

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/71

NAME OF APPLICANT: Birr Town AFC

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether a new external doorway to the rear of the existing clubhouse building to allow for the provision of an accessible bathroom and removal of internal wall to accommodate these works, is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly

WHEREAS a question has arisen as to whether or not, a new external doorway to the rear of the existing clubhouse building to allow for the provision of an accessible bathroom and removal of internal wall to accommodate these works, is or is not development and is or is not exempted development at Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 22nd May 2025.

AND WHEREAS Birr Town AFC C/o [REDACTED] 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:


(a) Section 2(1), 3(1) and 4(1)(h), of the Planning & Development Act 2000, as amended.

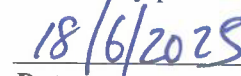
AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development.

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:

- A new external doorway to the rear of the existing clubhouse building to allow for the provision of an accessible bathroom and removal of internal wall to accommodate these works, **is development and is exempted development** at Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly.

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

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

Planning Report - Section 5 Declaration

File Reference:	Dec. 25/71
Question:	Whether a new external doorway to rear of building to access disabled bathroom and removal of internal wall is or is not development and is or is not exempted development
Applicant:	Birr Town AFC
Correspondence Address:	
Location:	Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly

1. Introduction

The question has arisen as whether the (a) provision of a new external doorway to the rear of the existing clubhouse building in order to provide access to a disabled bathroom and (b) the removal of internal wall, is or is not development and is or is not exempted development at the premises of Birr Town AFC, Woodfield, Birr.

2. Background

The site is located to the north of Birr Town and is zoned as 'Open Space, Amenity and Recreation' as per the Birr Local Area Plan 2023 – 2029.

3. Site Inspection

A site inspection was carried out by the Area Planner in June 2025.

4. Site History

- *On Site* –Recent planning history associated with the subject site is 23/367: Birr Town Football Club were granted retention permission for a building which contains dressing rooms and equipment storage area and all ancillary site works.
- *Enforcement* – No recent history associated with the subject site.
- *Adjoining Lands* – No relevant planning permission associated with the adjoining lands.

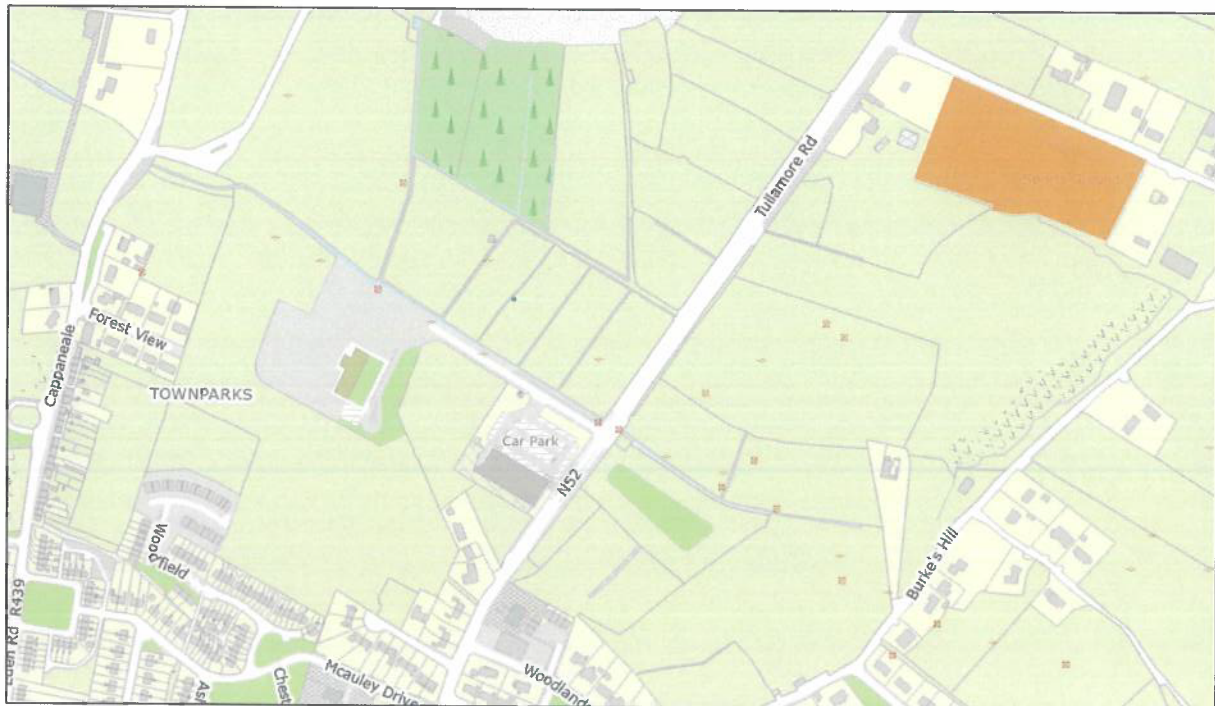


Figure 1 - Subject Site Location.



