



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Ballina Killaloe Community Sports Facilities Development Company CLG**  
**Moys**  
**Clarisford**  
**Killaloe**  
**Co. Clare**

**12th April 2023**

**Section 5 referral Reference R23-20 – Ballina Killaloe Community Sports Facilities Development Company CLG**

Is the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Killaloe considered development and if so, is it exempted development?

A Chara,

I refer to your application received on 20th March 2023 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.: R23-20**



**Section 5 referral Reference R23-20**

**Is the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Killaloe considered development and if so, is it exempted development?**

**AND WHEREAS, Ballina Killaloe Community Sports Facilities Development Company CLG** 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 –**

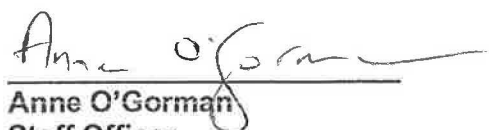
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The works as indicated in submitted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

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

- (a) The installation of universally accessible permeable geogrid material on carpark and walkways 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 installation of universally accessible permeable geogrid material on carpark and walkways is not exempted development having regard to Article 9(a)(i) and Article 9(a)(viiB) 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 installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Moys, Killaloe, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



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

**12th April 2023**

**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:**

81556

**Reference Number:**

**R23-20**

**Date Referral Received:**

**20th March 2023**

**Name of Applicant:**

**Ballina Killaloe Community Sports Facilities  
Development Company CLG**

**Location of works in question:**

**Clarisford Park, Moys, Killaloe, Co. Clare**

**Section 5 referral Reference R23-20 – Ballina Killaloe Community Sports Facilities  
Development Company CLG**

Is the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Killaloe considered 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) Class 33 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 installation of universally accessible permeable geogrid material on carpark and walkways 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 installation of universally accessible permeable geogrid material on carpark and walkways is not exempted development having regard to Article 9(a)(i) and Article 9(a)(viiB) 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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Moys, Killaloe, Co. Clare is considered development which is not exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER

Date:

12th April 2023

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

<b>FILE REF:</b>	R23-20
<b>APPLICANT(S):</b>	Ballina Killaloe Community Sports Facilities Development Company CLG
<b>REFERENCE:</b>	Whether the installation of universally accessible permeable geogrid material on carpark and walkways is or is not development and is or is not exempted development.
<b>LOCATION:</b>	Clarisford Park, Moys, Killaloe, Co Clare
<b>DUE DATE:</b>	13 <sup>th</sup> April 2023

**Site Location**

The proposal site is located within Clarisford Park on the south side of the town of Killaloe. The site is zoned Recreation and there are numerous existing sports and recreation facilities on site, including play pitches, walkways and sports building.

**Recent Planning History**

P17-99 – GRANTED - to develop rugby and athletic training facilities, floodlighting and associated site works. A Natura Impact Statement will be submitted to the Planning Authority with the application.

P11/438 – GRANTED - to construct 2 no. full-size playing pitches, 1 no. all weather floodlit pitch with fenced enclosure, partially floodlit training areas, walking/cycling trails, temporary changing facilities, an onsite wastewater treatment system, new entrance gateways, site fencing, car parking, along with ancillary site works

P13/664 – GRANTED - to (i) Relocate community sports building onsite to replace that as granted under P12/291, (ii) amend car park layout to replace that as granted under P11/438 and associated site works

R20-17 – Clare County Council decided that the installation of custom designed wheelchair accessible outdoor fitness equipment and installation of 2 areas of 275m<sup>2</sup> each with tartan surface is development and is exempted development.

R19-64 – Clare County Council decided that the installation of low level bollard lighting is development and is exempted development.

R17-02 – Clare County Council decided that the development of a bike pump track is development and is exempted development.

R16-80 - Clare County Council decided that the installation of a new all-weather long jump facility is development and is exempted development

R16-40 – Clare County Council decided that the new all weather athletic facilities & natural grass surfacing is development and is exempted development.

R15-20 – Clare County Council decided that the installation of a new all-weather long jump facility is development and is exempted development.

