

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/75

NAME OF APPLICANT: Board of Management, Scoil Naomh Seosamh

ADDRESS FOR CORRESPONDENCE: C/O Secretary of Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly.
E53 EF68

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Secretary of Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly. E53 EF68

WHEREAS a question has arisen as to whether the upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development at Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly, E53 EF68

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

AND WHEREAS the Board of Management of Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly, E53 EF68 c/o Secretary of Scoil Naomh Seosamh 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 3(1) of the Planning & Development Act 2000, as amended.
- (b) Section 4(1) of the Planning & Development Act 2000, as amended.
- (c) Article 6(3) of the Planning and Development Regulations 2001, as amended.
- (d) Schedule 2, Part 1, Class 40 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Offaly County Council has concluded that the works are 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:

- The upgrading of the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is **development** and is **exempted development** at Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly, E53 EF68
-

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. 25/75
Question:	Whether or not upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development
Applicant:	Board of Management, Scoil Naomh Seosamh
Correspondence Address:	c/o Secretary of Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly. E53 EF68
Location:	As above.

1. Introduction

The question has arisen as whether or not upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence at Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly is or is not development and is or is not exempted development.

2. Background

The existing school is situated within Moneygall Village, c.115m southeast of the main street and to the rear of the Roman Catholic Church. The subject site is zoned as *Community Services / Facilities* under the current Moneygall Village Plan contained in Volume 2 of the Offaly County Development Plan 2021 – 2027 (OCDP).

3. Site History

On Site – 21/666: The Board of Management of Scoil Naomh Seosamh sought permission for works to the existing school building; (a) proposed new single storey extension to existing school building; (b) minor alterations to the existing school building external elevations and internal layout to accommodate the proposed new extension; (c) all associated site works – **GRANTED**.



Figure 1: Subject Site Location.



Photo 1 - Subject Site (September 2024).

4. Site Inspection

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

5. Referrals

N/A.

6. 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:

“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

- (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.*

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".

Schedule 2 – Article 6 – Part I - Exempted Development – General

Development for amenity or recreational purposes, Class 40 specifies:

<p>CLASS 40</p> <p>Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground</p> <p>except—</p> <p>(a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,</p> <p>(b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a market building, or</p> <p>(c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building.</p>	
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7. Proposal by Applicants

The Applicant are seeking to change the surface of the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development. The subject site is not abutting a public road, and the proposal does not include the provision of a building.

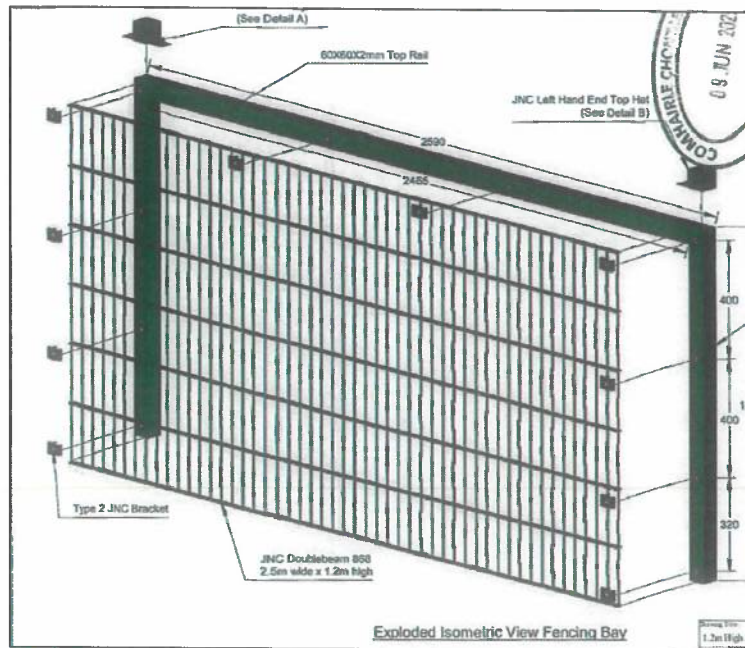


Figure 2: Proposed Fence.



Figure 3: Proposed site layout.

8. 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.

Question: Is this proposal considered as Exempted Development?

With regard to the proposed works which are described in the submitted documents, the Planning Authority note that the subject site comprises of an existing school, playground and grass pitch.

The Planning Authority are satisfied that the proposed change of the existing grass pitch to an astro turf pitch and the associated 1.2m high perimeter fence is exempted development under the provision of Class 40 (as detailed above) as these works are incidental to the use of the schoolgrounds.

9. Appropriate Assessment

Having regard to nature of the development which comprises of a change in the surface of the existing pitch at Scoil Naomh Seosamh, Moneygall; distance of 6.14km from Kilduff, Devilsbit Mountain SAC 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.

10.Environmental Impact Assessment Screening

Please refer to Appendix B; no EIA required.

11.Conclusion & Recommendation

It is recommended that the Applicant 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 the upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development at Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly, E53 EF68

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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

4th July 2025

Date



Ed Kelly

(A/Senior Executive Planner)

4th July 2025

Date

APPENDIX A

EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/75
Development Summary:	Whether or not upgrading the existing natural playing field to an all-weather surface with a 1.2m high perimeter fence is or is not development and is or is not exempted development at Scoil Naomh Seosamh, Moneygall, Birr, Co. Offaly. E53 EF68
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



Úna McCafferkey

Executive Planner

4th July 2025

Date