Photo 1 - Subject Site.

5. 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:

Statutory Provisions

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

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

"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 - Exempted Development

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

- (h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.*

Section 4 (2) (a) - 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.

6. Proposal by Applicants

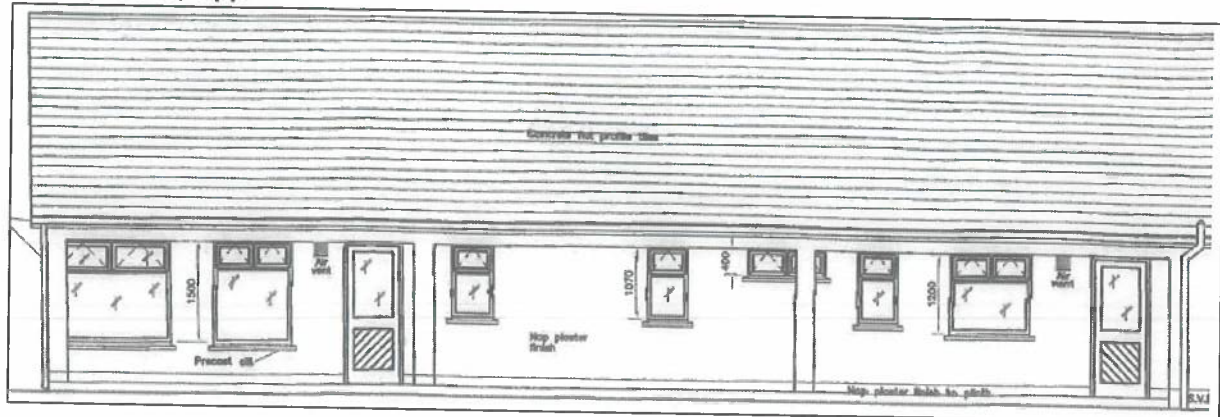


Figure 2: Existing northwest elevation.

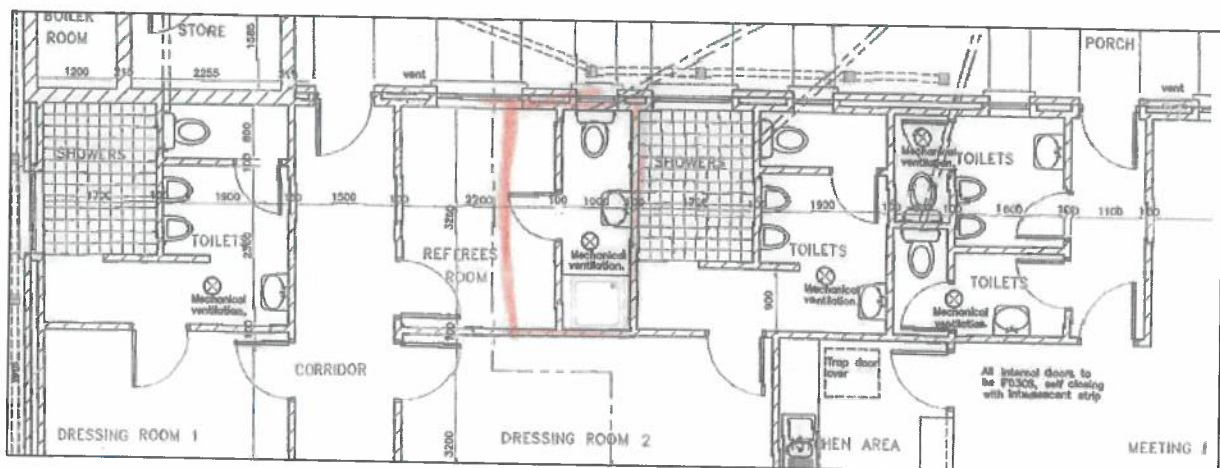


Figure 3: Existing floorplan.

