



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Suíomh / Website: www.wicklow.ie

Wicklow GAA
Echelon Park
Aughrim
Co. Wicklow

11th September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX57/2023**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Wicklow GAA

Location: Echelon Park, Aughrim, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1600/2023

A question has arisen as to whether Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area" at Echelon Park, Aughrim, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with this Section 5 Application on the 15/08/2023.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- Class 33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- Articles 6 of the Planning and Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

- The placing of an astro turf surface (50m x 40m) as a warm up area in existing car park as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "Development consisting of 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" and would constitute development and is exempted development under of Class 33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
And
- The erection of a 2.4m high fence around warm up area as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), and would constitute development and is not exempted development as it does not fulfil the conditions




and limitations of Schedule 2, Article 6, Part 1, Class 11 noting that the proposed fence exceeds 1.2 metres, is not replacing an existing structure and in any event exceeds 2 metres.

The Planning Authority considers that: -

(a) "the placing of an astro turf (50m x 40m) as a warm up area in existing car park" is development and is exempted development.

(b) "the erection of a 2.4m high fence around warm up area" is development and is not exempted development.

Signed:


PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 11th September 2023

WICKLOW COUNTY COUNCIL

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

CHIEF EXECUTIVE ORDER NO. CE/PDE/1600/2023

Reference Number: EX 57/2023

Name of Applicant: Wicklow GAA

Nature of Application: Section 5 Referral as to whether "Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area" is or is not exempted development

Location of Subject Site: Echelon Park, Aughrim, Co. Wicklow

Report from Patrice Ryan, EP & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area" at Echelon Park, Aughrim, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted with this Section 5 Application on the 15/08/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Class 33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- e) Articles 6 of the Planning and Development Regulations 2001, as amended.

Main Reason with respect to Section 5 Declaration:

- The placing of an astro turf surface (50m x 40m) as a warm up area in existing car park as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "Development consisting of 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" and would constitute development and is exempted development under of Class33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
And
- The erection of a 2.4m high fence around warm up area as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), and would constitute development and is not exempted development as it does not fulfil the conditions and limitations of Schedule 2, Article 6, Part 1, Class 11 noting that the proposed fence exceeds 1.2 metres, is not replacing an existing structure and in any event exceeds 2 metres.

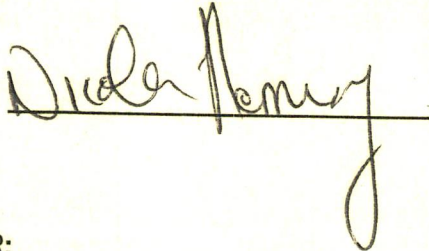
Recommendation

The Planning Authority considers that;

(a) "the placing of an astro turf (50m x 40m) as a warm up area in existing car park" is development and is exempted development. as recommended in the report by the SEP.

(b) "the erection of a 2.4m high fence around warm up area" is development and is not exempted development. as recommended in the report by the SEP.

Signed



Dated

14

day of September 2023

ORDER:

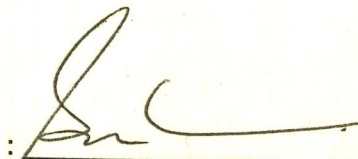
I HEREBY DECLARE:

That;

(a) the placing of an astro turf (50m x 40m) as a warm up area in existing car park" is development and is exempted development. within the meaning of the Planning & Development Act 2000 (as amended).

(b) the erection of a 2.4m high fence around warm up area" is development and is not exempted development. within the meaning of the Planning & Development Act 2000 (as amended) within the meaning of the Planning & Development Act 2000 (as amended).

Signed

: 
Director of Services
Planning Development & Environment

Dated 14 day of September 2023



WICKLOW COUNTY COUNCIL
Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 57/2023
Name:	Wicklow GAA, Echelon Park, Aughrim, Co. Wicklow.
Development:	Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area.
Location:	Wicklow GAA, Echelon Park, Aughrim, Co. Wicklow.

Application Site

The site comprises of a grass GAA pitch with club house and hardstanding parking area to the north east and south west of the pitch. It is proposed to locate the astro turf warm up pitch on the south western corner of the site.

Planning History

23/683: Live planning application seeking planning permission for minor internal alterations to existing 846m² dressing room/administration building and construction of new 476m² extension to include new dressing rooms and ancillary areas at ground floor, general use space at first floor and all associated ancillary works.

Decision due: 26/10/2023.

12/6577: Planning permission **GRANTED** to Cumann Luthchleas Gael Coiste Contae Chill Mhantain for upgrade the existing stand.

