



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Ballycar N.S
C/o Mary Warren, Principal
Ballycar
Newmarket-on-Fergus
Co. Clare
V95 VR74

6th December 2024

Section 5 referral Reference R24-88 – Ballycar N.S

Is the changing of a grass area on a school yard to an astro-turf (soft play area) development and if so, is it exempted development?

A Chara,

I refer to your application received on 11th November 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 [3](#)

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

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



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

Reference No.: R24-88



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-88

Is the changing of a grass area on a school yard to an astro-turf (soft play area) development and if so, is it exempted development?

AND WHEREAS, Ballycar N.S 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, 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 changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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 the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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, 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 changing of a grass area in the school yard to an astro-turf (soft play area) at Ballycar N.S, Ballycar, Newmarket-on-Fergus, 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, appearing to read "Anne O'Gorman", with a long horizontal flourish extending to the right.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

6th December 2024

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: 84606

Reference Number: R24-88

Date Referral Received: 11th November 2024

Name of Applicant: Ballycar N.S

Location of works in question: Ballycar N.S, Ballycar, Newmarket-on-Fergus, Co. Clare

Section 5 referral Reference R24-88 – Ballycar N.S

is the changing of a grass area on a school yard to an astro-turf (soft play area) 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, 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, 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 changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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 the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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, of the Planning and Development Regulations 2001 as amended,

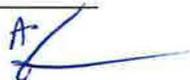
ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate

to 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 changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar N.S, Ballycar, Newmarket-on-Fergus, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

6th December 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R24-88
APPLICANT:	Ballycar National School
PROPOSAL:	Whether the changing of a grassed area in the school yard to an astro-turf (soft play area) is development and if so is it exempted development.
LOCATION:	Ballycar, Newmarket-on-Fergus, County Clare
DUE DATE:	06 th December 2024

Proposal Site

The proposal site is located to the north east of the Ballycar Cluster and to the west of Finn Lough. It is to the north west of the LP3152 local primary road and is accessed from same. The site accommodates Ballycar National School. The grassed yard area the subject to of this referral is located to the rear of the school.

Recent Planning History on Site

95-399 – Granted – BoM Ballycar National School - The construction of a classroom, link hall and boiler house extension to existing school and general site works.

07-1178 – Granted – BoM Ballycar National School - for the installation of replacement Portacabin to be used as a resource classroom, including ground works and modification to existing entrance including ancillary site works.

07-2656 – Incomplete application.

07-2838 – Granted – BoM Ballycar National School - permission to construct 2 new classrooms and refurbishment and all ancillary works to Ballycar National School.

Background to Referral

The applicant is seeking a Section 5 Declaration as to whether the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, is development and if so is it 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, Schedule 2, Part 1, 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.

Planning & Development Regulations 2001, as amended, Schedule 2, Part 1, 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.*

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 grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, is development and if so is it exempted development

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

Particulars of Proposal

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

- Site Location Map.
- Site layout plan / isometric drawing.

It is stated that the area to be altered comprises of a grassed area in the rear yard. This will be used as a soft-play area.

Planning and Development Regulations 2001 (as amended)

Planning & Development Regulations 2001, as amended, Schedule 2, Part 1, 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.*

Having regard to the nature of the works as proposed, the existing onsite recreational use, and the proposed continuation of this use, Class 33(c) above is considered to be applicable in this instance.

Planning & Development Regulations 2001, as amended, Schedule 2, Part 1, 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.*

The works as proposed are considered to represent a qualitative improvement to the existing yards usability and come within the scope of Class 40 above.

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.*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

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

This is not applicable in this instance.

- (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."*

The site is on the opposite side of the road from the Finn Lough pNHA. 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 in the existing school yard area 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, 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 (Planning Authority) has concluded:

- (a) the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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 the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare, 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, of the Planning and Development Regulations 2001 as amended,

Now therefore Clare County Council (Planning Authority), hereby decides that the changing of a grassed area in the school yard to an astro-turf (soft play area) at Ballycar National School, Ballycar, Newmarket-on-Fergus, County Clare is development and is exempted development.


