public for admission.

Class 33 is considered to extend to these elements of work set out in this Section 5 Declaration i.e. the astro turf area and fencing. This degree of development is considered to constitute works associated with the laying out and use of lands for athletics or sports. It is noted that the Board has previously held that fencing associated with sports and recreation is an integral part of the laying out of sports grounds facilitated under the exempted development provisions.

Having reviewed the remaining exempted development classes, it is considered that Class 33 applies and the works constitute development which are exempted development.

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.

Accordingly, it is concluded that:

The 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.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; permission to erect a ball wall with astro turf area to side, as outlined above in Oran GAA, Clooneenbaun, 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) 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);
- (e) The planning history of the site
- (f) ABP Precedent Referral Cases

AND WHEREAS I have concluded that:

- The proposed development of a 6m high ball wall is development that is not considered to fall within the provisions set out under Class 33 of Part 1 of Schedule 2 of Article 6 and is therefore, development that is not exempted development.
- The proposed development of an astro turf area with a 2.43m high fence is development that is considered to fall within the provisions set out under Class 33 of Part 1 of Schedule 2 of Article 6 and is therefore development that is exempted development.

And Therefore: I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Ian Murray

Date: 27th May 2024

Civil Technician

Signed:

B. P. V.

Date: 29th May 2024

Senior Executive Planner







Comhairle Contae
Ros Comáin
Roscommon
County Council



Chairperson,
Oran GAA,
Clooneenbaun,
Roscommon,
F42 CD50.

Date: 11th April 2024

Planning Reference: DED 692

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to erect a ball wall with astro turf area to side under the Planning & Development Act (Exempt Development) Regulations 2018 at Oran GAA, Clooneenbaun, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 10th April 2024, 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. L01/0/228005 dated 11th April 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 692**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

11/04/2024 10:20:38

Receipt No. : L01/0/228005

ORAN GAA CLUB
C/O SEAMUS MCDERMOTT-CHAIRPERSON
CLOONEENBAUN
ROSCOMMON
F42CD50
EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED892	

Total : 80.00 EUR

Tendered :
Cheque 80.00
001115

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



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 (as amended), regarding Exempted Development

Name of Applicant(s)	ORAN GAA CLUB SEAMUS M'DERMOTT (Chairman)
Name of Agent	✓
Nature of Proposed Works	Ball Wall with Astro Turf Area to side
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	F42CD50 OS No. 2480 ORAN GAA CLOONEENBAUN ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) — N/A b) — N/A GROUND AREA 750sqm
Height above ground level:	Existing Ground Level
Total area of private open space remaining after completion of this development	N/A GAA GROUNDS
Roofing Material (Slates, Tiles, other) (Specify)	N/A

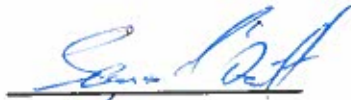
Roscommon County Council

Application for a Declaration under Section 5 of the

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
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	06/778
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	180m Main 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

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:



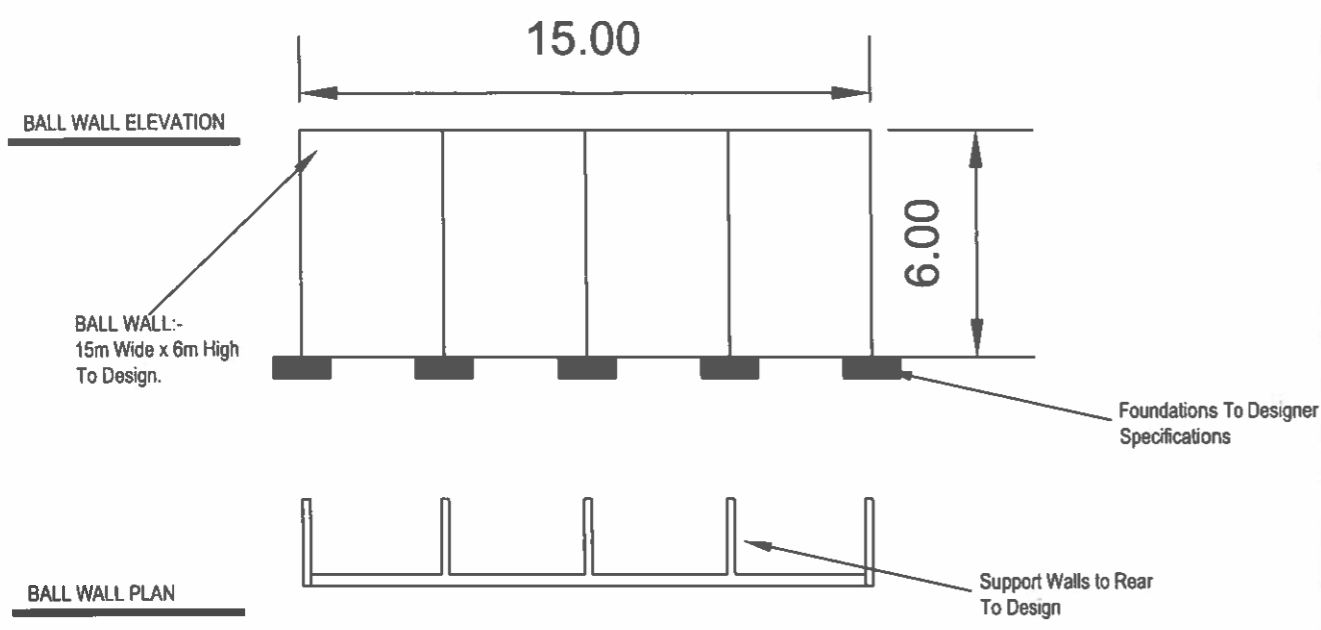
Date:

