



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
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Clare Fanning  
Macreddin Road  
Aughrim  
Co. Wicklow  
Y14 RC82


14<sup>th</sup> December 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX76/2023 – Aughrim GAA**

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:** Aughrim GAA Club

**Location:** Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868

CHIEF EXECUTIVE ORDER NO. CE/PDE/2111/2023

A question has arisen as to whether “the installation of drainage to existing pitch” at Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868” 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)

### Main Reasons with respect to Section 5 Declaration:

- The installation of drainage is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The works are considered to be for maintenance and improvement of the existing pitch which would come within the scope of S.4(1)(h) of the P&D Act 2000 (as amended).

**The Planning Authority considers that “the installation of drainage to existing pitch” at Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868 is development and is exempted development.**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 14<sup>th</sup> December 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/2111/2023

Reference Number: EX 76/2023  
Name of Applicant: Aughrim GAA Club  
Nature of Application: Section 5 Referral as to whether "the installation of drainage to existing pitch" is or is not exempted development  
Location of Subject Site: Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868

Report from Holly O'Connor, EP and Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the installation of drainage to existing pitch" at Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868 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)

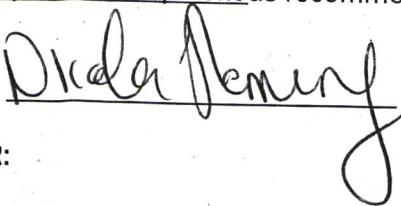
Main Reason with respect to Section 5 Declaration:

- The installation of drainage is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The works are considered to be for maintenance and improvement of the existing pitch which would come within the scope of S.4(1)(h) of the P&D Act 2000 (as amended).

Recommendation

The Planning Authority considers that "the installation of drainage to existing pitch" at Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868 is development and is exempted development as recommended in the report by the SEP

Signed



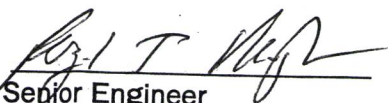
Dated 14<sup>th</sup> day of December 2023

ORDER:

I HEREBY DECLARE:

That "the installation of drainage to existing pitch" at Aughrim GAA Pitch, Andy Allen Park, Rednagh Road, Aughrim, Co. Wicklow Y14 F868 is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:



Senior Engineer  
Planning Development & Environment

Dated 14<sup>th</sup> day of December, 2023

**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**PLANNING REPORT SECTION 5 APPLICATION**

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**TO:** FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P  
**FROM:** HOLLY O'CONNOR E.P.  
**SUBJECT REF:** EX 76/2023  
**DECISION DATE:** 12/12/2023  
**APPLICANT:** AUGHRIM GAA  
**ADDRESS:** AUGHRIM GAA CLUB, ANDY ALLEN PARK, REDNAGH ROADM AUGHRIM, CO. WICKLOW, Y14 F868  
**EXEMPTION:** DRAINAGE OF EXISTING PITCH

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**Site Location:**

The subject site is that of Aughrim GAA, located to the south-west of Aughrim Town along the L-7239-0. The site consists of a GAA pitch with flood lights and a changing rooms/sports hall building, there is a walking track and ball courts in place. Car parking is located to the side of the sports building. The Derry River flows to the west and south of the site.

**Planning History:**

**EX 61/2023:** 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 .

**03/9386:** Aughrim Community Sport and Field Association. PP 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.

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

Zoning: Active Open Space

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

Description: 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)

*“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

**Section 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.

**Section 4(1)(h) as amended - defined an Exempted development as follows: -**

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) 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 2 opposite the mention of that class in the said column 1.

Article 9 (1) - 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—

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in permission under the Act,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

Schedule 2: Part 1: General- Development for amenity or recreational purposes

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 to the land.

**Submission:**

The applicants are applying for a Section 5 Exemption in relation to the following;

To determine whether the development/ installation of drainage to the existing pitch at Aughrim GAA Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

**Assessment:**

The query seeks confirmation that the installation of drainage at Aughrim GAA grounds is exempted development. The submitted documents detail the installation of lateral drain pipes to discharge to the nearby river, the area will be topped with topsoil and sand and grass seeded.

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 installation of drainage involves excavation and alteration in relation to the existing pitch (structure) and the construction would come within the definition of development.

**Section 4(1)(h) provides for** the carrying out of works for the maintenance, improvement or other alteration of any structure, as the works are required for the maintenance and improvement of the existing pitch the proposed development is considered to come within the scope of S.4(1)(h) of the P&D Act. 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/ installation of drainage to the existing pitch at Aughrim GAA Co. Wicklow,

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

The Planning Authority considers that the installation of drainage to the existing pitch at Aughrim GAA, 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)

**Main Reasons with respect to Section 5 Declaration:**

- The installation of drainage is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The works are considered to be for maintenance and improvement of the existing pitch which would come within the scope of S.4(1)(h) of the P&D Act 2000 (as amended).