Executive Planner
Date: 06-12-24


Senior Executive Planner
Date: 06/12/24

Appropriate Assessment & Determination

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

(a) File Reference No:	R24/ 88
(b) Brief description of the project or plan:	Laying of Astro turf soft surface on existing school yard
(c) Brief description of site characteristics:	Grassed play area within existing yard
(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
Lough Gash Turlough SAC 000051	Turloughs [3180] Rivers with muddy banks with Chenopodium rubri p.p. and Bidention p.p. vegetation [3270]	3.1km	None	No

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. <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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 	None
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- Interference with the key relationships that define the structure or ecological function of the site

(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	
Signature and Date of the Decision Maker:		



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Ballycar N.S
C/o Mary Warren, Principal
Ballycar
Newmarket-on-Fergus
Co. Clare
V95 VR74

12/11/2024

Section 5 referral Reference R24-88 – Ballycar N.S

Is the changing of a grass area on a school yard to an astro-turf (soft play area) development and if so, is it exempted development?

A Chara,

I refer to your application received on 11th November 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

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An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



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

11/11/2024 10:04:50

Receipt No. L1CASH/0/371729
***** REPRINT *****

BALLYCAR NATIONAL SCHOOL
BALLYCAR
NEWMARKET ON FERGUS
CO. CLARE

COMHAIRLE

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

Total : 80.00 EUR

Tendered :
Cash

90.00

Change :

10.00

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) 8821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R24-88

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	Mary Warren Principal Ballycar N-S Ballycar Newmarket-on-Fergus, Co. Clare
(b) Telephone No.:
(c) Email Address:	!
(d) Agent's Name and address:	Ballycar N-S Ballycar Newmarket-on-Fergus Co. Clare V95 VR74

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 grass area, 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.

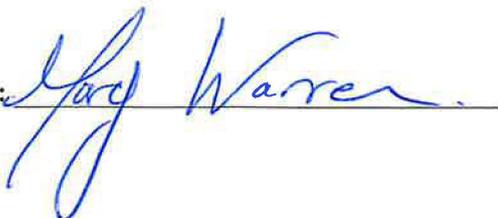
An existing school yard with a grass playing area to be enhanced by changing to an astro turf with a child friendly surface laid directly on the same area of the grass area.

(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. School Map.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Ballycar N.S. Ballycar, Newmarket-on-Fergus, Co. Clare V95VR74.
(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>	St. Flannan's Killaloe Diocesan Trust, Killaloe Diocese Office Westbourne, Cusack Road, Ennis, Co. Clare V95Wb3H.
(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>	yes.
(h) Date on which 'works' in question were completed/are likely to take place:	2008 school building extension.

SIGNED:



DATE:

06/11/2024.

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

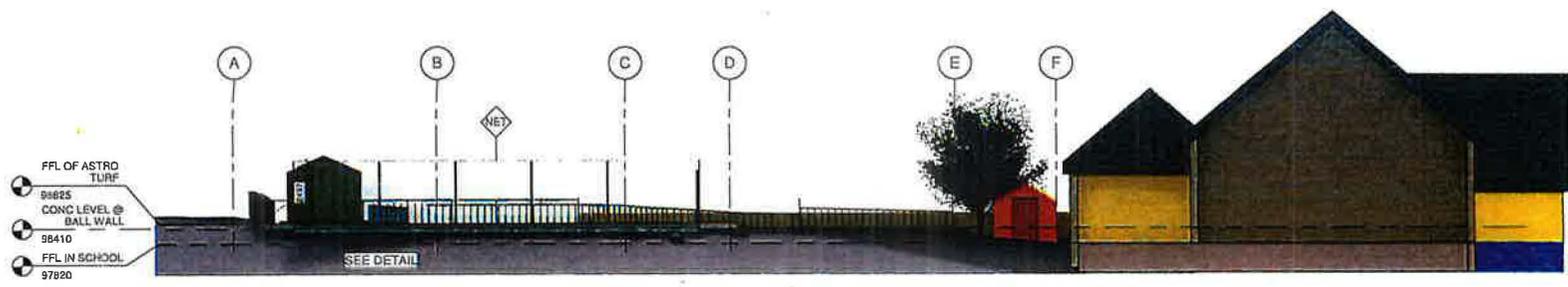
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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

