



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
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Dermot Page
Grange Con Community Sports Field Ltd
Grangecon
Co. Wicklow

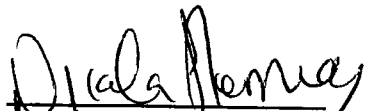
 March 2024

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX11/2024**

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: Grangecon Community Sports Field Ltd

Location: Grangecon Community Field, Grangecon, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/383/2024

A question has arisen as to whether “A. installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m), B. installation of a 20m X 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop and C. installation of a 8m X 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table” at Grangecon Community Field, Grangecon, Co. Wicklow is or is not exempted development.

Having regard to:

- The provision of a walking track and hard surfaced areas is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of the proposed hard surfaced areas 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 nothing within Article 9 would negate this exemption.
- The development of the proposed walking track 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) but would contravene the restrictions on exempted development as outlined in Article 9 (1)(a)(i) of the Planning and Development Regulations 2001 (as amended) as it would contravene Condition 3 of PRR 13/8068.

Main Reasons with respect to Section 5 Declaration:

- The provision of a walking track and hard surfaced areas is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of the proposed hard surfaced areas would come within the description and limitations as set out under Schedule 2, Part 1, Class 33(c), of the

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 Seirbhíse, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



Planning and Development Regulations 2001 (as amended) and nothing within Article 9 would negate this exemption.

- The development of the proposed walking track 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) but would contravene the restrictions on exempted development as outlined in Article 9 (1)(a)(i) of the Planning and Development Regulations 2001 (as amended) as it would contravene Condition 3 of PRR 13/8068.

The Planning Authority considers that: -

A. "Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m)" is development and is NOT exempted development.

B. "Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop" is development and is exempted development.

C. "Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table" is development and is exempted development.

all at Grangecon Community Field, Grangecon, Co. Wicklow

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 27th March 2024.

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/383/2024

- Reference Number:** EX 11/2024
- Name of Applicant:** Grangecon Community Sports Field Ltd
- Nature of Application:** Section 5 Referral as to whether “A. installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m), B. installation of a 20m X 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop and C. installation of a 8m X 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table” is or is not development and is or is not exempted development
- Location of Subject Site:** Grangecon Community Field, Grangecon, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether “A. installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m), B. installation of a 20m X 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop and C. installation of a 8m X 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table” at Grangecon Community Field, Grangecon, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details submitted on 07/02/2024 and 12/03/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 33 of the Planning and Development Regulations 2001 (as amended).
- v. PRR 13/8068

Main Reason with respect to Section 5 Declaration:

- The provision of a walking track and hard surfaced areas is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).

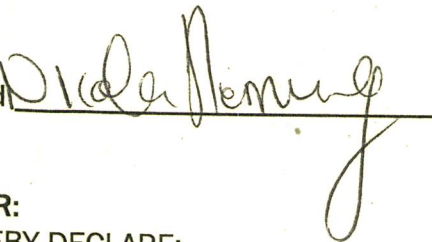
- The development of the proposed hard surfaced areas would come within the description and limitations as set out under Schedule 2, Part 1, Class 33(c), of the Planning and Development Regulations 2001 (as amended) and nothing within Article 9 would negate this exemption.
- The development of the proposed walking track 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) but would contravene the restrictions on exempted development as outlined in Article 9 (1)(a)(i) of the Planning and Development Regulations 2001 (as amended) as it would contravene Condition 3 of PRR 13/8068.

Recommendation

The Planning Authority considers that;

- A. "Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m)" is development and is NOT exempted development.
- B. "Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop" is development and is exempted development.
- C. "Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table" is development and is exempted development.
- all at Grangecon Community Field, Grangecon, Co. Wicklow as recommended in the report by the SEP.

Signed



Dated 27th day of March 2024.

