



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Clonmoney National School
c/o Michael O'Donnell
Low Road, Bunratty
Newmarket-on-Fergus
Co. Clare
V95 WP5H**

13th September 2023

Section 5 referral Reference R23-67 – Clonmoney National School

Is the construction of a male / female toilet block adjacent to a recently developed Astro pitch with dimensions of 20ft by 8ft development, and if so is it exempted development?

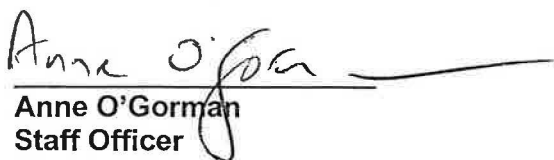
A Chara,

I refer to your application received on 24th August 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



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

**An Roinn Pleanála
An Stiúthóireacht 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.: R23-67



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-67

Is the construction of a male / female toilet block adjacent to a recently developed Astro pitch with dimensions of 20ft by 8ft development, and if so is it exempted development?

AND WHEREAS, Clonmoney National 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 –

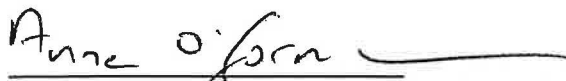
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 20D of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school 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 provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school at Clonmoney Newmarket on Fergus is exempted development by virtue of Class 20D of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

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 provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at Clonmoney National School, Newmarket on Fergus, Co. Clare constitutes development which is 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

13th September 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:

82383

Reference Number:

R23-67

Date Referral Received:

24th August 2023

Name of Applicant:

Clonmoney National School

Location of works in question:

**Clonmoney National School, Clonmoney
North, Newmarket on Fergus, Co. Clare**

Section 5 referral Reference R23-67 – Clonmoney National School

Is the construction of a male / female toilet block adjacent to a recently developed Astro pitch with dimensions of 20ft by 8ft 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 20D 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:

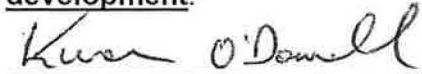
- (a) The provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (c) The said provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school at Clonmoney Newmarket on Fergus is exempted development by virtue of Class 20D of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

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 provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at Clonmoney National School, Newmarket on Fergus, Co. Clare is considered development which is exempted development.

Signed:



KIERAN O'DONNELL
ADMINISTRATIVE OFFICER



Date:

13th September 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R23-67
APPLICANT(S):	Clonmoney National School
REFERENCE:	A Section V Referral is requested as to whether the provision of a toilet block with dimensions of 20ft X8ft adjacent to a recently developed Astro pitch at the school is development and if so, is this exempted development.
LOCATION:	Clonmoney National School, Clonmoney North Newmarket on Fergus Co. Clare.
DUE DATE:	20th September 2023

Site Location

The subject property is located at Clonmoney North Newmarket on Fergus Co. Clare. There is an existing national school and church at this location. There is a newly constructed Astro turf pitch within the school grounds.

Planning History On subject site.

- **21-225**

Clonmoney NS. Permission to construct an Astro playing pitch associated groundworks, a 2.4m high perimeter and other sundry works. Permission was granted subject to the conditions.

- **19-370**

Clonmoney NS. Permission sought for the installation of a new preschool portacabin as a variation to the cabin approved under P18-883. The proposed cabin is to replace the existing porta cabin and will contain 1 no, pre school room, 2, no toilets and lobby and connection to existing septic tank and ancillary works.

Permission was granted subject to the conditions.

- **12-29**

Permission was sought for the construction of an extension to an existing school to comprise of a classroom, Resource room, Toilets, stores, and office, including ancillary site works. Permission was granted subject to the conditions.

- **18-882**

Retention permission was sought for the installation of an existing porta cabin to the front of the school, to comprise of 1 no. Classroom and storage room and ancillary works.

Permission was granted subject to the conditions.

- **18-107**

Permission for the construction of a 2 storey extension to existing school to include 3 No. classrooms with toilet facilities, sports hall and associated changing rooms and toilets, staff room, offices, stairs and lift, including internal modifications to existing building, proposed new treatment plant and percolation area and alterations to existing parking areas and boundaries for new parking layout and for permission for the demolition of a section of existing flat roof of school to connect to proposed extension, including ancillary site works in accordance with plans and particulars.

