Comhairle Cathrach Chorcaí
Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.
D01V902

21/04/2026

RE: **Section 5 Declaration: R1029/26. Wilton United Park, Garranedarragh, Cork**

Dear Sir/Madam,

Please find enclosed a referral under Section 5 (4) of the Development & Planning Act 2000 with a receipt confirming payment of the referral fee of €110.00.

Question Referred

As per the application received from Wilton United, lessees of the property, the question referred to here, is:

'Whether the replacement of an existing natural grass soccer pitch with an artificial grass (astro) soccer pitch is or is not development and is or is not exempted development.'

Applicant Details:

Wilton United AFC,
Pat Bowdren Park,
Lee Road,
Cork.

AN COIMISIÚN PLEANÁLA
LDG- 087557-26
ACP-
24 APR 2026
Fee: € 110 Type: EFT
Time: 9:15 By: Post

Owner Details:

O'Brien & O'Flynn Limited Company
Doughcloyne House,
Vicars Rd,
Togher,
Cork.
T12 WY89

We are Cork.

Comhairle Cathrach Chorcaí
Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Person/Agent acting on behalf of the Applicant:

Tom Halley,
McCutcheon Halley Planning,
6 Joyce House,
Barrack Square,
Ballincollig,
Cork.
P31 YX97

Copies of the following documents are included in the appendices of this referral:

- Referral under Section 5(4) of the Planning and Development Act 2000
- Section 5 Declaration application, R1029/26.
- Section 5 Declaration application, R955/25 (previous application in this area)

Should additional information be required, please contact me directly on 021 492 4584.

Yours sincerely,

Anthony Angelini.

Anthony Angelini,
Assistant Staff Officer
Planning and Integrated Development
Cork City Council

We are Cork.

The Secretary
An Comisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

02/04/2026

Referral under Section 5(4) of the Planning and Development Act 2000

Wilton United Park, Garranedarragh, Cork

This referral is made under section 5(4) of the Planning and Development Act 2000 (as amended).

The referral is structured as follows:
1. Introduction
2. Background
3. Grounds of Referral
4. Screening for EIA and Appropriate Assessment
5. Conclusion

Appendices 1 – 3

1. INTRODUCTION

1.1 Relevant Legislative Provision

All relevant legislative provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) are included as **Appendix 1** to this referral. In this referral, 'the Act' means the Planning and Development Act 2000, as amended, and 'the Regulations' means the Planning and Development Regulations 2001, as amended.

1.2 Particulars of Referral

Various particulars required under Section 127 of the Act are provided with this referral. The subject matter and grounds of the referral and the reasons, considerations and arguments on which they are based are included below in the body of this referral. Also enclosed is the fee of €110.

The referral is made by:

Development Management,
Planning and Integrated Development Directorate,
Cork City Council, City Hall, Cork
Telephone: 021-492-4584
Email: anthony_angelini@corkcity.ie

1.3 The Question Referred

As per the application received from Wilton United, lessees of the property, the question referred to here, is:

'Whether the replacement of an existing natural grass soccer pitch with an artificial grass (astro) soccer pitch is or is not development and is or is not exempted development.'

1.4 **The Referral Site**
For ease of reference, the lands which are the subject of this referral are referred to as 'the referral site'.

The referral site is located at Garranedarragh, a mixed residential/industrial area in Wilton in the south-west suburbs of Cork City. It is in use as a pitch by Wilton United AFC under lease from its owners O'Brien & O'Flynn.

2. BACKGROUND
2.1 General Background
The subject referral to the Board is subsequent to a request for a Planning Authority declaration on the question as set out in Section 1.3 above. The request for a declaration is recorded under Cork City Council Ref: R1029/26.

The application and cover letter, submitted to Cork City Council on 15th January 2026, by McCutcheon Halley Planning Consultants are attached hereto as Appendix 3.

2.2 Site Planning History
On this site:
Planning Applications
S/03/4050: Permission granted for the development of a *'Sports, recreational & habitat development to include 1 No soccer pitch, 2 no. tennis courts, basketball area, car parking and anc. Works.'*

Enforcement Files
E8555: Complaint received in relation to non-compliance with Condition 9 of planning permission 03/4050. File closed as it was considered that the matter was statute barred.

E8846: Complaint received in relation to the closing of an informal pedestrian access, and the historic failure to provide a pedestrian link to the N40 under the parent planning permission. This file was recently closed and the matter deemed not to constitute a planning enforcement issue.

E8904: Current file relating to complaints re:

1. *The locking of gates, i.e., the gate, situated beside The Lodge, which provided access for local residents from the Residential Section of the Garrane Darra site to the Sports and Recreational Area from 2005 until it was locked on 6th May 2025 by Wilton United FC.*
2. *The right of the local residents to access the lands of the recreational area surrounding the sports areas (the sports element of the land is the pitch, tennis courts and basketball practice court) for leisure activities including access to the running/walking track which surrounds the pitch. This open access formed part of the planning permission for the parent permission and the sports and recreation lands.*
3. *Erection of signage: signs placed on the gate referred to in (No.1) above; signs placed on the northern fence of the Sports and Recreation Area facing the N40; A large billboard erected inside the northern fence and facing the N40.*
4. *Installation of a security camera by Wilton United FC on the gate referred to in (No.1) above facing the residential area of Garrane Darra.*
5. *Removal of the hard surface of the tennis courts in the absence of planning permission and where the underlying development was never carried out and completed in accordance with planning permission.*

6. *Removal of and failure to reinstate sections of the jogging/walking pathway surrounding the pitch which was constructed by the developer for the local residents in 2005 as per planning permission, in the absence of planning permission and where the underlying development was never carried out and completed in accordance with planning permission.*
7. *Erection of new fencing near the main entrance to the Sports and Recreation Area situated in the Doughcloyne Industrial Estate in the absence of planning permission.*
8. *Restriction of access for local residents through the Sports and Recreation Area to the N40 walkway where a public right of way has existed for many years.*
9. *Further undetermined works which have been undertaken in the last few weeks. Garrane Darra Management Company does not have access to the Sports and Recreation Area in order to determine the most recent works that have been undertaken.*

Section 5 References

R955/25: Section 5 application requesting a decision on: *Whether the following works carried out on the lands known as the Sports and Recreation Area being lands the subject matter of planning permission 03/4050 (which formed part of a wider masterplan development for Garrane Darra underpinned by parent permission S/00/3131) is development and if so are they exempted development:*

(a) the locking of gates;
(b) Restriction of access to the pathways surrounding the playing fields;
(c) Restriction of access to the N40 walkway;
(d) Erection of signage
(e) Erection of security camera facing Garrane Darra Estate
(f) The restriction of access and use of the lands outside the playing fields by residents of Garrane Darra
(g) The removal of the hard surface of the tennis courts
(h) The removal and failure to appropriately reinstate pathways
(i) The erection of fencing/gate edging the parking area and a public road

Decision:
(a) the permanent locking of gates and the consequent restriction of access to the pathways surrounding the playing fields and the restriction of access and use of the lands outside the playing fields by residents of Garrane Darra is development and is not exempted development',
(b) the restriction of access to the N40 walkway is not development',
(c) the erection of Signs 1-4 is development and is not exempted development and the erection of Sign 5 is development and is exempted development',
(d) the erection of security camera facing Garrane Darra Estate is development and is exempted development',
(e) the removal of the hard surface of the tennis courts and the removal and failure to appropriately reinstate pathways is development and is not exempted development and
(f) the erection of fencing/gate edging the parking area and a public road is development and is not exempted development.

