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CONTAE AN CHLÁIR | COUNTY COUNCIL

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

21st August, 2024

Section 5 referral Reference R24-60 – Board of Management Holy Family School

Is the replacement of a section of a natural grass playing pitch in the grounds of the Holy Family School with an unlit artificial grass playing pitch with a 2.4-meter-high boundary fence and a 2.6 meter ball stop netting development and if so is it exempted development?

A Chara,

I refer to your application received on 25th July 2024 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



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:

84059

Reference Number:

R24-60

Date Referral Received:

25th July 2024

Name of Applicant:

Board of Management Holy Family School

Location of works in question:

Holy Family School, Ennis, Co. Clare

Section 5 referral Reference R24-60 – Board of Management Holy Family School

Is the replacement of a section of a natural grass playing pitch in the grounds of the Holy Family School with an unlit artificial grass playing pitch with a 2.4-meter-high boundary fence and a 2.6 meter ball stop netting development and if so is it exempted development?

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

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

AND WHEREAS Clare County Council has concluded:

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 2.6m high 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing to three sides at Holy Family School, Ennis, Co. Clare is considered development which is exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER *AG*

Date:

21st August, 2024

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

Reference No.: R24-60



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-60

Is the replacement of a section of a natural grass playing pitch in the grounds of the Holy Family School with an unlit artificial grass playing pitch with a 2.4-meter-high boundary fence and a 2.6 meter ball stop netting development and if so is it 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 –

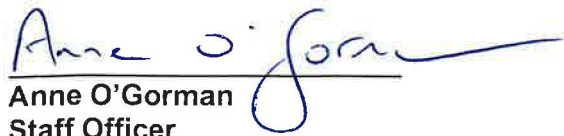
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Classes 33 and 40 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated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

And whereas Clare County Council has concluded:

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 2.6m high 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing to three sides at Holy Family School, Ennis, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink that reads "Anne O'Gorman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

21st August, 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R24-60
APPLICANT(S): Board of Management, Holy Family School, Ennis
REFERENCE: Is the replacement of a section of a natural grass playing pitch in the grounds of Holy Family School with an unlit artificial grass playing pitch with a 2.4meter-high boundary fence and a 2.6meter ball stop netting development, and if so, is it exempted?
LOCATION: Holy Family School, Ennis, Co Clare
DUE DATE: 21st August 2024

Site Location

The proposal site is located in the town of Ennis on lands zoned Community. The site is located within the grounds of the national school on the east side of the town centre. The development location is to the northeast of the school and is currently in use as a grassed playing field/pitch, wallball alley and garden area. The site is relatively level and there is a metal rail fence along the eastern boundary and a block wall along the northern boundary. The development location is visible from the public road along Friars Walk. There is an existing 9m high Ball Grab Net along the eastern boundary and to the northwest of this section of the site..

Recent Planning History

09/21039 – GRANTED - 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 the replacement of a section of a natural grass playing pitch in the grounds of Holy Family School with an unlit artificial grass playing pitch with a 2.4 meter-high boundary fence and a 2.6 meter ball stop netting is or is not development and is or is not exempted development.

The applicants have stated that the school previously received a Section 5 referral (R23-50) which determined that the construction of the artificial playing pitch was considered exempt, but the removal of the shed in question in this separate referral did require planning permission. The Board have since reconsidered, and believe the development now proposed would better meet the needs of the school as it gives them an increased outdoor play area that can be used all year round.

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

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

S.3.(1) In this Act, “development” means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.

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

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

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

Development consisting of the laying out and use of land— (

a) as a park, private open space or ornamental garden,

(b) as a roadside shrine, or

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

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

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

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

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

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

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

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

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

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(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 the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and a 2.6m high ball stop netting is or is not development and is or is not exempted development.

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

Development consisting of the laying out and use of land—

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

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

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

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

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

The applicant proposes new fencing and netting on the perimeter of the artificial grass pitch. Both the pitch and associated fencing are located on the existing grassed pitch area to the rear of the school on the Friar's Walk side. While the proposed location for the pitch and fencing are located close to Friar's Walk, there is an existing and established fence and a 9m high ball stop net located along this boundary with the public road, with the proposed fencing located inside of, and removed from, this existing established boundary.

Due to the existing established fence bounding the public road and the set back from the boundary of the pitch and associated fencing, it is considered that 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 in the curtilage of a school on lands with an established pitch use for sports and ball games. The development will not have a negative impact on the visual amenities of the area.