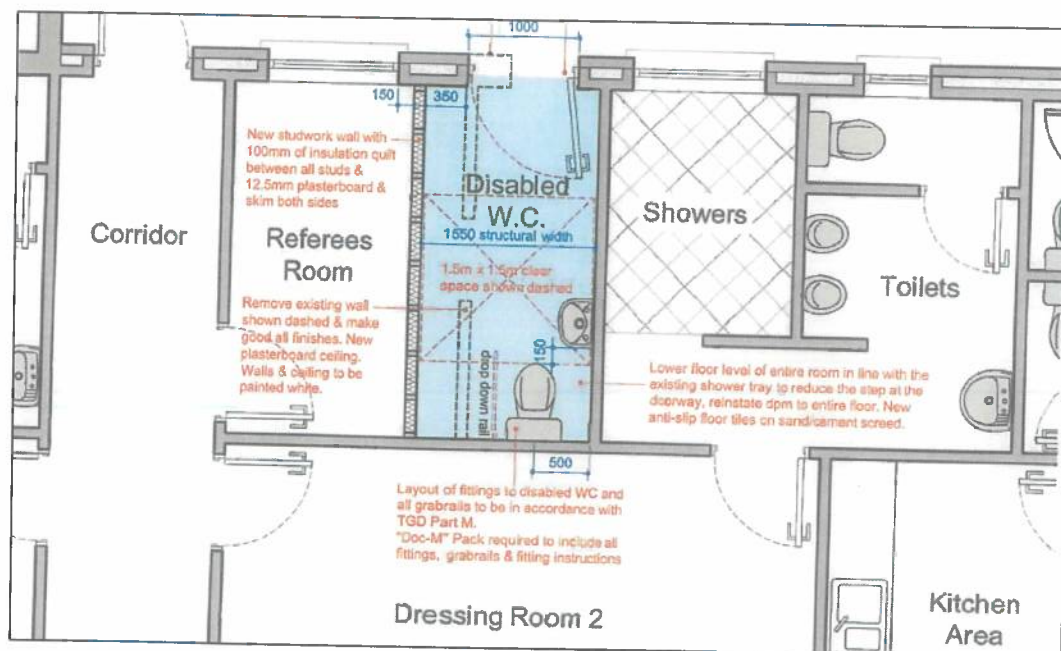


Figure 4: Proposed floorplan.

The Applicant has advised that they wish to provide a new external doorway (in place of a window) on the external elevation in order to provide access to an accessible bathroom. The removal of an interior wall is also required to provide this facility.

As part of the application, the Applicant has provided a letter from Derek Coulter (registered building surveyor and chartered engineer) which outlines the following:

**CERTIFICATE OF EXEMPTION
FROM
PLANNING PERMISSION
AND
COMPLIANCE WITH BUILDING REGULATIONS**

I, Derek Coulter of Hillside Birr, County Offaly CERTIFY as follows: -

1. I am a Chartered Building Engineer, Chartered Architectural Technologist, and Registered Building Surveyor, I am a Fellow of the Chartered Association of Building Engineers, C.Build E FCABE, (CABE Registration No. 11108082), a Member of the Chartered Institute of Architectural Technologists (CIAT Registration No. 029250) and Registered Building Surveyor with the Society of Chartered Surveyors Ireland (SCSI Registration No. B0311).
2. I have been in independent private architectural practice on my own account since the year 1978 or thereabouts.
3. I have been retained by Birr Town Football Club to inspect the property situated at Frank O'Connell Park, Woodfield, Birr, Co. Offaly, hereinafter called "The property".
4. The clubhouse has a vacant referee's shower room which is now going to be modified to provide a disabled toilet for visitors to the clubhouse, which is needed to bring the facilities up to the twenty first century and comply with Part M of the Building Regulations, most of the work is internal, and no changes will be made to the front elevation of the building.
The development is therefore **Exempted Development** from Planning Permission.
5. I confirm that the development to which this certificate refers will be carried out in compliance with the Building Controls Act, 1990, and all **Building Regulations** made thereunder.

Dated this 28th day of April 2025

7. Evaluation

Question: Whether the proposed works (as listed) to the existing dwelling 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 as it includes refurbishments to the existing dwelling.

Question: Is this proposal considered Exempted Development?

With regard to the proposed works which are described in the submitted documents, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the appearance of the dwelling and would not be inconsistent with the character of area. The refurbishments proposed by the applicants is harmonious with Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

It is therefore the opinion of the Planning Authority that these works meet the criteria of exempt development under statutory provisions.

8. Appropriate Assessment

Having regard to nature of the development which comprises of the provision of an accessible toilet/ and change of an external window to doorway at Birr Town AFC; distance of approximately 1.4km from the Dovegrove Callows SPA and the lack of any pathway to a European site it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

9. Environmental Impact Assessment Screening

Please refer to Appendix A; no EIA required.

10. Conclusion & Recommendation

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

***Note:** To reflect the proposed works, the wording which describes the works has been altered slightly by the Planner.*

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, a new external doorway to the rear of the existing clubhouse building to allow for the provision of an accessible bathroom and removal of internal wall to accommodate these works, is or is not development and is or is not exempted development at Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly.

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Please note that 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.



Úna McCafferkey

Executive Planner

16th June 2025

Date



Ed Kelly

Acting Senior Executive Planner

17th June 2025

Date

APPENDIX A

EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25-71
Development Summary:	Whether a new external doorway to the rear of the existing clubhouse building to allow for the provision of an accessible bathroom and removal of internal wall to accommodate these works, is development and is exempted development at Birr Town AFC, Woodfield, Eglish, Birr, Co Offaly.
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



Una McCafferkey

Executive Planner

16th June 2025

Date