



Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read “Guidance Notes” before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Phone Number: [REDACTED] E-Mail: [REDACTED]

2. Name and address of agent (if any):

n/a

Phone Number: _____ E-Mail: _____

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

Kevin Smyth, [REDACTED]

4. Interest in site of the person seeking declaration:

Cooley Kickhams are the owners of the site, I am acting on their behalf

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

Cooley Kickhams GFC, Monksland, Carlingford, Co. Louth, A91AY28

The pitch in question is our new 3rd pitch

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

A91AY28

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

Cooley Kickhams GFC wish to install ball stops at either end of our new 3rd pitch, which is sandwiched in between our main pitch and our top pitch. We want to install wide ball nets, similar to what we have at the playground end of our main pitch. This is because we have a walking track running behind the pitch at both ends, a roadway for vehicular access, plus a ball wall. The wider nets will give more protection to walkers, vehicles and users of the ball wall. Proposed size for the ball stops at either end is 60m wide x 15m high.

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes No

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

Our 3rd pitch development was previously reviewed by Turlough King, Senior Executive Planner, in Sept '23.

He confirmed this pitch development did not require planning permission - see document attached.

I certify that the aforementioned is correct.

Signature of Applicant: _____ **Date** 25th Mar 2026

Please include one copy of the following documents with this application form:

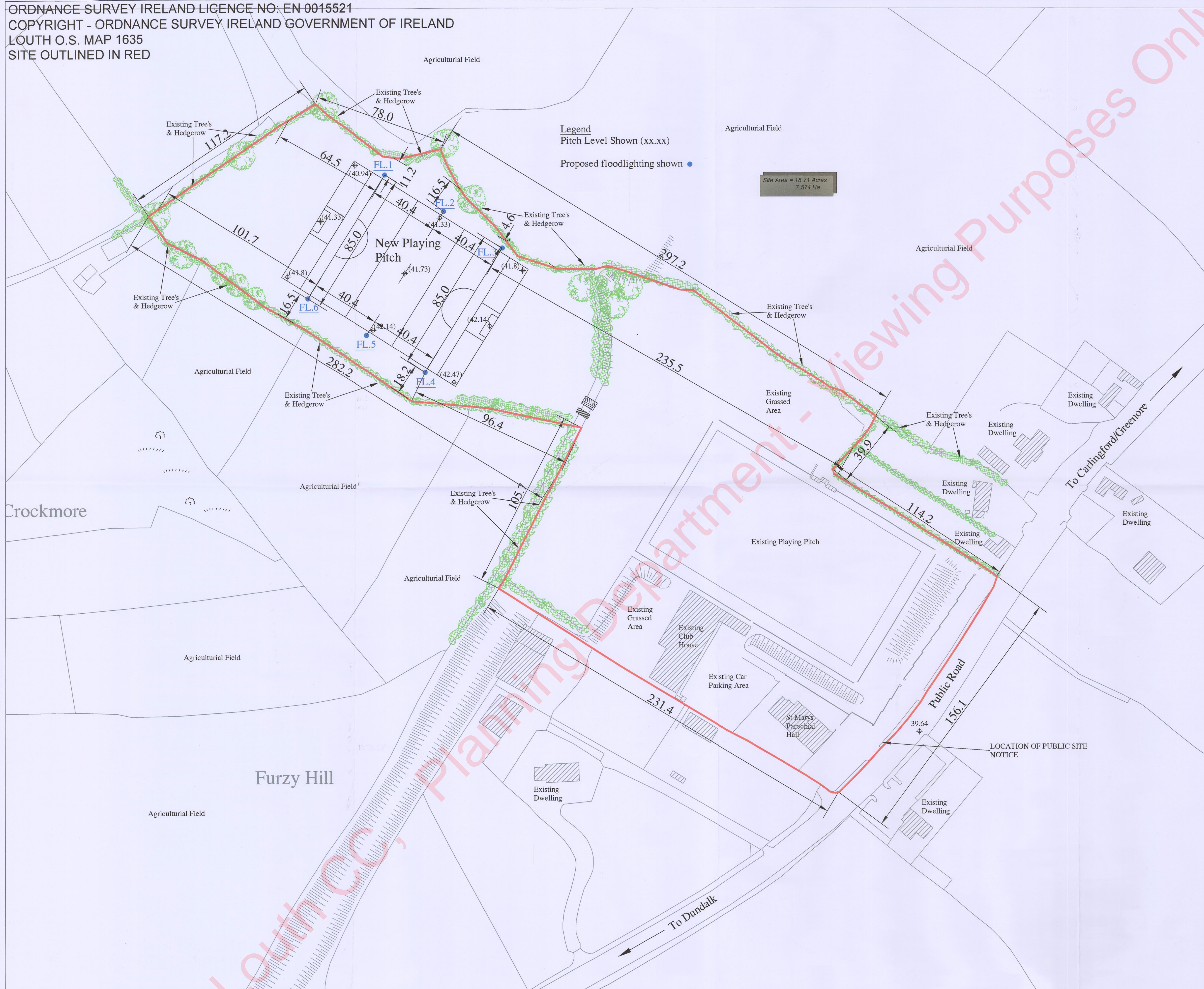
- **Site Location Map:** (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations:** (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- **Application fee:** (€80)