### **Background to Referral**

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Ballina Killaloe Community Sports Facilities Development Company CLG. The lands which are the subject of this referral are on a long-term lease from Clare County Council.

The applicant is seeking a Section 5 Declaration as to whether the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park is or is not development and is or is not exempted development. The application form indicates that the location of the installation is as per the map attached to the referral. The map and drawings submitted with the referral include all of the pathways within the overall Clarisford site.

### **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(c)**

Development consisting of the laying out and use of land 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

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,
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (vii) 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 applicant is seeking a Section 5 Declaration as to whether the installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park is or is not development and is or is not exempted development.

### Particulars of Proposal

The works will involve the installation of universally accessible permeable geogrid material to achieve universal accessibility for users of Clarisford Park. The geogrid material is an interlocking honeycomb design. It is stated that it is free-draining so it does not alter the natural flow of drainage in the park. The applicants have provided some technical data for the geogrid material which indicates the typical installation involved:

- A. Subsoil layer – the subsoil needs to be evaluated to determine its load bearing capacity.
- B. Sub-base layer – the thickness of the sub-base layer depends on both the bearing capacity of the subsoil and the required bearing capacity of the paved surface.
- C. Beddings layer – the bedding layer is a 50mm layer of consolidated suitable bedding material.
- D. Paver cells – the paver cells can either be filled to just below the surface with gravel or overfilled to completely cover the honeycomb, depending on customer preference.

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

Development consisting of the laying out and use of land 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

Based on my observations on the site, the Park is open to the public and there are no admission charges for visiting members of the public. The site has already been developed / laid out for athletics and sports. The current proposal relates to upgrade works / alteration to the carpark and walking trails.

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*

Planning permission for the overall facilities in which the current proposals will be located was granted under application P11/438. I note that Condition 1 of that permission states:

*The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on 15/06/2011 and as amended by the further information received on 14/10/2011 and on 22/12/2011 except as may otherwise be required in order to comply with the following conditions.*

Furthermore, Condition 5 of permission P11/438 states:

*(a) All mitigation measures as outlined in the Natura Impact Statement, Grassland Classification Report, Bat Survey Report and Tree Survey Report as received by the Planning Authority shall be implemented in full in the construction and operational phases on the proposed development.*

The Natura Impact Statement associated with development proposal includes extensive mitigation including the following:

- Limestone chips will be used to create a porous, breathable surface for the carpark.
- Any of the pedestrian paths that are located within the root protection areas of the trees on the site will be constructed of porous limestone chips and will not involve excavation. These sections will be fenced off during the main phases of construction to prevent unnecessary damage to the trees.
- The path that is to be constructed around the perimeter of the site will be constructed of loose granular stone and will act as a barrier to run off from the site.

Having regard to the foregoing, it is evident that the materials and construction methodology for the carpark and pathways were specifically designed in response to the environmental sensitivities of the site. They also form part of the NIS mitigation for the overall development.

The current proposal will contravene Conditions 1 and 5 as attached to permission P11/438

*(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 to the current proposal

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

Not applicable to the current proposal

*(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

Not applicable to the current proposal



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

Not applicable to the current proposal

*(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 to the current proposal

*(vii) 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.*

Not applicable to the current proposal

*(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,*

Not applicable to the current proposal

*(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,*

Not applicable to the current proposal. Archaeological assessment of the site was undertaken as part of the original development proposals for the site.

*(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,*

The Planning Authority, as the competent authority in the appropriate assessment process, has been unable to reach a determination that the proposal, alone or in-combination with other developments, will not have a significant effect on European sites.

A Screening for Appropriate Assessment and Determination are appended to this report.

*(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."*

Not applicable to the current proposal

*(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,*

Not applicable to the current proposal

*(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,*

Not applicable to the current proposal

*(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,*

Not applicable to the current proposal

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

Not applicable to the current proposal

*(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.*

Not applicable to the current proposal

### Recommendation

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

Whether the installation of universally accessible permeable geogrid material on carpark and walkways Clarisford Park, Moys, Killaloe, Co. Clare is or is not development and is or is not exempted development.

