



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

**FAO Padraig Connell
Aughrim Community Sports & Leisure
Redberry House
Killacloran
Aughrim
Co. Wicklow**

 September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX61/2023**

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.

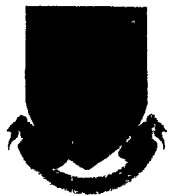
Is mise, le meas,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





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

Applicant: Aughrim Community Sports & Leisure

Location: Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1674/2023

A question has arisen as to whether “the development of a walking/running track” at Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow **is or is not exempted development.**

Having regard to:

- a) Details submitted with the Section 5 Declaration application ,
- b) Section 2,3 and 4 of the Planning and Development Act 2000(as amended)
- c) Article 6, 9 and Class 33 (c):Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of a walking / running track is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The construction of the walking/ running track would come within the description and limitations set out under Class 33 P (c) Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) which identifies that 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 ore firearms), where no charge is made for admission of the public in the land is exempted development

The Planning Authority considers that “the development of a walking/running track” at Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow is development and is exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  September 2023

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
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WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1674/2023

Reference Number: EX 61/2023

Name of Applicant: Aughrim Community Sports & Leisure

Nature of Application: Section 5 Referral as to whether "the development of a walking/running track" is or is not exempted development

Location of Subject Site: Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the development of a walking/running track" at Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (a) Details submitted with the Section 5 Declaration application ,
- (b) Section 2,3 and 4 of the Planning and Development Act 2000(as amended)
- (c) Article 6, 9 and Class 33 (c):Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended)

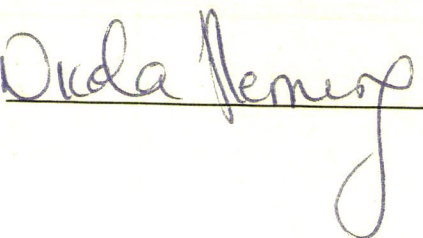
Main Reason with respect to Section 5 Declaration:

- The construction of a walking / running track is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The construction of the walking/ running track would come within the description and limitations set out under Class 33 P (c) Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) which identifies that 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 ore firearms), where no charge is made for admission of the public in the land is exempted development .

Recommendation

The Planning Authority considers that "the development of a walking/running track" at Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed



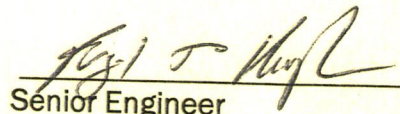
Dated 30th day of September 2023

ORDER:

I HEREBY DECLARE:

That "the development of a walking/running track" at Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:


Senior Engineer

Planning Development & Environment

Dated 22nd day of September 2023

Exemption Report Register Reference EX 61_2023.

Date : 22nd September 2023

Applicant : Aughrim Community Sports & Leisure Assoc Ltd

Address : Aughrim Community Field, Rednagh Road, Aughrim, Co.Wicklow

Exemption Whether or not :

Develop a walking/ running track at Aughrim Community Field.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History

03/ 9386 Permission granted to Erect additional dressing rooms, showers, toilets facilities, stores, tea room, indoor play area and extend existing dressing rooms to provide additional toilet facilities at Aughrim Lower, Aughrim, Co Wicklow

Development Plan 2022-2028**Aughrim Town Plan**

Active Open Space :

To protect and enhance existing and provide for new active open space.

To facilitate the further development and improvement of existing active open spaces, formal exercise areas, sports grounds, playing pitches, courts and other games areas and to facilitate opportunities for the development of new high quality active recreational areas.

Flood Zone –

Flood Zone A and Flood Zone B

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

“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 :

3.—(1) 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 4

4.— Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001(as amended).

Article 6

(1) 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) Note see Regulations for full Article

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—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2 : Part 1 : General

Class 33

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 in the land

Assessment

The querist seeks confirmation that the installation of a walking/ running track at Aughrim Community Grounds is exempted development. The submitted drawings identify the track traversing around the boundary of the Grounds , and a typical cross-section has been submitted showing a 1.5m wide track, which is to be finished with a Bitumnous surface.

The first assessment must be whether or not the works outlined above constitute 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.

Therefore the construction of a walking/ running track which involves works of excavation and construction would come within the definition of development.

Class 33: Part 1 : Schedule 2 provides that the works for use of land for athletics / sports would be exempted development i.e.