9/4/24

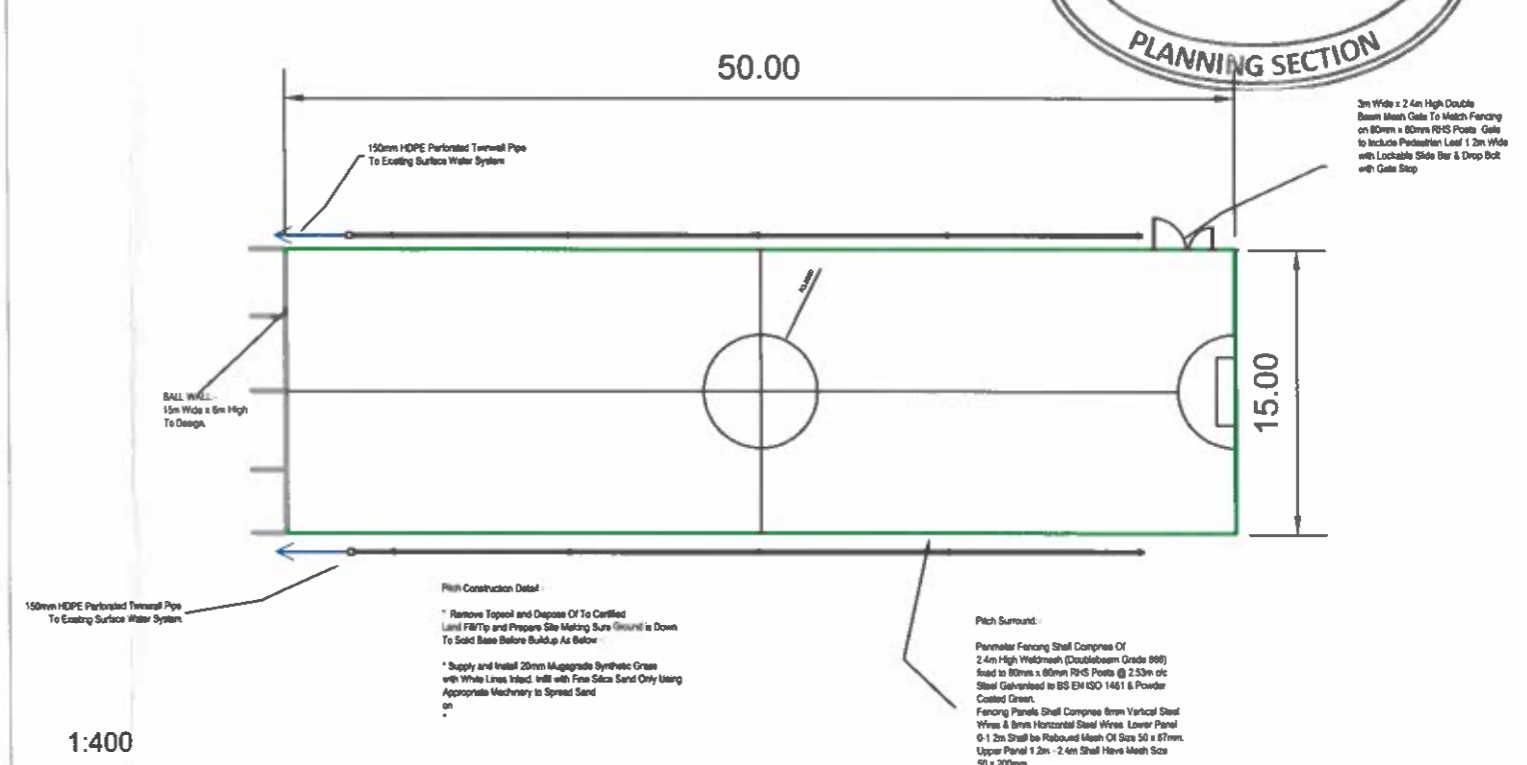
Note: This application must be accompanied by: -