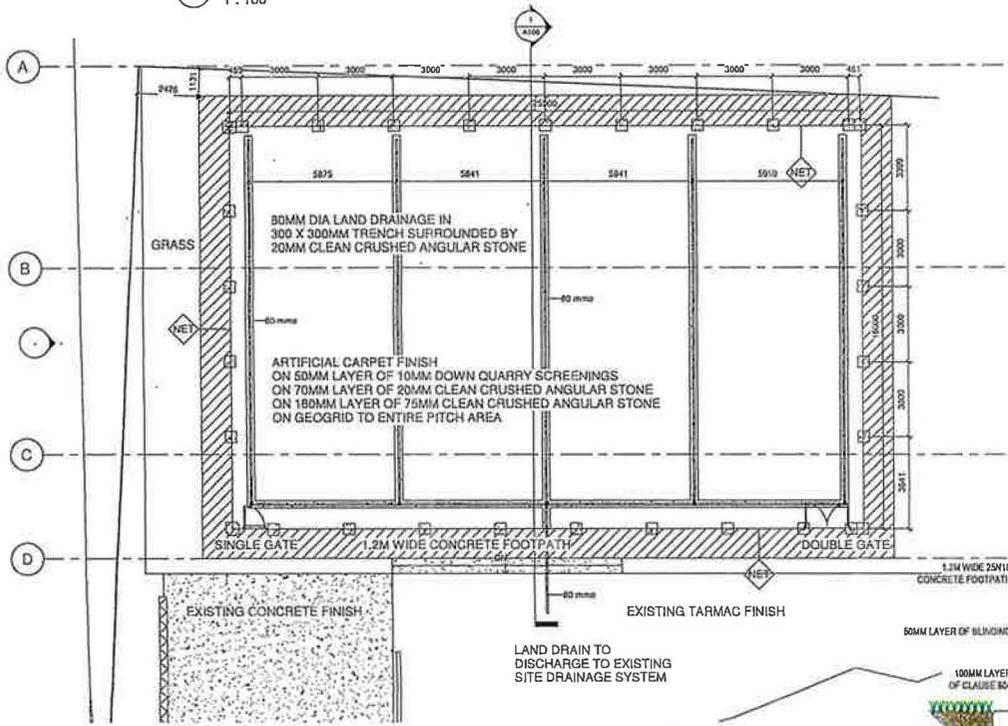
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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