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 ore firearms), where no charge is made for admission of the public in the land. The provision of a walking / running track could it is considered come within the provisions of Class 33.

Nothing within Article 9 would clawback this exemption. In particular it is noted that the site is not within or connected to any Natura 2000 site, and there is no link to any Natura 2000 site, therefore the need for a Stage 2 Appropriate Assessment can be ruled out.

In light of the above assessment the works are considered exempted development .

Recommendation :

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

The development of a walking/ running track at Aughrim Community Field, Rednagh Road, Aughrim, Co.Wicklow

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that The development of a walking/ running track at Aughrim Community Field, is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- (a) Details submitted with the Section 5 Declaration application ,
- (b) Section 2,3 and 4 of the Planning and Development Act 2000(as amended)
- (c) Article 6, 9 and Class 33 (c):Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of a walking / running track is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The construction of the walking/ running track would come within the description and limitations set out under Class 33 P (c) Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) which identifies that 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 ore firearms), where no charge is made for admission of the public in the land is exempted development .

Set out
22/9/23

Issue - recommended
Agd T
22/9/23

MEMORANDUM
WICKLOW COUNTY COUNCIL

TO: Andrew Spencer
Graduate Planner

FROM: Nicola Fleming
Staff Officer

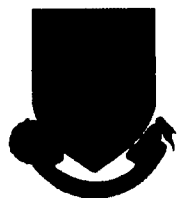
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX61/2023 – Aughrim Community Sports & Leisure**

I enclose herewith application for Section 5 Declaration received 31st August 2023.

The due date on this declaration is 27th September 2023.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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1st September 2023


**Aughrim Community Sports &
Leisure Association Ltd
Rednagh Road
Aughrim
Co. Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). EX61/2023**

A Chara

I wish to acknowledge receipt on 31st August 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 27th September 2023.

Mise, le meas



**NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



Aughrim Community Sports & Leisure Association Ltd.

Rednagh Road,
Aughrim,
Co Wicklow.
Email: acsla2019@gmail.com

Planning Department,
Wicklow County Council,
Wicklow Town,
Co. Wicklow.

Date: 25th August 2023
Re: Aughrim Community Sports and Leisure.

Dear Sir/Madame,

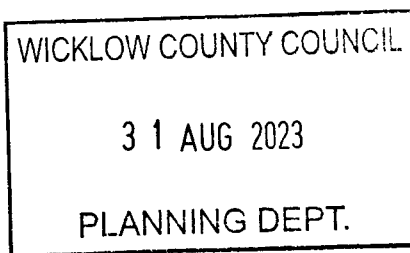
We are currently looking to secure grant aid from the Sports Capital Grant Programme, to develop a walking /running track at our facility at Rednagh Road, Aughrim. As part of this application, we need to show planning status of the project. I enclose an Application form for planning exemption in accordance with section 5 of the planning and developments act. Along with ordinance survey map showing the land. I also enclose a copy of the form required by the Department for the grant application. I would be obliged if you could look through this documentation and let me know if the exemption can be granted, based on exempted development clause 33 (c).

If you have any queries or advice on this matter I would be obliged if you would contact me.

May we take this opportunity to thank all in your office for your help, from our Committee and the Community of Aughrim.

Yours truly,

Kevin Mann. (Assistant Secretary)
Ph: 087 2501921 or 0402 36498
Email: acsla2019@gmail.com



Chair: David Sheehy, Treasurer: Sean O'Shea, Secretary: Oisín Jordan.



Department of Community, Rural
and Gaeltacht Affairs



Wicklow County Council
County Buildings
Wicklow
0404 20100

31/08/2023 11 48 51

Receipt No L1/0/318123

Mr Kevin Maan
Assistant Secretary
Aughrim Community Field
Rednagh Road
Aughrim
Co Wicklow
Y14 F868

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cheque	80 00
Exemption	

Change	0 00
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Issued By Lorraine Byrne
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

**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: **Padraig Connell, Aughrim Community Sports & Leisure**
Address of applicant: **Redberry House, Killacoran, Aughrim Co. Wicklow.**
Y14XK82

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) **None**

Address of Agent : _____

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

3. Declaration Details

i. Location of Development subject of Declaration **Aughrim Community Field, Rednagh Road, Aughrim, Co. Wicklow Y14F868**

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

Yes

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 **We intend to develop a walking / running track at our community field and feel that we are exempt from planning based on "Exemption from planning Class 33 (c) for athletics or sports, where no charge is made for admission of the public to the land".**__

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 **"Exemption from planning, Class 33 (c) for athletics or sports, where no charge is made for admission of the public to the land".** _____

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 _____
Drawing showing the extent of the property.
Drawing showing where the proposed track will be located.

viii. Fee of € 80 Attached ? Yes

Signed : Keri Man Dated : 25th August 2023.