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

Not applicable in this instance.

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

Not applicable in this instance

(vii)

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

This is not applicable in this instance.

b. *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

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

- c. *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*"

This is not applicable in this instance.

- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

This is not applicable in this instance.

- (ix) *consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

This is not applicable in this instance.

- (x) *consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

This is not applicable in this instance.

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

This is not applicable in this instance.

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

While the school itself is within an Architectural Conservation Area (ACA), the boundary of the ACA divides the school grounds and this area selected for the pitch and associated fencing is outside of the ACA. No works are proposed to be carried out to any structure in an ACA.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high fencing and 2.6m high ball stop netting boundary at Holy Family School, Ennis, Co. Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

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

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

- (a) The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing and 2.6m high 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 replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch, with 2.4m high boundary fencing to three sides is development and is exempted development.



Áine Bourke

Executive Planner

Date: 19/08/2024



Candace Ingram

A/Senior Executive Planner

Date: 19/08/24

Clare County Council

Screening for Appropriate Assessment & Determination

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

Table 1: Project Details

Planning File Reference	R24-60
Applicant Name	Board of Management, Holy Family School
Development Location	at Ennis, Co. Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No

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

The replacement of a section of natural grass playing pitch with unlit artificial grass playing pitch, with 2.4m high fencing and 2.6m high ball stop netting at Holy Family School, Ennis, Co. Clare

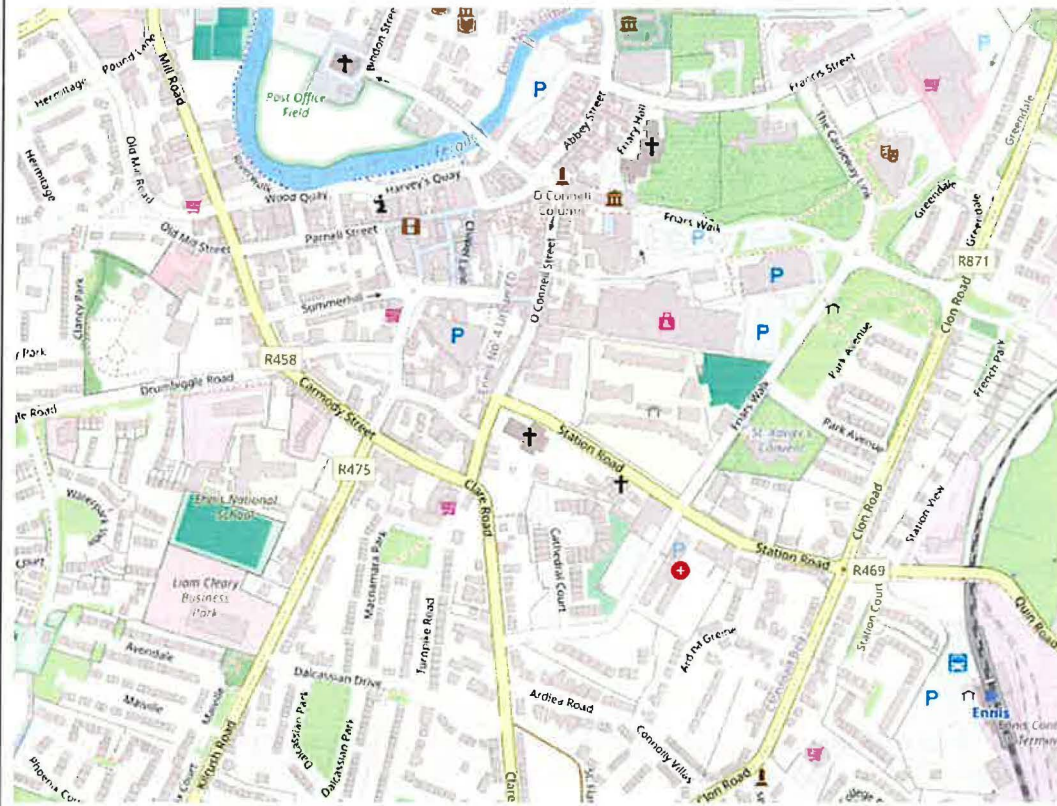


Table 2: Identification of European sites which may be impacted by the proposed development.

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

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

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

Lower River Shannon SAC (02165) – 391m.