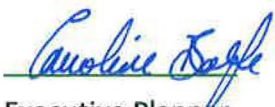
**The Planning Authority in considering this referral had regard to:**

- (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) Class 33 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:**

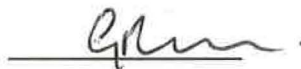
- (a) The installation of universally accessible permeable geogrid material on carpark and walkways constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said installation of universally accessible permeable geogrid material on carpark and walkways is not exempted development having regard to Article 9(a)(i) and Article 9(a)(viiB) of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the installation of universally accessible permeable geogrid material on carpark and walkways is development and is not exempted development.



Executive Planner

Date: 06/04/2023



Senior Executive Planner

Date: 06/04/23

## Appropriate Assessment & Determination

### STEP 1. Description of the project/proposal and local site characteristics:

<b>(a) File Reference No:</b>	R23-30
<b>(b) Brief description of the project or plan:</b>	Whether the installation of universally accessible permeable geogrid material on carpark and walkways is or is not development and is or is not exempted development.
<b>(c) Brief description of site characteristics:</b>	<p>Expansive riverside parklands.</p> <p>Existing playing pitches, walkways and other amenities</p> <p>Existing sports buildings and carpark</p> <p>Gravel surface to walkways and carpark</p> <p>Large number of mature trees throughout the site</p> <p>Natural vegetation in riparian areas.</p>
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	N/A

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Lower River Shannon SAC	<p><u>Annex I habitats:</u></p> <ul style="list-style-type: none"> <li>● Sandbanks which are slightly covered by sea water all the time [1110]</li> <li>● Estuaries [1130]</li> <li>● Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>● *Coastal lagoons [1150]</li> <li>● Large shallow inlets and bays [1160]</li> <li>● Reefs [1170]</li> <li>● Perennial vegetation of stony banks [1220]</li> <li>● Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> </ul>	<p>0.0km</p> <p>Site is partially within the SAC</p>	<p>Direct connectivity.</p> <p>Site is partially within the SAC</p>	Yes



- *Salicornia* and other annuals colonizing mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- \*Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Annex II species:

- Freshwater Pearl Mussel *Margaritifera margaritifera* [1029]
- Sea Lamprey *Petromyzon marinus* [1095]
- Brook Lamprey *Lampetra planeri* [1096]
- River Lamprey *Lampetra fluviatilis* [1099]
- Atlantic Salmon *Salmo salar* (only in fresh water) [1106]
- Bottlenose Dolphin *Tursiops truncatus* [1349]
- Otter *Lutra lutra* [1355]

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

**Impacts:**

Construction phase e.g.

- Vegetation clearance
- Demolition
- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)
- Dust, noise, vibration
- Lighting disturbance
- Impact on groundwater/dewatering
- Storage of excavated/construction materials
- Access to site
- Pests

**Possible Significance of Impacts:**  
(duration/magnitude etc.)

Based on the submitted *typical installation* details, removal / modification of existing gravel surfaces on pathways and carpark. Importation of new materials is potential required for sub-base layer and paver layer.

Potential for contaminated run-off during construction works.

Potential for damage to trees and habitats

Potential noise, dust and vibration related disturbance.

Potential introduction of invasive species through the importation of new materials from the site.

Operational phase e.g.

- Direct emission to air and water
- Surface water runoff containing contaminant or sediment

Potential increase in user numbers at the site due to greater levels of accessibility.

Current surface materials were required as part of the

- Lighting disturbance
- Noise/vibration
- Changes to water/groundwater due to drainage or abstraction
- Presence of people, vehicles and activities
- Physical presence of structures (e.g. collision risks)
- Potential for accidents or incidents

mitigation measures set out in the NIS for the overall development (planning application 11/438). The measures were required to prevent habitat loss and pollution of watercourses. The current proposal will directly impact upon the required mitigation.

In-combination/Other

Potential for in-combination effects cannot be ruled out at this time.

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

Potential for habitat loss and pollution of watercourses.