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 -

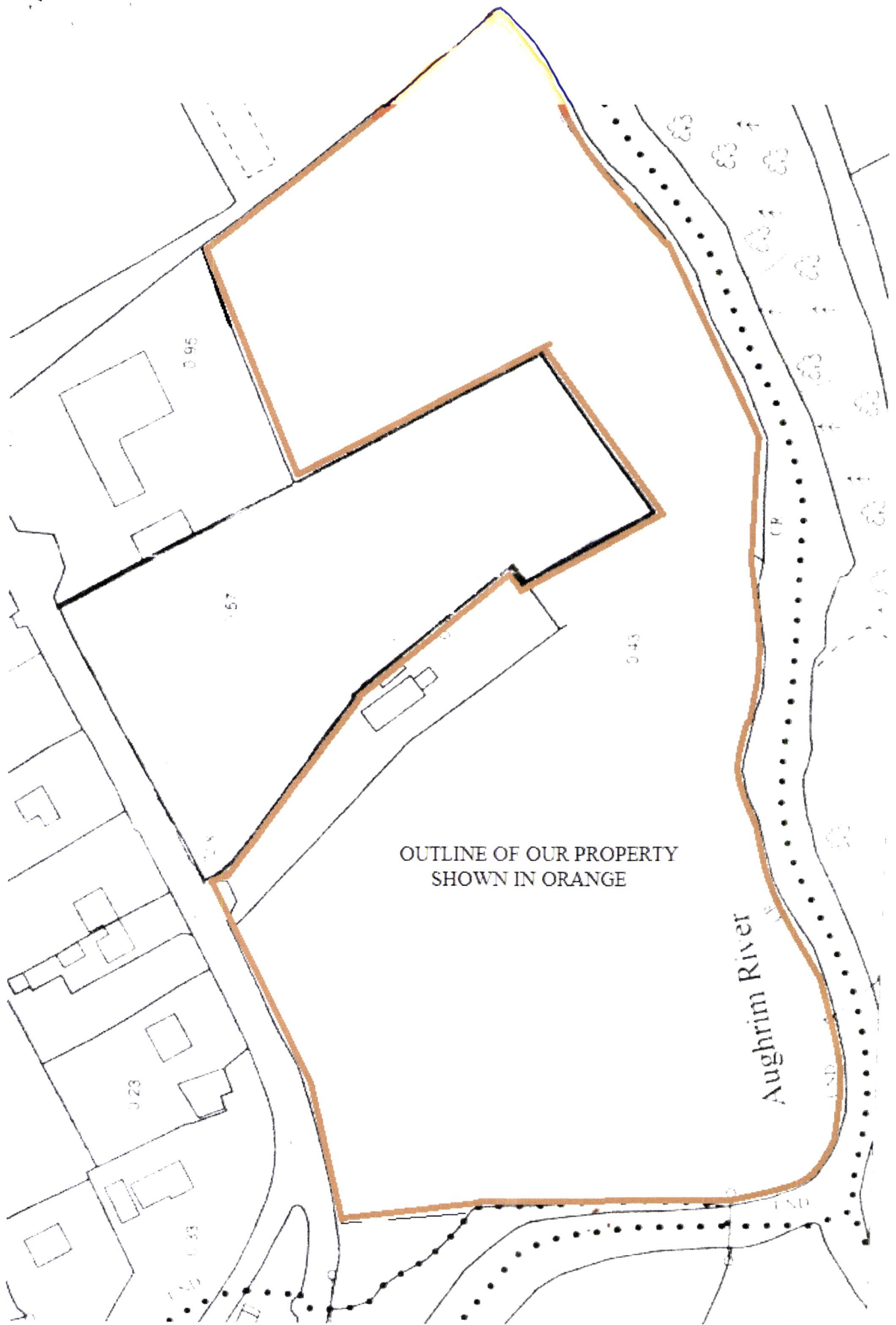
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.



