



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**St Clare's School
C/o Jamie Marshall
185 St Vincent Street
Glasgow
Scotland
G2 5QD**

4th November 2025

Section 5 referral Reference R25-84 – St Clare's School

Is the erection of 2 modular classroom buildings containing SEN accommodation at St Clare's Special School development and if so, is it exempted development?

A Chara,

I refer to your application received on 10th October 2025 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 Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún 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, Placemaking & Economic Development**

**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.: R25-84



Section 5 referral Reference R25-84

Is the erection of 2 modular classroom buildings containing SEN accommodation at St Clare's Special School development and if so, is it exempted development?

AND WHEREAS, St Clare's 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School is exempted development having regard to Class 20D 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 erection of 2 modular classroom buildings containing SEN accommodation at St Clare's School, Gort Road, Dulick, Ennis, Co. Clare, V95 YP83 constitutes development which is exempted development up to a maximum period of 5 years as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer

Planning, Placemaking & Economic Development

4th November 2025

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:

86563

Reference Number:

R25-84

Date Referral Received:

10th October 2025

Name of Applicant:

St Clare's School

Location of works in question:

St Clare's School, Gort Rd, Dulick, Ennis,
Co. Clare, V95 YP83

Section 5 referral Reference R25-84 – St Clare's School

Is the erection of 2 modular classroom buildings containing SEN accommodation at St Clare's Special School 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School is exempted development having regard to Class 20D of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. CE / 25/18 dated 7th October 2025, Gordon Daly, 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 Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's School, Gort Road, Dulick, Ennis, Co. Clare, V95 YP83 is considered development which is exempted development up to a maximum period of 5 years.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

4th November 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-84
APPLICANT(S):	St. Clare's School Ennis
REFERENCE:	Is the erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School development and if so, is it exempted development?
LOCATION:	St. Clare's School, Gort Road, Dulick, Ennis, Co. Clare
DUE DATE:	5 th November 2025

Site Location

The proposal site is located in the town of Ennis, to the north of Ennis town centre. It is within the curtilage of St. Clare's School to the rear of the Fioruisce and Glenina housing estates, to the south of the Our Lady's Hospital and Clare Technology Park, with the River Fergus and a public walkway to the north and east of the site. The site itself comprises the grassed playing field area to the north of the school building, is relatively level and there is perimeter fencing surrounding the curtilage of the school and established tree screening to the north and west of the school. The lands are zoned Community in the Clare County Development Plan 2023-2029.

The development location is only visible from the school site, with local range views. There are no protected structures, recorded monuments or ACAs within the site, however, it is noted that the lands are zoned partially Flood Zone A and Partially Flood Zone B. The site is also not within or adjacent to any European Site.

Recent Planning History

17/163 – Board of Management St Clare's School – to construct a single storey 3 classroom extension, connect to existing infrastructure services and all associated site works. Granted Permission.

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by St. Clare's School.

The applicants are seeking a Section 5 Declaration as to whether the erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School development and if so, is it exempted development.

The referrers have stated that the proposed modular units would be built in accordance with the guidance set out in SI no. 114 of 2021 and have advised that the purpose of the units is to increase the available space in the school to accommodate the steady increase in numbers of students attending the school. The referrer has included a number of plans including existing and proposed layouts, floor plans, elevations and sections of the proposed units.

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 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 & 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.

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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School development and if so, is it exempted development?

Planning and Development Act, 2000 (as amended), Section 3(1)

Having regard to the details submitted which includes the installation of 2 no. modular SEN classrooms on the school grounds, such are considered to be works which are development as defined by section 2 and 3(1) of the Planning and Development Act 2000 (as amended).

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

The proposed development consists of the installation of structures on land on which a school is situated of a structure to facilitate the continued delivery of education. I note this exemption class relates to temporary structures and note the referrer has stated that the installation of such structures would comply with SI 114 of 2021, which relates to this class. Therefore,

1. it is acknowledged that the structures would be temporary and would be required to comply with the conditions and limitations of this class, including the restricted period of 5 years for the use of the structures.
2. The proposed structures would be approximately 482sqm in area while the overall school is noted to be approximately 1,885sqm, and therefore the structures will not exceed 30% of the gross floor area of the existing school.
3. The structures are noted to be single storey.
4. The structures will be more than 2m from any party boundary.
5. Noted.

