



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Board of Management, Kilmurry McMahon NS
C/o Francis O'Halloran
Coughlan Dekeyser Architects
North Point House, NorthPoint Business Park
Old Mallow Road
Cork**

3rd June 2025

Section 5 referral Reference R25-37 – Board of Management, Kilmurry McMahon NS

Is the construction of a single storey modular unit providing 1 no. mainstream classroom development and if so, is it exempted development?

A Chara,

I refer to your application received on 8th May 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 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:

85606

Reference Number:

R25-37

Date Referral Received:

8th May 2025

Name of Applicant:

Board of Management, Kilmurry McMahon
NS

Location of works in question:

Drumdigus, Kilmurry McMahon, Co. Clare

Section 5 referral Reference R25-37 – Board of Management, Kilmurry McMahon NS

Is the construction of a single storey modular unit providing 1 no. mainstream classroom 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 20(d) 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 on the 08th May 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, 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 construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare, is exempted development having regard to Class 20(d) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 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 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 construction of a single storey modular unit providing 1 mainstream classroom at Drumdigus, Kilmurry McMahon, Co. Clare is considered development which is exempted development.

You are advised that as per the requirements of Schedule 2, Part 1, Class 20(d)(1) of the Planning & Development Regulations, 2001, as amended, the proposed building shall not remain on the site for a period exceeding 5 years.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

3rd June 2025

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

Reference No.: R25-37



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-37

Is the construction of a single storey modular unit providing 1 no. mainstream classroom development and if so, is it exempted development?

AND WHEREAS, Board of Management, Kilmurry McMahon NS 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 20(d) 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 on the 08th May 2025.

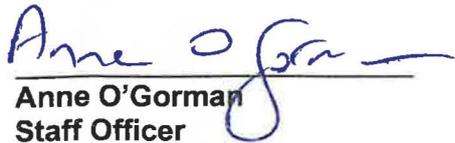
And whereas Clare County Council has concluded:

- (a) The construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, 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 construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare, is exempted development having regard to Class 20(d) 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 construction of a single storey modular unit providing 1 mainstream classroom at Drumdigus, Kilmurry McMahon, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

You are advised that as per the requirements of Schedule 2, Part 1, Class 20(d)(1) of the Planning & Development Regulations, 2001, as amended, **the proposed building shall not remain on the site for a period exceeding 5 years.**

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', with a horizontal line underneath it.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

3rd June 2025

**CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 1**

| | |
|----------------------|---|
| FILE REF: | R25-37 |
| APPLICANT(S): | Board of Management, Kilmurry National School |
| REFERENCE: | Whether the construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare is or is not development and is or is not exempted development. |
| LOCATION: | Drumdigus, Kilmurry McMahon, County Clare |
| DUE DATE: | 04 th June 2025 |

Site Location

The site is located in a rural area that is to the north of the village of Kilmurry McMahon and is to the west of the R485 regional road. The site accommodates Kilmurry National School. The proposed modular unit would be located to the north west of the school and within the curtilage of same. This area currently accommodates a temporary pre-fabricated unit and an attached masonry building. The views towards the site are local in range.

Recent Onsite Planning History

11-563 – Granted - BOM Drumdigus National School - To demolish the existing school shed and construct a new shed in a different location: permission to construct a new vehicular entrance, car parking and boundary wall to lands adjacent to school grounds with all necessary ancillary works.

12-308 – Granted - Board of Management of Drumdigus National School - to demolish the existing front wall and gates, demolish part of the existing school shed and construct a new vehicular entrance, provide a new set down area for cars and new staff car parking area with all necessary associated works.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by the Board of Management of Kilmurry National School. The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

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

Planning & Development Regulations, 2001, as amended

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.

Planning & Development Regulations, 2001, as amended Schedule 2, Part 1, Class 20(d)

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

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.

Planning & Development Regulations, 2001, as amended, Article 9(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,
 - (iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
 - (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.
 - (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

Particulars of the Development

The proposed modular unit would have a floor area of approximately 90sqm and would be single storey in design. It would be used as a classroom.

Planning Exemption Assessment

Outlined below is the assessment of the development as proposed.