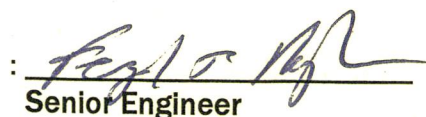
ORDER:

I HEREBY DECLARE:

That;

- A. "Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m)" is development and is NOT exempted development.
- B. "Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop" is development and is exempted development.
- C. "Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table" is development and is exempted development.
- all at Grangecon Community Field, Grangecon, Co. Wicklow

Signed

: 
Senior Engineer

Dated 27th day of March 2024

Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 11/2024
Applicant: Grangecon Community Sports Field Ltd.
FI Received: 12/03/2024
Decision Due Date: 01/04/2024
Address: Grangecon Community Field, Grangecon, Co. Wicklow

Assessment :

The issued further information sought clarification with regard to the following.

1. In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed walking track inclusive of;

a) The status / location of the 'planted raised mound' which formed part of the development permitted on site under PRR13/8068 to be carried out as per condition 3 of said permission.

b) The exact location of the proposed walking track at the portion of the track which runs between the existing playground and playing pitch.

In response to above concerns, the applicant has stated that the proposed planted mound was not installed as the committee found that it was no longer necessary due to the folding of the Grangecon football club. With regard to Item (b), a revised layout plan displaying the exact location of the proposed running track has been submitted.

Condition 3 of PRR13/8068 (concerning the construction of a community playground on site) states the following:

Prior to the commencement of the use of the playground, all works relating to the proposed parking area, pedestrian footpath, planted raised mound and timber fence shall be completed.

Reason: In the interest safety and proper planning.

The revised site layout provided has confirmed that the track would in fact run through the planted raised mounds denoted location between the sports field and adjoining playground as specified in condition 3 of PRR13/8068.

Article 9 (1) (a) (i) states that that proposed works shall not be exempted development if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. In this regard, the proposed works (walking track) would therefore be de-exempted through the contravention of an existing condition.

Conclusion:

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

- A. Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m).
- B. Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop.
- C. Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table.

at Grangecon Community Field, Grangecon, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that ~~the proposal of~~ the:

- A. Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m) **is development and NOT exempted development.** *his*
- B. Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop **is development and is exempted development.**
- C. Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 07/02/2024 and 12/03/2024;
 - ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
 - iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
 - iv. Schedule 2, Pt.1 Class 33 of the Planning and Development Regulations 2001 (as amended).
- v. P.L. 1318068*

Main Reasons with respect to Section 5 Declaration:

- The provision of a walking track and hard surfaced areas is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of the proposed hard surfaced areas 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 nothing within Article 9 would negate this exemption.
- The development of the proposed walking track 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) but would contravene the restrictions on exempted development as outlined in Article 9 (1)(a)(i) of the Planning and Development Regulations 2001 (as amended) ~~and is therefore not exempted development.~~ *as it would contravene (b) of P.L. 1318068.*

Billy Slater A.P.
22/03/2024

*Issue as modified
13/03/24
22/03/24*

*Agreed as amended SLP
22/3/2024*

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX11/2024**

I enclose herewith application for Section 5 Declaration received 7th February 2024 and FI received on 12/03/2024.

The due date on this declaration is 1st April 2024.

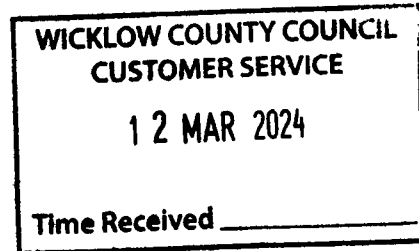


**Staff Officer
Planning Development & Environment**

Grangecon Community Sports Field Ltd
Rathcon
Grange Con
Co. Wicklow

9th March 2024

Ester Breslin
Planning Development and Environment
Wicklow County Council



Reference: Ex 11/2024

Dear Ms Breslin,

Thank you for your reply to our Section 5 enquiry.
We include the following information in response to your queries.