On the adjoining site to the west (Garrane Darra)

S/00/3131 (ABP Ref: PL 04.130788 : Permission granted for 81 No apartments, 18 No. townhouses, 8 dormer houses 56 duplex units and one warden's lodge.

On site to northeast of Garrane Darra and west of the pitch (site where Cork Co. Co. permission S/00/3131 and ABP permission PL 04.130788 had shown 21 No. apartments.

24/43524: Permission granted for the construction of 20 No. residential units consisting of 10 apartments and 10 duplex apartments and all ancillary site development works including vehicular

access parking footpaths bin storage drainage lighting landscaping and amenity areas. (Other applications on this site include 18/6402, (EOD), 13/4773 and 12/4435)

2.3 DEVELOPMENT PLAN OBJECTIVES

Cork City Development Plan 2022-2028

The Cork City Development Plan 2022-2028 (CCDP) was made by the elected members of Cork City Council on 10 June 2022 and came into effect on 8 August 2022.

The site is situated in an area zoned ZO 15 'Public Open Space' (Ref: Map 8 South Western Suburbs of Volume 2). The objective of this zoning is as follows:
'*To protect, retain and provide or passive and active recreational uses, open space, green networks, natural areas and amenity facilities.*' The primary purpose of this zone is to preserve all land in this zone for open space and amenity use.'

3. GROUNDS OF REFERRAL

The City Council draws your attention to the previous Section 5 referral on the wider site and its determinations in that regard (See enclosed reports and documentation). The Planning Authority notes the application and supporting planning report on this current Section 5 application which relies on the use of an exemption under 33(c) of the Planning and Development Regulations 2001 (as amended) '*development consisting of the laying out and use for athletic or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or forearms) where no charge is made for admission of the public to the land.*' However, it is noted that in this instance Wilton United AFC is a membership club and the public do not currently have access to the land (whether it be for matches or general use). It is not clear whether the use of Section 4(i)(h) of the Planning and Development Act 2000 (as amended) can be relied upon having regard to issues surrounding the planning status of the grounds etc. and the provision of Article 9(1) of the Regulations.

4. ENVIRONMENTAL ASSESSMENT

Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

5. CONCLUSION

The Planning Authority looks forward to the Board's consideration and determination of this referral. Please do not hesitate to contact this office should any further information be required.

encl.

Appendix 1 – Legislative Provisions
Appendix 2 – Previous referral on site Ref 955/25
Appendix 3 – Section 5 Application, cover letter and supporting documents submitted by the applicant
Fee – €110

Appendix 1 – Legislative Provisions

Planning and Development Act, 2000 (As Amended)

Section 3(1) Development
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.

4.— Section 4(1a), Exempted Development
(1) The following shall be exempted developments for the purposes of this Act—
(*a*) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

Section 4(1)
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2),
(2) (*a*) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—
(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).
(*b*) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.
(*c*) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Section 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.

Section 5(1)
5.—(1) If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Section 5(4),

(1) Notwithstanding *subsection (1)*, a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

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.

Schedule 2 – Part 1 – Exempted Development – General

Column 1 **Description of Development**	**Column 2** **Conditions and Limitations**
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 (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.	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.

Article 9 (1)

Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, (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"...

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

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility....

(xi) obstruct any public right of way...

Article 10 (1) of the Regulations relates to 'Changes of use' and states as follows:

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Appendix 2– Planning reports on Section 5 referral R955/25

Appendix 3 – Section 5 Application, cover letter and supporting documents submitted by the applicant

McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

The Secretary,
Planning Department,
Cork City Council,
City Hall,
Cork.

9th March 2026

Re: Request for a Section 5 Declaration seeking confirmation that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development.

Dear Sir/Madam,

We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client, Wilton United AFC with an address at Pat Bowdren Park, Lee Road, Cork and who are the holders of a long-term lease at Wilton United Park, Garranedarragh, Cork (please see letter of consent from the owner O'Brien and O'Flynn in Appendix 1).

Our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development on the basis that:

- The works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

The remainder of the declaration request is set out as follows:

1. **Site and Planning Context**
2. **Planning Legislation/Regulations**
3. **Planning Precedent**
4. **Assessment**
5. **Conclusion**

CORK CITY COUNCIL
PLANNING & DEVELOPMENT
11 MAR 2026
DEVELOPMENT MANAGEMENT

Also in DUBLIN
Kreston House,
Arran Court
Arran Quay, Dublin 7
D07 K271
T. +353 (0) 1 804 4477
E. info@mhplanning.ie

www.mhplanning.ie

CORK
6 Joyce House,
Barrack Square
Ballincollig, Co. Cork
P31 YX97
T. +353 (0)21 420 8710
E. info@mhplanning.ie

Site and Planning Context

The property subject of this declaration request is located at Wilton United Park, Garranedarragh, Cork immediately to the south of the South Link; east of Garranedarrgh residential estate and to the north of Doughcloyne Industrial estate.

The soccer pitch, dressing rooms, car park and ancillary development (including lighting and high ball netting) was permitted under 03/4050. In 2023 Wilton United AFC secured a long term lease (outlined in blue in Figure 1 below) and have invested a significant amount of money and resources to refurbish the facility including the existing grass pitch and dressing rooms.

Condition no. 11 of the 03/4050 permission, states that where the sports facility at Garranedarragh is leased to a sporting club, the responsibility for maintenance and management of these facilities lies with the club i.e. Wilton United AFC.

