



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

Pat Hogan  
Rushane  
Kilnamona  
Co. Clare

RL 5660 3349 81E

**Your Client: Board of Management, St. Mochulla's NS, Tulla**

**28th July, 2022**

**Section 5 referral Reference R22-51 – Board of Management, St. Mochulla's NS, Tulla**

Is the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th July 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie)

Mise, le meas

**Anne O'Gorman**  
Staff Officer  
Planning Department  
Economic Development Directorate

An Roinn Pleanála  
An Stiúrthóireacht Forbairt Gheilleagrach  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department  
Economic Development Directorate  
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

**Reference No.: R22-51**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R22-51**

**Is the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, considered to be development and if so, is it exempted development?**

**AND WHEREAS, Board of Management, St. Mochulla's NS, Tulla** has requested a declaration from Clare County Council on the said question.

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Classes 33 and 40 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

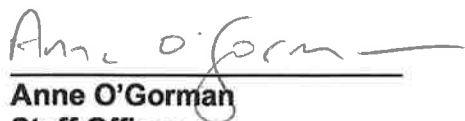
**And whereas Clare County Council has concluded:**

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is exempted development having regard to Classes 33 and 40 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

**THEREFORE:** The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, is development and is exempted development,

as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in dark ink, appearing to read "Anne O'Gorman", is written over a horizontal line.

**Anne O'Gorman**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**28th July, 2022**

**CLARE COUNTY COUNCIL**

**SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

**DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT**

**Chief Executive's Order No:** 80207

**Reference Number:** R22-51

**Date Referral Received:** 12th July 2022

**Name of Applicant:** Board of Management, St. Mochulla's NS, Tulla

**Location of works in question:** St. Mochulla's National School, Tulla, Co. Clare

**Section 5 referral Reference R22-51 – Board of Management, St. Mochulla's NS, Tulla**

Is the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, considered to be development and if so, is it exempted development?

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Classes 33 and 40 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

**AND WHEREAS Clare County Council has concluded:**

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is exempted development having regard to Classes 33 and 40 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers

conferred on him by Section 154 of the Local Government Act 2001, delegate to Helen Quinn, Acting Senior Planner, the powers, functions and duties as set out herein,

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Helen Quinn, Acting Senior Planner, hereby declare that the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, is development and is exempted development.

**Signed:**

  
**HELEN QUINN**  
**ACTING SENIOR PLANNER** 4.6

**Date:**

**28th July, 2022**

**CLARE COUNTY COUNCIL**  
**SECTION 5 DECLARATION OF EXEMPTION APPLICATION**  
**PLANNERS REPORT**

<b>FILE REF:</b>	R22-51
<b>APPLICANT(S):</b>	Board of Management, St. Mochulla's NS, Tulla
<b>REFERENCE:</b>	Whether the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch with 2m high fencing to three sides is or is not development and is or is not exempted development.
<b>LOCATION:</b>	St. Mochulla's MS, Tulla, Co Clare
<b>DUE DATE:</b>	4 <sup>th</sup> August 2022

**Site Location**

The proposal site is located in the town of Tulla on lands zoned Community. The site is located within the grounds of the national school on the northwest side of the town. The development location is to the rear of the school and is currently in use as a grassed play area. The site is relatively level and there is a high block wall along the eastern boundary. The development location is not visible from the public road.

**Recent Planning History**

P07/1686 – GRANTED - to erect 2 pre-fabricated classrooms, store and free standing sports wall and all associated site works and connections to services at St. Mochullas National School, Tulla, Co. Clare. The development will be carried out in 2 or more phases, the first phase being provision of one classroom with its associated works only

P08/687 GRANTED - to provide Prefabricated Learning Support/Resource room in lieu of store and relocate proposed position of Prefabricated Mainstream Classroom for which planning permission was granted (ref P07-1686) and provide all associated site works and connections to services

P08/1862 – GRANTED - to provide Prefabricated Learning Support/Resource room in lieu of store and relocate proposed position of Prefabricated Mainstream Classroom for which planning permission was granted (ref P07-1686) and provide all associated site works and connections to services

P12/616 – GRANTED - for development at the existing National School, which will consist of the repositioning of an existing prefab structure and the construction of a new single story classroom with all associated site works

P15/351 – GRANTED - for development which will consist of the repositioning of 2 no. existing prefab structures, the construction of an extension to the existing school of 2 no. classrooms, a new covered link to the existing main school, the extension of the existing tarmac basketball court

**Background to Referral**

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by the Board of Management of St. Mochulla's National School.

The applicants are seeking a Section 5 Declaration as to whether the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is or is not development and is or is not exempted development.

The applicants have stated that the school grounds include two natural grass playing pitches, one to the east of the school buildings, and one to the south. It is proposed to replace a portion of the southern pitch with an artificial grass playing pitch. The new pitch will have one block wall boundary (existing). The remaining boundaries will be 2m high fencing.

