



COMHAIRLE CONTAE CHILL MhANTÁIN Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

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

Arklow Rugby Football Club,
C/o Robert Kelly,
3 Ashleigh Close,
Mountain Bay,
Arklow,
Co. Wicklow.
Y14 W899

6TH of October 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX118/2026

A Chara,

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 Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

pp Deanne Byrne.

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: Arklow Rugby Football Club

Location: The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742

Reference Number: EX118/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1219

A question has arisen as to whether “the change of surface on existing pitch from grass to Astro-Turf (5500sqm)” at The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742 is or is not exempted development.

Having regard to:

- The details received with the Section 5 Declaration on the 24/09/ 2026,
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part.1, Class 33 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The installation of an astro turf surface is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposal would come within the description and limitations as set out under Schedule 2, Part 1, Class 33(c) of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that is development and is exempted development at The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742

Signed: Deanne Byrne

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 05/10/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1219

Reference Number: EX118/2026

Name of Applicant: Arklow Rugby Football Club

Nature of Application: Section 5 Referral as to whether "*the change of surface on existing pitch from grass to Astro-Turf (5500sqm)*" is or is not development and is or is not exempted development.

Location of Subject Site: The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742

Report from: Holly O'Connor, E.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the change of surface on existing pitch from grass to Astro-Turf (5500sqm)*" at The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details received with the Section 5 Declaration on the 24/09/ 2026,
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- d) Schedule 2, Part.1, Class 33 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The installation of an astro turf surface is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The proposal would come within the description and limitations as set out under Schedule 2, Part 1, Class 33(c) of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation

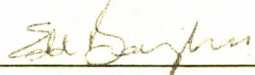
The Planning Authority considers that "*the change of surface on existing pitch from grass to Astro-Turf (5500sqm)*" is development and is exempted development at The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742 recommended in the planning reports.

Signed: Deanne Byrne

Date: 05/10/2026

ORDER:

I HEREBY DECLARE: That "*the change of surface on existing pitch from grass to Astro-Turf (5500sqm)*" is development and is exempted development at The Oval, Ballyrichard, Arklow, Co. Wicklow, Y14 Y742 within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner
Planning, Economic & Rural Development

Date: 5/10/2016

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT
PLANNING REPORT SECTION 5 APPLICATION**

TO: EDEL BERMINGHAM T.S.P/ PATRICE RYAN S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 118/2026
DECISION DATE: 21/10/2026
APPLICANT: ARKLOW RUGBY FOOTBALL CLUB
ADDRESS: THE OVAL, BALLYRICHARD, CO. WICKLOW
EXEMPTION QUERY: CHANGE OF SURFACE ON PITCH FROM GRASS TO ASTRO-TURF (5500SQM).

Site Location:

The subject site is located in the rural townland of Johnstown South, c. 2km to the north-west of the settlement of Arklow & Environs. The site is along and accessed via the Regional Road R772. The subject site consists of an existing Rugby Football Club with a large club house and car parking area to the front/eastern side of the site with a pitch on the western side.

Planning History:

06/4891: PP granted for 8 No. floodlights around club pitches.

01/4026: PP granted for extension and 2 dormer windows to clubhouse.

92/8120: PP granted for extension.

86/2237: PP granted for extension to clubhouse.

Relevant legislation:**Planning and Development Act 2000 (as amended)****Section 2:**

"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.

Development -Section 3:

"development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

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).

Exempted Development Section 4:

(1) The following shall be exempted developments for the purposes of this Act—

(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;

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

4 (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 & 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.

Schedule 2, Part 1, Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations
Development for amenity or recreational purposes CLASS 33 Development consisting of the laying out and use of land— (c) <i>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.</i>	Not applicable to C. <i>ne</i>

Declaration details submitted:

Whether the change of playing surface from grass to astro turf on existing pitch of 5500sqm, is or is not development and is or is not exempt development.

Assessment:

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. 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 therefore does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

Schedule 2, Pt.1 Class 33 (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 in the rural area. The proposal is for the replacement of the grassed surface of the existing football pitch to an all-weather astro surface. 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 of the pitch area and no changes are proposed to the size of the pitch area. No other structures are proposed to be erected as part of this Section 5 Declaration.

It is therefore considered that the proposed works fall within the exempted development provisions as set out in Class 33(c).