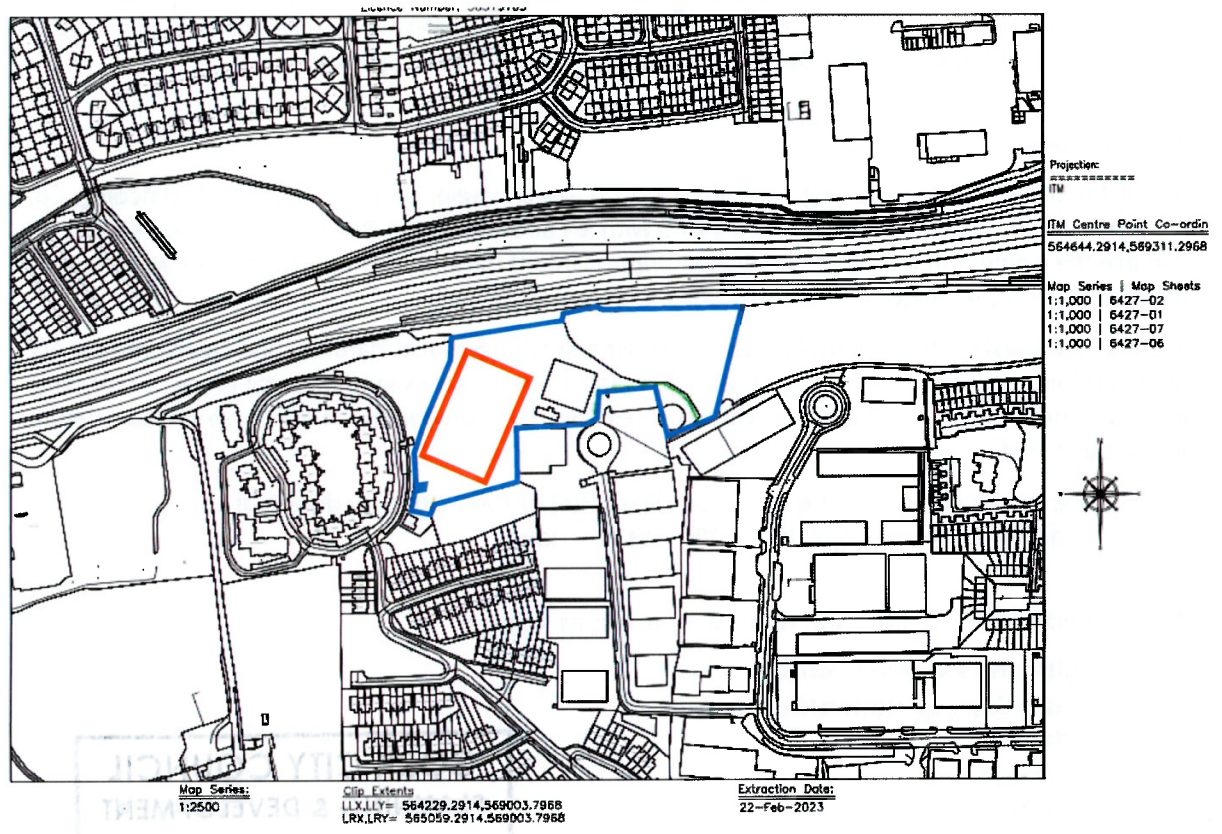


Figure 1 – Location of soccer pitch at Wilton United Park, Garranedarragh

In terms of the existing planning policy for the area, in the 2022 Cork City Development Plan (CDP) the site is zoned "ZO 15: Public Open Space" where it is an objective to "To protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities."

Based on Section ZO 15.1 of the CDP, it is stated that this zone comprises a wide range of "*passive and active recreational and amenity resources for the community including parks, sport and water sports, leisure facilities, amenity areas.*" Section ZO 15.3 of the CDP states that ancillary and incidental uses may be open

for consideration, where such ancillary and incidental service facilities are commensurate to the nature and scale of the public open space.

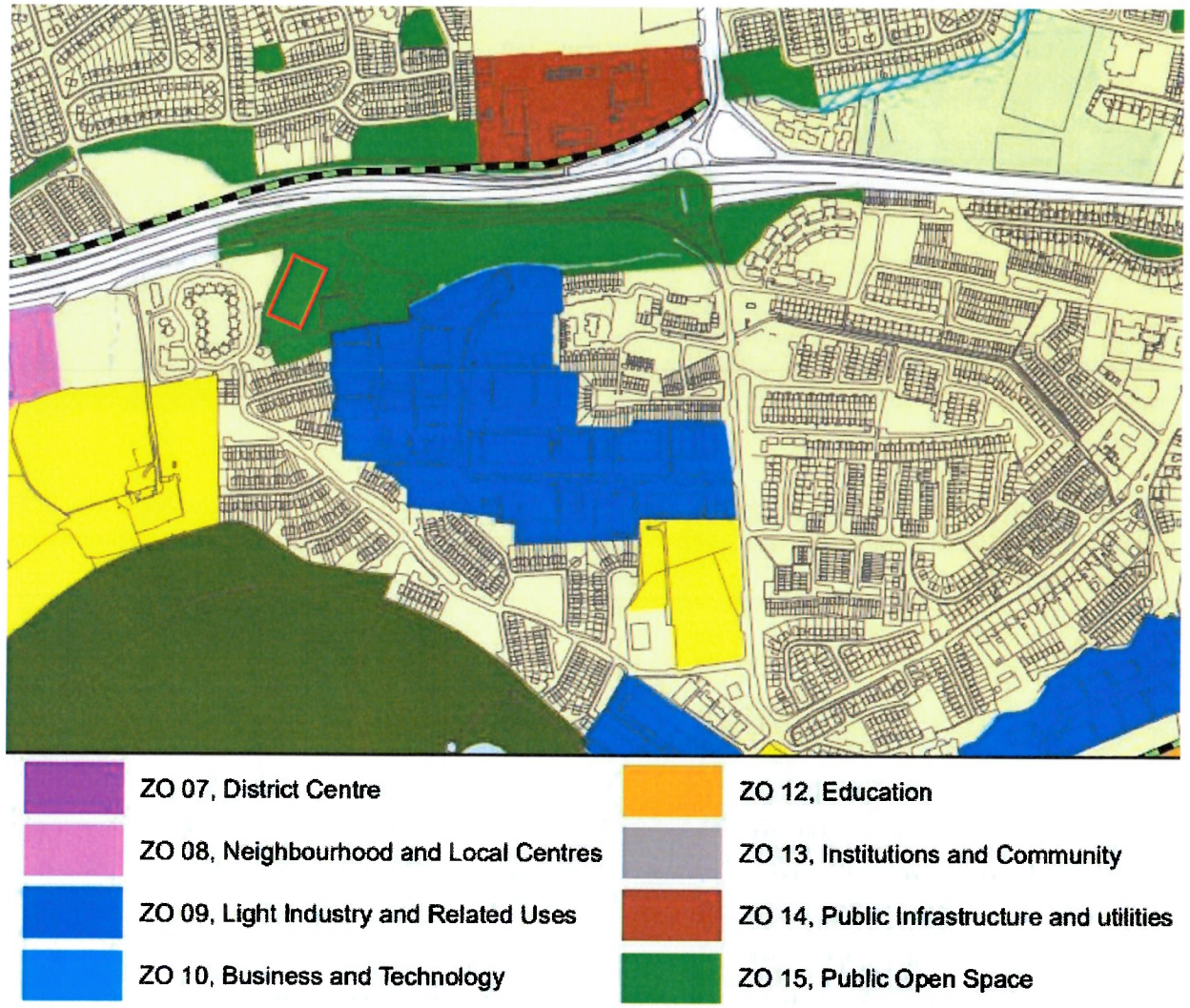


Figure 2 – Soccer pitch at Wilton United Park, Garranedarragh (outlined in a red line).



Figure 3 – Existing soccer pitch at Wilton United Park, Garranedarragh.