Completed Application Form & Fee of €80.00 may be sent to:

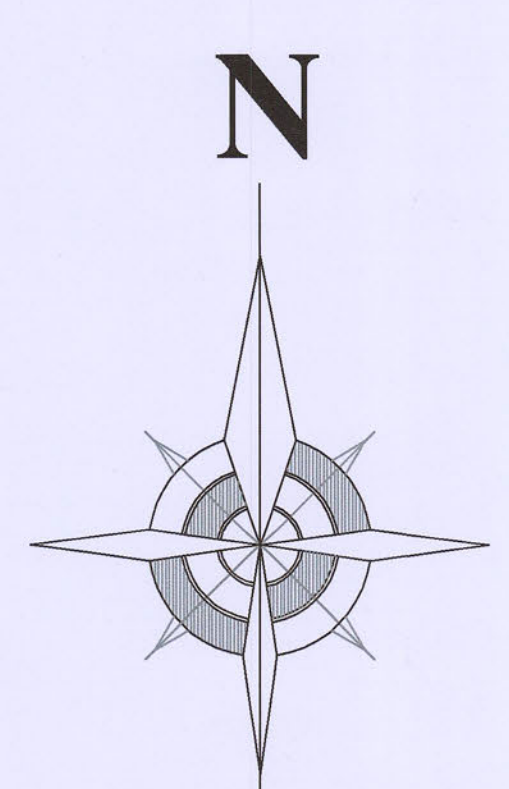
**Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C**

OR

by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.



- Notes:
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND DOCUMENTATIONS.
 5. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 1997 BUILDING REGULATIONS AND LOCAL AUTHORITY'S REQUIREMENTS.
 6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 2001 BUILDING REGULATIONS FOR THE DIS-ABLED.



20164

Rev.	Modifications	By	Date

Client COOLEY KICKHAMS G.F.C			
Project PLANNING APPLICATION			
Job Description PERMISSION FOR 6NO. 18M HIGH FLOODLIGHTS TO AN EXISTING PLAYING FIELD AND ASSOCIATED SITE DEVELOPMENT WORKS AT MONKSLAND, CARLINGFORD, CO. LOUTH			
Title SITE LAYOUT MAP			
Drawn By S. Mc COY	Checked By P. HERR	Date 10.02.21	Scale 1:1000