### **Statutory Provisions**

#### **Planning and Development Act, 2000 (as amended)**

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.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.

‘Works’ are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

*“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.*

#### **Planning & Development Regulations, 2001, as amended**

Article 6 refers to Exempted Development and 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 that class in the said column 1.

#### **Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, 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.

#### **Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 40**

CLASS 40 Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—

- (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,

- (b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a market building, or
- (c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

*(a) if the carrying out of such development would –*

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

*(ii) consist of or compromise 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) 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 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.*

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

*(viiB) 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,*

*(viiC) 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.”*

*(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,*

*(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,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area.*

## Assessment

### Basis of Referral

The applicants are seeking a Section 5 Declaration as to whether the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is or is not development and is or is not exempted development.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 33

Development consisting of the laying out and use of land—

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

The applicants intend to replace an existing grass play area with an artificial grass pitch. I consider this to constitute *the laying out of land for athletics or sports* and the proposal does not exceed the limitations of Class 33.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 40

CLASS 40 Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—

(a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,

The applicant proposes new fencing on the perimeter of the artificial grass pitch. Both the pitch and associated fencing are located to the rear of the school building, at a distance from the public road.

The proposal does not exceed the limitations of Class 40.

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

The proposal does not contravene a condition of any previous permission.

- (ii) *consist of or compromise 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,*

Not applicable – the site is located within existing school grounds and no alterations to parking or access are proposed.

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

Not applicable – the site is located within existing school grounds and no alterations to parking or access are proposed.

- (iv) *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 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.*

The site is located on zoned land within a settlement and will largely be screened from view by the existing structures on the site. The development will not have a negative impact on the visual amenities of the area.

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

Not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

Not applicable in this instance

(vii)

- a. *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

This is not applicable in this instance.

- b. *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,*

No likely significant effects on European Sites. An Appropriate Assessment Screening Report and Determination has been carried out and is attached to this report. An appropriate assessment is not required.

- c. *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."*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area.*

This is not applicable in this instance.

### Recommendation

#### **The following questions have been referred to the Planning Authority:**

Whether the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides at St. Mochulla's National School, Tulla, Co. Clare is or is not development and is or is not exempted development.

#### **The Planning Authority in considering this referral had regard to:**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;

- (c) Classes 33 and 40 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

**And whereas Clare County Council (Planning Authority) has concluded:**

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is exempted development having regard to Classes 33 and 40 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides is development and is exempted development.



Executive Planner

Date: 25/07/2022



A/Senior Planner

Date:

27/7/22  
A/Senior Planner

**Clare County Council**  
**Screening for Appropriate Assessment & Determination**

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

**Table 1: Project Details**

<b>Planning File Reference</b>	R22-51
<b>Applicant Name</b>	Board of Management, St. Mochulla's Nationa School
<b>Development Location</b>	at Tulla, Co. Clare
<b>Application accompanied by an EIS</b>	No
<b>Application accompanied by an NIS</b>	No

**Description of the project (To include a site location map):**

The replacement of a section of natural grass playing pitch with unlit artificial grass playing pitch, with 2, high fencing to three sides at St. Mochulla's NS, Tulla, Co. Clare



**Table 2: Identification of European sites which may be impacted by the proposed development.**

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)<sup>1</sup> is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis.

Having regard to the nature and scale of the proposed development, the established use of the site, the location on zoned land within an existing settlement, I am satisfied that the likely zone of impact of the proposed development is no greater than 1km.

**Table 2 (a): European Sites within 1km of Applicant Site**

There are no European sites within 1km of the proposal site

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<sup>1</sup> European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.



## Appropriate Assessment Screening Determination

<b>Planning File Reference</b>	R22-51
<b>Proposed Development</b>	The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch with 2m high fencing to three sides
<b>Development Location</b>	St. Mochulla's National School, Tulla
<b>European sites within impact zone</b>	None
<b>Description of the project:</b>	
The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch with 2m high fencing to three sides	
<b>Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site</b>	
N/A	
<b>Describe how the project or plan (alone or in combination) is likely to affect the European site(s).</b>	
No likely direct or indirect effects due to the nature and scale of the proposed development, the established use of the site, the location on zoned land within a settlement and the lack of connectivity or proximity to European sites.	
<b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?</b>	
N/A – no likely effects	
<b>Documentation reviewed for making this statement</b>	
<ul style="list-style-type: none"> <li>- County Development Plan (including Flood Maps, SEA &amp; AA)</li> <li>- NPWS website</li> <li>- Documents received as part of the planning application</li> </ul>	
<b>Conclusion of assessment (a, b, c or d)</b>	
<b>(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)<sup>2</sup></b>	
<b>(b) There is no potential for significant effects to European Sites<sup>3</sup></b>	Yes

<sup>2</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.