- a) Status of planted raised mound. The committee at the time of the playground development in 2014 took the view that the raised mound was no longer necessary due to the folding of the Grangecon football club. The mound was initially proposed to help stop footballs entering the playground area. No adult football has been played at the ground since 2014 and any casual or juvenile football played has not generated any issue within the playground area.

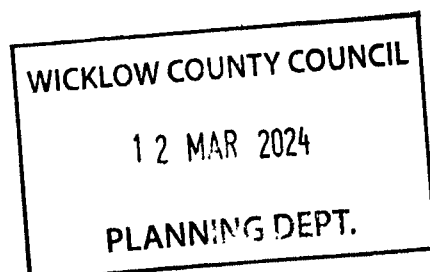
- b) Exact location of the proposed walking track. We include a map of the field which provides a more detailed plan of the proposed route of the footpath.

Please do let us know if there is any further information you may need.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jack O'Leary".

Grangecon Community Sports Field Committee





Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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27/02/2024

Grangecon Community Sports Field Ltd.,
Grange Con,
Co. Wicklow.

RE: EX 11/2024

Install (a) walking track, (b) basketball court and (c) outdoor table tennis table at Grangecon Community Field, Grangecon

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 7th February, 2024 in order to fully assess if the proposed development comes within the scope of Schedule 2, Part 1, Class 33 the following information is required in relation to the proposed walking track;

- (a) The status / location of the 'planted raised mound' which formed part of the development permitted on site under PRR13/8068 to be carried out as per condition 3 of said permission.
- (b) The exact location of the proposed walking track at the portion of the track which runs between the existing playground and playing pitch.

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ESTHER BRESLIN,
SENIOR STAFF OFFICER,
PLANNING DEVELOPMENT AND ENVIRONMENT.





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 11/2024
Applicant: Grangecon Community Sports Field Ltd.
Date of Application: 07/02/2024
Decision Due Date: 05/03/2024
Address: Grangecon Community Field, Grangecon, Co. Wicklow
Exemption Query: The Committee for Grangecon community field propose to:
A. Install a walking track around the perimeter of the existing football pitch. The path would be 1.8m wide and consist of a finish comprising of compacted recycled asphalt. The path will encircle the perimeter of the existing pitch keeping outside of the existing floodlight poles. The overall length of the path will be approximately 320m.
B. Install a hard surface court area measuring 20*15m at the rear of the field to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop. The court surface will consist of a finished surface 60mm rolled asphalt.
C. Install a hard surfaced area measuring 8 * 8m to facilitate and outdoor table tennis table. The finished surface will consist of 60mm rolled asphalt.

Application Site: The subject site is located within the level 8 settlement of Grangecon and is occupied by the grounds of the Grangecon community sports field, inclusive of a large playing pitch and playground in the eastern parameters of the site. The site is accessed via the L-4303-0 local public road, is flat in nature, and is defined by mature planting on all parameters.

Google Maps Image and Site Image (see further site images in Appendix 1)



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

- A. Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m).

- B. Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate basketball court with single regulation height and spec monopole basketball backboard and hoop.
- C. Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table.

at Grangecon Community Field, Grangecon, Co. Wicklow

Planning History:

Subject Site:
 Ref 13/8068
 Applicant Grangecon Community Sports Field Ltd
 Development Community playground together with all associated landscaping and perimeter fencing and for the provision of car parking facilities, new pedestrian access and all ancillary works
 Decision Grant

Development Plan 2022-2028

The subject site is not zoned but is located centrally within the settlement boundary of Grangecon, a level 8 settlement.

Flood Zone –

Flood Zone A and Flood Zone B

Legislative Context

Planning and Development Act 2000 (as amended)

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

“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*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);*

“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) 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 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

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):

(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 the Act or be inconsistent with any use specified in a permission under the Act.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

And so on.

Schedule 2: Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

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.

Conditions and Limitations – None

Assessment

The applicant seeks confirmation that the:

- A. Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m).
- B. Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop.
- C. Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table.

at Grangecon Community Field, Grangecon, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

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 above elements would involve works and therefore the proposal does constitute development.