Planning & Development Regulations, 2001, as amended Schedule 2, Part 1, Class 20(d)

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

1. *No such structure shall be erected for a period exceeding 5 years.*

It is not stated how long the proposed structure is to be in place. However, in the instance where all other criteria as set out below are met than I consider that the applicant be informed that the proposal would constitute exempted development subject to the caveat that it shall not remain on the site for in excess of 5 years.

2. *The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.*

This threshold would not be exceeded.

3. *No such structure shall exceed two storeys.*

A single storey structure is proposed.

4. *Distance to party boundary –*
 - (a) *any single storey structure shall be a distance of not less than 2 metres from any party boundary,*

This is achieved.

- (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*

Not applicable.

- (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.

Not applicable.

5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

Noted.

Demolition

Planning & Development Regulations, 2001, as amended Schedule 2, Part 1, Class 50

Whilst I note the content of this Class of exemption I consider that the existing onsite building is primarily a temporary pre-fabricated unit and would therefore be removed in lieu of demolition per se. As such, I consider that the referral may proceed on this basis.

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*

The proposal would not contravene same.

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

- (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

The proposal would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.

- (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 proposal would be acceptable from a visual impact perspective.

- (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,*

This is not applicable in this instance.

- 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.*

This is not applicable in this instance.

Recommendation

The following question has been referred to the Planning Authority:

Whether the construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County 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) Class 20(d) 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 on the 08th May 2025.

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

- (a) The construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, 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 construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare, is exempted development having regard to Class 20(d) 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 construction of a single storey modular unit providing 1 mainstream, classroom at Drumdigus, Kilmurry McMahon, County Clare is development and is exempted development. You are advised that as per the requirements of Schedule 2, Part 1, Class 20(d)(1) of the Planning & Development Regulations, 2001, as amended, the proposed building shall not remain on the site for a period exceeding 5 years.



Executive Planner
Date: 30th May 2025



Senior Executive Planner
Date: 30/05/25.

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 | R25-37 |
| Applicant Name | BoM Kilmurry National School |
| Development Location | Drumdigus |
| 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 prefabricated school classroom. | |
| | |

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 with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

| European Sites ² | Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet. | Distance to Applicant Site (km) |
|-----------------------------|---|---------------------------------|
| Lower River Shannon SAC | 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 colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355] | 1.7 |

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.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

| European Sites ² | Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet. | Distance to Applicant Site (km) |
|--|--|---------------------------------|
| River Shannon and River Fergus Estuaries SPA | Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999] | 1.7 |

| | | | |
|---|--|---|-----|
| 1 | Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. | <i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i> | Yes |
| 2 | Impacts on terrestrial habitats and species. | <i>Is the development within 1km of a European site with terrestrial based habitats or species?</i> | No |
| 3 | Impacts on designated marine habitats and species. | <i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> | No |
| 4 | Impacts on birds in SPAs | <i>Is the development within 1km of a Special Protection Area</i> | No |

| | | | |
|---|-------------------------|--|----------------------|
| 5 | Indirect effects | <i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i> | No impacts envisaged |
|---|-------------------------|--|----------------------|

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

| Appropriate Assessment Screening Determination | |
|---|---------------------------------|
| Planning File Reference | R25-37 |
| Proposed Development | Replacement temporary classroom |
| Development Location | Drumdigus |
| European sites within impact zone | As per report |
| Description of the project | |
| Replacement temporary classroom | |
| Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site | |
| As per report | |
| Describe how the project or plan (alone or in combination) is likely to affect the European site(s). | |
| No impacts envisaged | |
| If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not? | |
| No impacts envisaged – limited nature of works, and nature of designations | |
| Documentation reviewed for making this statement | |
| NPWS website Plans and particulars received GIS mapping database | |
| 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) ³ | |
| (b) There is no potential for significant effects to European Sites ³ | Yes |
| (c) The potential for significant effects to European Site(s) cannot be ruled out ⁴ | |

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no 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.

| | |
|---|---------------------------|
| (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 | John O'Sullivan |
| Date | 30 th May 2025 |

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, Kilmurry McMahon NS
C/o Francis O'Halloran
Coughlan Dekeyser Architects
North Point House, NorthPoint Business Park
Old Mallow Road
Cork**

09/05/2025

Section 5 referral Reference R25-37 – Board of Management, Kilmurry McMahon NS

Is the construction of a single storey modular unit providing 1 no. mainstream classroom development and if so, is it exempted development?