Overall, I am satisfied the proposed works indicated on the plans and particulars submitted would be exempted under Class 20D.

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. 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*

Appropriate Assessment Screening Determination

Planning File Reference	R25-84
Proposed Development	The erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School, Ennis, Co. Clare
Development Location	St Clare's Special School, Ennis
European sites within impact zone	Lower River Shannon SAC

Description of the project:

The erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School, Ennis, Co. Clare

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 *Callitricho-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, whereby the installation of temporary structures would not likely result in run-off or pollution into the River Fergus to the north.

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) – 630m.

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.

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	R25-84
Applicant Name	St. Clare's Special 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School, Ennis, Co. Clare



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.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School development and if so, is it 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School is exempted development having regard to Class 20D 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 erection of 2 modular classroom buildings containing SEN accommodation at St. Clare's Special School is development and is exempted development up to a maximum period of 5 years.



Áine Bourke

Executive Planner

Date: 04/11/2025



Garreth Ruane

Senior Executive Planner

Date: 04/11/25

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 temporary modular structures to be placed on the existing ground. No works are proposed to the ground and the development would have no likely effects downstream to the SAC.

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	04/11/2025

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 by 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

**St Clare's School
C/o Jamie Marshall
185 St Vincent Street
Glasgow
Scotland
G2 5QD**

10/10/2025

Section 5 referral Reference R25-84 – St Clare's School

Is the erection of 2 modular classroom buildings containing SEN accommodation at St Clare's Special School development and if so, is it exempted development?

A Chara,

I refer to your application received on 10th October 2025 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
Planning, Placemaking & Economic Development



COMHAIRLE

Clare County Council

Aras Contae an Chláir

New Road

Ennis

Co Clare

10/10/2025 11:38:40

Receipt No : L1CASH/0/385466

***** REPRINT *****

ST CLARE'S SCHOOL
C/O JAMIE MARSHALL
185 ST VINCENT STREET
GLASGOW, SCOTLAND
REF. R25-84

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

Total : 80.00 EUR

COMHAIRLE

Tendered

CREDIT CARDS

80.00

Change :

0.00

Issued By : L1CASH - Colm Murphy
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

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Website: www.clarecoco.ie



R25-84

**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	Edmond Scannell St Clare's School, Gort Rd, Dulick, Ennis, Co. Clare V95 YPP83
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Jamie Marshall 185 St Vincent Street, Glasgow, Scotland G2 5QD



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 erection of 2 modular classroom buildings containing SEN accommodation at St Clare's Special School considered exempted development?

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

The proposed modular units would be built in accordance with the guidance set out in S.I. No. 114 aof 2021. The purpose of the units is to increase the available accommodation of St Clare's Special School to accommodate a steady increase in student numbers.

- (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)

Location plan, Existing and Proposed Site Plans, Existing and Proposed Floor Plans, Typical Unit Elevations and Typical Unit Sections.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	St Clare's School, Gort Rd, Dulick, Ennis, Co. Clare, V95 YPP83
(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):	Owner
(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)?:	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:	N/A

SIGNED: Jamie Marshall

DATE: 09/10/2025

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

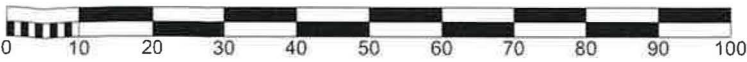
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information 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:	

LEGEND

-  DENOTES SITE BOUNDARY
-  DENOTES EXISTING SCHOOL BUILDINGS
-  EXTENTS OF PROPOSED AREA OF WORKS



1:1000 Scale Bar



Figured dimensions only are to be taken from this drawing. Do not scale. All dimensions are to be checked on site prior to any work commencing. If in doubt ask.

