

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 25/67

NAME OF APPLICANT: St Brigid's GAA Club

ADDRESS FOR CORRESPONDENCE: C/O Brendan Flanagan (Club Secretary), St. Brigid's GAA Club, Croghan, Rhode, Co. Offaly, R35 XP84

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: St. Brigid's GAA Club, Croghan, Rhode, Co. Offaly, R35 XP84

WHEREAS a question has arisen as to whether or not extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84

AS INDICATED on the particulars received by the Planning Authority on the 9th May 2025.

AND WHEREAS St. Brigid's GAA C/O Brendan Flanagan (Club Secretary), St. Brigid's GAA Club, Croghan, Rhode, Co. Offaly R35 XP84 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 of the Planning and Development Regulations 2001, as amended.
- Schedule 2, Part 1, Class 33 of the Planning and Development Regulations 2001, as amended.
- The absence of any proposal for floodlighting

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development particularly having regard to section 4(2)(a)(i).


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 extension of an existing astro turf pitch by 20 metres (no additional lighting proposed) on the grounds of St Brigid's GAA Club **is development and is exempted development** at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84 **provided no charge is made for admission of the public.**

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.

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.


Administrative Officer


Date

Planning Report

Section 5 Declaration

File Reference:	Dec. 25/67
Question:	Whether or not extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84
Applicant:	St. Brigid's GAA Club
Correspondence Address:	c/o Brendan Flanagan (Club Secretary), St. Brigid's GAA Club, Croghan, Rhode, Co. Offaly R35 XP84
Location:	St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84

1. Introduction

The question has arisen as to whether or not extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84.

2. Background

The subject site is to the townland of Croghan Demesne. It is 4.3km north-east of Daingean Town and is classified as a stronger rural area in the *Offaly County Development Plan 2021 – 2027 (OCDP)*. The proposed development is on the western end of the existing GAA pitch and is accessed via Local Primary Road L-1017-2.

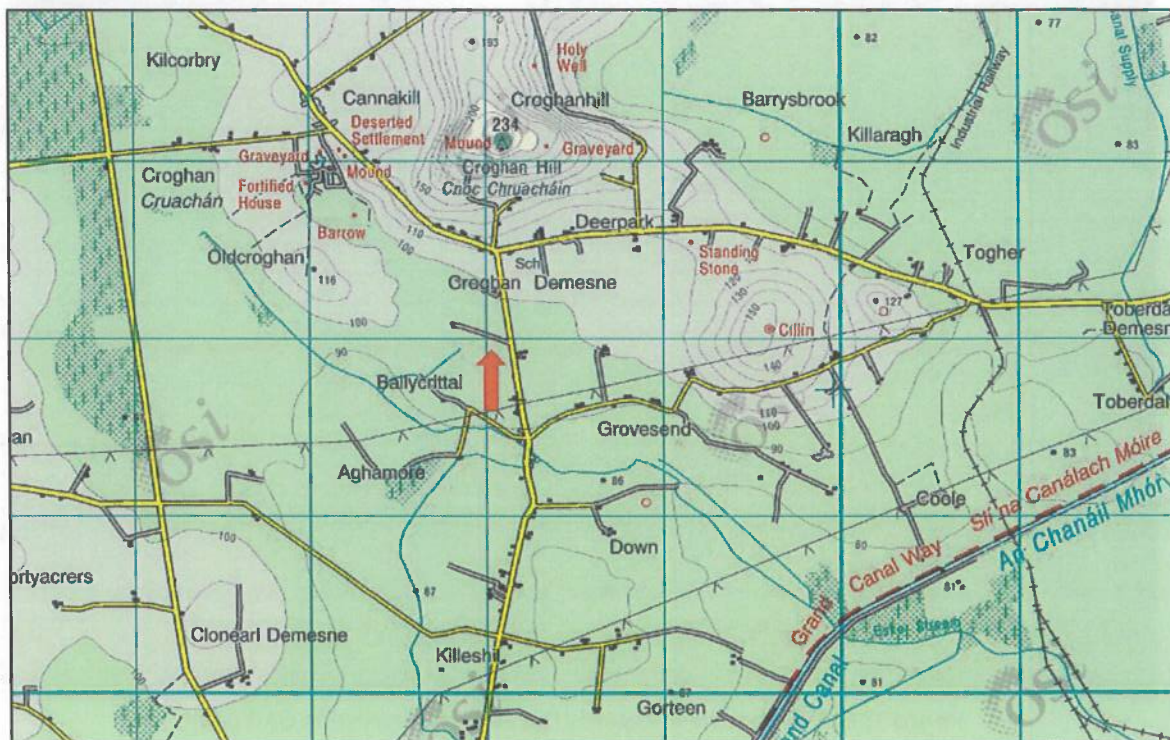


Figure 1: Site location (red arrow)