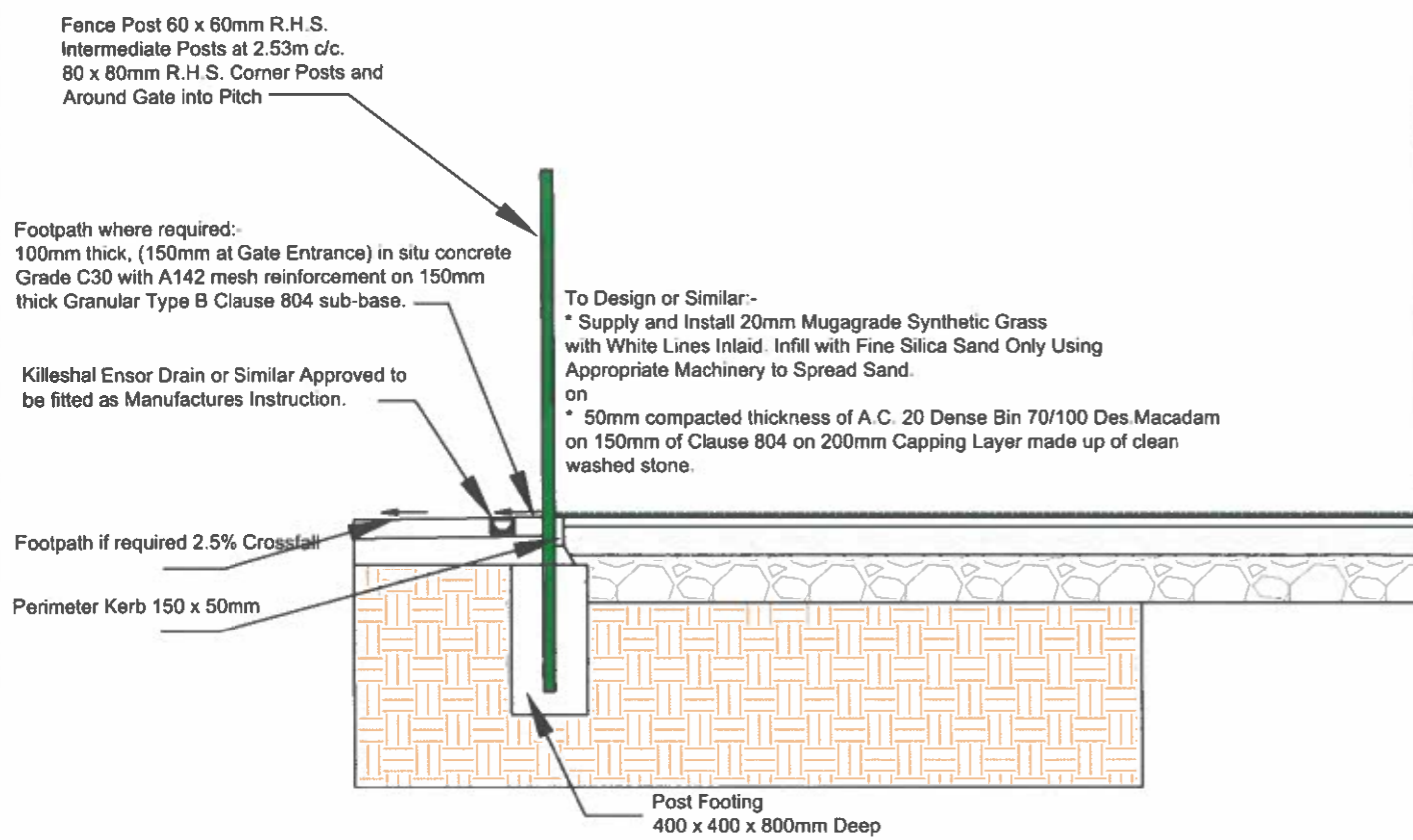
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