The proposed all-weather (astro) pitch is shown on the site layout plan included in Appendix 2. The dimensions (100m X 60m) and levels (~14.5m OSD) will remain the same following the installation of the all-weather pitch.

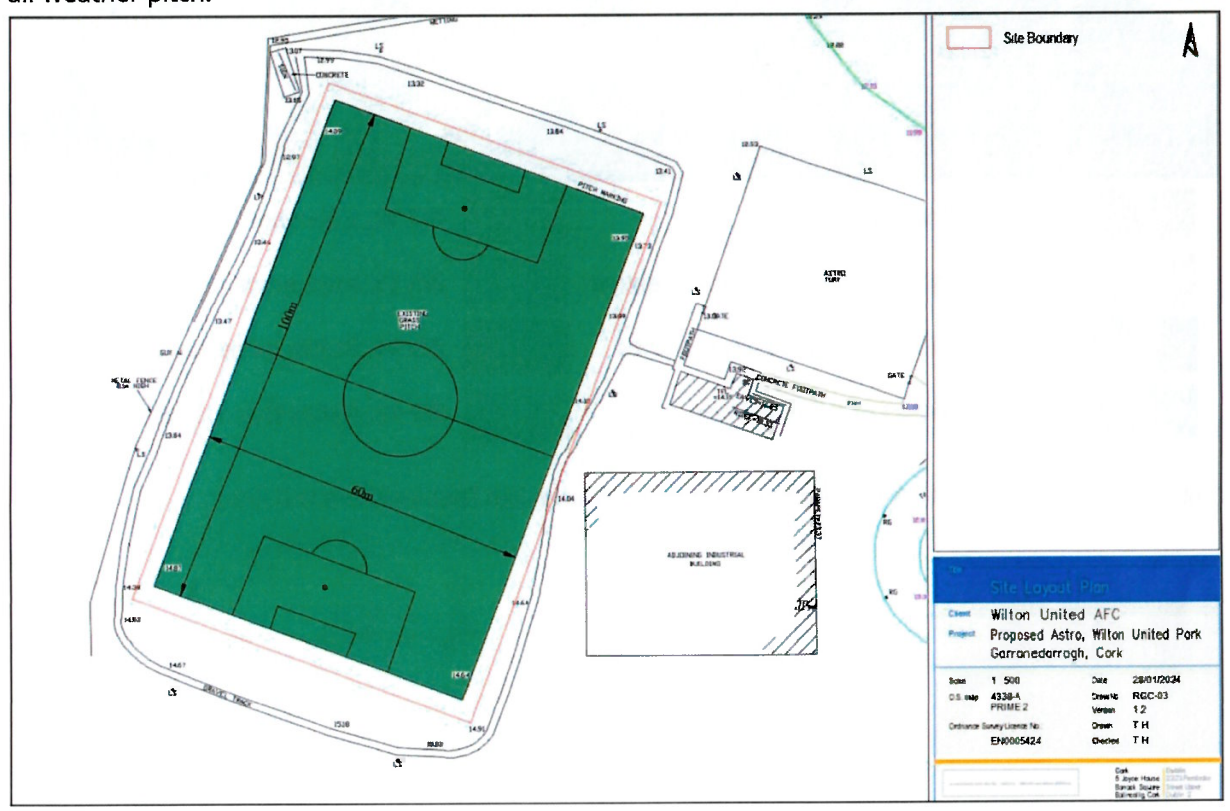


Figure 4 – Proposed all-weather (astro) pitch at Wilton United Park, Garranedarragh.

McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

Planning Legislation/Regulations

In order to assess this declaration request, regard must be had to the 2000 Planning and Development Act (as amended) and the 2001 Planning and Development Regulations (as amended).

Planning and Development Act, 2000 (As Amended)

Section 2 of the 2000 Planning and Development Act, as amended (PDA), includes the following definitions which are of relevance to this assessment

> *"**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 PDA defines *"Development"* as, *'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 of the PDA relates to *'Exempted Development'* and subsection (1) sets out categories of development that shall be exempted development, including subsection 4(1)(h) which includes:

> *'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'.*

Section 4(2)(a) states that the Minister may by regulations provide for any class of development to be exempted development where he or she is of the opinion that the carrying out of such development by virtue of its size, nature or limited effect on its surroundings, would not offend against the principles of proper planning and sustainable development. **Section 4(2)(b)** of the Act states that regulations under paragraph (a) may be made subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Planning and Development Regulations, 2001 (As Amended)

Schedule 2, Part 1 of the Planning & Development Regulations, 2001 (as amended) relates to exempted development provisions and includes Class 33(c) "*development consisting of the laying out and use of land for athletic 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*". There are no conditions and limitations specifically opposite this class of development in Column 2.

The extent to which the classes of development specified in Part 1 of the Second Schedule are exempted is governed by Article 9(1)(a) and that article is itself subject to the restrictions on exemption which includes the following:

> *(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) ... 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,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed ....

(viiB) ... development that would be likely to have a significant effect on the integrity of a European site...

(viiC) ... development that would be likely to have an adverse impact on a natural heritage area...

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

(xi) obstruct any public right of way,

(xii) consist of or comprise the carrying out of works to the exterior of a structure within an architectural conservation area...

Each of the above conditions/restrictions are considered further in relation to our clients proposed development in the section below.

Planning Precedent: An Coimisiún Pleanála Ref. 29.RL.3803

Under An Coimisiún Pleanála (ACP) Ref. 29.RL.3803, it was concluded that the replacement of an existing natural grass rugby pitch with an all-weather rugby pitch together with the alteration of ground levels of less than 200 millimetres arising from the removal of the grass rugby pitch and the provision of associated subsurface drainage at the High School, Zion Road, Rathgar, Dublin was exempted development having regard to

- Sections 2 and 3 of the Planning and Development Act, 2000, as amended;

- Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended; and
- Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended

In his assessment of the development, the Inspector commented as follows:

> *"The proposal would fall within the definition of works which are exempt under the provisions of Class 33(c) in that the construction of an artificial pitch to replace an existing pitch would constitute development consisting of "the laying out and the use of land for athletics or sports", in this particular instance a rugby pitch. The use of the pitch would not involve the playing of any other sport which would detract de-exempted status such as golf, pitch and putt, motor sports etc. The use of the pitch is ancillary to the school and there are no grounds to suggest that any charge will be made for the public being admitted to watch games on the pitch. Therefore, in my view the works to be undertaken fully comply with the exempted provisions set out in Class 33(c)"*

Regarding the change in levels the Inspector stated that:

> *"The works to be undertaken will also involve the removal of approximately 250 millimetres of the top layer of the existing pitch and when the artificial pitch is laid on top the overall ground level will be altered by less than 200 millimetres. Class 33(c) does not specify any conditions or limitations regarding alterations of grounds levels... in my view the alteration of ground levels of less than 200 millimetres would not be "material" in terms of planning. Therefore, the alterations of ground levels as part of the works proposed would not be significant or material in nature and would not result in any alteration of ground levels which would render it significant or incongruous in terms of surrounding ground levels. It would therefore would be exempted development."*

A copy of referral ref. 29.RL.3803 is included in Appendix 4 of this submission.

