



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Board of Management Holy Family School
c/o Pat Hogan
Rushane
Kilnamona
Co. Clare**

31st July 2023

Section 5 referral Reference R23-50 – Board of Management Holy Family School

Is the removal of an existing open shed and the replacement of a section of a hard surface playing yard located between existing school buildings, with an unlit purpose built artificial grass playing area, with 2.4 meter high boundary fence and 2.6 meter ball stop netting development and if so is it considered exempted development?

A Chara,

I refer to your application received on 17th July 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

Mise, le meas

**Josephine Connors
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.: R23-50



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-50

Is the removal of an existing open shed and the replacement of a section of a hard surface playing yard located between existing school buildings, with an unlit purpose built artificial grass playing area, with 2.4 meter high boundary fence and 2.6 meter ball stop netting development and if so is it considered exempted development?

AND WHEREAS, Board of Management Holy Family School 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, 40 and 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

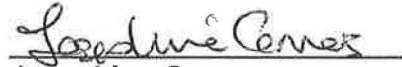
And whereas Clare County Council has concluded:

- (a) The removal of an existing open shed, the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 removal of an existing open shed is not exempted development having regard to the descriptions, conditions and limitations of Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended).
- (d) The said replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 removal of an existing open shed at Holy Family School, Station Road, Ennis, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

The replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with a 2.4m high boundary fencing topped with 2.6m ball stop netting constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

31st July 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:

82160

Reference Number:

R23-50

Date Referral Received:

17th July 2023

Name of Applicant:

Board of Management Holy Family School

Location of works in question:
Co. Clare

Holy Family School, Station Road, Ennis,

Section 5 referral Reference R23-50 – Board of Management Holy Family School

Is the removal of an existing open shed and the replacement of a section of a hard surface playing yard located between existing school buildings, with an unlit purpose built artificial grass playing area, with 2.4 meter high boundary fence and 2.6 meter ball stop netting development and if so is it considered 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, 40 and 50 of Schedule 2, Part 1 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 removal of an existing open shed, the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 removal of an existing open shed is not exempted development having regard to the descriptions, conditions and limitations of Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended).
- (d) The said replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 9th 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 removal of an existing open shed at Holy Family School, Station Road, Ennis, Co. Clare is considered development which is not exempted development and the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with a 2.4m high boundary fencing topped with 2.6m ball stop netting is considered development which is exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER *sc*

Date:

31st July 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R23-50
APPLICANT(S):	Board of Management, Holy Family School, Ennis
REFERENCE:	Whether (a) the removal of an existing open shed: (b) the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting is or is not development and is or is not exempted development.
LOCATION:	Holy Family School, Station Road, Ennis, Co Clare
DUE DATE:	11 th August 2023

Site Location

The proposal site is located close to Ennis town centre on lands zoned Community. The proposed development is within the grounds of the Holy Family School. The school comprises two main buildings with several ancillary buildings in the grounds. The development location is a large tarmac play area located between the Junior School and the Senior School. There is also an existing shed in this area which is proposed for demolition. The site is relatively level. There is limited visibility of the development location from the public road.

Recent Planning History

P09/21039 Board of Management, Holy Family School granted permission to construct a 40m long x 5m high hurling wall and 2 no. new entrances to the hurling pitch with universal ramps.

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 the Holy Family School.

The applicants are seeking a Section 5 Declaration as to whether (a) the removal of an existing open shed: (b) the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting is or is not development and is or is not exempted development.

The applicants have stated that the school site is primarily made up of a grouping of two-storey classroom buildings and assembly hall, overlooking a large hard surface play area. This area presently includes a long open shed which is leading to anti-social behaviour issues outside of school hours. The removal of the shed will address this issue.

The new artificial grass playing area will have a 2.4m powder coated mesh fence and a 2.6m polypropene ball stop netting boundary, giving a total height of 5m.

It is submitted at the play area and boundary fences will not be visible from the public road, as it will be screened by the existing two-storey school buildings. No lighting is proposed. Existing ground levels will not change by more than 0.1m.

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.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 50

The demolition of a building, or buildings, within the curtilage of—

- i. a house,
- ii. an industrial building,
- iii. a business premises, or
- iv. a farmyard complex.

1. No such building or buildings shall abut on another building in separate ownership.

2. The cumulative floor area of any such building, or buildings, shall not exceed:

(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and

(b) in all other cases, 100 square metres.

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section

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 applicants are seeking a Section 5 Declaration as to whether (a) the removal of an existing open shed: (b) the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting is or is not development and is or is not exempted development.

Assessment of the following elements of the works:

- The removal of an existing open shed

The shed which is proposed for demolition has an approximate area of 180m². It is a narrow, elongated building stretching east/west across the school yard. Exemptions for demolition are limited to the criteria set out under Class 50 of the Regulations i.e. certain structures in the curtilage of a house, an industrial building, a business premises or a farmyard complex. The demolition of the building in a school yard setting and does not meet these criteria.

The removal of an existing open shed does not come within the meaning of descriptions for any of the Classes of Development provided for in Schedule 2, Part 1 of the Planning and Development Regulations

The removal of the shed is development which is not exempted development.