Permission was granted subject to the conditions.

- **20-663**

Permission to construct an extension to existing school, comprising of an additional classroom, S.E.T room, universal toilet, store and all ancillary site works and the demolition of existing play-shelter.

Permission was granted subject to the conditions.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by the Principal of Clonmoney National School, Mr David McCormack.

The applicant is seeking a Section V Declaration as to whether the provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school is development and is so, is this exempted development.

On the application form as submitted, the referrer provides the following information.

- The school is looking to provide a male/female toilet block adjacent to a recently developed Astro pitch.
- The structure would be 20ft by 8ft.
- A sketch map of the proposed toilets has been submitted and a site map for the school is submitted.
- On 8th September 2023 the principal emailed additional information to me, as follows.

"On behalf of the school authority, I wish to confirm that under the terms of CLASS 20D (Development consisting of –The erection on land on which a school is situated of a structure to facilitate the continued delivery of education), this toilet block is:

- 1. This temporary modular structure will be erected for a period of less than 5 years.*
- 2. The gross floor area of this structure shall not exceed 30% of the gross floor area of the existing school.*
- 3. The building/structure is a single storey.*
- 4. Distance to party boundary - (a) any single-storey structure shall be a distance of not less than 2 metres from any party boundary, (b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall - (i) have no windows overlooking, or (ii) have obscure glass.*
- 5. This structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force."*

These details have been considered in the assessment of this Section V Referral.

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.

Assessment;

In this case the provision of a toilet block adjacent to a recently developed Astro pitch is considered to be development.

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 3 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 3 opposite the mention of that class in the said column 1.

Consideration is given to the following category of exempted development.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 20D

"CLASS 20D Development consisting of – The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.

"Conditions and Limitations.

- 1. No such structure shall be erected for a period exceeding 5 years.*
- 2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.*
- 3. No such structure shall exceed two storeys.*
- 4. Distance to party boundary - (a) any single storey structure shall be a distance of not less than 2 metres from any party boundary, (b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall - (i) have no windows overlooking, or (ii) have obscure glass.*
- 5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force."*

Assessment:

It is considered that the proposed development comes within this class of exempted development. Correspondence from the School Principal on 08-09-23 is noted. In this correspondence the School Principal (the referrer) quotes the provisions of Class 20D of the Planning and Development Regulations 2001 (as amended) and advises that the proposed development will be within the conditions and limitations of this.

The referrer has indicated that the structure shall be put in place for a period not exceeding 5 years. From the details as submitted, the proposed structure has a floor area of 160sqft/ 14.86m², I am satisfied that the gross floor area of the proposed building will not exceed 30% of the gross floor area of the existing school.

The proposed structure is a single-story structure. All required distances from boundaries can be met. The Referrer has stated that the proposed development will comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

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 :

I have considered all the above restrictions on exempted development as set out under Article 9(1) of the Planning and Development Regulations 2001 (amended) and it is my assessment that none of these restrictions apply in this case.

Assessment

Basis of Referral

The applicant is seeking a Section V Declaration as to whether the provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school is development and is so, is this exempted development.

Matters considered:

The details as submitted with this Section V Referral have been considered. The Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 20D have been considered in full. The restrictions on exempted development as set out in Article 9 (1) of the same regulations have also been considered in full.

Conclusions

The following question has been referred to the Planning Authority:

Whether the provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school is development and is so, is this 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 20D 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 provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school 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 provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at the school at Clonmoney Newmarket on Fergus is exempted development by virtue of Class 20D of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

Now therefore Clare County Council (Planning Authority), hereby decides that the provision of a toilet block with dimensions of 20ft X 8ft adjacent to a recently developed Astro pitch at Clonmoney National School Newmarket on Fergus is development and is exempted development.

 08-09-23

Annemarie McCarthy
Executive Planner
Date: 08-09-23



Garreth Ruane
Senior Executive Planner
Date: 11/09/23 .



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Clonmoney National School
c/o Michael O'Donnell
Low Road, Bunratty
Newmarket-on-Fergus
Co. Clare
V95 WP5H

24/08/2023

Section 5 referral Reference R23-67 – Clonmoney National School

Is the construction of a male / female toilet block adjacent to a recently developed Astro pitch with dimensions of 20ft by 8ft development, and if so is it exempted development?

