



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**John Mahon
Kilshanny National School
Kilshanny
Co. Clare**

3rd March 2023

Section 5 referral Reference R23-9 – Kilshanny National School

Is the changing of a Tarmac surface, on a school yard, to an Astro-Turf (Soft Play area) an exempted development?

A Chara,

I refer to your application received on 14th February 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 Stiúirthóireacht 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.: R23-9



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-9

Is the changing of a Tarmac surface, on a school yard, to an Astro-Turf (Soft Play area) an exempted development?

AND WHEREAS, Kilshanny 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 –

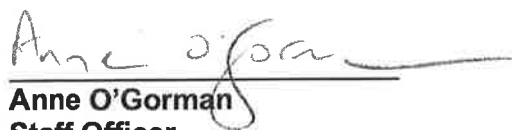
- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 33 'Development for Amenity and Recreational Purposes' and Class 40 'Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground' of Part 1 of Schedule 2, Article 6 of the Planning and Development Regulations 2001, as amended,
- (d) The nature and extent of works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) the placement of an astroturf soft play surface on top of an existing tarmacadam yard 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 development of an Astro turf soft play area on the existing tarmacadam yard at St. Augustine's National School, Kilshanny is development which is exempted development having regard to the extent of works involved, its siting on an existing play area and the provisions of Classes 33 and 40 of Schedule 2 of Part 1, 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 development of an Astro turf (soft play area) on the existing tarmacadam yard at St. Augustine's National School, Kilshanny, 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

3rd March 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: 81329

Reference Number: R23-9

Date Referral Received: 14th February 2023

Name of Applicant: Kilshanny National School

Location of works in question: Kilshanny, Co. Clare

Section 5 referral Reference R23-9 – Kilshanny National School

Is the changing of a Tarmac surface, on a school yard, to an Astro-Turf (Soft Play area) an exempted development?

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

- (a) Sections 2 and 3 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 'Development for Amenity and Recreational Purposes' and Class 40 'Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground' of Part 1 of Schedule 2, Article 6 of the Planning and Development Regulations 2001, as amended,
- (d) The nature and extent of works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) the placement of an astroturf soft play surface on top of an existing tarmacadam yard 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 development of an Astro turf soft play area on the existing tarmacadam yard at St. Augustine's National School, Kilshanny is development which is exempted development having regard to the extent of works involved, its siting on an existing play area and the provisions of Classes 33 and 40 of Schedule 2 of Part 1, 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 Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the development of an Astro turf (soft play area) on the existing tarmacadam yard at St. Augustine's National School, Kilshanny, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER

AG

Date:

3rd March 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R23-09
APPLICANT(S):	Kilshanny National School
REFERENCE:	Whether the changing of a tarmac surface on a school yard to a Astro turf (soft play area) is development and if so is it exempted development.
LOCATION:	Kilshanny , County Clare
DUE DATE:	10 th March 23

Recent Planning History on Site

07/ 2656 Board of Management. Permission granted for the construction of a new car park and access path, alterations to parking/drop-off area as granted under planning reference P07/2686; relocation of new on-site wastewater treatment system and soil polishing filter as granted under planning reference P07/2868: and all associated site works at St. Augustine's National School.

08/ 1435 Board of Management. Permission granted for the construction of a new car park and access path, alterations to parking/drop-off area as granted under planning reference P07/2686; relocation of new on-site wastewater treatment system and soil polishing filter as granted under planning reference P07/2868: and all associated site works at St. Augustine's National School.

Background to Referral

The applicant is seeking a Section 5 Declaration as to whether the changing of a tarmac surface on a school yard to a Astro turf (soft play area) is or is not development and is or is not exempted development.

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

Class 33.

Development for amenity or recreational purposes.

Class 33

Development for the laying out and use of land for :

- (a) As a park, private open space, or ornamental garden
- (b) As a road side shrine (subject to limitations)
- (c) Or athletic or sports (other than golf or pitch and putt, or sports involving the use of motor vehicles, aircraft, or fire arms) where no charge is made for admission of the public to the land.