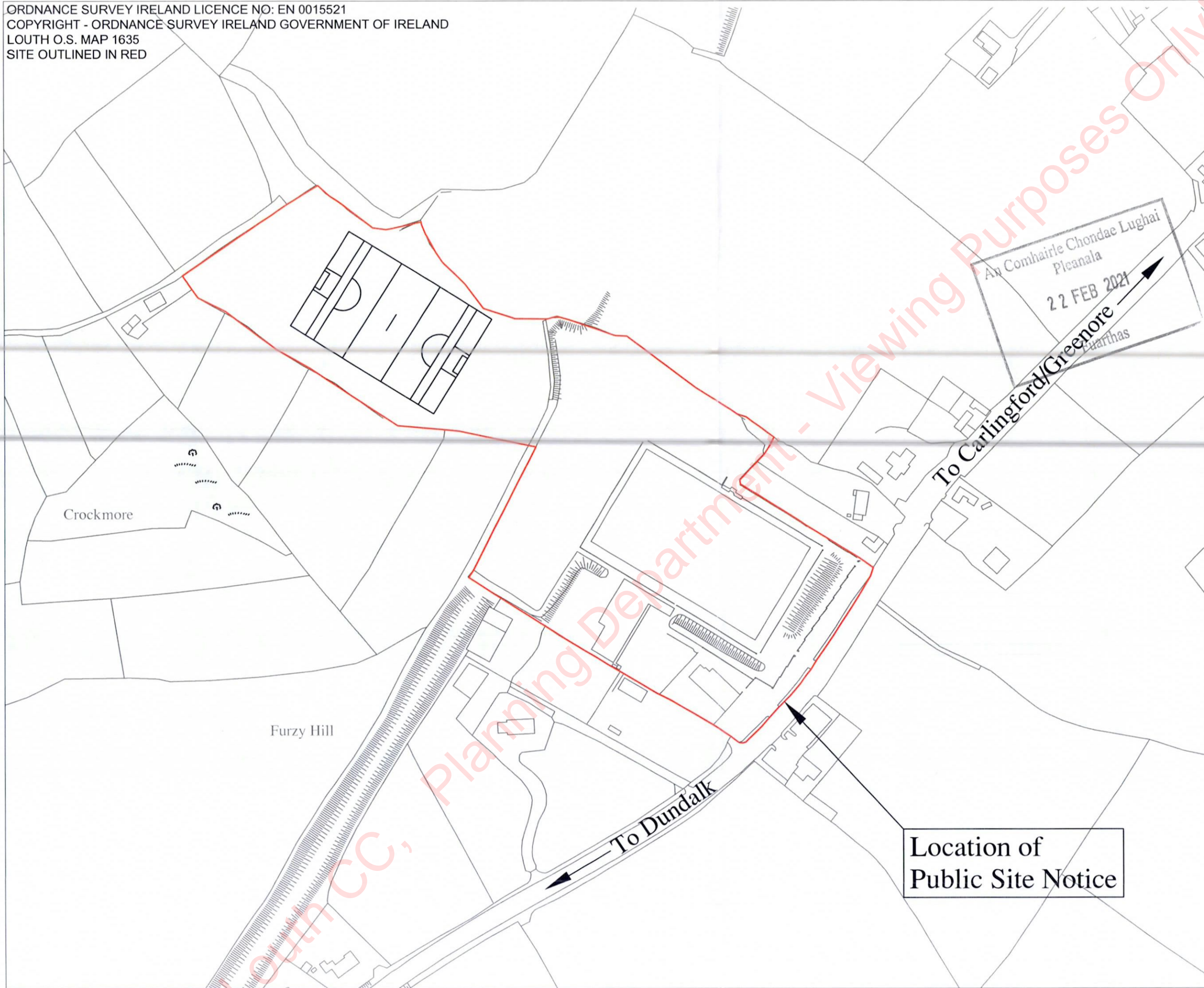
© COPYRIGHT OF

P. HERR & ASSOCIATES
 CIVIL ENGINEERS & BUILDING SURVEYORS

TEL 042 9330019
 FAX 042 9331832
 E-MAIL - info@pherr.ie
 WEB - www.pherr.ie

BLOCK 4 LEVEL 3
 QUAYSIDE BUSINESS PARK,
 MILL STREET,
 DUNDALK,
 CO. LOUTH

FILE REF Kickhams/ Floodlighting/ Site Maps	DRAWING No 3897-PA-002	REVISION
------------------------------------------------------	----------------------------------	----------



- Notes:
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND DOCUMENTATIONS.
 5. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 1997 BUILDING REGULATIONS AND LOCAL AUTHORITY'S REQUIREMENTS.
 6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 2001 BUILDING REGULATIONS FOR THE DISABLED.

21/164.



Rev.	Modifications	By	Date

Client
COOLEY KICKHAMS G.F.C

Project
PLANNING APPLICATION

Job Description
PERMISSION FOR 6NO. 18M HIGH FLOODLIGHTS TO AN EXISTING PLAYING FIELD AND ASSOCIATED SITE DEVELOPMENT WORKS AT MONKSLAND, CARLINGFORD, CO. LOUTH

Title
SITE LOCATION MAP

Drawn By	Checked By	Date	Scale
S. Mc COY	P. HERR	10.02.21	1:2500

COPYRIGHT OF

P. HERR & ASSOCIATES
 CIVIL ENGINEERS & BUILDING SURVEYORS

TEL 042 9330019
 FAX 042 9331832
 E-MAIL - info@pherr.ie
 WEB - www.pherr.ie

BLOCK 4 LEVEL 3
 QUAYSIDE BUSINESS PARK,
 MILL STREET,
 DUNDALK,
 CO. LOUTH

FILE REF	DRAWING No	REVISION
Coahans/Cooley Kickhams/ Floodlighting/ Site Map	3897-PA-001	



Louth County Council

Section 5 Declaration

Planning Ref:	2026/16
Applicant's Name:	Kevin Smyth on behalf of Cooley Kickhams GFC.
Type of Application:	Section 5 Declaration
Question for Determination:	<i>Whether the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is development, and whether this would be exempted development.</i>
Site Location:	Cooley Kickhams, Monksland, Carlingford, A91AY28
Due Date:	21/04/2026
Report Date:	13/04/2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located within the townland of Monksland, approximately 3.5km south of Carlingford. The site comprises the grounds of Cooley Kickhams GAA Club, which include three playing pitches with associated car parking located along the frontage and the southern side of the main pitch. The GAA clubhouse is situated to the south west of the site.