1:200

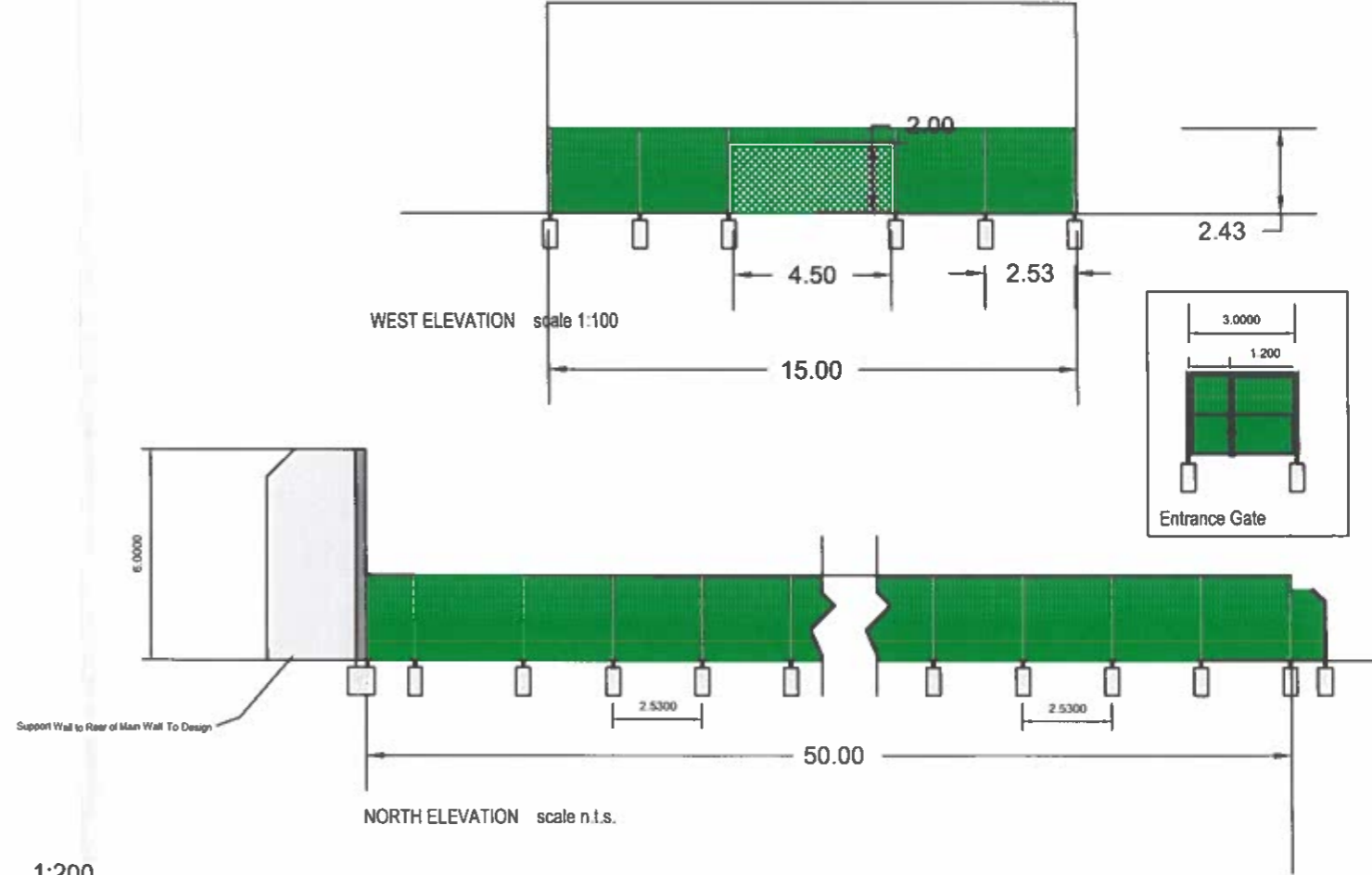


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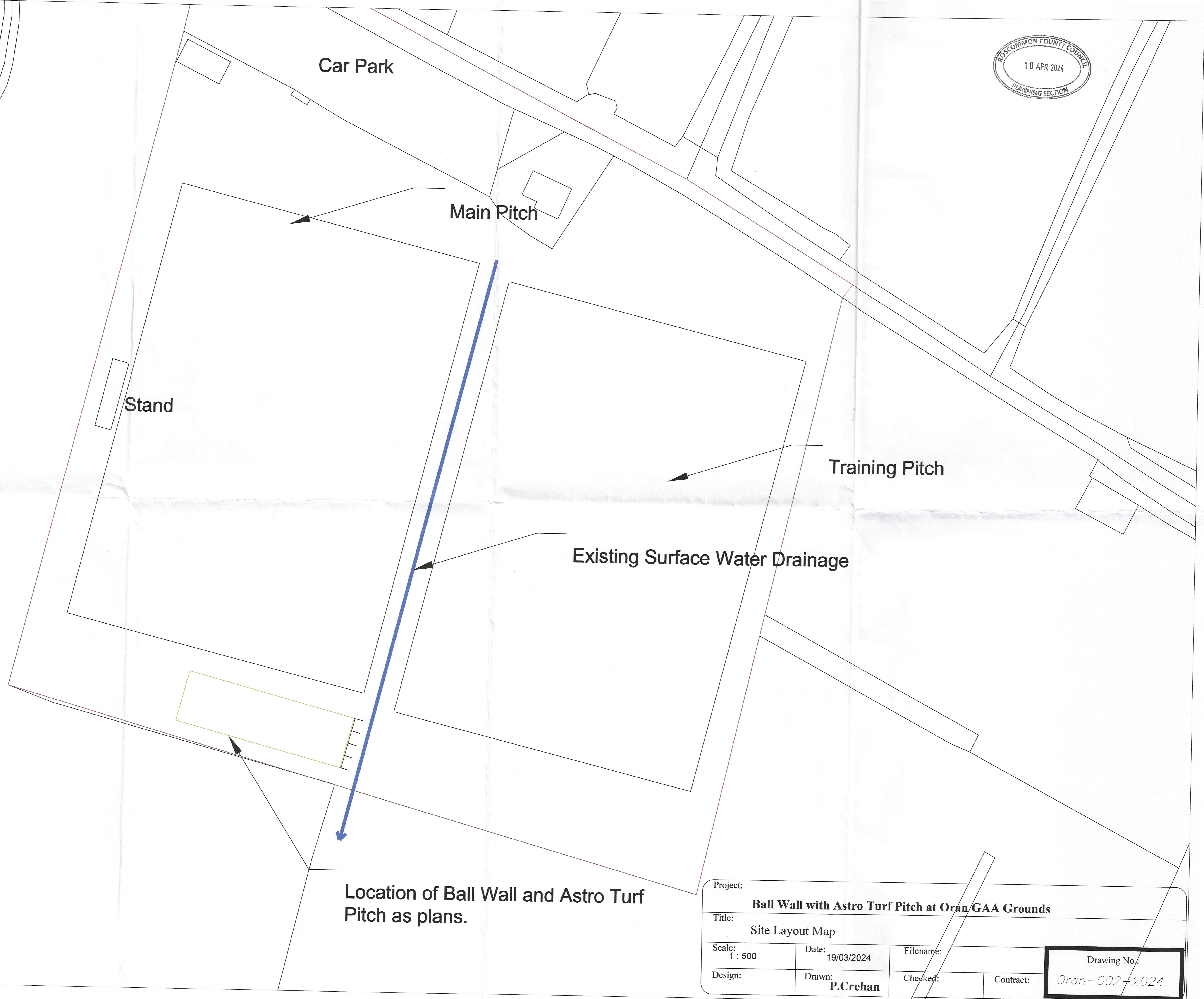
SECTION THROUGH POST FOOTING, PERIMETER KERB AND DRAINAGE

N.T.S.



1:200

Project:				
Ball Wall with Astro Turf Pitch at Oran GAA Grounds				
Title:				
Standard Plans, Elevations & Details				
Scale:	Date:	Filename:	Drawing No.:	
As Above	19/03/2024		Oran-003-2024	
Design:	Drawn:	Checked:	Contract:	
	P.Crehan			



Project:				
Ball Wall with Astro Turf Pitch at Oran/GAA Grounds				
Title:				
Site Layout Map				
Scale:	Date:	Filename:		Drawing No:
1 : 500	19/03/2024			
Design:	Drawn:	Checked:	Contract:	
	P.Crehan			Oran-002-2024



Project: Ball Wall with Astro Turf Pitch at Oran GAA Grounds			
Title: Site Location Map			
Scale: As above	Date: 19/03/2024	Filename:	
Design:	Drawn: P.Crehan	Checked:	Contract: <i>Oran-001-2024</i>