There are no conditions or limitations attaching to item C.

Exempted development within the curtilage of a school

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.

Class 57 The extension of a school

The extension of a school, where the school has not been previously extended under a CLASS 57 exemption, by the construction or erection of an extension to the side or rear of the school.

1. The floor area of any such extension shall not exceed 210 square metres

- 2.No such structure shall be above the ground floor.
3. Any extension shall be a distance of not less than 2 metres from any party boundary.
4. An exemption under this class shall only be availed of once.
5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

Article 9 Restrictions on Exemption

Development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would consist or comprise the formation, laying out or material widening of an means of access to a public road the surface carriage way of which exceeds 4m in width.

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.

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 changing of a tarmac surface on a school yard to a Astro turf (soft play area) is or is not development and is or is not exempted development.

Similar proposals were deemed exempted development under R 22/ 26 and R22/33. An Bord Pleanala decision under RL 3803 is also noted.

Particulars of Proposal

The particulars of the proposal and site are set out below:

- Site layout plan 1: 500.
- Description of works states that it is an existing school yard that requires no new or additional drainage or ground works . The new surface is laid down on top of the existing tarmacadam surface. In this regard it is noted that the question referred relates to the 'changing' of the tarmacadam surface but on inspection of the site the applicant clarified that the tarmacadam surface and associated drainage works will remain in place and the soft surface layer laid on top of the existing tarmacadam.

Planning and Development Regulations 2001 (as amended)

Class 33 Development for Amenity and Recreational purposes:

Development for the laying out and use of land for

- (a) As a park , private open space, or ornamental garden
- (b) As a road side shrine (subject to limitations)
- (c) Or athletic or sports (other than golf or pitch and putt, or sports involving the use of motor vehicles, aircraft, or fire arms) where no charge is made for admission of the public to the land.

There are no conditions or limitations attaching to item C.

Normally the provision of an astro turf pitches are generally not considered to come within the term ' The laying out and use of land... for athletics or sports' because the works that would be associated with constructing an astro-pitch on a green field site would include drainage works, provision of a sub-base, provision of a levelling layer etc and would be outside of the scope of the description of merely 'laying out'. However in this instance the drainage works are in place for the existing yard and there will be no excavation works. The soft surface is to be laid directly on top of the existing tarmacadam layer. Having

regard to Class 40 the laying of the soft surface layer on the existing tarmacadam yard would be considered works incidental to the maintenance of the school grounds. The development of an astro turf soft surface play area is therefore considered to be development and to be exempted development for the purposes of these Regulations.

Article 9 of the Planning and Development Regulations 2001, as amended

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.*
N/A

- (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,*

N/A

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

N/A

- (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.*

No adverse impacts envisaged.

- (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,*

This is 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,

This is 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, and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and it is not considered 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. An appropriate assessment screening report and determination is attached to this report.

- 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."*

No adverse impacts envisaged.

- (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.

Conclusion

Having regard to the provisions of class 33 and class 40 and the limited extent and nature of works required to construct an astro turf soft play surface it is considered that the works constitute development which is exempted development .

Recommendation

I recommend that the following is issued to the applicant by the Planning Authority in this instance:

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, and 3 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 'Development for Amenity and Recreational Purposes' and Class 40 'Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen,

market, schoolgrounds or showground' of Part 1 of Schedule 2, Article 6 of the Planning and Development Regulations 2001, as amended,

(c) The nature and extent of works as indicated in submitted documents from the referrer.

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

- (a) the placement of an astroturf soft play surface on top of an existing tarmacadam yard constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
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Now therefore Clare County Council (Planning Authority), hereby decides that development of a Astro turf (soft play area) on the existing tarmacadam yard at St Augustine's National School is development and is exempted development.



Executive Planner

Date: 02/03/23.