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

It is considered that the proposed works as stated above inclusive of a walking track and no.2 hard-surfaced areas for sports use would fall under the scope of Schedule 2: Part 1 Class 33 (c) i.e:

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.

No conditions or limitations apply to this class.

Upon site inspection it was noted that the subject site is flat in nature. No changes are indicated to the ground level at the location of the proposed walking track or hard surfaced areas. The subject 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.

The proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per Article 9 (1). In this regard it is noted that as per Article 9 (1) (a) (i) that proposed works shall not be exempted development if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

In light of the planning history as outlined in the Planning History above, there is concern that the proposed works may contravene Condition 3 of PRR13/8068 (concerning the construction of a community playground on site) which states:

Prior to the commencement of the use of the playground, all works relating to the proposed parking area, pedestrian footpath, planted raised mound and timber fence shall be completed.

Reason: In the interest safety and proper planning.

It was observed upon site inspection that the 'planted raised mound' as specified in condition 3 of PRR13/8068 was seemingly not present (see site photographs in appendix 1) and upon review of the plans submitted as part of the subject application, the proposed walking track may run through the planned raised mound's denoted location between the sports field and adjoining playground.

In light of this concern, clarification is required as to ensure that the proposed running track would not be de-exempted through the contravention of an existing condition.

Conclusion:

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

- A. Installation of a walking track comprising of compacted recycled asphalt and of 1.8m in width around the perimeter of the existing football pitch (approx. 320m).
- B. Installation of a 20m x 15m hard surface court area of 60mm rolled asphalt to facilitate a basketball court with single regulation height and spec monopole basketball backboard and hoop.
- C. Installation of a 8m x 8m hard surfaced area of 60mm rolled asphalt to facilitate an outdoor table tennis table.

at Grangecon Community Field, Grangecon, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

The above proposal is development and that Further Information is required to determine if the proposed development is exempt development.

Recommendation:

FURTHER INFORMATION

1. In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed walking track inclusive of;

- a) The status / location of the 'planted raised mound' which formed part of the development permitted on site under PRR13/8068 to be carried out as per condition 3 of said permission.
- b) The exact location of the proposed walking track at the portion of the track which runs between the existing playground and playing pitch.

Billy Slater

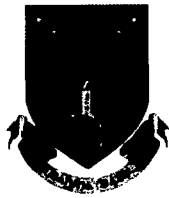
Billy Slater A.P.

23/02/2024

Paul SL 2/24
SL
23/2/2024

Appendix 1 – Site Photographs





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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Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL


TO: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

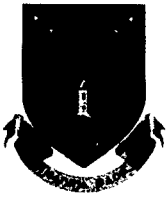
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX11/2024**

I enclose herewith application for Section 5 Declaration received 7th February 2024.

The due date on this declaration is 5th March 2024.


Staff Officer
Planning Development & Environment





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.ie
Suíomh / Website: www.wicklow.ie

8th February 2024

Grange Con Community Field Ltd
Grangecon
Co. Wicklow

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX11/2024

A Chara

I wish to acknowledge receipt on 07/02/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 05/03/2024.

Mise, le meas

NICOLA FLEMING

STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404 20100

07/02/2024 11:02:25

Receipt No L1/0/324937

GRANGE CON / COMMUNITY SPORTS FIELD
CO WICKLOW

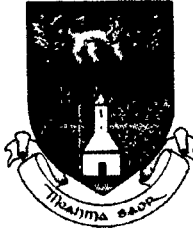
EXEMPTION CERTIFICATE S	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Cheque 80 00

Change 0 00

Issued By Marian Jameson
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 _____

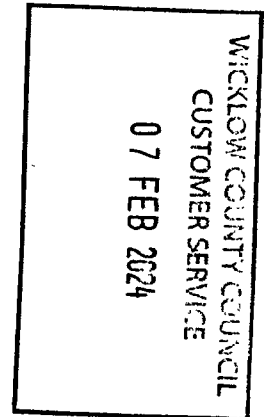
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Grange con Community Sports Field Ltd