<b>(c) The potential for significant effects to European Site(s) cannot be ruled out<sup>4</sup></b>	
<b>(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010<sup>5</sup></b>	
<b>Completed By</b>	Caroline Balfe
<b>Date</b>	25/07/2022

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<sup>4</sup> In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

<sup>5</sup> The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

R22-51







COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Pat Hogan  
Rushane  
Kilnamona  
Co. Clare**

**Your Client: Board of Management, St. Mochulla's NS, Tulla**

**12/07/2022**

**Section 5 referral Reference R22-51 – Board of Management, St. Mochulla's NS, Tulla**

Is the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2m high fencing to three sides, at St. Mochulla's National School, Tulla, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th July 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Tadhg Holmes

**Tadhg Holmes  
Planning Department  
Economic Development Directorate**

**An Roinn Pleanála  
An Stiúirtheacht Forbairt Gheilleagrach**  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department  
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2





P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
Co. Clare.  
V95DXP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)

**CLARE  
COUNTY COUNCIL**

**12 JUL 2022**

**Received  
Planning Section**



Comhairle Contae an Chláir  
Clare County Council

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT  
(Section 5 of the Planning & Development Act 2000 (as amended))**

**FEE: €80**

*This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority*

**1. CORRESPONDENCE DETAILS.**

(a) Name and Address of person seeking the declaration	BOARD OF MANAGEMENT ST MOCHULLA'S NATIONAL SCHOOL TULLA Co CLARE V95XH26
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	PAT HOGAN RUSHANE KILNAMONA Co. CLARE.

**2. DETAILS REGARDING DECLARATION BEING SOUGHT**

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the replacement of a section of a natural grass playing pitch in the grounds of the Tulla National School, with an unlit artificial grass playing pitch, with 2 m high fencing to 3 sides considered exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

The school ground includes 2 natural grass playing pitches, one to the East of the School buildings, and one to the South. It is proposed to replace a portion of the Southern pitch with an artificial grass playing pitch. The proposed location for the new pitch is well screened from view from the public road to the North by an existing cluster of mature native species trees all of which will be retained. The new pitch has one existing block wall boundary (A / D on site layout.) which will be retained. The remaining boundaries will be 2-meter-high fencing. No form of flood lighting is proposed. Existing ground levels will not change by over 0.3 meters.

- (c) List of plans, drawings etc. submitted with this request for a declaration:

*(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)*


SITE LOCATION MAP (1/2500)

SITE LAYOUT (1/1000).

**3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT**

(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>ST. MOCHULLA'S NATIONAL SCHOOL</u> <u>TULLA</u> <u>CO. CLARE.</u>
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	<u>No</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>OWNERS</u>
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>N/A</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>N/A</u>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<u>No.</u>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<u>YES</u> <u>07-1558 / 07-1686 / 08-687</u> <u>08-1862 / 12-616 / 15-351.</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>2022</u>

SIGNED: \_\_\_\_\_



DATE: \_\_\_\_\_

### **GUIDANCE NOTES**

*This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority*

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,  
Economic Development Directorate,  
Clare County Council  
Aras Contae an Chlair,  
New Road,  
Ennis,  
Co. Clare  
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

### **FOR OFFICE USE ONLY**

Date Received: .....	Fee Paid: .....
Date Acknowledged: .....	Reference No.: .....
Date Declaration made: .....	CEO No.: .....
Decision: .....	



Surveyed 2001  
Revised 2015  
Levelled

# Land Registry Compliant Map



549118

680119

ITM CENTRE PT. COORDS

548827,679904

DESCRIPTION

MAP SHEETS

1:2500  
4268-A

**SITE LOCATION MAP.**  
**SECTION 5 DECLARATION.**  
**FOR!**  
**ST. MOCHULLA'S NATIONAL**  
**SCHOOL, TULLA.**

OSI  
Authorised  
Internet Map

Arna léimse agus arna thabairt ag Suirbhéireacht Ordánais Éireann. Páirc an Fhionnúlscá, Baile Átha Cliath 8, Éire.  
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agus íonaid ar chuid si. The representation on this map of a  
road, track or footpath is not evidence of the existence of a  
right of way.