2.0 Planning History

File.ref:25/60065: Planning permission GRANTED for a a two-storey extension to the existing sports complex to accommodate a gym on the ground floor, a multi-purpose room on the first floor, and all associated site development works.

File.ref:23/351: Planning permission GRANTED for a handball alley and associated site development works.

File.ref: 21/164: Planning permission GRANTED for 6 no. 18m high floodlights to an existing playing field previously granted permission under ref. no. 11/305 and associated site development works.

File.ref:19/591: Planning permission GRANTED for the change of use of part of existing sports complex (circa. 30.5m²) to childcare room and all associated site work

File.ref:15/459: Planning permission GRANTED for change of use of part of existing sports complex (circa 40m²) to preschool room and all associated work/

File.ref:11/305: Planning permission GRANTED for a new playing pitch & associated site development works;

File.ref: 04/1056: Planning permission GRANTED for Change of condition no. 3 granted under planning ref no. 02/1278 which states that the proposed creche facility shall cater for no more than 12 children at any given time to increase the number of children to be catered for to 20

File.ref: 02/1278: Planning permission GRANTED for New stand, function room, Changing room, gymnasium

File.ref:67/397: Planning permission GRANTED for football field.

File.ref:76/712: Permission GRANTED for clubrooms.

3.0 QUESTION FOR DETERMINATION:

The applicant has confirmed within Question 7 of the application form that the question for determination relates to the following;

Cooley Kickhams GFC wish to install ball stops at either end of new 3rd pitch, which is sandwiched in between our main pitch and our top pitch. We want to install wide ball nets, similar to what we have at the playground end of our main pitch. This is because we have a walking track running behind the pitch at both ends, a roadway for vehicular access, plus a ball wall. The wider nets will give more protection to walkers, vehicles and users of the ball wall. Proposed size for the ball stops at either end is 60m wide x 15 m high.

The Planning Authority is considering this question as:

Whether the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is development, and whether this would be exempted development.

The applicant has submitted an application form, a site location map, a site layout map and a drawing with a full pitch design superimposed on google earth.

4.0 EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017. Based on information provided and having considered the minor nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

5.0 Appropriate Assessment

Having regard to nature and scale of the proposal, it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

6.0 LEGASLATIVE CONTEXT:

S.I. No. 662/2024 - The Planning and Development Act 2024 (Commencement) Order 2024

The Planning and Development Act 2024 (Commencement) Order 2024 states:

"The 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) shall come into operation:

- (a) Sections 1 to 5;*
- (b) Part 26*

The Planning and Development Act 2024

Section 2 states:

“development” means—

- (a) the carrying out of works—
 - (i) on, in, over or under land, or
 - (ii) on, in, over or under the maritime area,

Or

- (b) the making of a material change in the use of—
 - (i) land or any structure on land, or
 - (ii) the sea, seabed or any structure, in the maritime area, and includes the reclamation of land in the nearshore area;

“exempted development” means—

- (a) development of a class prescribed under section 9 , or
- (b) development that is exempted development by virtue of section 152 ;

“structure” means—

- (a) a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or
- (b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated;

“Works” includes an act or operation—

- (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a

structure situated in an architectural conservation area), on, in, over or under land or a maritime site,

- (b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and

- (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

The Planning and Development Act, 2000 (as amended)

Section 4:

Section 4(1) provides a list of statutory exempted development.

Section 4(2) further provides for the making of regulations by the Minister relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to Section 4(2).

Section 5 states:

(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.

(2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

Section 9

Section 9 (4) states that Development (other than development that is exempted development by virtue of *subsection (1)* or *(2)* of *section 152*) shall not be exempted development for the purposes of this Act if—

(a) in the case of a protected structure or a proposed protected structure, it materially affects or would materially affect the character of—

- (i) the structure, or
 - (ii) any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest
- (b) it is situated, or proposed to be situated, in an area of special planning control and it contravenes or would, if carried out, contravene a special planning control scheme applying to that area, or
- (c) in the case of development carried out or proposed to be carried out to the exterior of a structure situated in an architectural conservation area, it materially affects or would, if carried out, materially affect the character of that area.

Section 32:

Section 32 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

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.