Address of applicant: Grange Con, Co Wicklow

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

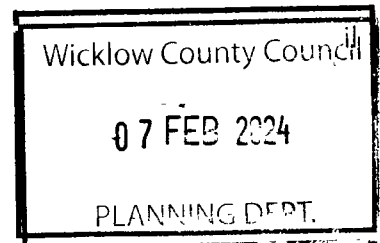


2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) N/A

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: Grange Con community field

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes – Community owned field.

- iii. If ‘No’ to ii above, please supply the Name and Address of the Owner, and or occupier N/A

- 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:

The committee for The Grangecon community field propose to:

A: Install a walking track around the perimeter of the existing football pitch. The path would be 1.8m wide and consist of a finish comprising of compacted recycled asphalt. The path will encircle the perimeter of the existing pitch keeping on the outside of the existing floodlight poles. The overall length of the path will be approximately 320m.

B: Install a hard surface court area measuring 20*15M at the rear of the field to facilitate a basketball court with a single regulation height and spec monopole basketball backboard and hoop. The court surface will consist of a finished surface of 60mm rolled asphalt.

C: Install a hard surface area measuring 8 * 8M to facilitate an outdoor table tennis table. The finished surface will consist of 60mm rolled asphalt.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

We are unsure as to whether the above mentioned proposed walking track and hardcore pads would require planning under any of the planning regulations. We therefore hope to seek clarity through this application.

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 _Google map image showing walking track, basketball pad and table tennis pad.
- viii. Fee of € 80 Attached ? Yes

Signed Dark Payne Dated : 5/2/2024

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.

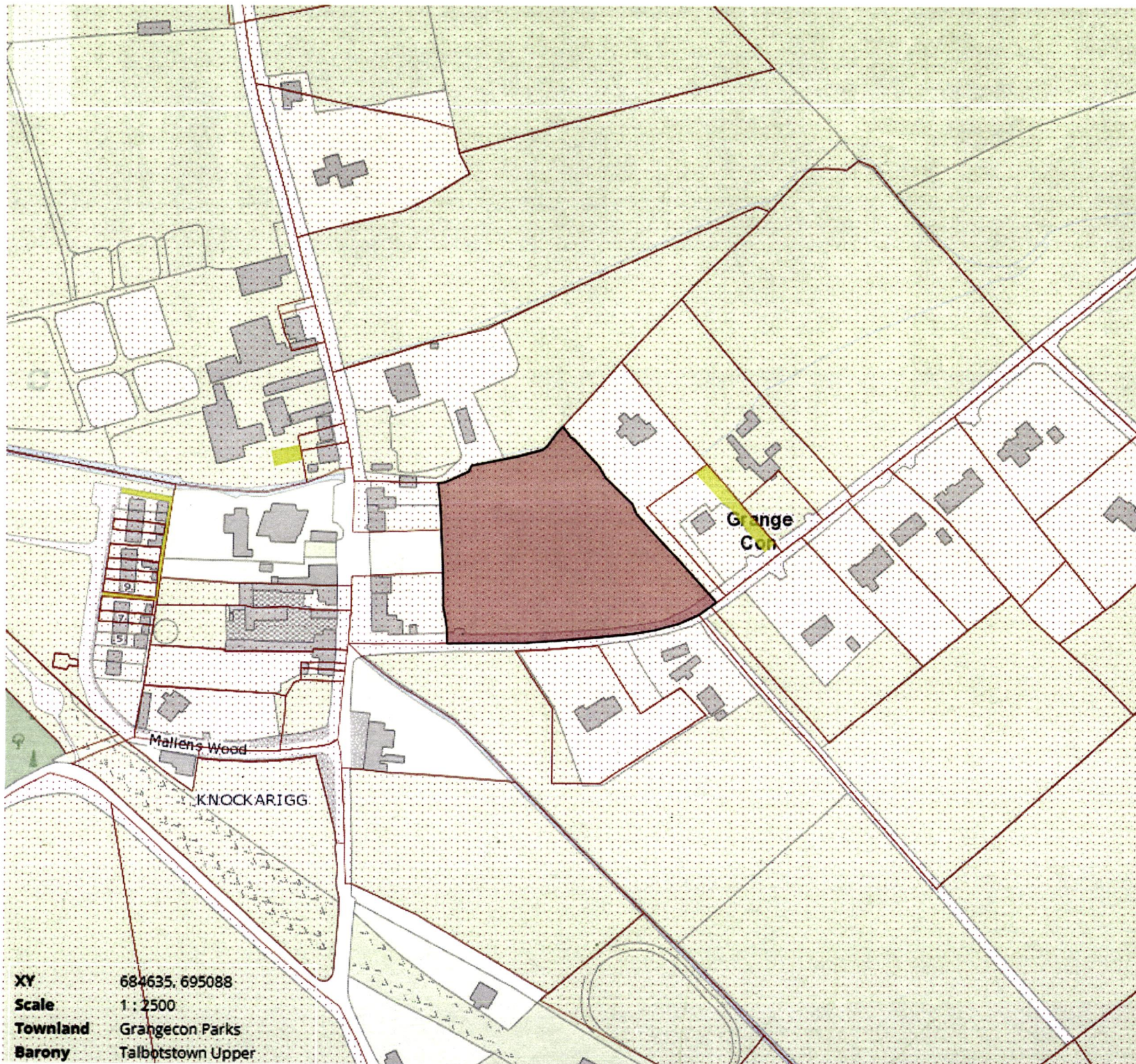
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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.