Assessment

This declaration request relates solely to the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork. All ancillary development including dressing rooms, car park, lighting and high ball netting is already in place (permitted under 03/4050).

Our client therefore requests a declaration in accordance with Section 5 of the Planning and Development Act 2000, as amended, seeking confirmation that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development, on the basis that:

> **Class 33(c) *"development consisting of the laying out and use of land for athletic 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."***

There are no conditions and limitations relating to this class of development (i.e. in Column 2) and as no charge is made for admission of the public to the land at Wilton United Park, it is submitted that the works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

In addition to the above, the proposed all-weather (astro) soccer pitch also complies with the provisions of Article 9(1)(a) of the Planning Regulations in that it:

- will not contravene a condition attached to a permission (condition no. 11 of the 03/4050 permission, states that where the sports facility at Garranedarragh is leased to a sporting club, the responsibility for maintenance and management of these facilities lies with the club i.e. Wilton United AFC).
- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway.
- will not endanger public safety by reason of traffic hazard or obstruction of road users.
- will not 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.
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation.
- will not have any effect on the integrity of a European site or natural heritage area.
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure (the grass pitch is authorised under the 03/4050 permission).
- will not preclude or restrict the continuance of the existing use (the proposed all-weather pitch will ensure the continuation of the existing, pitch use).
- will not obstruct any public right of way (there are no public rights of way through the property).
- will not comprise works to a protected structure or the carrying out of material works to the exterior of a structure within an architectural conservation area.
- does not consist of or comprise the carrying out of works of any structure which conflicts with any objective of the relevant local authority development plan or local area plan.

It is therefore submitted that the provision of an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development on the basis that the works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning Regulations, being development consisting of the laying out and use of land for athletics or sports, where no charge is made for admission of the public to the land.

Conclusion

Our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development on the basis that:

- **The works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.**

In accordance with the Council's requirements for Section 5 declarations please find enclosed 2 no. copies of the following information:

1. This cover letter and declaration form which includes the applicant's name and address; the location of development; and the nature of development.
2. The correspondence address which is: McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, Cork.
3. Ordnance Survey Map (identifying site location).
4. Site Layout Plan for the proposed all-weather pitch.
5. The appropriate referral fee of €80.

Please do not hesitate to contact us should you require any further information.

Tom Halley

McCutcheon Halley

Appendix 1: Completed Application Form.

Appendix 2: Letter of Consent.

Appendix 3: Site Location map and Site Layout Plan.

Appendix 4: Copy of referral ref. 29.RL.3803.

McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924029
Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1. NAME OF PERSON MAKING THE REQUEST

WILTON UNITED AFC

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Wilton United Park, Garranedarragh, Cork.

3. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Request for a Section 5 Declaration seeking confirmation that the replacement of an existing natural grass soccer pitch with an artificial grass (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

See attached cover letter and drawing.

4. **Are you aware of any enforcement proceedings connected to this site?**
   If so please supply details: **N/A**

5. **Is this a Protected Structure or within the curtilage of a Protected Structure?** ☐ **N/A**

   If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority? ☐ **N/A**

6. **Was there previous relevant planning application/s on this site?** ☐
   If so please supply details:
   03/4050 - see attached cover letter

7. **APPLICATION DETAILS**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	**N/A**
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☐ If yes, please provide floor areas. (sq m) **N/A**
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) **N/A**	Proposed/existing use (please circle) **N/A**

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	**A.** Owner	**B.** Other **X**
Where legal interest is **'Other'**, please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available	**See attached letter & letter of consent**	

8. I / We confirm that the information contained in the application is true and accurate:

Signature: _____

Date: **09/03/2026**

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	**Wilton United AFC**
Address	**Pat Bowdren Park, Lee Road, Cork.**

10. Person/Agent acting on behalf of the Applicant (if any):

Name(s):	**Tom Halley**	
Address:	**6 Joyce House, Barrack Square, Ballincollig, Cork.**	
Telephone:	**021 4208710**	
E-mail address:	**thalley@mhplanning.ie**	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes ☒	No ☐

11. Owner Details (if the applicant above is not the legal owner):

Name(s)	**O'Brien and O'Flynn Unlimited Company**
Address	**Doughcloyne House, Vicars Road, Togher, Cork. T12 WY89**

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No. 021 4208710

Mobile No. 087 9134060

Email Address: thalley@mhplanning.ie

For Office Use Only:

File Ref. No. _____

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

The Development Management Section, Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

Please email planning@corkcity.ie with any queries.

- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at https://www.corkcity.ie/en/council-services/public-info/gdpr/

We request that you read these as they contain important information about how we process personal data.

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED

(a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,

(b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,

(c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,

(d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,

(e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,

(f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,

(g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,

(h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,

(i) plans and drawings shall indicate the name and address of the person by whom they were prepared.

2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

O'Brien & O'Flynn

BUILDERS

Doughcloyne House, Vicars Road, Cork, T12 WY89

Tel: (021) 4962577 Email: info@obof.ie

Planning Department, Cork City

Council, City Hall,

Cork.

9th March 2026

Letter of Consent – Request for a Section 5 Declaration at Wilton United Park, Garranedarragh, Cork.

To whom it may concern,

We, O'Brien and O'Flynn Unlimited Company, the owner of lands located at Wilton United Park, Garranedarragh, Cork, hereby give consent to Wilton United AFC to seek a request for a Section 5 declaration seeking confirmation that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development.

Signed,

Denis O'Flynn,
O'Brien and O'Flynn Unlimited Company, Doughcloyne House,
Vicars Road, Togher, Cork.
T12 WY89

An Bord Pleanála

Board Order
29S.RL.3803

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 0275/17

WHEREAS a question has arisen as to whether the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch together with the alteration of ground levels of less than 200 millimetres arising from the removal of the grass rugby pitch and the provision of associated subsurface drainage at The High School, Zion Road, Rathgar, Dublin is or is not development or is or is not exempted development:

AND WHEREAS The High School care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 10th day of August, 2017 stating that the matter is development and is exempted development:

AND WHEREAS The High School care of Tom Phillips and Associates of 80 Harcourt Street, Dublin referred the declaration for review to An Bord Pleanála on the 5th day of September, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

(a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,

(b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and

(c) Class 33 (c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

(a) the replacement of the pitch involves the carrying out of works and is, therefore, development, and

(b) the works in question come within the scope of Class 33 (c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch together with the alteration of ground levels of less than 200 millimetres arising from the removal of the grass rugby pitch and the provision of associated subsurface drainage at The High School, Zion Road, Rathgar, Dublin is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018

An Bord Pleanála

Board Direction
PL29S.RL 3803

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6th July, 2018.