**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

☐ Yes ☐ No

N/A





## Step 4. Screening Determination Statement

### The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed development negates numerous mitigation measures required by the NIS associated with the original grant of permission on this site. There is potential for direct and in-combination impacts on European site as a result of the proposal

### Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:		06/04/2023
Signature and Date of the Decision Maker:		06/04/23



R23-30

29/03/2023

















COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Ballina Killaloe Community Sports Facilities Development Company CLG**  
**Moys**  
**Clariford**  
**Killaloe**  
**Co. Clare**

**21/03/2023**

**Section 5 referral Reference R23-20 – Ballina Killaloe Community Sports Facilities Development Company CLG**

Is the installation of universally accessible permeable geogrid material on carpark and walkways at Clariford Park, Killaloe considered development and if so is it exempted development?

A Chara,

I refer to your application received on 20th March 2023 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

  
**Brian Fahy**  
**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



# AN CHLÁIR

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

21/03/2023 10:32:19

Receipt No: L1CASH/0/346899  
\*\*\*\*\* REPRINT \*\*\*\*\*

BALLINA KILLALOE COMMUNITY SPORTS F  
MOYS  
CLARISFORD  
KILLALOE  
CO. CLARE  
R23-20

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

Total : 80.00 EUR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00

P07

**CLARE COUNTY COUNCIL**  
**COMHAIRLE CONTAE AN CHLÁIR**

R23-20

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)



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	<a href="#">Ballina Killaloe Community Sports Facilities Development Company CLG</a> <a href="#">Moys, Clarisford, Killaloe, Co. Clare</a>   
(b) Telephone No.:	087 2912128
(c) Email Address:	<a href="mailto:info@clarisfordpark.ie">info@clarisfordpark.ie</a>
(d) Agent's Name and address:	    



## 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 installation of universally accessible permeable geogrid material on carpark and walkways at Clarisford Park, Killaloe considered development and if so is it exempted development?

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

The installation of a universally accessible permeable geogrid material is proposed to deliver universal accessibility to the 5000 users per week using Clarisford Park including those with mobility issues such as Derg AC inclusive athletics group, Local Active Elderly Groups, Brothers of Charity and Avista/Daughters of Charity Disability Support Services and local self-propelling wheelchair users. Currently, the surfacing of carpark and footpaths at Clarisford Park is not fit for purpose for these users.

The interlocking honeycomb solution is durable and hardwearing enough to accommodate extensive vehicular load. It is manufactured from high quality recycled HDPE, has been approved for use in many high profile applications, can be fitted with parking markers to delineate disability parking, walkway routes etc. It is also free draining so does not alter the natural flow of drainage in the park.

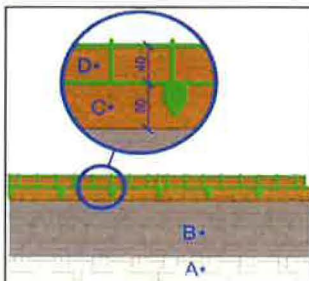
Technical Data Sheet and Installation Details as below

### Paver Technical Data

<b>Material:</b>	Recycled UV-stabilised High Density Polyethylene (HDPE).
<b>Dimensions:</b>	Gross = 500mm x 500mm $\pm$ 4% and Net = 483mm x 483mm $\pm$ 4%.
<b>Honeycomb Height:</b>	40mm $\pm$ 4%
<b>Pin Height:</b>	25mm $\pm$ 4%
<b>Total Height:</b>	65mm $\pm$ 4%
<b>Weight:</b>	Approx. 1.3kg per paver.
<b>Chemical resistance:</b>	Chemically resistant against ionised water, petrol, diesel, motor oil, sodium hydroxide, hydrochloric acid.
<b>Environment:</b>	Neutral to the environment in accordance with ISO11885, ISO17294-2A, EN17933.
<b>Weather:</b>	Weather-proof 1000h in accordance to DIN4892-3.
<b>Colours:</b>	Green and Black.
<b>Ground Sealing:</b>	Prevented due to the open design of the paver.
<b>Surface Structure:</b>	Honeycomb structure with anti-sliding studs.
<b>Bearing Capacity:</b>	Up to 1,500kN/m <sup>2</sup> unfilled and higher filled with suitable material.
<b>Loading:</b>	Traffic loads in accordance with DIN1072.
<b>Filling:</b>	Sand or Gravel (<20mm).
<b>Certification:</b>	TUV