FOR OFFICE USE ONLY

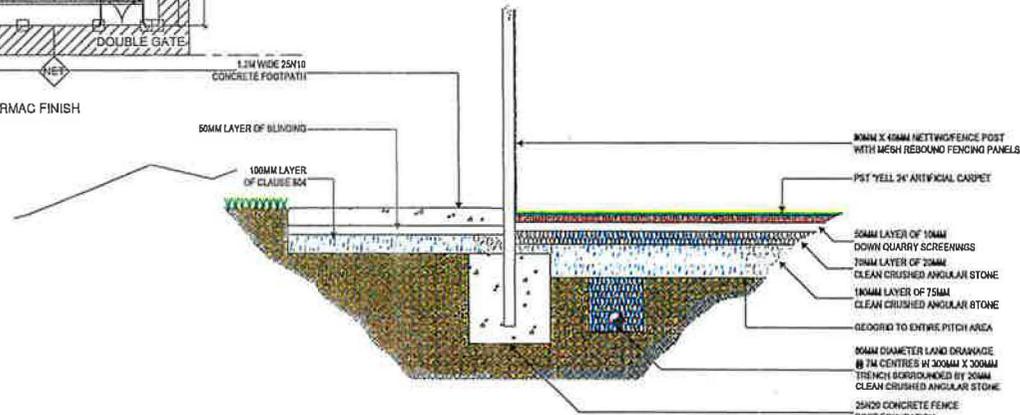
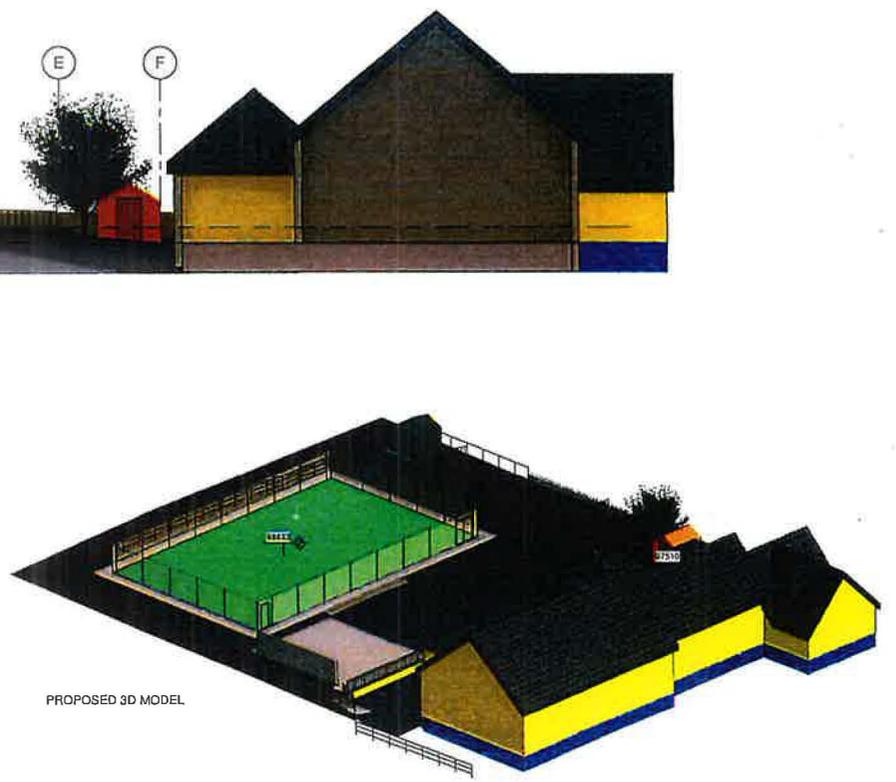
Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	