The Board decided, as set out in the following Order, that:

Board Order as follows: -

WHEREAS a question has arisen as to whether or not the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch, together with the alteration of ground levels of less than 200 millimetres arising from the removal of the grass rugby pitch, is or is not development and if it is development, is or is not exempted development,

AND WHEREAS the High School, Zion Road, Rathgar, Dublin 6 care of Tom Phillips and Associates, Town Planning Consultants, requested a declaration on this question from Dublin City Council on the 24th July,2017 and the Council issued a declaration stating that the matter and was exempted development under the provisions of Class 33 (C) of Part 1, Schedule 2 of the Planning and Development Acy,200 as amended,

AND WHEREAS the High School, Zion Road, Rathgar, Dublin 6 care of Tom Phillips and Associates, Town Planning Consultants, referred this question to an Bord Pleanala for review in accordance with Section 5(3) of the Planning and Development Act, 2000 (as amended)

AND WHEREAS the Board in considering this referral had particular regard to

(a) Sections 2 and 3 of the Planning and Development Act, 2000 as amended, and

(b) Articles 6 and 9 and Class 33(c) of Schedule 2 of Part 1 of the Exempted Development – General Regulations set out under Article 6 in the Planning and Development Regulations, 2001 (as amended)

AND WHEREAS An Bord Pleanála decided that:

1. The replacement of the pitch involves the carrying out of works and is therefore development and
2. The development in question comes within the scope of Class 33 (C) of Part 1 of the Second Schedule of the Planning and Development Regulations, 2001, as amended,

NOW THEREFORE An Bord Pleanála in exercise of its powers, conferred on it by Section 5(3)(a) of the 2000 Act (as amended), hereby decides that the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch which includes alterations of ground levels of less than 200 millimetres constitutes development and is exempted development.

Board Member _____ **Date:** 6th July 2018

Terry O'Niadh

An Bord Pleanála

Inspector's Report RL29S.RL3803

Question	Whether the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch together with alterations to ground levels constitutes development and where it constitutes development, whether such development is or is not exempted development.
Location	The High School, Zion Road, Rathgar, Dublin 6.
Planning Authority	Dublin City Council.
Referrer	The High School, Rathgar, Dublin 6.
Owner/Occupier	The High School, Rathgar, Dublin 6.
Date of Site Inspection	9th January, 2018.
Inspector	Paul Caprani

Contents

1.0 Introduction 3

2.0 Site Location and Description 3

3.0 Legislative Provisions 5

4.0 Assessment 6

5.0 Conclusions and Recommendation 7

1.0 Introduction

A question has arisen pursuant to Section 5 of the Planning and Development Act 200 (as amended), as to whether or to the replacement of a grass rugby pitch with an artificial grass pitch together with alterations to ground levels constitutes development, and if it constitutes development whether or not it constitutes exempted development. The rugby pitch is located at The High School, Rathgar, Dublin 6. A declaration was sought from Dublin City Council in the first instance. The City Council determined that the works to be undertaken constituted exempted development under Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Act 2000, as amended. The owner/occupier is now requesting that the Board confirm the declaration as issued by the Planning Authority under the provisions of Section 5(3)(a) of the said Act.

2.0 Site Location and Description

The works involve the alteration of the existing rugby pitch within the grounds of High School, a secondary school located in Rathgar, Dublin 6 approximately 5 kilometres due south of Dublin City Centre. The rugby pitch is located centrally within the school campus to the immediate east of the main school buildings on site. The lands to the north of the rugby pitch accommodate a large hardstanding area which are occupied by a number of playing courts (tennis courts, basketball courts etc) and a parking area/set down area. The rear gardens of dwellings fronting onto Rostrevor Road are located to the immediate east of the pitch. A band of mature trees separate the pitch from the rear gardens of the dwellings in question. The River Dodder flows approximately 60 metres beyond the southern boundary of the site. The area contiguous to the River Dodder on its northern side is designated as a non-statutory conservation area and a zone of archaeological interest. (The River Dodder marks the southern boundary of the administrative area of Dublin City Council in the vicinity of the subject site). A dense band of deciduous woodland separates the rugby pitch from the River Dodder. The High School is accessed from Zion Road to the north of the school.

The said lands are governed by the zoning objective Z15 which is to protect and provide for institutional and community uses. All the lands surrounding the site to the north-east and west are zoned Z1 'residential' or in the case of lands contiguous to the Zion Road - Z2 'residential conservation area'. There are also a number of protected structures located along the eastern side of Zion Road.

2.1. **The Question**

The Referrer request that the Board confirm the determination made by the Planning Authority namely that:

(a) The replacement of the existing natural grass rugby pitch with an artificial grass rugby pitch and

(b) The alteration of ground levels arising from the removal of 250 millimetres of topsoil and with the installation of a new artificial grass surface which will result in an overall alteration of ground levels of less than 200 millimetres

- is development which is exempted development.

2.2. **Planning Authority's Determination**

A Section 5 application on behalf of the High School was lodged with Dublin City Council on 24th July, 2017. It was accompanied by site location maps, a covering letter setting out the planning context relating to the site, the legislative context relating to the exempted development status of the works and the planning history associated with the school. Details of surface water calculations for the all-weather pitch are also included in the information submitted to Dublin City Council.

In assessing the declaration Dublin City Council concluded that the works to be undertaken as set out are exempt under the provisions of Class 33(c) of Part 1, Schedule 2 of the Planning and Development Act, 2000 (as amended).

2.3. **Review of Declaration Issued by the Planning Authority under the Provisions of Section 5(3)(a)**

Notwithstanding the fact that the Planning Authority determined that the works to be undertaken are exempted development, the owner/occupier referred the declaration made by Dublin City Council to An Bord Pleanála for review under the provisions of

Section 5(3) of the Act. The submission contends that the proposed works are exempted development under Class 33(c) of Part 1, Schedule 2 of the Planning and Development Act. It is noted that there are no relevant limitations or conditions attached to the said Class 33(c).

The referral also sets out the planning history associated with the High School. It notes that a total of 14 applications have been made to date between 1965 and 2012. Thirteen of these applications were granted (1 was refused which relates to an aerial mast to be erected on site). It is stated that none of the conditions attached to any of the grants of planning permission would de-exempt the works proposed to be undertaken in respect of the rugby pitch. Details of the planning applications are set out in Appendix A of the submission.

The submission also states that surface water management arrangements will be similar to that currently operated with small drains below the pitch percolating to groundwater. Furthermore, there will be no material intensification of use as the use will remain associated with school activities only. No fencing or floodlighting will be erected as part of the works undertaken and no trees will be removed as a result of the works.

3.0 Legislative Provisions

3.1. Planning and Development Act, 2000, (as amended).

"*Works*" *includes any act, operation, 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 and from surfaces of the interior or exterior of the structure.*

Section 3(1) in this Act "*development" means where except the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change of use in the use of the structures or other land.*

3.2. Planning and Development Regulations, 2001, as amended.

Article 6.1 states that *"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 the Class in the said Column 1".

Article 9 sets out restrictions on exemption to which Article 6 relates. There are no specific relevant restrictions on exemption which would relate to the proposal which is the subject of a referral before the Board.