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

Appropriate Assessment Screening Determination

Planning File Reference	R24-60
Proposed Development	The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch with 2.4m high boundary fencing and 2.6m high ball stop netting
Development Location	Holy Family School, Ennis
European sites within impact zone	Lower River Shannon SAC

Description of the project:

The replacement of a section of natural grass playing pitch with an unlit artificial grass playing pitch with 2.4m high fencing and 2.6m high ball stop netting on existing grassed area within the school grounds

Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site

Annex I habitats:

- Sandbanks which are slightly covered by sea water all the time [1110]
- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- *Coastal lagoons [1150]
- Large shallow inlets and bays [1160]
- Reefs [1170]
- Perennial vegetation of stony banks [1220]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- *Salicornia* and other annuals colonizing mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- *Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Annex II species:

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

Describe how the project or plan (alone or in combination) is likely to affect the European site(s).

No likely direct or indirect effects due to the nature and scale of the proposed development, the established use of the site, the location on zoned land within a settlement and the lack of connectivity or proximity to European sites.

If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?

The proposed development relates to an artificial grass pitch and associated fencing on an existing grassed pitch, there are no likely effects to the Lower River Shannon SAC or any European Sites.

Documentation reviewed for making this statement

- County Development Plan (including Flood Maps, SEA & AA)
- NPWS website
- Documents received as part of the planning application

Conclusion of assessment (a, b, c or d)

(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)²	
(b) There is no potential for significant effects to European Sites³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	
Completed By	Áine Bourke
Date	19/08/2024

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

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

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

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



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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

26/07/2024

Section 5 referral Reference R24-60 – Board of Management Holy Family School

Is the replacement of a section of a natural grass playing pitch in the grounds of the Holy Family School with an unfit artificial grass playing pitch with a 2.4-meter-high boundary fence and a 2.6 meter ball stop netting development and if so is it exempted development?

A Chara,

I refer to your application received on 25th July 2024 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 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



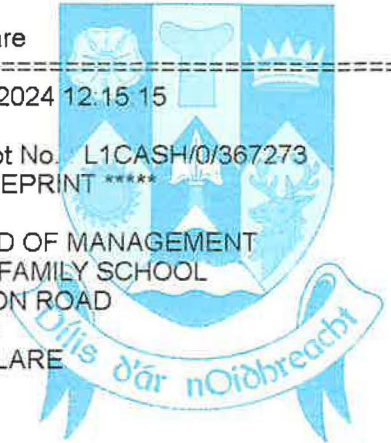
AN CHLÁIR

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

25/07/2024 12:15:15

Receipt No. L1CASH/0/367273
***** 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

Issued By : L1CASH - Patricia Quinlivan
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) 682 616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R24-60

**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	<p>BOARD OF MANAGEMENT</p> <hr/> <p>HOLY FAMILY SCHOOL</p> <hr/> <p>STATION ROAD</p> <hr/> <p>ENNIS, CO. CLARE</p> <hr/> <p>V95TF67</p>
(b) Telephone No.:	<p style="text-align: right;">BARRY CORBETT (TEACHER)</p>
(c) Email Address:	<p style="text-align: right;"><i>[Faint handwritten text]</i></p>
(d) Agent's Name and address:	<p>PAT HOGAN</p> <hr/> <p>RUSMANE</p> <hr/> <p>KILNAMONA</p> <hr/> <p>CO. CLARE</p>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT

Note: only works listed and described under this section will be assessed.

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

Is the replacement of a section of a natural grass playing pitch in the grounds of the Holy Family School with an unlit artificial grass playing pitch with a 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 Board had originally planned to remove a shed and to construct a smaller artificial playing pitch on an existing hard surface area within the school grounds. A section 5 referral R23-50 found that the construction of the artificial playing pitch was considered exempt, but that the removal of the shed required planning. The board have since reconsidered, and believe the development now proposed better meets the needs of the school as it gives them an increased outdoor play area that can be used all year round.

The new artificial grass playing area (45 meters x 27 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 Station Road (South West), and will be no more visible from Friars Walk (South East), that the existing grass playing pitch and associated 9 meter high ball stop netting (See site map). No form of flood lighting is proposed. Existing ground levels will not change by more than 0.1 meters.

A similar development on the grounds of St Mochulls'a National School Tulla, was deemed to be exempted development in a Section 5 referral R22-51.

(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)

① SITE LOCATION | LAYOUT PLAN (1/1000)

② Photograph.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	HOLY FAMILY SCHOOL STATION ROAD ENNIS CO. CLARE V95TF67
(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):	OWNERS
(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>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	N/A
(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>	YES - 09-21039; 06-21082 02-21030; 01-21092 01-21061.
(h) Date on which 'works' in question were completed/are likely to take place:	IMMEDIATE.