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Drawing Status:	DRAFT - Detailed Design
Client Name:	Department of Education
Project Info:	St Clares - Ennis Gort Rd, Lifford, Ennis, Co. Clare, Ireland V95 YP83
Drawing Name:	Location Plan
Drawn By:	JM
Scale:	As noted @ A3
Revision:	
Date:	September 25
Drawing Number	

20371A_000

A: 185 St Vincent Street,
Glasgow,
G2 5QU
T: 0141 404 6149
E: glasgow@ksnproject.com
W: www.ksnproject.com



 DENOTES SITE BOUNDARY

 DENOTES EXISTING SCHOOL BUILDING FOOTPRINT

 EXTENTS OF PROPOSED MODULAR BUILDINGS

1:200 Scale Bar

24 25

Existing Sensory Garden

Existing Site Plan

1:200

DRAFT - Draft Design
Department of Education
St. Charles, Illinois
Chicago Public Schools
Chicago, Illinois
JPM
April 2025

20371A_002

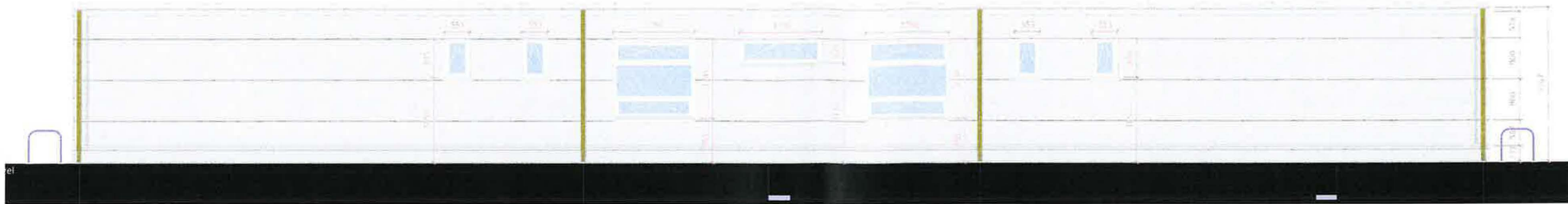




1:50 Scale Bar

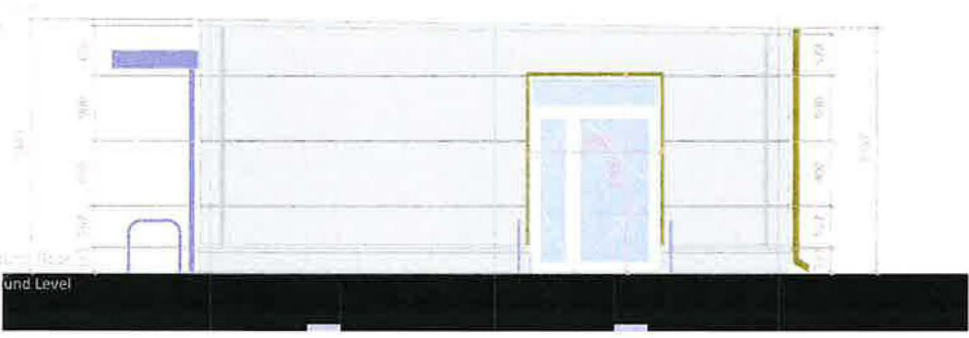


1:100 Scale Bar



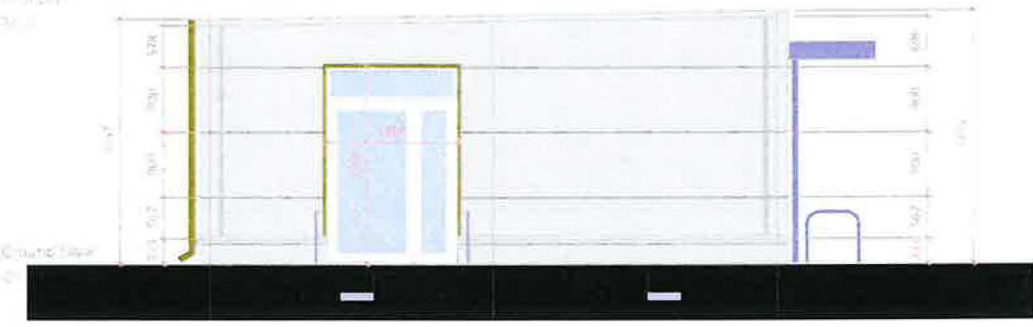
Typical Rear Elevation

1:50



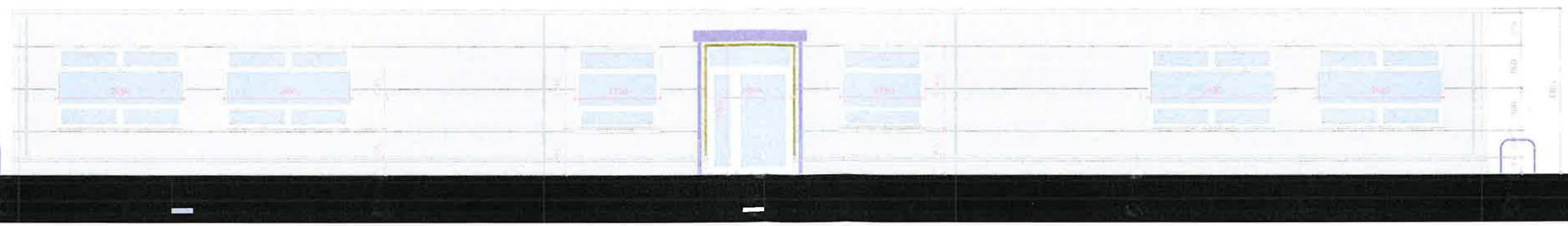
Typical Side Elevation 01

1:50



Typical Side Elevation 02

1:50



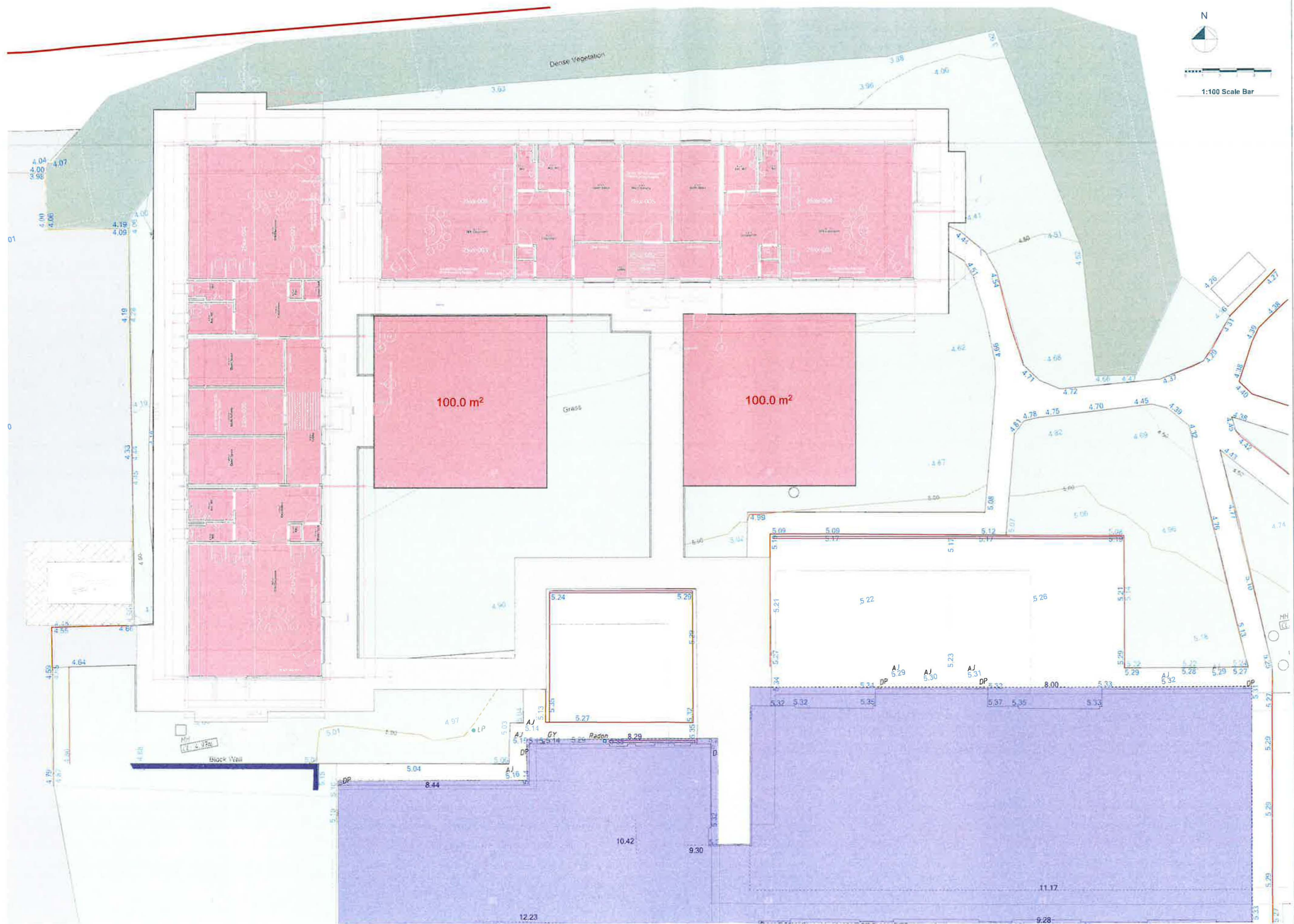
Typical Front Elevation

1:50

20371A_005
Department of Public Works
City of San Jose
Project Name
Project Number
Project Location
Project Date
Project Status
Project Manager
Project Engineer
Project Designer
Project Checker
Project Approver

20371A_005





1:100 Scale Bar

Proposed Ground Floor

DRAFT - Detail Design
Department of Education
St. Charles School
Proposed
20371A_004
September 2025