Restrictions on Exemption: Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act-

- (a) if the carrying out of such development would-
 - (i) contravene a condition attached to a permission under 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
 - (vii) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
 - (vii) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

7.0 ASSESSMENT

Do the works constitute “development”?

Having regard to the definitions set out in section 2 of the Planning and Development Act 2024, it is considered that the installation of ball stopping nets measuring 60m x 15m is development.

Do the works constitute exempted development?

The planning and Development Regulations 2001 (as amended) does not contain any class of exempted development under section 9 which would permit the erection of ball stopping structures of this scale. Class 33 relates to the use of land for recreational purposes, including for athletics or sports, but does not exempt structures. No other class of exemption under the Regulations apply. Accordingly, the installation of the proposed 60m x 15m ball stopping net constitutes development, that is not exempted development within the meaning of the Planning and Development Act 2024.

8.0 Recommendation

Having regard to the foregoing it is considered that the installation of ball stopping nets measuring 60m x 15m in height constitutes development within the meaning of section 2 of the Planning and Development Act (as amended).

However, as the Planning and Development Regulations 2001 (as amended) do not contain any class of exempted development under section 9 that would permit the installation of ball stop structures of this scale, the proposed works is **not** exempted development.

WHEREAS a question as to whether *the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is development, and whether this would be exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Kevin Smyth on behalf of Cooley Kickhams GFC.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2000 (as amended),
- (b) Plans and particulars forwarded to the Planning Authority
- (c) The Planning and Development Regulations 2001 (as amended)

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that:

- (i) The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- (ii) The Planning and Development Regulations 2001 (as amended) do not contain any class of exempted development under section 9 that would permit the erection of ball stop structures of this scale

NOW THEREFORE Louth 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 installation of the proposed 60m x 15m ball stopping net constitutes development, that is **not** exempted development within the meaning of the Planning and Development Act 2024.



Helen Conlon

Executive Planner

Date: 13/04/2026



Turlough King

Senior Planner

Date: 14/04/2026



Thomas McEvoy

Director of Services

Date: 17/04/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	260/2026
Reference No:	S5 2026/16
Date Application Received:	26/03/2026
Description of Development:	Whether the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is or is not development and is or is not exempted development
Name of Applicant:	Kevin Smyth on behalf of Cooley Kickhams GFC
Location of Development	Cooley Kickhams GFC, Monksland, Carlingford, Co. Louth

WHEREAS a question as to whether *the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is development, and whether this would be exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Kevin Smyth on behalf of Cooley Kickhams GFC.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2000 (as amended),
- (b) Plans and particulars forwarded to the Planning Authority
- (c) The Planning and Development Regulations 2001 (as amended)

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that:

- (i) The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- (ii) The Planning and Development Regulations 2001 (as amended) do not contain any class of exempted development under section 9 that would permit the erection of ball stop structures of this scale

LCP Order No. 260/2026

Reference No: S5 2026/16

NOW THEREFORE Louth 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 installation of the proposed 60m x 15m ball stopping net constitutes development, that is **not** exempted development within the meaning of the Planning and Development Act 2024.



SIGNED: _____
Helen Conlon
Executive Planner

Date: 14/04/2026

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and hereby direct that a **Declaration of Exemption be REFUSED** for development as described above.

Signed: _____
Thomas McEvoy
Director of Services

Date: 17th April 2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated the 14th day of May 2025.



Comhairle Contae Lú
Louth County Council

Cooley Kickhams GFC
c/o Kevin Smyth

By email only to: [REDACTED]

17th April 2026

Re: Ref. S5 2026/16

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch at Cooley Kickhams GFC, Monksland, Carlingford, Co. Louth is or is not development and is or is not exempted development.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 26th March 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question as to whether *the installation of ball stop netting measuring 60m wide x 15m high at an existing playing pitch is development, and whether this would be exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Kevin Smyth on behalf of Cooley Kickhams GFC.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2000 (as amended),
- (b) Plans and particulars forwarded to the Planning Authority
- (c) The Planning and Development Regulations 2001 (as amended)

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

T + 353 42 9335457
E info@louthcoco.ie
W www.louthcoco.ie

Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalerter.ie/Louth
View Council alerts for Louth at www.mapalerter.ie/Louth

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that:

- (i) The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- (ii) The Planning and Development Regulations 2001 (as amended) do not contain any class of exempted development under section 9 that would permit the erection of ball stop structures of this scale

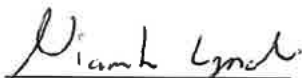
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the installation of the proposed 60m x 15m ball stopping net constitutes development, that is **not** exempted development within the meaning of the Planning and Development Act 2024.

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 26th March 2026.

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Niamh Lynch
Planning Section