A Chara,

I refer to your application received on 24th August 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 Stiúirtheireacht 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 CHLAIR

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



24/08/2023 09:42:00

Receipt No. : L1CASH/0/353591
 ***** REPRINT *****

CLONMONEY NATIONAL SCHOOL
 C/O MICHAEL O'DONNELL
 LOW ROAD, BUNRATTY,
 NEWMARKET-ON-FERGUS,
 CO. CLARE V95 WP5H
 R23-67

COMHAIRLE

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

CONTAE

Total : 80.00 EUR

AN CHLÁIR

Tendered :
 CHEQUES 80.00

Change : 0.00



Issued By : L1CASH - Noelette Barry
 From : MAIN CASH OFFICE LODGEMENT AF
 Vat reg No.0033043E

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
Website: www.clarecoco.ie



R23-67

**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	David McCormack (Principal) Clonmoney National School Clonmoney North Newmarket-on-Fergus Co. Clare V95 AN94.
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Michael O'Donnell Low Road Bunratty, Newmarket-on-Fergus Co. Clare V95 WPSH



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?

The School authority is looking to provide male/female toilet block adjacent to a recently developed Astro pitch. This shed/structure would be 20ft by 8ft.

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

Is planning permission required or exempted to construct a toilet of the dimensions:

- 20ft X 8ft at the location shown on the map in red.
- Sketch map of the proposed toilets.
- Site map of the school location.

- (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 Map X 2 , Location Map X 2.

✓ Sketch map/plan of the proposed works.

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>Clonmoney National School</u> <u>Clonmoney North</u> <u>Newmarket-on-Fergus</u> <u>Co. Clare</u> <u>V95 AH94</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>Board of Management</u> <u>Clonmoney National School</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>Killaloe Diocesan Trust.</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>Yes, the patron has been informed</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>No.</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>Yes, Astro Turf Pitch P21/225.</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>Summer 2024.</u>

SIGNED: David McCormackDATE: 23/Aug./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:.....			

[illegible]

Description:

=====

Digital Cartographic Model (DCM)

Publisher / Source:

=====

Ordnance Survey Ireland (OSi)

Data Source / Reference:

=====

PRIME2

File Format:

=====

Autodesk AutoCAD (DWG_R2013)

File Name:

=====

v_50131360_1.dwg

Clip Extent / Area of Interest (AOI):

=====

LLX,LLY= 543183.5,662985.0
LRX,LRY= 543766.5,662985.0
ULX,ULY= 543183.5,663415.0
URX,URY= 543766.5,663415.0

Projection / Spatial Reference:

=====

Projection= IREN95_Irish_
Transverse_Mercator

Centre Point Coordinates:

=====

X,Y= 543475.0,663200.0

Reference Index:

=====

Map Series | Map Sheets
1:2,500 | 4559-D
1:2,500 | 4618-B

Data Extraction Date:

=====

Date= 23-Jul-2020

Source Data Release:

=====

DCLMS Release V1.130.109a

Product Version:

=====

Version= 1.3

License / Copyright:

=====

Compiled and published by Ordnance Survey
Ireland, Phoenix Park, Dublin 8, Ireland.

=====

Unauthorised reproduction infringes Ordnance
Survey Ireland and Government of Ireland
copyright.

=====

All rights reserved. No part of this publication
may be copied, reproduced or transmitted in any
form or by any means without the prior written
permission of the copyright owners.