Appropriate Assessment:

Having regard to the scale of development, the existing use of the subject site as a football pitch and the location of the subject site which is not located within or directly adjoining a designated Natura 2000 site or hydrological or other linkage, it is not considered that the proposed development, would give rise to any adverse impacts on the qualifying interests and conservation objectives of any natura sites and therefore the proposed development would not necessitate the carrying out of an

Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

EIA:

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination, and a screening determination is not required.

Recommendation:

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

The change of playing surface from grass to astro turf on existing pitch of 5500sqm, is or is not development and is or is not exempt development.

At The Oval, Ballyrichard, Arklow, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the

The construction to the extension is **development** and is **exempted development**.

Main Considerations with respect to Section 5 Declaration:

- a) The details received with the Section 5 Declaration on the 24/09/ 2026,
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- d) Schedule 2, Part.1, Class 33 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration

- The installation of an astro turf surface is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposal would come within the description and limitations as set out under Schedule 2, Part 1, Class 33(c) of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Holly O'Connor

Holly O'Connor E.P

Date 01/10/2026

Agreed Panel
05/10/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Holly O'Connor
Executive planner

FROM: Joanne Byrne
A/ Staff Officer

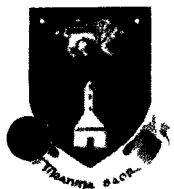
RE:- EX118/2026 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 24/09/2026.

The due date on this declaration is the **21/10/2026**.

Joanne Byrne

A/Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

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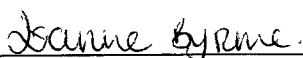
28th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended) – EX118/2026

A Chara

I wish to acknowledge receipt on 24/09/2026 full details supplied by you in respect of
the above Section 5 application. A decision is due in respect of this application by
21/10/2026.

Mise, le meas



Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

24/09/2026 15 21 13

Receipt No L1/0/370084
***** REPRINT *****

ROBERT KELLY
3 ASHLEY CLOSE
ARKLOW
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Credit Card	80 00
Section 5 enquiry	

Change	0.00
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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: **Arklow Rugby Football Club**

Address of applicant: **The Oval, Ballyrichard, Arklow, Y14 Y742**

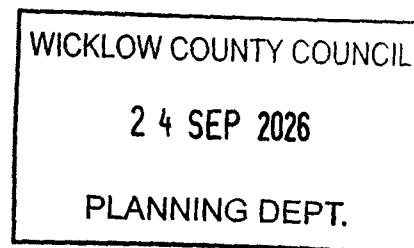
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) **Robert Kelly**

Address of Agent : **3 Ashleigh Close, Mountain Bay, Arklow Y14 W899**

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

3. Declaration Details



i. Location of Development subject of Declaration: **The Oval, Ballyrichard, Arklow, Y14 Y742**

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, an 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:

Arklow RFC Wish to establish whether the change of playing surface at an existing pitch from grass to Astro Turf – ca 5,500 square meters – is or is not a development and is or is not an exempted development.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration **Not applicable.** _____

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 _____

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.

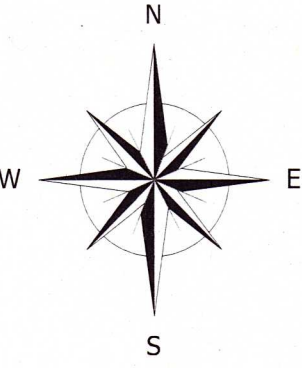
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.

- 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.



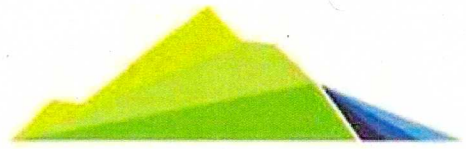
OS REF: 4370

NOTES:



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No.	DATE	DESCRIPTION
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W I C K L O W

ENDLESS OPPORTUNITIES

WICKLOW COUNTY COUNCIL
PLANNING, DEVELOPMENT AND ENVIRONMENT
COUNTY BUILDINGS, WICKLOW

JOB:
ARKLOW RUGBY CLUB

TITLE:
SITE LOCATION MAP

SCALE:	DRAWN	CHECKED
1:1000 @ A3	DATE	SEPTEMBER 2026

DRAWING NO.
01