1 Section
1:100



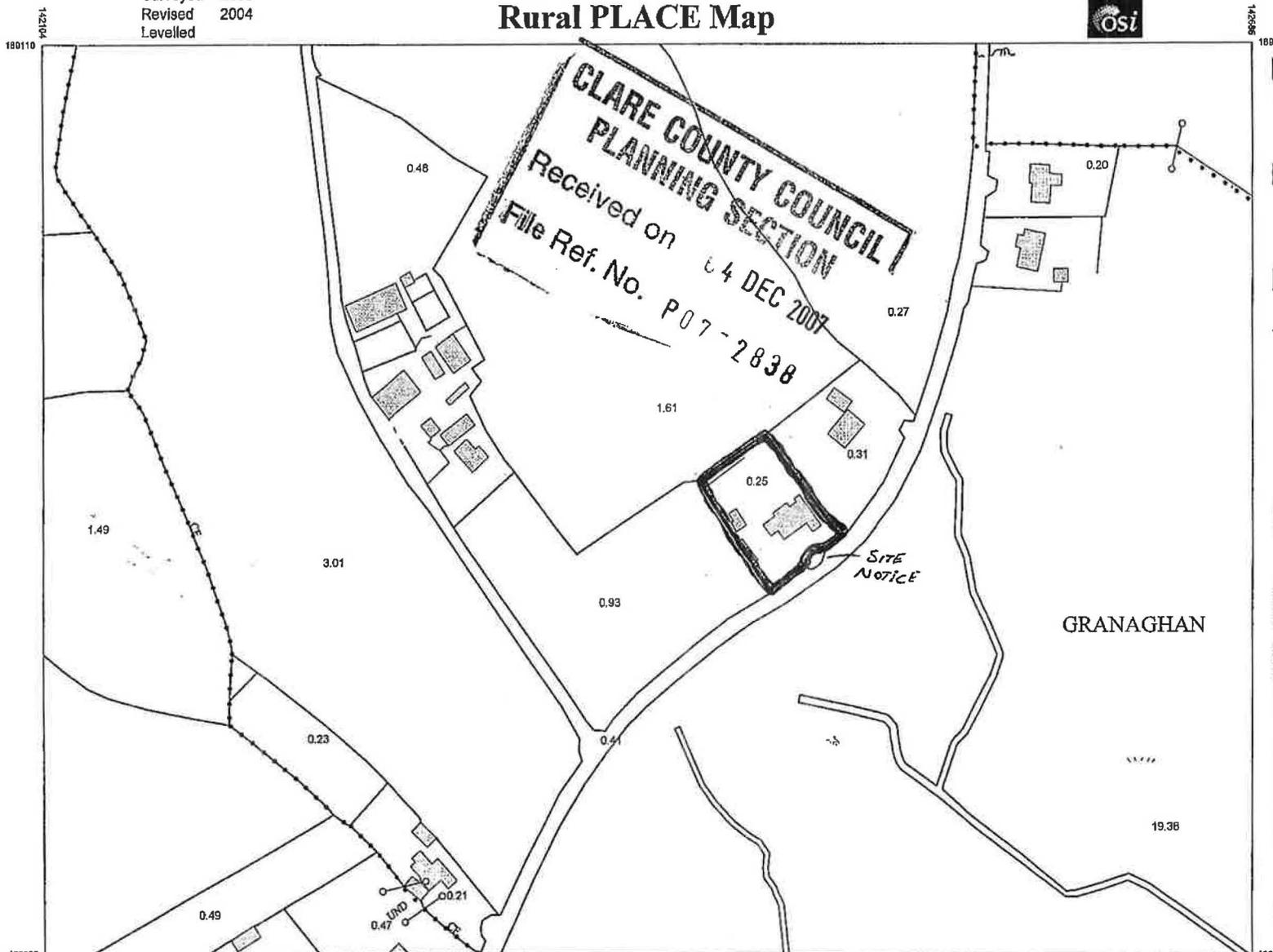
2 PROPOSED PLAN
1:100



STATUS	PURPOSE OF ISSUE	
	BALLYCAR N.S.	
PROJECT	PROPOSED ASTROTURF PITCH	
TITLE	PLANS & SECTIONS	
CLIENT	BALLYCAR NS	
DRAWN BY SMcC	CHECKED BY Checker	DATE 10/10/22
SCALE @ A1 1:100	PROJECT NUMBER Project Number	
DRAWING NUMBER A100	REV	

Surveyed 2003
Revised 2004
Levelled

Rural PLACE Map



ITM CENTRE PT. COORDS.

542358,668936

DESCRIPTION

MAP SHEETS

Digital Map
4440 4499



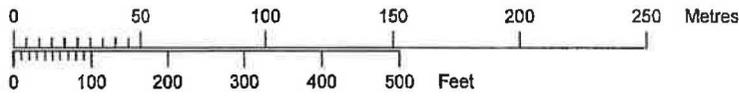
Produced by Mid-West
94A Henry Street, Limerick
On behalf of Ordnance Survey
Phoenix Park, Dublin 8.

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cead i scríobhadh rimb ná ó úrthair an chloíocháil.
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Scale:- 1:2,500
Scála:- 1:2,500



Plot Ref. No. 1237939_3_6
Plot Date 17-JUL-2007