=====

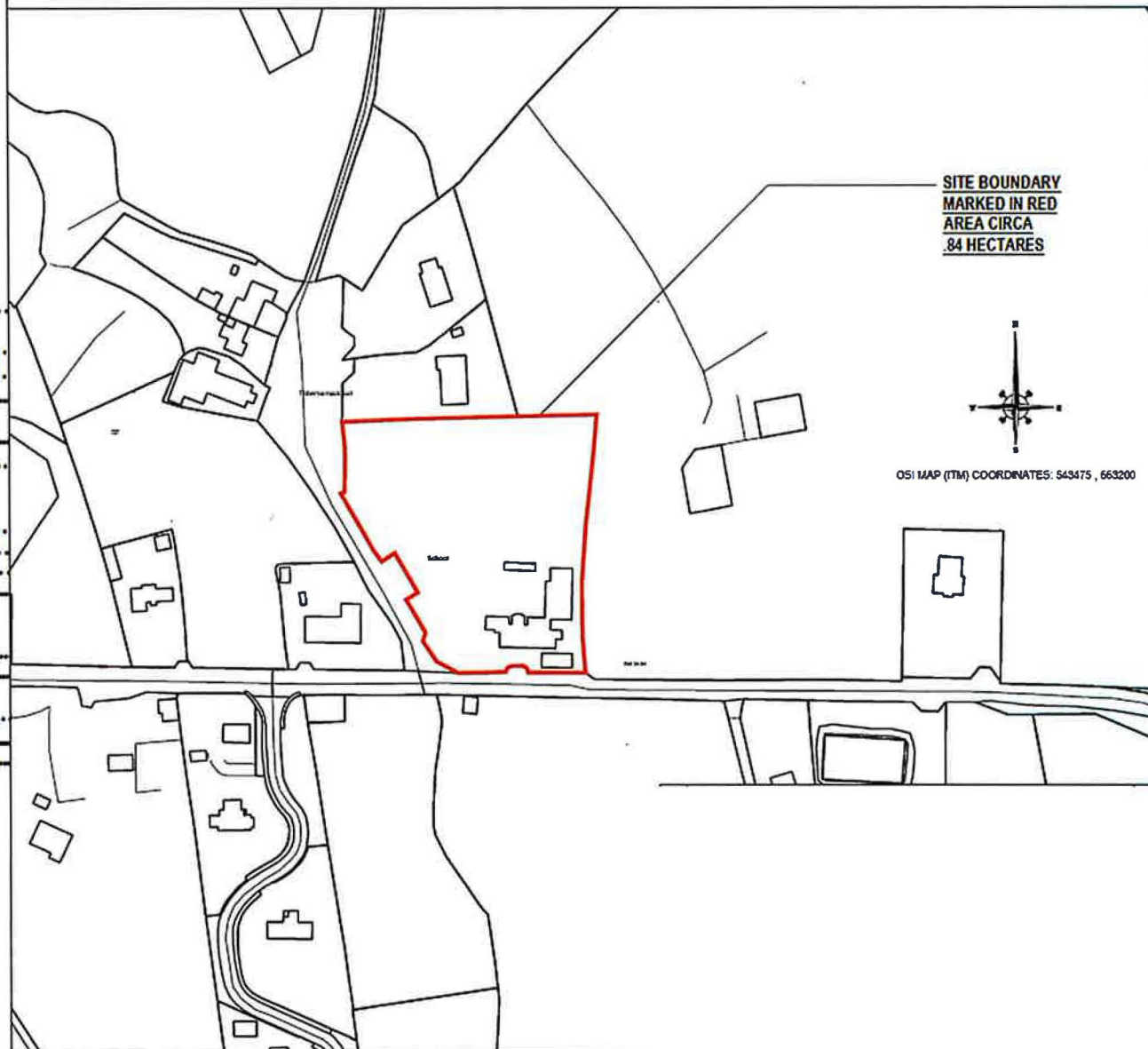
The representation on this map of a road, track
or footpath is not evidence of the existence of a
right of way.