Not to scale



Folio Number	WW34070F
Title Level	Freehold
Plan Number	6P
Property Number	1
Area of selected plans	1.23 hectares.
Number of Plans on this folio:	1
Address	Grangecon Afc, Grangecon, Co. Wicklow, W91 XD4E

*PRA Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

XY 684635, 695088
Scale 1 : 2500
Townland Grangecon Parks
Barony Talbotstown Upper

**The Property
Registration Authority
An tÚdarás
Clárúcháin Maoinne**



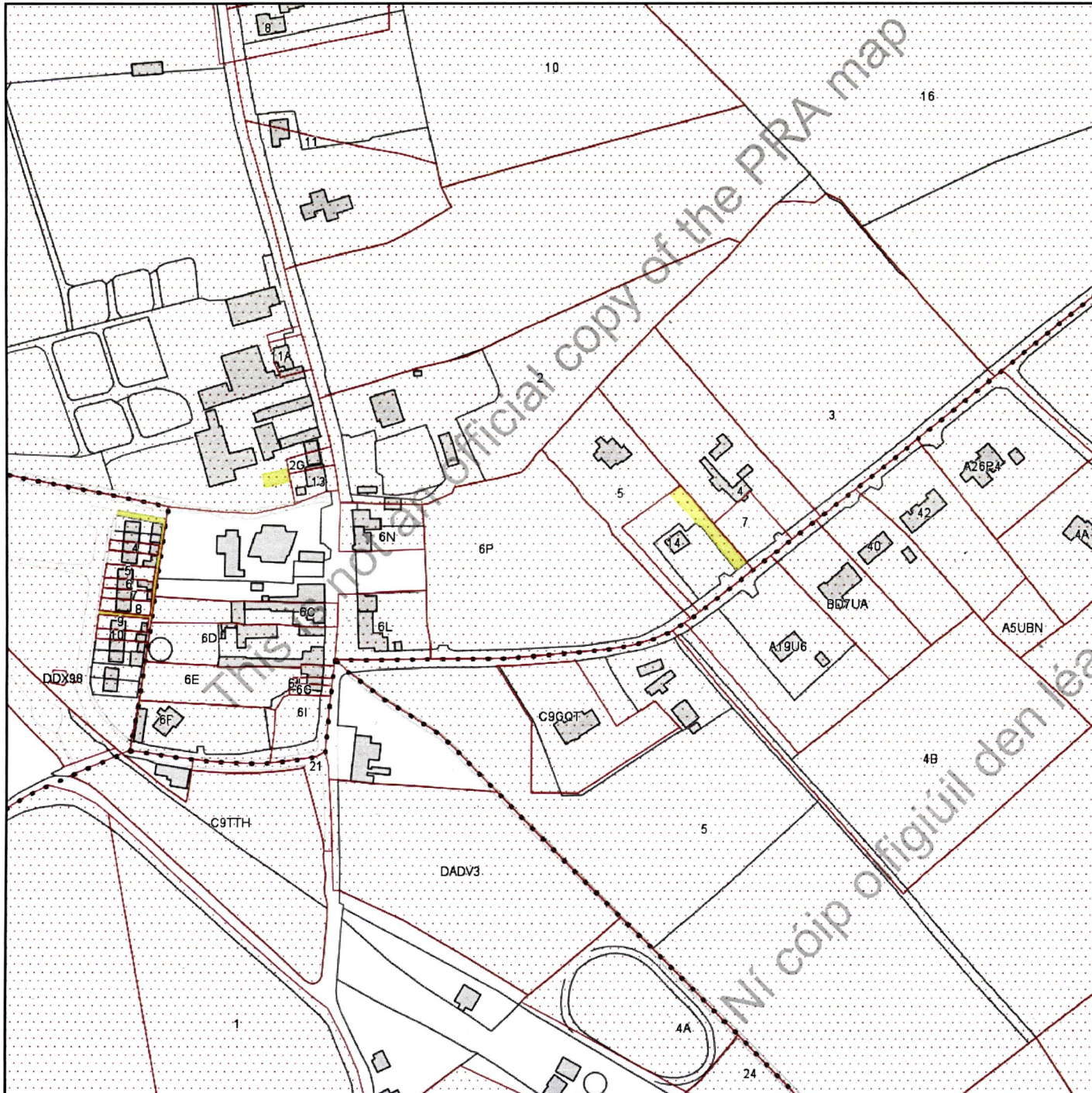
Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale accuracy is limited to that of the original OSi Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.prai.ie.

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.



- (centre-line of parcel(s) edged)
- Freehold
 - Leasehold
 - SubLeasehold
 - 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