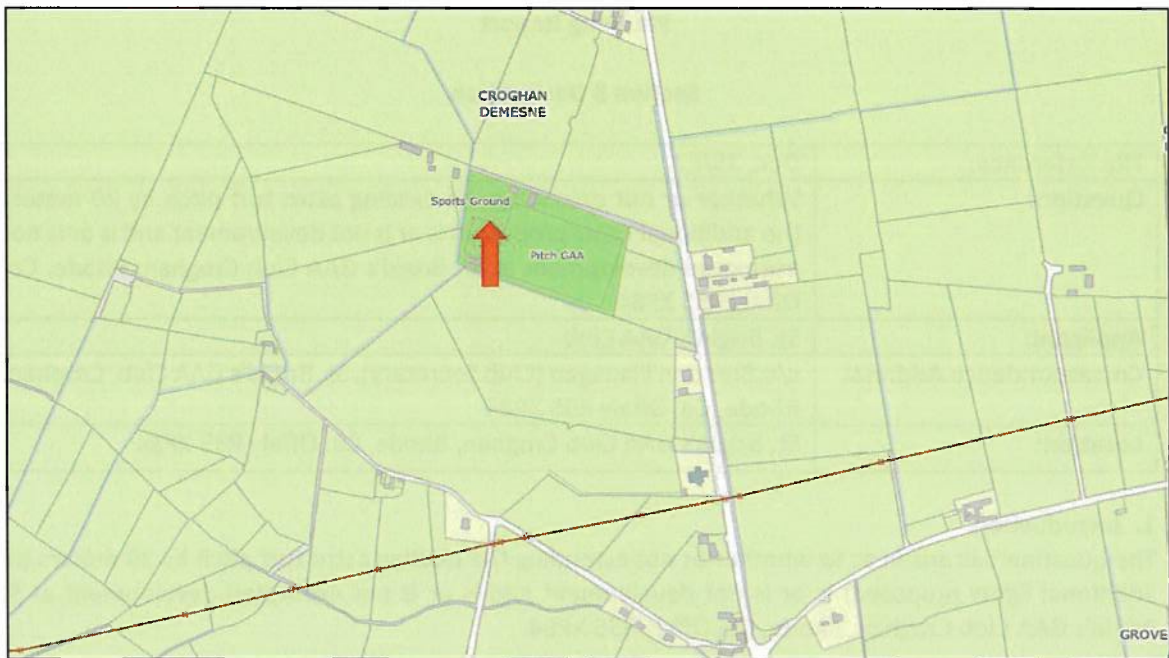


Figure 2: Site location (red arrow)



Photo 1: North-west view towards the east of the existing GAA pitch

3. Site History

On Site –

Ref: 06/1601 St Brigid's GAA Club **granted** permission conditionally for the construction of 2-storey extension to the rear of the existing clubhouse and erection of 6 no. floodlights around the edge of the playing pitch.

Enforcement – No recent history associated with the subject site.

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,*

Schedule 2 – Article 6 – Part I, *Planning and Development Regulations 2001 (as amended)* exempted Development - Development for amenity or recreational purposes, Class 33 specifies:

<p>CLASS 33</p> <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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5. Proposal by Applicants

The Applicant is seeking to extend the existing Astro turf pitch by 20m northwards.



Figure 3: Proposed extension of existing Astro turf pitch

6. Evaluation

Question: Whether the proposed works (as listed) to the existing GAA grounds are development and if so, are they exempted development?

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development.

Question: Is this proposal considered Exempted Development?

The *Planning and Development Act 2000, as amended* makes provision for certain types of development to be exempted from planning permission. These types are listed in Section 4(1) of the Act or are set out in regulations made under Section 4(2). The proposal does not contravene Article 9 of the *Planning and Development Regulations 2001, as amended*.

Having regard to the details submitted by the Applicant, the Planning Authority considers that works which "extend the existing astro turf pitch by 20 meters (no additional lights proposed) at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly" is considered exempted development within the provisions of Class 33(c) in Part 1, Schedule 2, of the *Planning and Development Regulations, 2001, as amended*, provided no charge is made for admission of the public.

Note: Please note the provision of any additional floodlighting will require planning permission and is **not** covered by this class of exempted development.

7. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been concluded that the existing development is unlikely to have significant effects on any European sites. Please see attached report under Appendix A.

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**.

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether or not extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84

AS INDICATED on the particulars received by the Planning Authority on the 9th May 2025.

AND WHEREAS St. Brigid's GAA Club, C/o Brendan Flanagan (Club Secretary), St. Brigid's GAA Club, Croghan, Rhode, Co. Offaly R35 XP84 has requested a declaration on the said question from Offaly County Council.

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The absence of any proposal for floodlighting

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development particularly having regard to section 4(2)(a)(i).

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 extension of an existing astro turf pitch by 20 metres (no additional lighting proposed) on the grounds of St Bridig's GAA Club is development and is exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84 **provided no charge is made for admission of the public.**

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.*



Enda Finlay
Graduate Planner

28th May 2025

A handwritten signature in black ink, appearing to read 'Ed Kelly', written in a cursive style. The signature is positioned above a horizontal line.

Ed Kelly
ASEP

5th June 2025

Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/67
Development Summary:	Declaration as to Whether or not extending the existing astro turf pitch by 20 meters (no additional lights proposed) is or is not development and is or is not exempted development at St. Brigid's GAA Club Croghan, Rhode, Co. Offaly R35 XP84
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	No Screening required