20371A_004



LEGEND

- DENOTES SITE BOUNDARY
- DENOTES EXISTING SCHOOL BUILDING FOOTPRINT
- EXTENTS OF PROPOSED MODULAR BUILDINGS



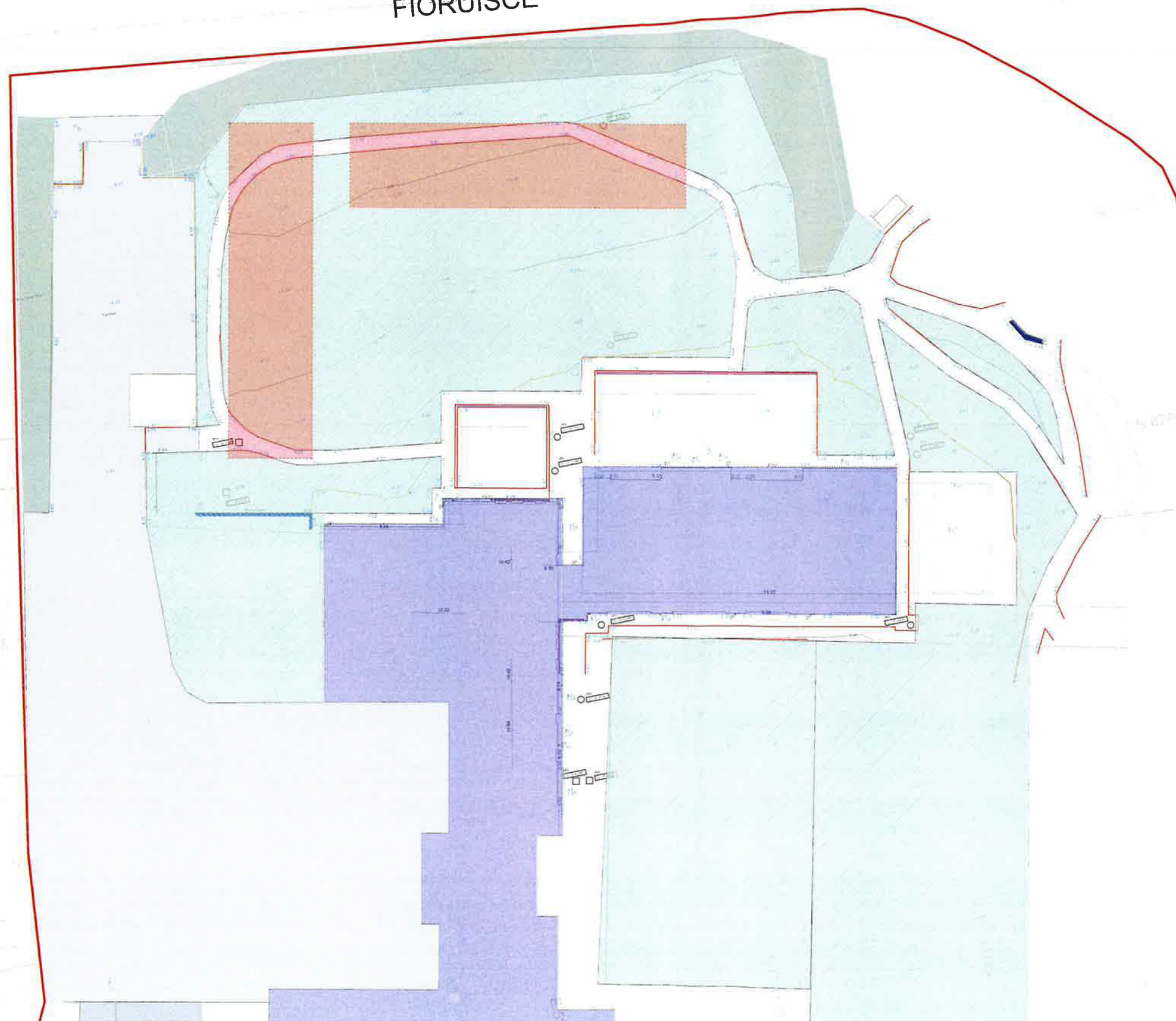
1:200 Scale Bar

FÍORUISCE

(1)