Schedule 2, Part 1 – Exempted Development – General.

Class 33(c) "*development consisting of the laying out and use of land for athletic 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*".

There are no conditions and limitations specifically opposite this class of development in Column 2.

4.0 Assessment

4.1. The initial question to be determined is whether or not the works undertaken constitute "works" under the Act. As the proposed development will clearly involve the removal and excavation of the existing grass pitch, the activity of excavating the existing pitch would constitute "works" under the definition set out in Section 2 of the Act. As such the removal of the football pitch would be classed as "development" under S.3 of the Act.

4.2. The question now arises as whether or not the works to be undertaken which constitutes development is or is not exempted development. The proposal would fall within the definition of works which are exempt under the provisions of Class 33(c) in that the construction of an artificial pitch to replace an existing pitch would constitute development consisting of "the laying out and the use of land for athletics or sports", in this particular instance a rugby pitch. The use of the pitch would not involve the playing of any other sport which would detract de-exempted status such as golf, pitch and putt, motor sports etc. The use of the pitch is ancillary to the school and there are no grounds to suggest that any charge will be made for the public being admitted to watch games on the pitch. Therefore, in my view the works to be undertaken fully comply with the exempted provisions set out in Class 33(c).

Furthermore, the submission on behalf of the owner/occupier states that the proposal will not involve the erection of any public fencing or lighting nor would it involve the removal of any trees.

4.3. The works to be undertaken will also involve the removal of approximately 250 millimetres of the top layer of the existing pitch and when the artificial pitch is laid on top the overall ground level will be altered by less than 200 millimetres. Class 33(c) does not specify any conditions or limitations regarding alterations of grounds levels. I would refer the Board to Class 6 of the Exempted Development Regulations which relate to alterations of ground levels for landscaping associated with a domestic dwelling. Under this class any alterations of ground levels of less than 1 metre would constitute exempted development. While the provisions of Class 6 are not strictly relevant to the current declaration before the Board as the current declaration does not relate to a domestic dwelling, it would suggest in my view that the alteration of ground levels of less than 200 millimetres would not be "material" in terms of planning. Therefore, the alterations of ground levels as part of the works proposed would not be significant or material in nature and would not result in any alteration of ground levels which would render it significant or incongruous in terms of surrounding ground levels. It would therefore would be exempted development.

4.4. Finally, in terms of Article 9, which sets out restrictions on exemptions, as already stated in the previous section of my report, none of the restrictions set out in this Article of the Regulations would be applicable to the proposed works to be undertaken. Specifically, in relation to Article 9(viib) which relates to appropriate assessment, no appropriate assessment issues arise in this instance as the nearest Natura 2000 sites are c.5 kilometres to the east in Dublin Bay and there are no hydrological or ecological connection between the subject site and the Natura 2000 sites in question.

5.0 Conclusions and Recommendation

5.1. Arising from my assessment above therefore, based on the legislation and specifically the Exempted Development Regulations set out under Article 6, I would agree with the Planning Authority's determination that the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch which would include the

reduction of ground levels of less than 200 millimetres, constitutes development which is exempted development.

5.2. I therefore recommend issuing an order as follows:

WHEREAS a question has arisen as to whether or not the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch together with the alteration of ground levels of less than 200 millimetres arising from the removal of the grass rugby pitch is or is not development and it is development, is or is not exempted development.

AND WHEREAS the High School, Zion Road, Rathgar, Dublin 6 care of Tom Phillips and Associates Town Planning Consultants requested a declaration in relation to same in accordance with Section 5(3) of the Planning and Development Act, 2000 (as amended)

AND WHEREAS the Board in considering this referral had particular regard to

(a) Sections 2 and 3 of the Planning and Development Act, as amended, and

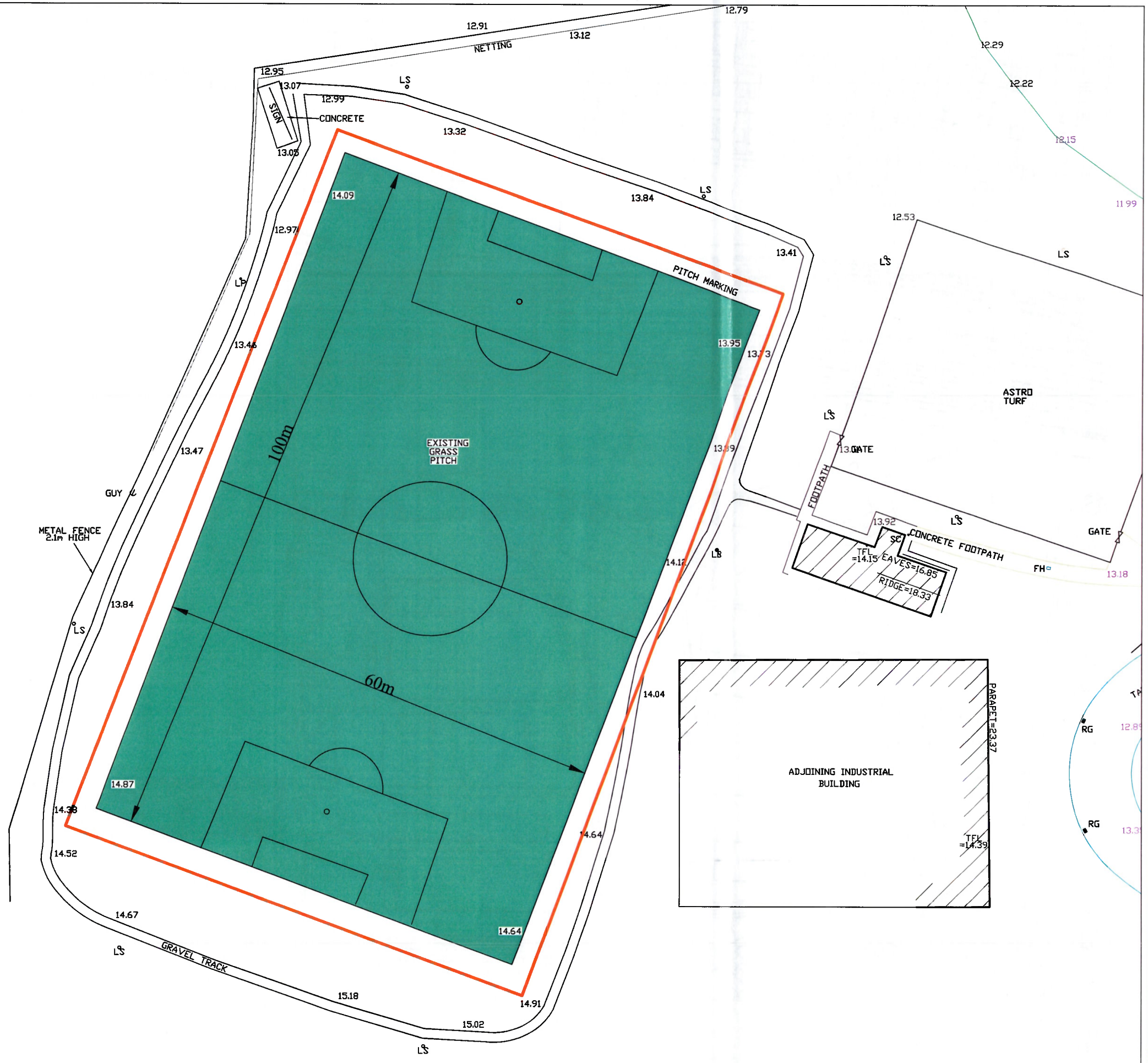
(b) Articles 6 and 9 and Class 33(c) of Schedule 2 of Part 1 of the Exempted Development – General Regulations set out under Article 6 in the Planning and Development Regulations, 2001 (as amended)

AND WHEREAS An Bord Pleanála concluded that the works to be undertaken constituted development that was exempted development by reason of the provisions of Class 33(c) of Schedule 2, Part 1 of Article 6 of the said Regulations.