09/903: Retention permission GRANTED to Cumann Luthcleas Gael Bord Cumann Chill Mhantain for replacement toilets, canteen, office and stores under construction.

99/316: Planning permission GRANTED to Wicklow County Committee G.A.A. for new dressing rooms.

89/4580: Planning permission GRANTED to Seamus O'Duinn for erection of dressing rooms and toilets.

Enforcement: No active enforcement file on the site.

Question

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

- Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area.

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of 'development':

"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 2(1) of the Act states the following in respect of the following:

'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 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(1) (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 or 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 of neighbouring structures."*

Planning and Development Regulations 2001 (as amended).

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations.

Article 9(1) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not:

- **Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area.**

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

“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.

I am satisfied that the proposal **involves works** to the existing land and **therefore constitutes development**.

The **placing of an astro turf surface (50m x 40m) as a warm up area in existing car park** would come within the description of Class 33 (c) of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which refers to:

Class33(c)

Development consisting of the laying out and use of land—

- 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.*

Conditions and Limitations - None

These exemptions however are subject to the restriction set out under Article 9 of the Planning and Development Regulations 2001 (as amended) which provides that development to which article 6 relates shall not be exempted development for the purposes of the Act;

“(b) in an area to which a special amenity area order relates, if such development would be development:— (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2”,

The application site is located within the Aughrim Town Plan area and is Zoned AOS –Active Open Space.

With regard to the **laying of an astro tuff surface (50m x 40m) as a warm up area in existing car park**, none of the conditions attached to any of the grants of planning permission as outlined in the Planning History above, would de-exempt the works proposed as part of this Section 5 Declaration. No changes are indicated to the ground level at the location of the astro tuft warm up area.

It is therefore considered that the proposed astro turf **would be considered to be exempted development** under the provisions as set out in Class 33(c).

The **erection of a 2.4m high fence around warm up area** would come within the description of Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which refers to:

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- a) any fence (not being a hoarding or sheet metal fence), or

Conditions and Limitations –

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

As the proposed fence is a new fence of 2.4 metres in height, it **cannot be considered to be exempt development** under Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

RECOMMENDATION

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with this Section 5 Application on the 15/08/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Class 33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- e) Articles 6 of the Planning and Development Regulations 2001, as amended.

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the:

- Placing of an astro turf surface (50m x 40m) as a warm up area in existing car park and the erection of a 2.4m high fence around warm up area, is or is not exempted development,

The Planning Authority considers that:

- The placing of an astro turf surface (50m x 40m) as a warm up area in existing car park as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "Development consisting of 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" and would constitute development and is exempted development under of Class 33(c) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

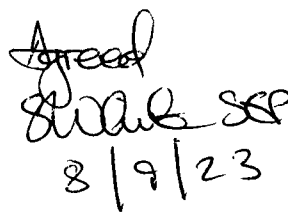
And

- The erection of a 2.4m high fence around warm up area as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of "The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), and would constitute development and is not exempted development as it does not fulfil the conditions and limitations of Schedule 2, Article 6, Part 1, Class 11 noting that the proposed fence exceeds 1.2 metres, is not replacing an existing structure and in any event exceeds 2 metres.

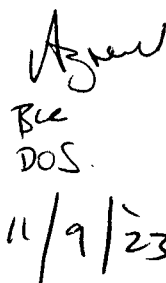
I recommend that the applicant be informed accordingly.



Patrice Ryan
Executive Planner
08/09/2023.



8/9/23



Bee
DOS
11/9/23



Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Patrice Ryan
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 57/2023

I enclose herewith for your attention application for Section 5 Declaration received 15th August 2023.

The due date on this declaration is the 11th September 2023.



Staff Officer

Planning Development & Environment





Comhairle Contae Chill Mhantáin
Wicklow County Council

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17th August 2023

Wicklow GAA
Echelon Park
Aughrim
Co. Wicklow

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 57/2023
Placing of astro turf surface as a warm up area in existing car park and erection of a fence around warm up area at Echelon Park, Aughrim, Co. Wicklow

A Chara

I wish to acknowledge receipt on 15th August 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 11th September 2023.