1 12 13

24 25

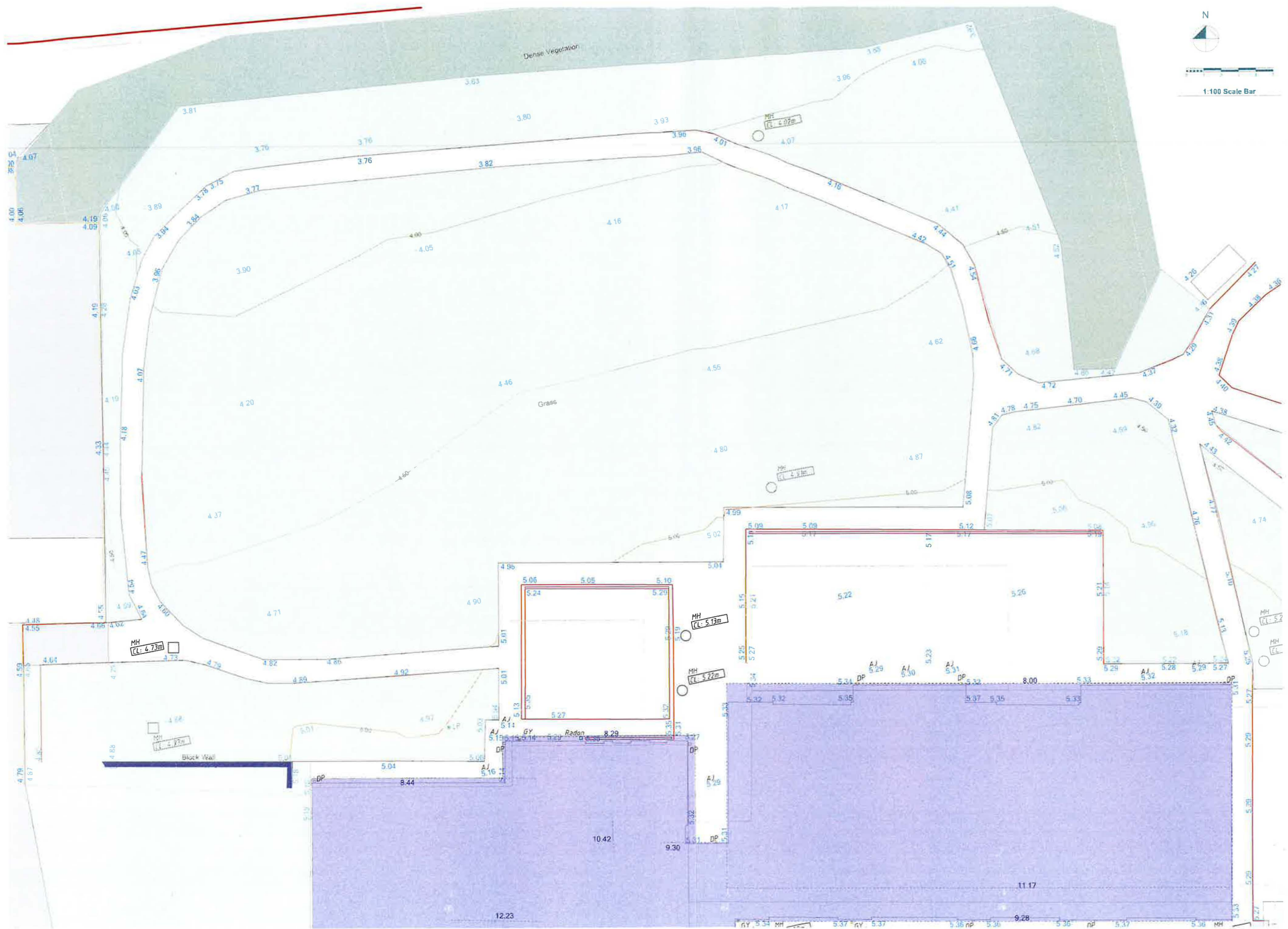


Existing Site Plan

1:200

20371A_001



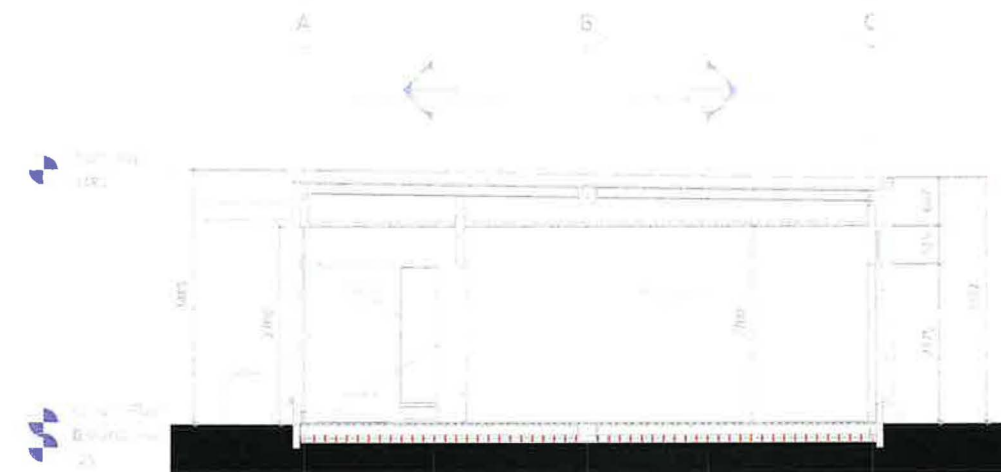
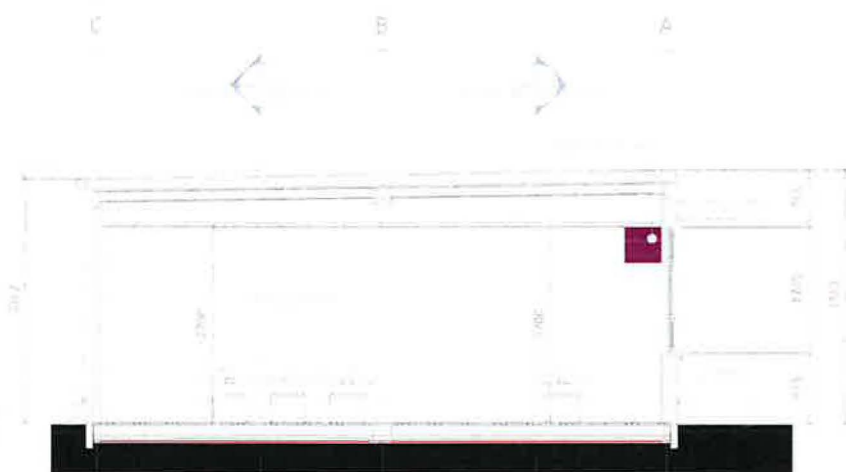




1:50 Scale Bar



1:100 Scale Bar



Project Name	20371A_006
Client	Department of Education
Architect	KSNDPM
Scale	1:50
Date	2023

20371A_006