=====

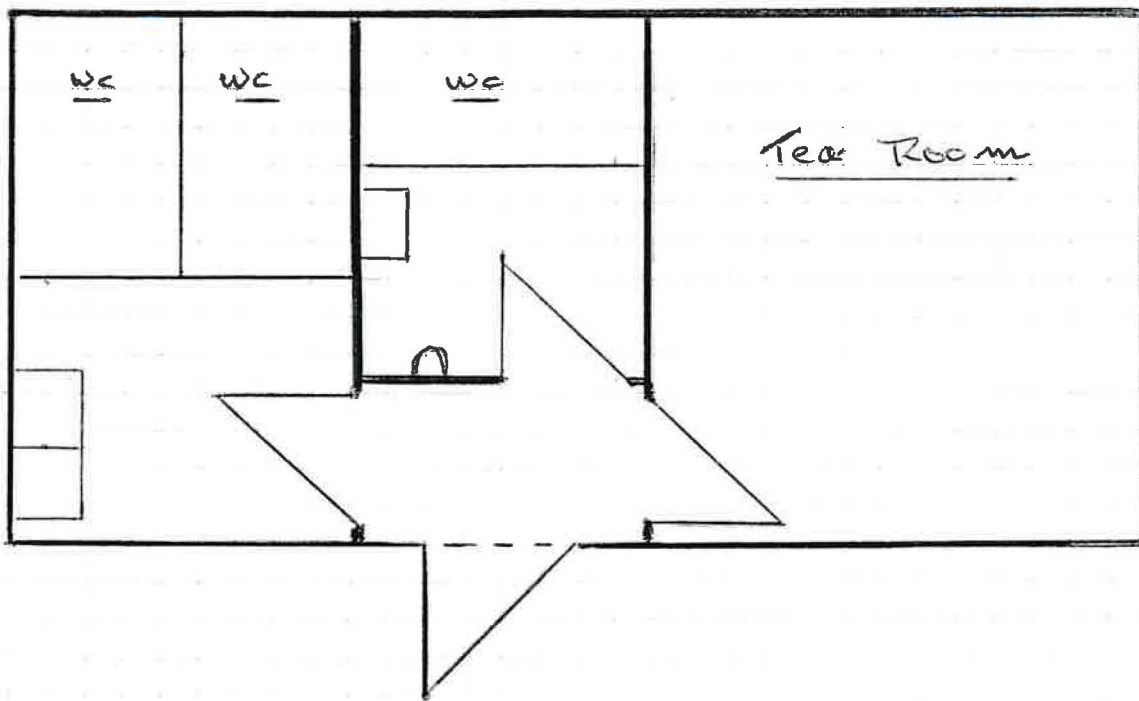
Ordnance Survey maps never show legal property
boundaries, nor do they show ownership of physical
features.

SCALE 1:2500 (METRES)

0 50 100 200 400









Annemarie McCarthy

From: David McCormack <
Sent: Friday 8 September 2023 10:05
To: Annemarie McCarthy
Subject: Fwd: Section V Referral Reference number R23-67
Attachments: image001.png; image002.jpg; image001.png; image002.jpg



David McCormack <

to Annemarie, me



Dear Anne-Marie,

Thank you for this information. On behalf of the school authority, I wish to confirm that under the terms of *CLASS 20D (Development consisting of –*

The erection on land on which a school is situated of a structure to facilitate the continued delivery of education), this toilet block is:

1. *This temporary modular structure will be erected for a period of less than 5 years.*
2. *The gross floor area of this structure shall not exceed 30% of the gross floor area of the existing school.*
3. *The building/structure is a single-storey.*
4. *Distance to party boundary - (a) any single-storey structure shall be a distance of not less than 2 metres from any party boundary, (b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall - (i) have no windows overlooking, or (ii) have obscure glass.*
5. *This structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force."*

Yours sincerely,

Mr. David McCormack
Principal,
Clonmoney National School,
Clonmoney,
Newmarket-on-Fergus,
Co. Clare
V95 AH94
Tel:

(
Roll: 18032M
School Website: <http://www.clonmoneyns.com/>
Mr. David McCormack

On Fri, Sep 8, 2023 at 9:49 AM Annemarie McCarthy <amccarthy@clarecoco.ie> wrote:

Good Morning.

I am emailing in relation to your schools Section V Referral application as regards the proposed construction of a toilet block on the school grounds.

I am considering this proposed development under the following provisions of the Planning Regulations:

"CLASS 20D Development consisting of –

The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.

Conditions and Limitations

- 1. No such structure shall be erected for a period exceeding 5 years.*
- 2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.*
- 3. No such structure shall exceed two storeys.*
- 4. Distance to party boundary - (a) any single storey structure shall be a distance of not less than 2 metres from any party boundary, (b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall - (i) have no windows overlooking, or (ii) have obscure glass.*
- 5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force."*

I will give you a call to discuss this.

Thank you,

Anne-Marie McCarthy

Executive Planner

Planning Department

Economic Development Directorate

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

T: 065 6846307 | **E:** amccarthy@clarecoco.ie | **W:** www.clarecoco.ie

LOCAL AUTHORITY OF THE YEAR 2022