SIGNED: 

DATE: 19/7/24

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:

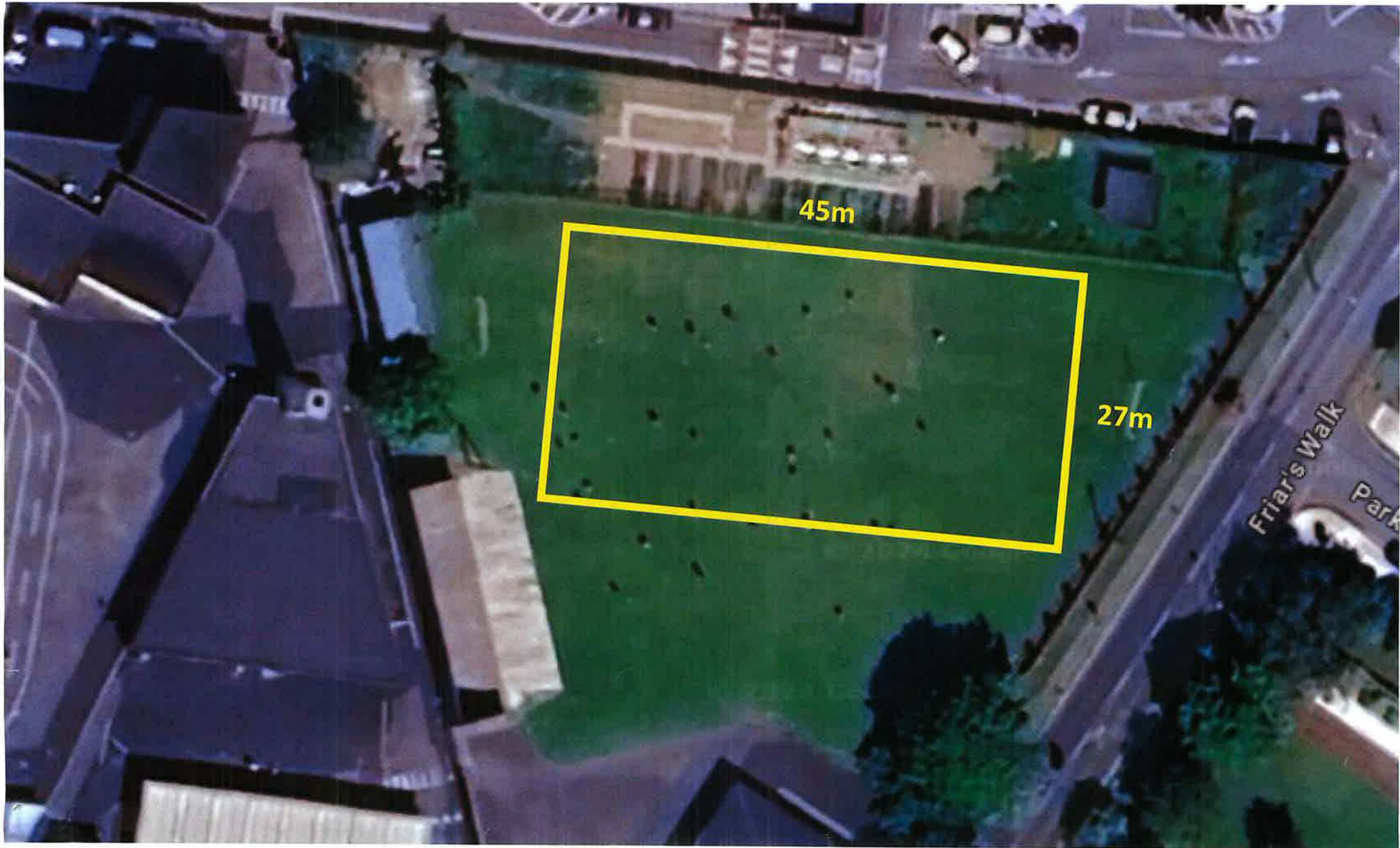
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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