Holly O'Connor

Date: 05/12/2023

Holly O'Connor EP

Agreed

Seán Cunningham SEP

6/12/2023

Issue declaration of recommended  
15/12/23  
14/12/23

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Holly O'Connor**  
**Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 76/2023**

I enclose herewith for your attention application for Section 5 Declaration received 23/11/2023.

The due date on this declaration is the 20/12/2023



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**Staff Officer**  
**Planning Development & Environment**



# Comhairle Contae Chill Mhantáin Wicklow County Council

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**Clare Fanning  
Macreddin Road  
Aughrim  
Co. Wicklow  
Y14 RC82**

27<sup>th</sup> November 2023

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX76/2023- Aughrim GAA Club**

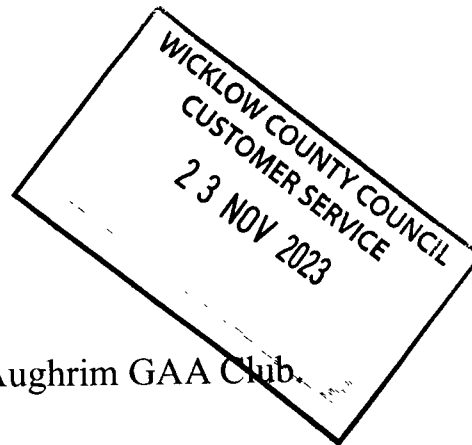
A Chara

I wish to acknowledge receipt on 23/11/2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/12/2023.

Mise, le meas

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





Hi,

Please find attached Section 5 form for Aughrim GAA Club.

Enclosed:

- 1.) Completed form
- 2.) €80 Fee
- 3.) All supporting documents

If you require any further information, please do not hesitate to contact me at the details below.

Clare Fanning

087-2064467

[Treasurer.aughrim.wicklow@gaa.ie](mailto:Treasurer.aughrim.wicklow@gaa.ie)

Kind regards,

A handwritten signature in cursive script that reads "Clare Fanning".

Clare Fanning

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

23/11/2023 09 35 11

Receipt No L1/0/321819

AUGHRIM GAA CLUB  
ANDY ALLEN PARK  
REDNAGH ROAD  
AUGHRIM  
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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Issued By Charlie Redmond  
From Customer Service Hub  
Vat reg No 0015233H



**Wicklow County Council**  
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**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: AUGHRIM GAA CLUB  
Address of applicant: ANDY ALLEN PARK, REDNAGH ROAD  
AUGHRIM CO. WICKLOW Y14 F868

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

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) CLARE FANNING  
Address of Agent : MACREDDIN ROAD, AUGHRIM, WICKLOW  
Y14 RC82

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

### **3. Declaration Details**

- i. Location of Development subject of Declaration AUGHRIM GAA PITCH  
ANDY ALLEN PARK, 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)  
**WE ARE NOT THE OWNER BUT WE ARE THE OCCUPIER AS PER LICENCE AND TENANCY AGREEMENTS ATTACHED**
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier  
AUGHRIM COMMUNITY SPORTS & LEISURE ASSOCIATION LTD  
ANDY ALLEN PARK, REDNAGH ROAD, AUGHRIM, CO. WICKLOW Y14F868
- 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 ARE SEEKING EXEMPTION FOR OUR PROJECT WHICH IS THE DRAINAGE OF OUR EXISTING FOOTBALL PITCH. WE HAVE BEEN APPROVED FOR GRANT FROM SPORTS CAPITAL & EQUIPMENT PROGRAMME 2020 FOR THIS PROJECT – SUBJECT TO THE APPROVAL OF THIS SECTION 5 PLANNING PERMISSION EXEMPTION DECLARATION.  
*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  
  
  
  
  
*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 \_\_\_\_\_

1.) LOCATION MAP OF THE GAA PITCH

2.) DOCUMENT DESCRIBING THE DRAINAGE WORKS TO BE CARRIED OUT + QUOTATION

3.) TENANCY AGREEMENT – CONFIRMING PERMISSION OF OWNERS

4.) LICENCE AGREEMENT – CONFIRMING TENANCY

viii. Fee of € 80 Attached ? YES - CHEQUE

Signed: Clare Fanning Dated : 16/11/23.

**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.



AUGHRIM GAA PITCH  
ANDY ALLEN PARK  
REDNAGH ROAD  
X14 F868