OUTLINE OF OUR PROPERTY
SHOWN IN ORANGE

Aughrim River

0.95

0.67

0.43

0.23

0.33

END

END

END

END

END

END

END

END

END

END

END

END

END

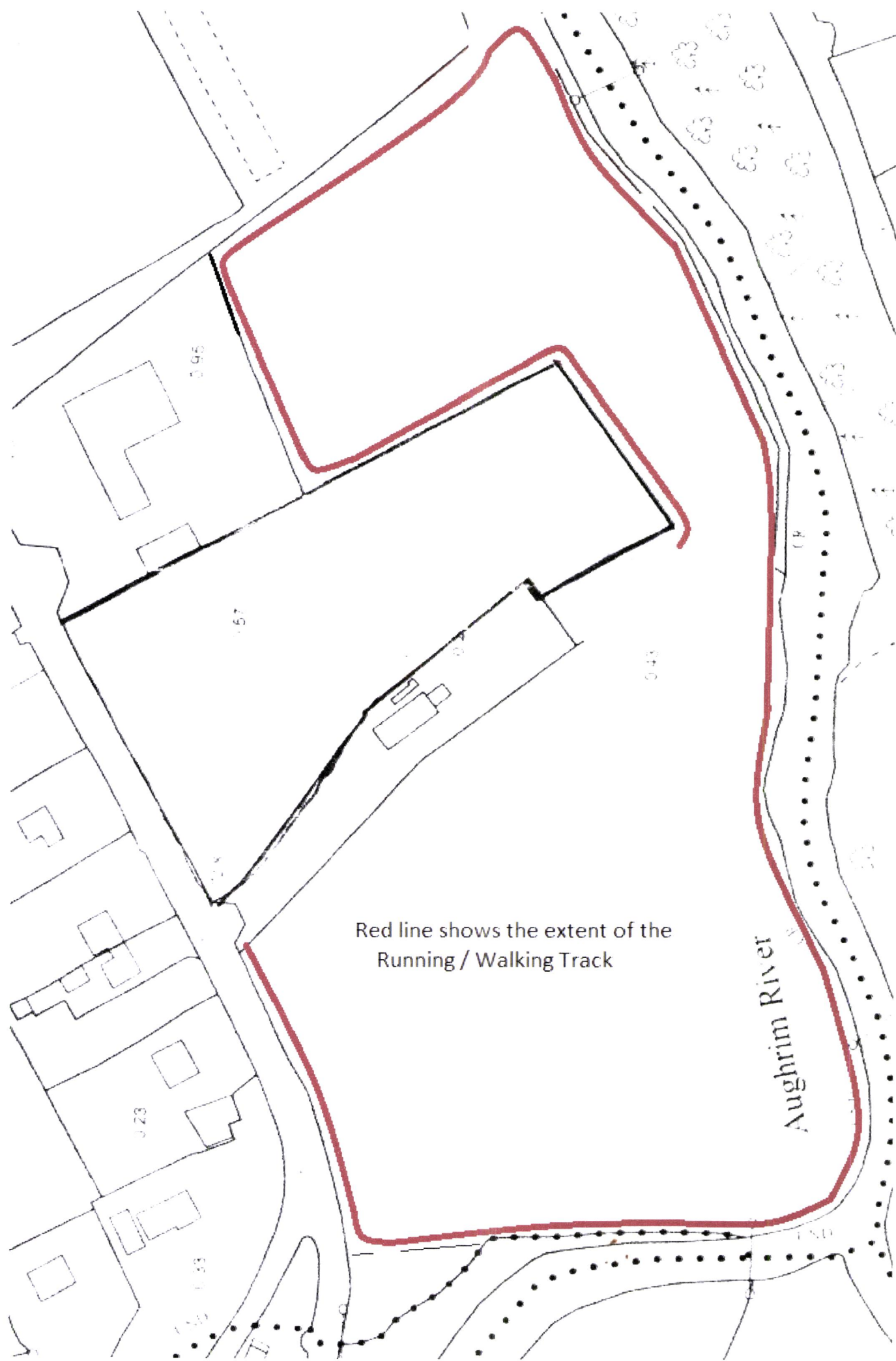
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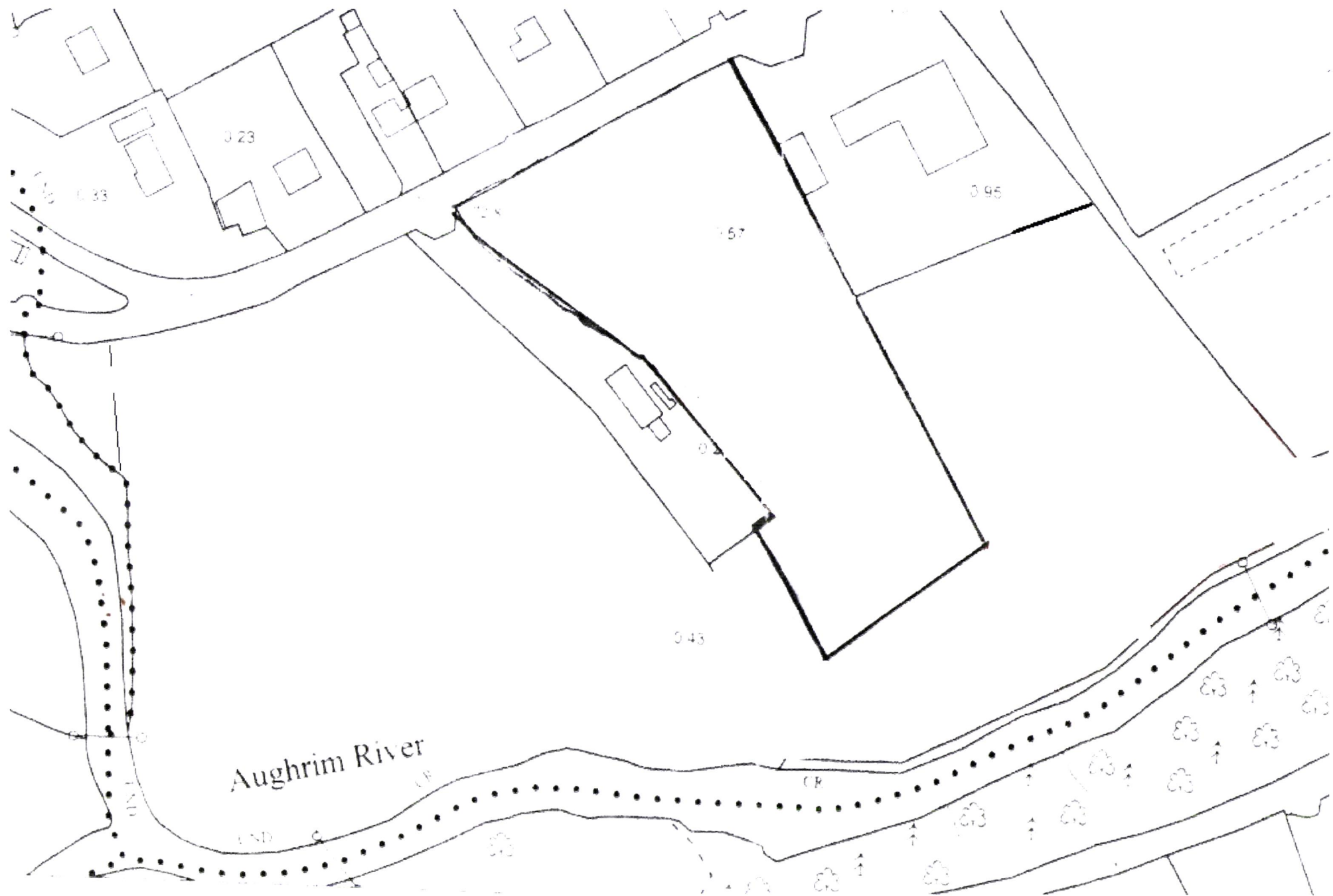
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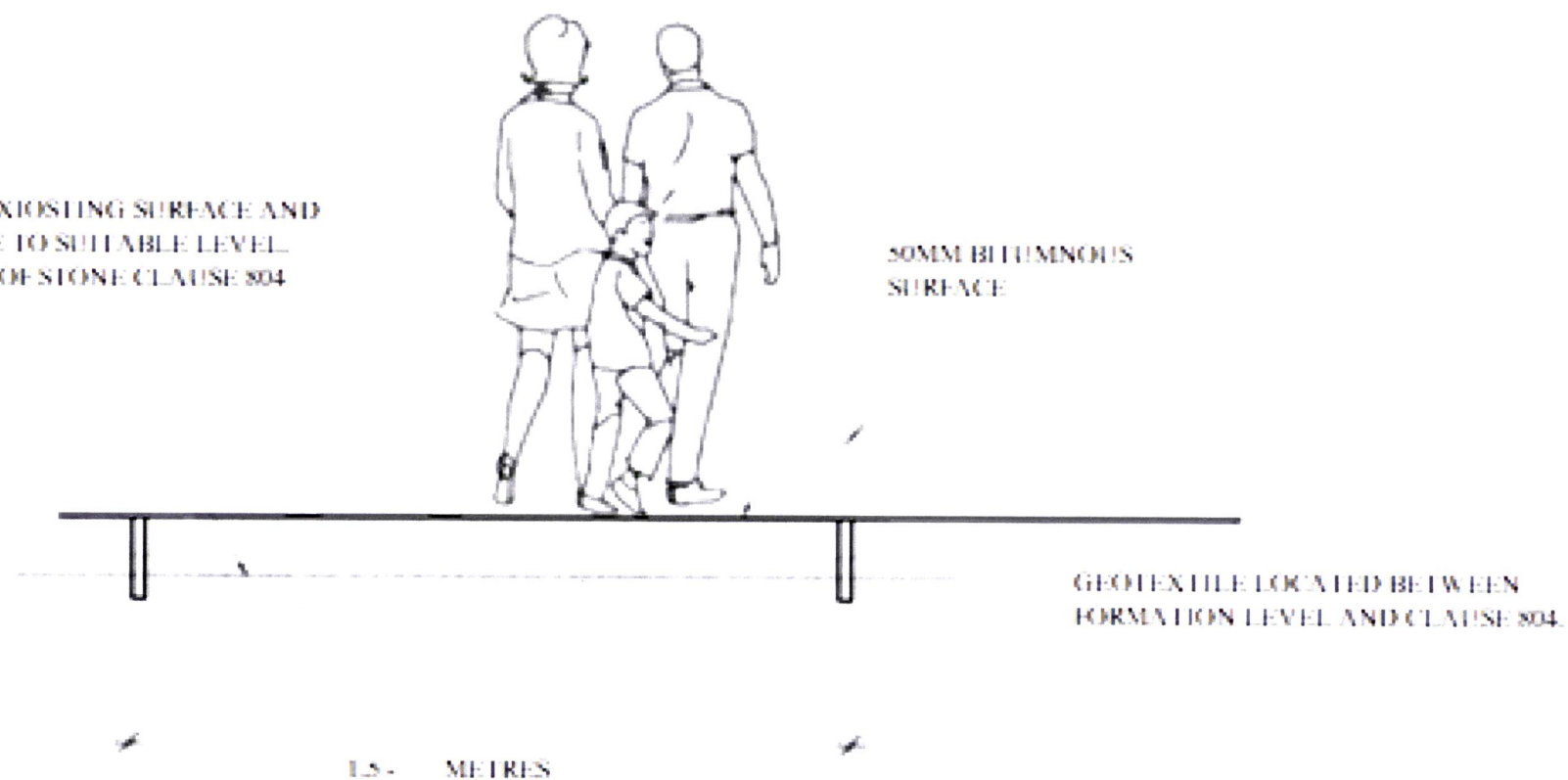


Red line shows the extent of the
Running / Walking Track



REMOVE EXISTING SURFACE AND
EXCAVATE TO SUITABLE LEVEL.
FIT 200MM OF STONE CLAUSE 804

50MM BITUMINOUS
SURFACE



PROPOSED TYPICAL CROSS SECTION

of security fencing and gates, security cameras and other measures connected with the security of airport infrastructure, within an airport, or

- (e) the erection or alteration of directional locational or warning signs on the ground, within an airport.

Development for amenity or recreational purposes

CLASS 33

Development consisting of the laying out and use of land—

- (a) as a park, private open space or ornamental garden,
- (b) as a roadside shrine, or

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.

- (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.

CLASS 34

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

CLASS 35

Development consisting of—

- (a) the carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or