NOW THEREFORE An Bord Pleanála in exercise of its powers conferred on it by Section 5(3)(a) of the 2000 Act (as amended) hereby decides that the replacement of an existing natural grass rugby pitch with an artificial grass rugby pitch which includes alterations of ground levels of less than 200 millimetres constitutes development that is exempted development.

Paul Caprani,
Senior Planning Inspector.

22nd January, 2018.



Legend

Site Boundary

Title

Site Layout Plan

Client: Wilton United AFC

Project: Proposed Astro, Wilton United Park
Garranedarragh, Cork

Scale	1 : 500	Date	28/01/2024
O.S. map	4338-A PRIME 2	Draw No.	RGC-03
		Version	1.2
Ordnance Survey Licence No.:	EN0005424	Drawn	T.H.
		Checked	T.H.

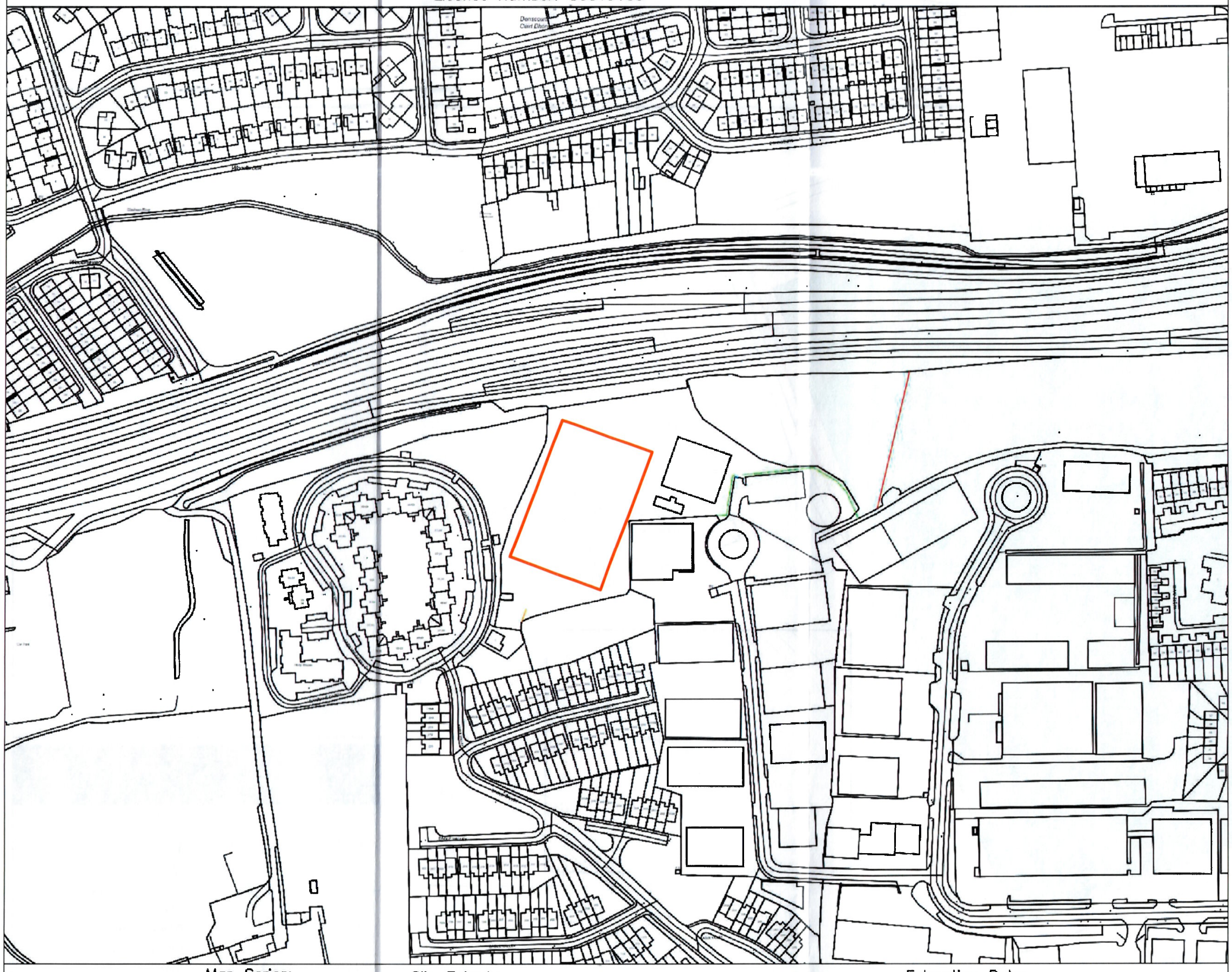
Cork
6 Joyce House
Barrack Square
Ballincollig, Cork

Dublin
22/23 Pembroke
Street Upper
Dublin 2

T. +353 (0)21 4208 710 F. +353 (0)21 4208 555 E. info@mhwplanning.ie

PLEASE NOTE: This drawing should only be used for planning purposes. For detailed information please refer to the architectural or engineering drawings

Licence Number: 50319103



Legend

Site Boundary

Map Series:
1:2500

Clip Extents
LLX,LLY= 564229.2914,569003.7968
LRX,LRY= 565059.2914,569003.7968

Extraction Date:
22-Feb-2023

Title
Site Location Map

Client Wilton United AFC

Project Wilton United Park
Garranedarragh, Cork

Scale	1 : 2500	Date	08/03/2026
O.S. map	4338-A PRIME 2	Draw No.	RGC-02
		Version	1.2
Ordnance Survey Licence No.:		Drawn	T.H.
	EN0005423	Checked	T.H.

Cork
6 Joyce House
Barrack Square
Ballincollig, Cork

Dublin
22/23 Pembroke
Street Upper,
Dublin 2

T. +353 (0)21 4208 710 F. +353 (0)21 4208 555 E. info@mhwplanning.ie

PLEASE NOTE - This drawing should only be used for planning purposes. For detailed information please refer to the architectural or engineering drawings