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hÉireann leasúirí phictiúil de chuid na hÉireann, na  
úinéirí de ghnéithe fhisiciúla.  
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679689

549118

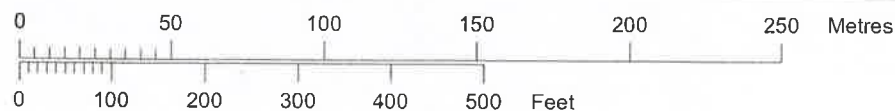
548536

680119

679689

548536

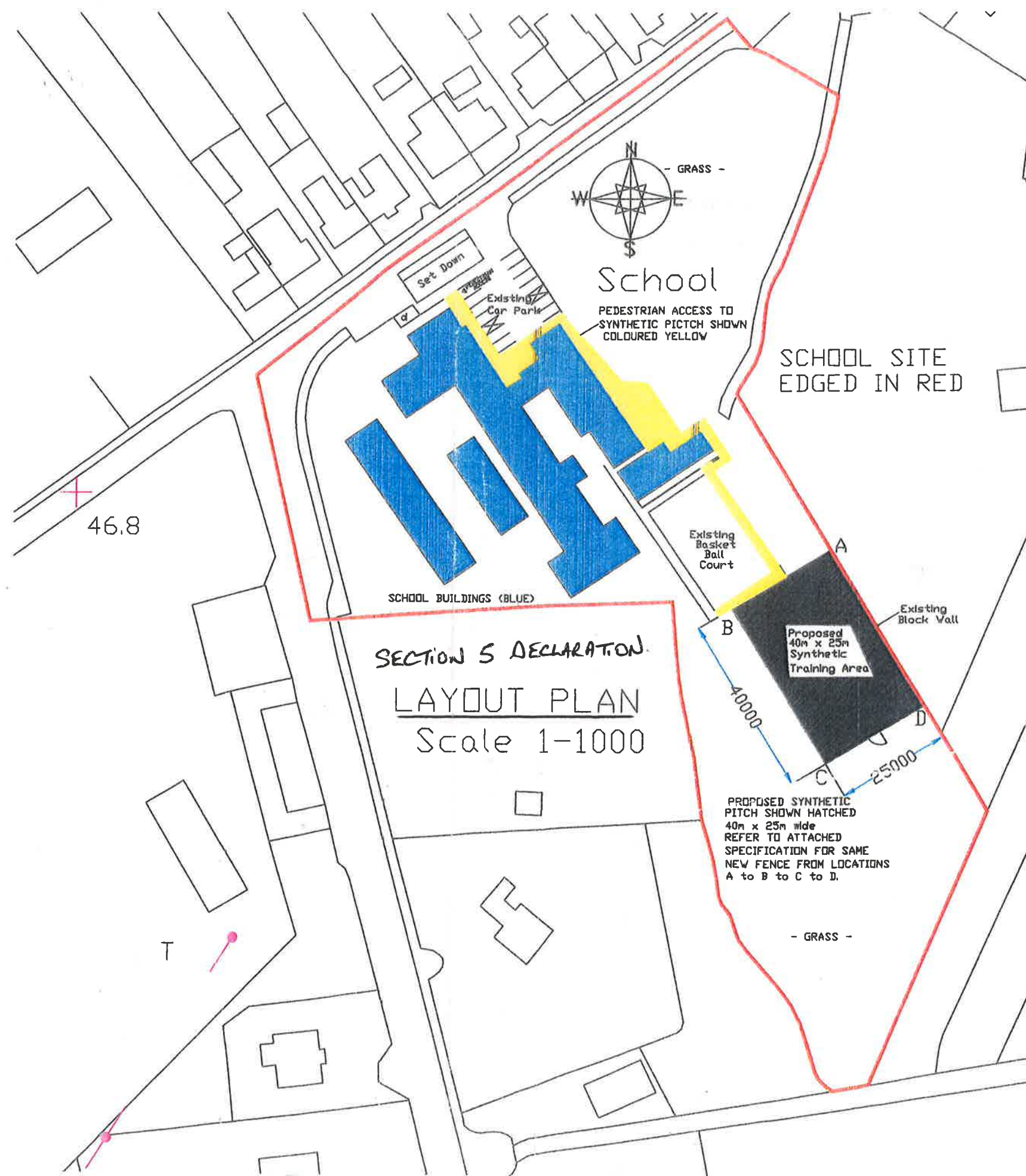
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Scála:- 1:2,500



Plot Ref. No. 19715422\_1\_1  
Plot Date 24-MAY-2016

TULLA

Land Registry Use Only



FOR:  
ST. MOCHULLA'S NATIONAL  
SCHOOL, TULLA, CO. CLARE.



Clare County Council  
Aras Contae an Chláir  
New Road  
Ennis  
Co Clare

12/07/2022 09:14:39

Receipt No. L1CASH/0/335201  
\*\*\*\*\* REPRINT \*\*\*\*\*

BOARD OF MANAGEMENT  
ST MACHULLAS NS  
TULLA, CO CLARE

AN CHLÁIR

SECTION 5 REFERENCES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
Cash 100.00

Change : 20.00

Issued By : L1CASH - Colm Murphy  
From : MAIN CASH OFFICE LODGEMENT AF  
Vat reg No 0033043E