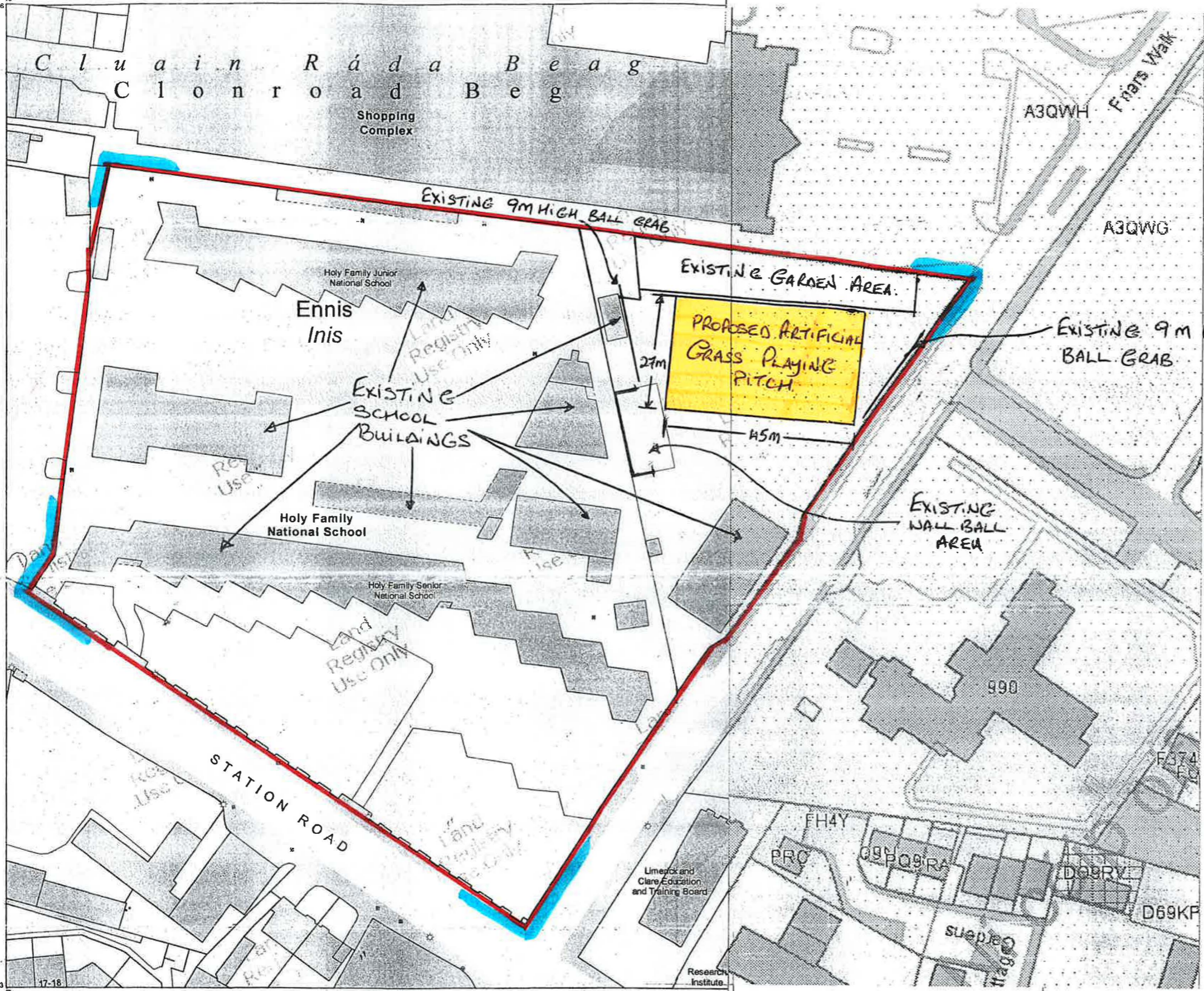
FOR OFFICE USE ONLY

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

Revised Site For Astro Development



Land Registry Compliant Map



- NOTES:**
1. SITE OUTLINED RED
 2. LANDHOLDING OUTLINED BLUE
 3. PROPOSED ARTIFICIAL GRASS PLAYING PITCH - ORANGE.

SITE LOCATION / LAYOUT PLAN

FOR: HOLY FAMILY SCHOOL
ENNIS, CO. CLARE.

DRAWN BY: PAT HOGAN, RUSHANE,
KILWAMONA, CO. CLARE.
(N.C.C.S) (M.TECH).

SCALE: 1/1000

DATE: July 2024.

COMPILED AND PUBLISHED BY:
National Mapping Division of
Táille Éireann,
100 Park,
Dublin 8,
Ireland.
18F6E4

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ITM 533908,677240

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