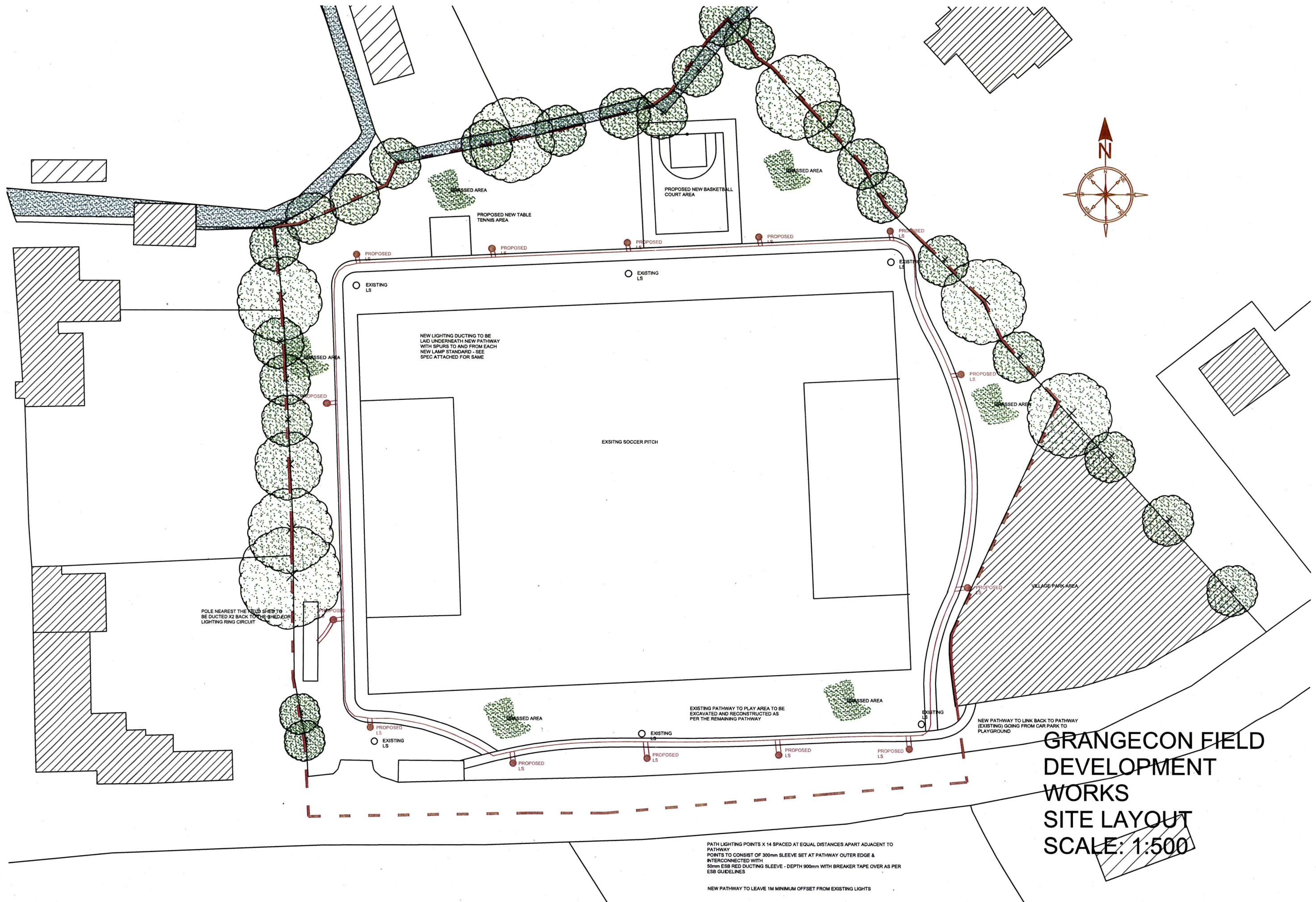
- Burdens** (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.





NEW LIGHTING DUCTING TO BE LAID UNDERNEATH NEW PATHWAY WITH SPURS TO AND FROM EACH NEW LAMP STANDARD - SEE SPEC ATTACHED FOR SAME

POLE NEAREST THE FIELD SHED TO BE DUCTED X2 BACK TO THE SHED FOR LIGHTING RING CIRCUIT

EXISTING SOCCER PITCH

EXISTING PATHWAY TO PLAY AREA TO BE EXCAVATED AND RECONSTRUCTED AS PER THE REMAINING PATHWAY

NEW PATHWAY TO LINK BACK TO PATHWAY (EXISTING) GOING FROM CAR PARK TO PLAYGROUND

PATH LIGHTING POINTS X 14 SPACED AT EQUAL DISTANCES APART ADJACENT TO PATHWAY
POINTS TO CONSIST OF 300mm SLEEVE SET AT PATHWAY OUTER EDGE & INTERCONNECTED WITH 50mm ESB RED DUCTING SLEEVE - DEPTH 900mm WITH BREAKER TAPE OVER AS PER ESB GUIDELINES

NEW PATHWAY TO LEAVE 1M MINIMUM OFFSET FROM EXISTING LIGHTS

**GRANGECON FIELD
DEVELOPMENT
WORKS
SITE LAYOUT
SCALE: 1:500**