

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 24/123

NAME OF APPLICANT: Moneygall Football Club CLG

ADDRESS FOR CORRESPONDENCE: c/o Brian Quinlan, Rathcarn, Moneygall, Birr, Co. Offaly

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not upgrading the existing natural playing field to an all-weather 3G surface 110 x 65m is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Moneygall Football Club, Elderberry Drive, Moneygall, Birr, Co. Offaly

WHEREAS a question has arisen as to whether upgrading the existing natural playing field to an all-weather 3G surface 110m x 65m is or is not development and is or is not exempted development at Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 26th November 2024 and 3rd January 2025.

AND WHEREAS Moneygall Football Club CLG c/o Brian Quinlan has requested a declaration on the said question from Offaly County Council.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -

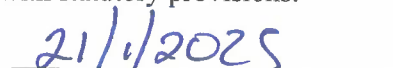
- Section 3(1), 4(1)(h) and 4(2)(a) of the Planning & Development Act 2000 (as amended).

AND WHEREAS Offaly County Council has concluded that the works are development and is exempted development as the changes can be deemed to be an immaterial deviation from the natural pitch on site.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that upgrading the existing natural playing field to an all-weather 3G surface 110m x 65m is **development and is exempted development** at Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly.

MATTERS CONSIDERED In making its decision, the Planning Authority 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.


Administrative Officer


Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

Planning Report

Section 5 Declaration

File Reference:	Dec. 24/123
Question:	Whether or not upgrading the existing natural playing field to an all-weather 3G surface 110 x 65 m is or is not development and is or is not exempted development
Applicant:	Moneygall Football Club CLG
Correspondence Address:	c/o Brian Quinlan, Rathcarn, Moneygall, Birr, Co. Offaly.
Location:	Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly.

2nd Report

Refer to previous planner's report dated 17th December 2024.

1. Introduction

The question has arisen as whether or not upgrading the existing natural playing field to an all-weather 3G surface 110 x 65 m at Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly is or is not development and is or is not exempted development.

2. Review and Evaluation of Further Information

Further information (FI) was sought by the Planning Authority on the 18th December 2024. A response was subsequently received by the Planning Authority on the 3rd January 2025.,

The following FI was sought and the response is as follows:

b) of the Planning and Development Act, 2000, as amended:

1. *The Planning Authority note that planning permission was granted under planning reference 15/94 for the development of a natural grass playing pitch, widening of existing entrance road and a car park. Condition No. 3 of this grant of permission required the following:*

- | |
|--|
| <ol style="list-style-type: none">(a) Prior to commencement of development the developer shall submit for the written agreement of the Planning Authority a report from an indemnified engineer verifying the suitability of the soil to accept the run-off from the proposed development. The report shall include the soil infiltration test results and design details for the proposed Soakaway in accordance with BRE Soakaway Design Digest 365. Soakaway shall have an overflow to an existing surface water drain or storm sewer and when approved the development shall be constructed in accordance with the approved plans and particulars.(b) Prior to commencement of development the developer shall submit for the written agreement of the Planning Authority a detailed layout plan showing the proposed surface water discharge location including headwall details for both the proposed car park surface water pipe and Soakaway overflow pipe.(c) Soakaways shall not be built within 5m of buildings, percolation areas, roads, etc as per section 1.5.8 of the Building Regulations 2010, Technical Guidance Document H. Drainage and Waste Water Disposal. |
|--|

Reason: In the interest of public health.

The Applicant shall submit written confirmation that the proposed all-weather 3G surface will comply with the requirements of the above condition.

In response, the Applicant has provided a letter from their agent confirming that the proposed astro-turf pitch will be completed in compliance with the above condition. The letter is deemed acceptable by the Planning Authority.

3. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been concluded that the existing development is unlikely to have significant effects on any European sites. Please see attached report under Appendix A.

4. Environmental Impact Assessment Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the *Planning and Development Regulations 2001 (as amended)* and therefore is not subject to EIA requirements.

5. Conclusion

Having assessed the Further Information received and the previous planning report on file, it is considered that the proposed works and associated works at the subject site is **development** and is **exempted development**.

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the upgrading the existing natural playing field to an all-weather 3G surface 110m x 65m is or is not development and is or is not exempted development at Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 26th November 2024 and 3rd January 2025.

AND WHEREAS Moneygall Football Club CLG c/o Brian Quinlan has requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -

(a) Section 3(1), 4(1)(h) and 4(2)(a) of the Planning & Development Act 2000 (as amended).

AND WHEREAS Offaly County Council has concluded that the works are development and is exempted development as the changes can be deemed to be an immaterial deviation from the natural pitch on site.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The upgrading the existing natural playing field to an all-weather 3G surface 110m x 65m is **development and is exempted development** at Moneygall Football Club CLG, Elderberry Drive, Moneygall, Birr Co. Offaly.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.



Una McCafferkey

Executive Planner

21st January 2025

Date



Ed Kelly

(A/Senior Executive Planner)

21st January 2025

Date

APPENDIX A

APPROPRIATE ASSESSMENT SCREENING REPORT FOR PLANNING APPLICATIONS



Screening is used to determine if an AA is necessary by examining:

- If the plan / project is directly connected with / necessary to the management of the European site.
- If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.

Planning Authority: OCC

Dec 24-123

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether or not upgrading the existing natural playing field to an all-weather 3G surface 110 x 65 m is or is not development and is or is not exempted development		
Site location:	Moneygall Football Club, Moneygall, Co. Offaly		
Site size:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Kilduff Devilsbit Mountain SAC – 6.16km		
Distance to European Site(s):	As above – all as crow flies		
The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and which may affect the European site:	None		
Is the application accompanied by an EIAR?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
Kilduff Devilsbit Mountain SAC – Features of interest include:	<ul style="list-style-type: none"> European dry heaths Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) 		
The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the European site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) (ATTACH INFO.)			

Site Name: Kilduff, Devilsbit Mountain SAC, Site Code: 000934
<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000934.pdf>

(C) NPWS ADVICE:

Advice received from NPWS over phone:	None Received
Summary of advice received from NPWS in written form (ATTACH SAME):	None Received

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:

(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).


If the answer is 'yes' to any of the questions below, then the effect is significant.
(Please justify your answer. 'Yes' / 'No' alone is insufficient)

<p>Would there be...</p> <p>... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
<p>... a reduction in habitat area on a European site?</p>	<p>There will be no reduction in the habitat area. The site is sufficient distance from the European site.</p>
<p>... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
<p>... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
<p>... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?</p>	<p>None likely due to the location and type of development. The site is sufficient distance from the European site</p>
<p>Would the project interfere with mitigation measures put in place for other plans / projects. [Look at <i>in-combination effects</i> with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.</p>	<p>No other plans known of in the vicinity of the site. The site is sufficient distance from the European site.</p>

(E) SCREENING CONCLUSION:

Screening can result in:

1.	AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.
2.	No potential for significant effects / AA is not required.

3.	<i>Significant effects are certain, likely or uncertain.</i> (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.		
Therefore, does the project fall into category 1, 2 or 3 above?		Category 2	
Justify why it falls into relevant category above:		There would be no likely significant impact on the European site from the proposed development due to the scale of the proposed development and the separation distance between the subject site and European Site.	
Name:	Úna McCafferkey 		
Position:	Executive Planner	Date:	21 st January 2025

