

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 25/64

NAME OF APPLICANT: Gerard Brennan, Chairperson, Kilclonfert GAA Club

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the construction of a 70m x 30m astro pitch on the grounds of Kilclonfert GAA Club is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Kilclonfert GAA Club, Kilclonfert, Co. Offaly, R35 VH24

WHEREAS a question has arisen as to whether or not construction of a 70m x 30m Astro pitch on the grounds of Kilclonfert GAA Club is or is not development and is or is not exempted development at Kilclonfert GAA Club, Co. Offaly R35 VH24.

AS INDICATED on the particulars received by the Planning Authority on the 2nd May 2025.

AND WHEREAS Gerard Brennan, Chairperson, Kilclonfert GAA Club, Co. Offaly R35 VH24 has requested a declaration on the said question from Offaly County Council.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

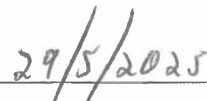
- Section 2(1), 3(1) and 4(2)(a)(i) of the Planning and Development Act 2000, as amended.
- Articles 6 and 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended.
- Schedule 2, Part 1, Class 33 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development particularly having regard to Schedule 2, Part 1, Class 33 of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the construction of a 70m x 30m Astro pitch on the grounds of Kilclonfert GAA Club **is development and is exempted development** at Kilclonfert GAA Club, Co. Offaly R35 VH24 provided no charge is made for admission to the public for entry.

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters include any submissions and observations received by it in accordance with statutory provisions.

  
Administrative Officer

  
Date 29/5/2025

**Please note:**

1. The provision of any additional floodlighting will require planning permission and is **not** covered by this class of exempted development.
2. Any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

## Planning Report

### Section 5 Declaration

<b>File Reference:</b>	Dec. 25/64
<b>Question:</b>	Whether or not construction of a 70m x 30m Astro pitch on the grounds of Kilclonfert GAA Club is or is not development and is or is not exempted development at Kilclonfert GAA Club, Co. Offaly R35 VH24
<b>Applicant:</b>	Gerard Brennan, Chairperson
<b>Correspondence Address:</b>	c/o Gerard Brennan, Chairperson, Kilclonfert GAA Club, Co. Offaly R35 VH24
<b>Location:</b>	Kilclonfert GAA Club, Co. Offaly R35 VH24

#### 1. Introduction

The question has arisen as whether or not construction of a 70m x 30m Astro pitch on the grounds of Kilclonfert GAA Club is or is not development and is or is not exempted development at Kilclonfert GAA Club, Co. Offaly R35 VH24.

#### 2. Background

The subject site is to the west of the Kilclonfert Sráid Plan and is within the grounds of Kilclonfert GAA Club. It is 5km north-west of Daingean Town and is classified as a rural area under strong urban influence in the *Offaly County Development Plan 2021 – 2027 (OCDP)*. The proposed development is on the eastern end of the existing GAA pitch.

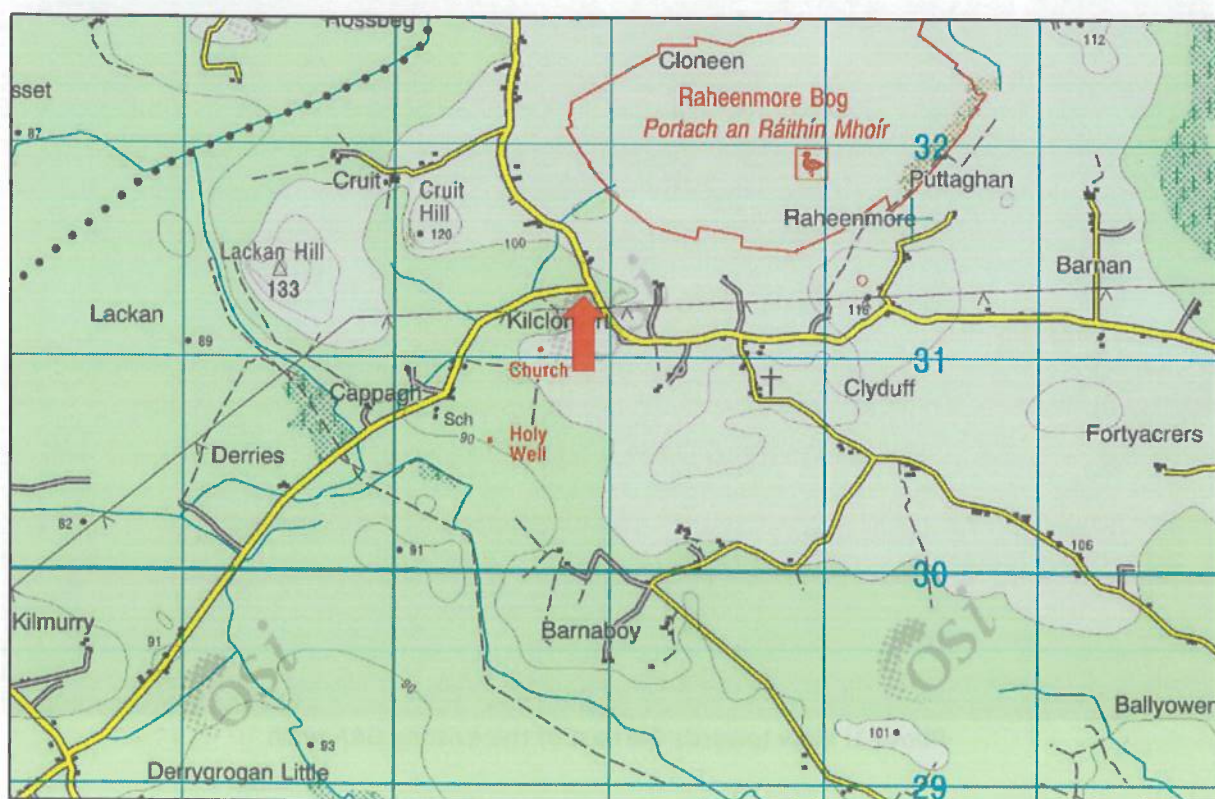


Figure 1: Site location (red arrow)

#### 4. Legislative Context

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

##### i. Statutory Provisions

**Section 2 (1) *Planning and Development Act 2000, as amended*, states as follows:**

*“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 Act 2000, as amended*, defines development.**

*“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) (a) *Planning and Development Act 2000, as amended*:** the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that -

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development.*

##### ii. Regulatory Provisions

**Article 6 of the *Planning and Development Regulations 2001 (as amended)* states, *inter alia*, that:**

*“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)(a)(i) – Restrictions on Exemptions, *Planning and Development Regulations 2001 (as amended)* states**

*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,*

#### **8. Environmental Impact Assessment Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the *Planning and Development Regulations 2001 (as amended)* and therefore is not subject to EIA requirements.

#### **9. Conclusion**

It is recommended that the Applicant be advised that the proposed development **is development** and **is exempted development**.



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Ed Kelly  
ASEP

28<sup>th</sup> May 2025