Assessment of the following elements of the works:

- The replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch

This aspect of the development is assessed in the context of Schedule 2, Part 1, Class 33 of the Planning and Development Regulations 2001 (as amended)

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 tarmac yard 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.

The replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch is development which is exempted development.

Assessment of the following elements of the works:

- The erection of 2.4m high boundary fencing topped with 2.6m ball stop netting

This aspect of the proposal is assessed in the context of Schedule 2, Part 1, Class 40 of the Planning and Development Regulations 2001 (as amended)

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 applicants propose new fencing on the perimeter of the artificial grass pitch. Both the pitch and associated fencing are located in the centre of the school complex, 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,*

Having regard to the nature and scale of the proposed development, the town centre location, the characteristic of the site (hard-surface school yard) and the established use of the site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore 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. The proposal site is within an Architectural Conservation Area. However, the location of the works is at the centre of the school complex and there will be very limited visibility of same from the public road. No changes are proposed to the exterior of buildings which face the public roads in the area.

Recommendation

The following questions have been referred to the Planning Authority:

Whether (a) the removal of an existing open shed: (b) the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting at the Holy Family School, Station Road, Ennis, C. 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, 40 and 50 of Schedule 2, Part 1 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 removal of an existing open shed, the replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 removal of an existing open shed is not exempted development having regard to the descriptions, conditions and limitations of Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended).
- (d) The said replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with 2.4m high boundary fencing topped with 2.6m ball stop netting 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 removal of an existing open shed is development and is not exempted development.
- The replacement of a section of hard surface playing yard with an unlit, purpose built, artificial grass playing pitch with a 2.4m high boundary fencing topped with 2.6m ball stop netting is development and is exempted development.


Executive Planner

Date: 27/07/2023


Senior Executive Planner

Date: 27/07/23



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Board of Management Holy Family School
c/o Pat Hogan
Rushane
Kilnamona
Co. Clare

17/07/2023

Section 5 referral Reference R23-50 – Board of Management Holy Family School

Is the removal of an existing open shed and the replacement of a section of a hard surface playing yard located between existing school buildings, with an unlit purpose built artificial grass playing area, with 2.4 meter high boundary fence and 2.6 meter ball stop netting development and if so is it considered exempted development?

A Chara,

I refer to your application received on 17th July 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 Stiúrtóireacht 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



CLARE COUNTY COUNCIL
AN CHLÁIR
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

17/07/2023 09:22:57

Receipt No. L1CASH/0/351889
***** REPRINT *****

BOARD OF MANAGEMENT
HOLY FAMILY SCHOOL
STATION ROAD
ENNIS
CO. CLARE

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

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DP7

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie

R23-50

CLARE
COUNTY COUNCIL

17 JUL 2023

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	BOARD OF MANAGEMENT HOLY FAMILY SCHOOL STATION ROAD ENNIS, CO. CLARE. V95TF67
(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 removal of an existing open shed and the replacement of a section of a hard surface playing yard located between existing school buildings, with an unlit purpose built artificial grass playing area, with 2.4 meter high boundary fence and 2.6 meter ball stop netting 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 site is primarily made up of a grouping of 2 storey class room buildings and assembly hall, overlooking a large hard surface play area. This area presently includes a long open shed which is leading to anti-social behaviour issues outside of school hours. The removal of the open shed will address this issue.

The new artificial grass playing area (24.8 meters x 35 meters) will have a 2.4 meter high powder coated mesh fence, and a 2.6 meter polypropene ball stop netting boundary, giving a total height of 5 meters.

The play area and boundary fences will not be visible from the public road, as it will be screened by the existing 2 storey school buildings. No form of flood lighting is proposed. Existing ground levels will not change by more than 0.1 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 (1/1000)

SITE LAYOUT (1/500)

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>HOLY FAMILY SCHOOL</u> <u>STATION ROAD</u> <u>ENNIS</u> <u>CO. CLARE</u> <u>V95TF 67</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 - 09-21039, 06-21082</u> <u>02-21030, 01-21092</u> <u>01-21061.</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>IMMEDIATE.</u>

SIGNED:



DATE:

14/7/2023

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 Chláir,
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

Date Received:

Fee Paid:

Date Acknowledged:

Reference No.:

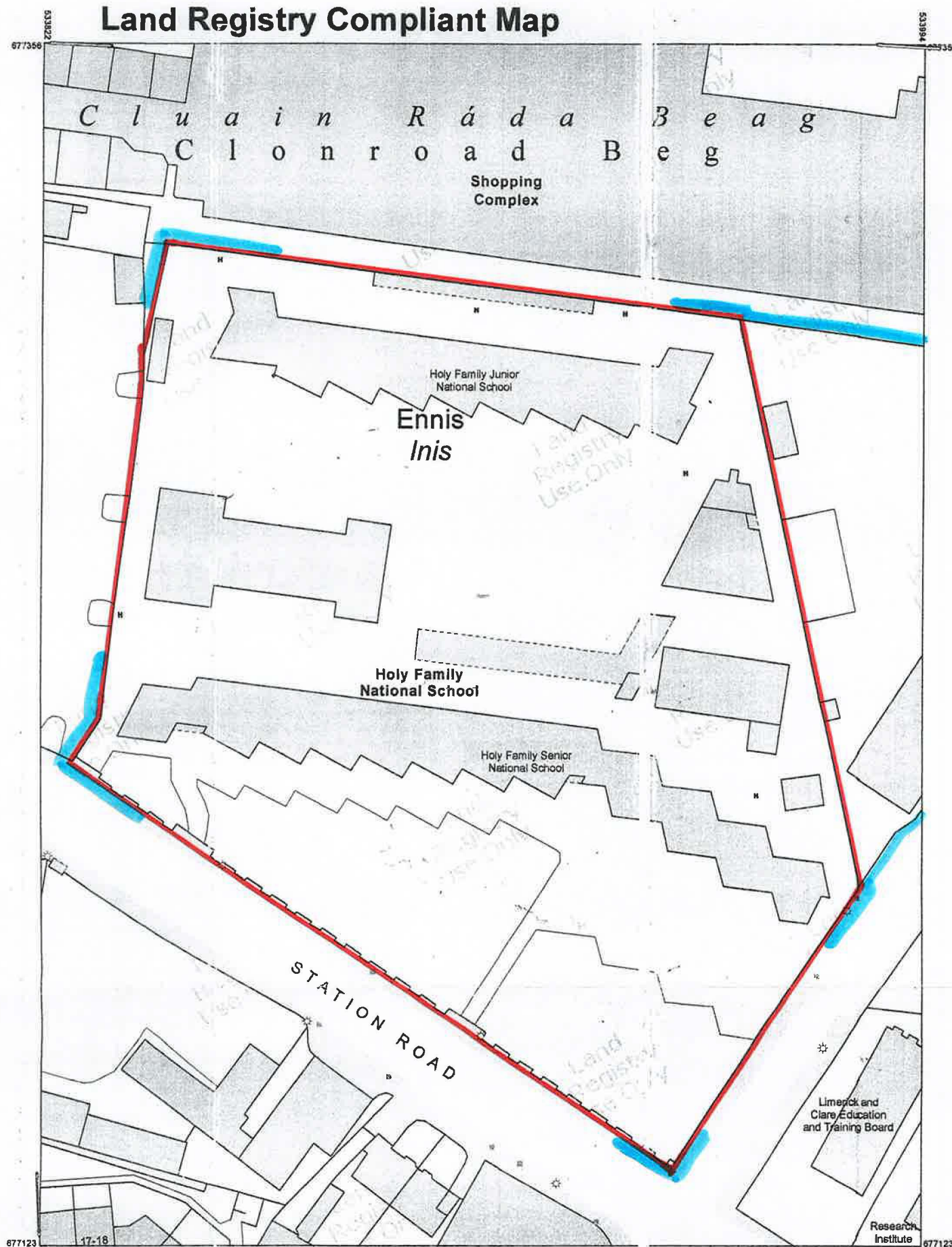
Date Declaration made:

CEO No.:

Decision:

Land Registry Compliant Map

NORTH



0 9.5 19 28.5 38 Metres
0 10 20 30 40 50 Feet

OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 53392 677240

PUBLISHED: 22/06/2023

MAP SERIES: 1:1,000

ORDER NO.: 50341766_1

MAP SHEETS: 4322-08

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The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale.
Further information is available at:
www.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'

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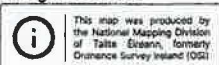
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NOTES:

1 SITE OUTLINED IN RED

2 LANDHOLDING OUTLINED BLUE

PROPOSED SITE LOCATION MAP.

O.S.S. No. 4322-08

O.S. LICENCE NO. AR 0064323.

**SECTION 5 DECLARATION AT HOLY FAMILY SCHOOL
STATION ROAD, ENNIS, CO. CLARE.**

PROPOSED SITE LOCATION MAP

**FOR BOARD OF MANAGEMENT
HOLY FAMILY SCHOOL**

**DRAWN BY PAT HOGAN, KILNAMONA, ENNIS, CO. CLARE
(N.C.C.S. X/M. TECH.)**

SCALE 1 / 1000

DATE JULY 2023.

NORTH



PROPOSED ARTIFICIAL GRASS PLAY AREA AT
HOLY FAMILY SCHOOL, STATION ROAD, ENNIS

PROPOSED SITE LAYOUT

FOR HOLY FAMILY SCHOOL

DRAWN BY PAT HOGAN, KILNAMONA, ENNIS, CO. CLARE
(N.C.C.S. X.M. TECH.)

SCALE 1 / 500

DATE JUNE 2023

NOTES.

- 1 EXISTING GROUND LEVELS SHOWN THUS: —|—
- 2 SCHOOL GROUNDS BOUNDARY RED
- 3 OPEN SHED BEING REMOVED GREEN
- 4 UNLIT ARTIFICIAL GRASS PLAY AREA BLUE