Senior Executive Planner

Date: 02/03/23

Appropriate Assessment & Determination

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

(a) File Reference No:	R23/ 09
(b) Brief description of the project or plan:	Laying of Astro turf soft surface on existing school yard
(c) Brief description of site characteristics:	Tarmacadam surface
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	Annex I Habitats • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows Juncetalia	3.7km as the crow flies	None	No

	maritime) [1410] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • *Fixed coastal dunes along the shoreline with herbaceous vegetation (grey dunes) [2130]			

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

² 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:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • 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 	None

Operational phase e.g.

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

None

In-combination/Other

None

(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

None

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

☐ Yes ☒ No

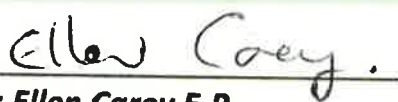
Step 4. Screening Determination Statement

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.

Nature of works are limited to installation of soft surface play material on top of an existing tarmacadam yard which already included existing associated ancillary surface water drainage.

Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	02/ 03/ 23	
		 Name: Ellen Carey E.P.
Signature and Date of the Decision Maker:		

n23/9.





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CONTAE AN CHLÁIR | COUNTY COUNCIL

John Mahon
Kilshanny National School
Kilshanny
Co. Clare

15/02/2023

Section 5 referral Reference R23-9 – Kilshanny National School

Is the changing of a Tarmac surface, on a school yard, to an Astro-Turf (Soft Play area) an exempted development?

A Chara,

I refer to your application received on 14th February 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

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An Stiúarthóireacht 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



R23-9

P07 Request for a Declaration on Development and Exempted Development (March 2017)

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





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	JOHN MAHON KILSHANNY NATIONAL SCHOOL KILSHANNY COUNTY CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	JOHN MAHON KILSHANNY NATIONAL SCHOOL KILSHANNY COUNTY 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 changing of a Tarmac surface, on a school yard, to an Astro-Turf (soft play area) an exempted development?

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

It is an existing school yard that requires no drainage or ground works.

We are enhancing our surface with a child friendly surface. This new surface is laid down on top of the existing tarmac surface.

- (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)

School Map.

Element 1.

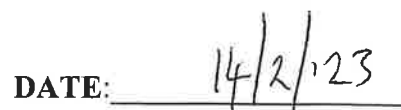
3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	Kilshanny N.S. Kilshanny Co. Clare V95 XF75
(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):	No
(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>	No
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(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? <i>If so please supply details:</i>	No
(h) Date on which 'works' in question were completed/are likely to take place:	Summer 2023

SIGNED:



DATE:



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

15/02/2023 11:45:28

Receipt No. : L1CASH/0/345165

***** REPRINT *****

JOHN MAHON
KILSHANNY NATIONAL SCHOOL
KILSHANNY
CO. CLARE
R23/9

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

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00

V95 XF75

(A) ACCESS JUNCTION
NYLOFOR 3-3 BETA FENCE

(A) ACCESS JUNCTION
NYLOFOR 3-3 BETA FENCE



(Element 1)



1

CLARE
COUNTY COUNCIL
27 FEB 2023
Received
Planning Section

Kilshanny N.S.
Section 5 Exemption Code R23-9

Ellen



EXISTING LAYOUT
SCALE 1 : 500

Contact
Office - 065 6823317
Mob - 087 1216835
Email - brian@foudyconsulting.ie
Web - www.foudyconsulting.ie

Client Kilshanny National School
Address Farnaleen, Kilshanny
County Clare

<u>Title</u>	<u>Site Layout</u>	<u>Scale</u>
<u>Stage</u>	<u>Design</u>	<u>1:500</u>
<u>Drawn</u>	<u>B.F.</u>	<u>Date</u>
<u>Drawing No.</u>	<u>K.N.S.01.01.11</u>	<u>Rev</u>

Kilshanny N.S.
Section 5 Exemption Code R23-9



EXISTING LAYOUT
SCALE 1 : 500

Contact
Office - 065 6823317
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Email - brian@foudyconsulting.ie
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Client Kilshanny National School
Address Fanaleen, Kilshanny
County Clare

Title	Site Layout
Stage	Scale
Design	1:500
Drawn	Date
B.F	07-06-2011
Drawing No.	Rev
K.N.S 01 01 11	