Mise, le meas



NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT





Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received 15/08/23 via e-mail
Fee Received via eft

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: WICKLOW GAA.
Address of applicant: ECHERON PARK, AUGHRIM,
CO WICKLOW

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Conor Doyle
Address of Agent : BADESTOWN, STRATFORD,
CO WICKLOW

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration ECHBLOW PARK
AUGHER CO. WICKLOW

ii. Are you the owner and/or occupier of these lands at the location under i. above?
☒ Yes ☐ No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration PLACING OF AN
ASTRO TURF SURFACE (SOFTEN) AS A WARM
UP AREA IN EXISTING CAR PARK. ERECTION OF A
2.4m HIGH FENCE AROUND WARM UP AREA

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration
CLASS 33(1) SCHEDULE 2, PART 1

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? NO

vii. List of Plans, Drawings submitted with this Declaration Application

SK-01 - OS map OUTLINE LOCATION OF PROPOSED
WORKS

viii. Fee of € 80 Attached ? YES

Signed : _____ Dated : _____

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

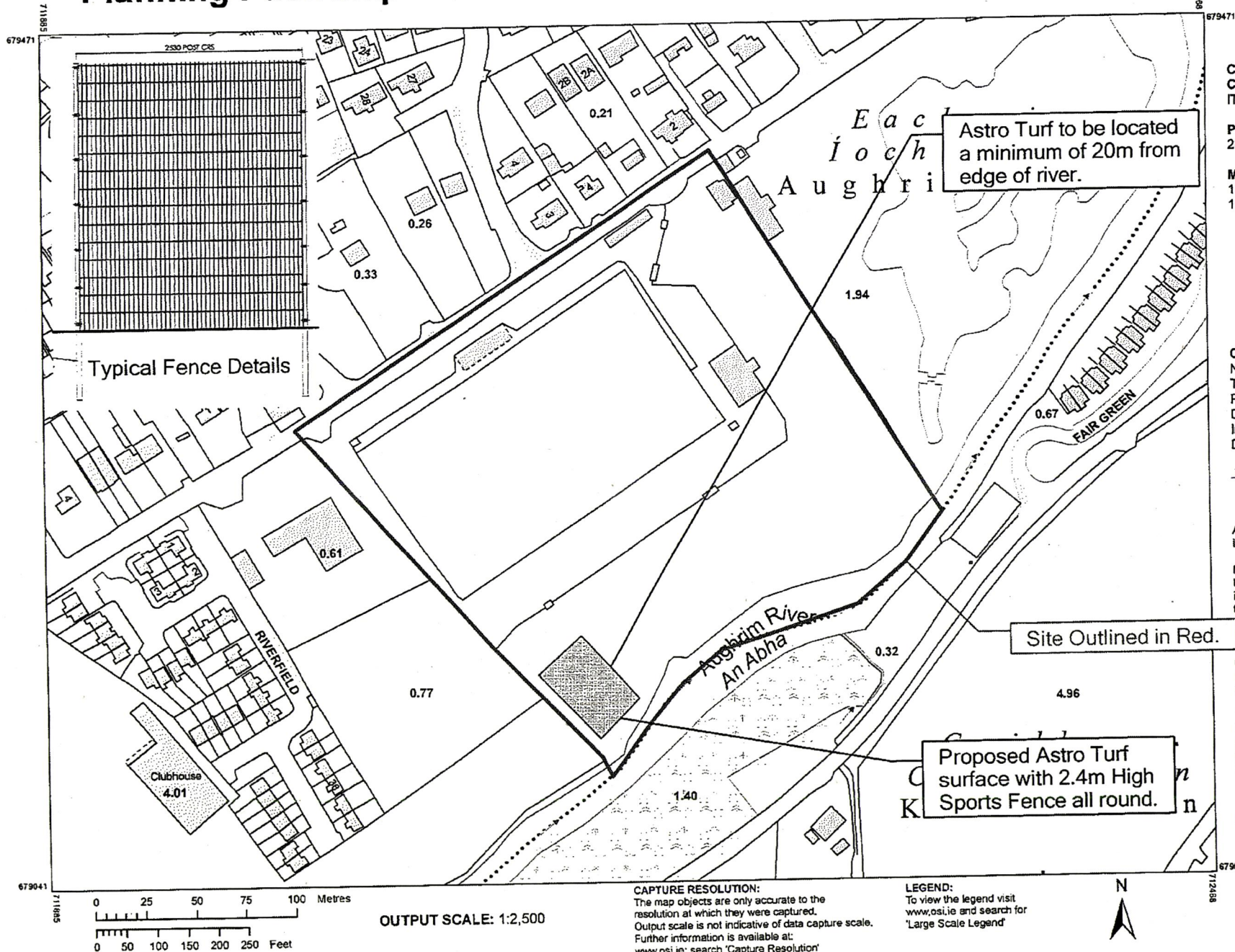
governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Planning Pack Map



CENTRE COORDINATES:
ITM 712177,679256

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SK-01