### Typical Installation



- A) **Subsoil Layer**  
 The subsoil needs to be evaluated to determine its load bearing capacity.
- B) **Sub-base Layer**  
 The thickness of the sub-base depends on both the bearing capacity of the subsoil and the required bearing capacity of the paved surface.
- C) **Bedding Layer**  
 The bedding layer is a 50mm layer of consolidated suitable bedding material.
- D) **Paver Cells**  
 The paver cells can either be fill to just below the surface with gravel or overfilled to completely cover the honeycomb depending on your personal preference.

(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 – lands marked

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Clarisford Ltd, W2 Exchange, Main Street, Killaloe, Co. Clare   
(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?	NO   
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Leaseholder - long term lease from Clare County Council  
(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>	   
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? If so please supply details:	11/438, 12/291, 13/664, 17/99
(h) Date on which 'works' in question were completed/are likely to take place:	MAY 2022

SIGNED: DATE: 18/3/2023

### **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 2000-2001  
Revised 2013  
Levelled

# Rural PLACE Map



17000

172118

ITH CENTRE PT. COORDS

570202,871833

## DESCRIPTION

1307 (POA)  
SITE LOCATION  
MAP

## MAP SHEETS

1:2500  
4389-D 4447-B

Site  
NOTICE

Clarisford

Clarisford



Produced by  
National Map Services  
Unit 7, South Ring Business Park  
Kinsale Road  
Co. Cork  
On behalf of Ordnance  
Survey Ireland  
Phoenix Park, Dublin 8

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deimhneacht oibríoch  
Súirtheacht Ombúis  
Súirtheacht  
Riada na hEireann  
Gníomhaíocht  
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bhealach gan cead a thairnear  
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Prepared by  
Desmond Quinn  
Architect MRIAI  
06/12/2013

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Plot Ref No 25179489\_1\_1  
Plot Date 06-DEC-2013





17

17

17

PLANNING-04-12-2013

General Notes:  
- Do not scale, use figured dimensions only.  
- This drawing is to be read in conjunction with all relevant specifications & documents.  
- All dimensions are to be checked on site.  
- In the event of any discrepancies in drawings/documents the contractor is to inform the architect immediately.  
- This drawing is to be relied upon for the purpose for which it was prepared & no other.  
- Copyright: Derragh Quinn Architects  
This drawing or design is Copyright of the above & must not be reproduced without their written consent.

Rev	Date	Description	By
04-12-2013	PLANNING	DQ	



**LEGEND**

**RIVER SHANNON**

TOTAL SITE AREA = (88.9 Ha)  
SITE PLAN  
SCALE - 1:500  
- SCALED FROM OS MAP -

- EXTENT OF APPLICATION
- SITE BOUNDARY AS PER PLANNING APPLICATION P12 201
- LINE OF PROPOSED ADJUSTED BUILDING
- LINE OF PROPOSED CONSTRUCTION HOARDING
- LINE OF ADJUSTED BUILDING AS GRANTED PLANNING PERMISSION AS MINOR VARIATION
- LINE OF EXISTING CLAY BUNDING TO BE ADJUSTED TO FACILITATE MODIFICATION TO EXISTING ROAD LAYOUT
- PERMEABLE PAVING TO PERIMETER OF BUILDING
- EXISTING TREES SURVEYED
- EXISTING TREES TO BE REMOVED
- EXTERNAL LIGHT BOLLARDS AS PER ORIGINAL PERMISSION
- PROPOSED SURFACE LEVELS
- PROPOSED FOUL WATER DRAINAGE REFER TO ENGINEERS DETAILS
- PROPOSED SURFACE WATER DRAINAGE WATER HARVESTER

REFER TO ENGINEERS DRAWINGS FOR DETAILS OF FOUL AND SURFACE WATER CONNECTIONS

**SITE PLAN--A**  
scale 1:500