A Chara,

I refer to your application received on 8th May 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
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
Aras Contae an Chlair
New Road
Ennis
Co Clare

COMHAIRLE

09/05/2025 09:49:59

Receipt No. : L1CASH/0/378743
***** REPRINT *****

Kilmurry McMahon NS
c/o Coughlan DeKeyser Architects
North Point House, North Point
Business Park, Old Mallow Rd, Cork
ref. R25-37

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

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

COMHAIRLE



CONTAE

AN CHLÁIR



P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-37

**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> <p>KILMURRY MCMANON NS</p> <p>KILRUSH</p> <p>CO. CLARE</p> <p>V15 D899</p> |
| (b) Telephone No.: | |
| (c) Email Address: | |
| (d) Agent's Name and address: | <p>FRANCIS O'HALLORAN</p> <p>COUGHLIN DEKEYSER ARCHITECTS</p> <p>NORTH POINT HOUSE, NORTHPOINT BUSINESS PARK,</p> <p>OLD MALLOW ROAD, CORK</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 CONSTRUCTION OF A SINGLE STOREY MODULAR UNIT PROVIDING INO. MAINSTREAM CLASSROOM EXEMPTED DEVELOPMENT

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

CONSTRUCTION OF A SINGLE STOREY MODULAR UNIT PROVIDING INO. MAINSTREAM CLASSROOM FOLLOWING DEMOLITION OF AN EXISTING PREFAB + MASONRY BUILDING ON-SITE AND ALL ASSOCIATED SITE WORKS AT KILMURRY MCMAHON NS, KILRUSH, CO. CLARE V15 D899

(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)

2815 - P - 000 - SITE LOCATION MAP

2815 - P - 001 - EXISTING SITE LAYOUT PLAN

2815 - P - 002 - PROPOSED SITE LAYOUT PLAN

2815 - P - 003 - MODULAR DRAWINGS

2815 - P - 004 - EXISTING MODULAR + MASONRY BUILDING IMAGES

| 3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT | |
|---|--|
| (a) Postal Address of the Property/Site/Building for which the declaration sought: | KILMURRY MCMAHON NS KILRUSH CO. CLARE V15 D899 |
| (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): | BOARD OF MANAGEMENT |
| (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> | BISHOP FINIAN MONAHAN PATRON OF KILMURRY MCMAHON NS, ST. SENAN'S EDUCATION OFFICE, DIOCESAN CENTRE, ST. MUNCHIN'S, LIMERICK |
| (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 - PLANNING REF NO: 11563 PLANNING REF NO: 12308 |
| (h) Date on which 'works' in question were completed/are likely to take place: | JULY OR AUGUST 2025 |

SIGNED: 

DATE: 28/04/2025

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: | | | |



Existing Modular Unit & Masonry Building viewed from the East



Existing Modular Unit & Masonry Building viewed from the East



Existing Modular Unit & Masonry Building viewed from the South



Existing Modular Unit & Masonry Building viewed from the South West



Existing Modular Unit & Masonry Building viewed from the South West



Existing Modular Unit & Masonry Building viewed from the West

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SETTING OUT:
Contractor is responsible for checking of all dimensions, etc, before commencement and bringing any discrepancies in same to the Architect's attention.

COMPLIANCE WITH BUILDING REGULATIONS:
All materials and workmanship to conform in full with Building Regulations 2001, contractor to make himself familiar with the Building Regulations before commencement of work.

CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE

| Rev | Description | Drn By | Chk By | Date |
|-----|----------------------------------|--------|--------|----------|
| 00 | ISSUED FOR SECTION 5 APPLICATION | POS | FOH | 01-06-25 |
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North Point House,
North Point Business Park,
New Mallow Road,
Cork, Ireland.
T23 AT2P

T - (021) 4309299
T - (021) 4309306
F - (021) 4309247
info@cda-architects.ie
www.cda-architects.ie

Job title:
PROPOSED MODULAR BUILDING,
KILMURRY MCMAHON NS, KILRUSH, CO. CLARE

Client:
DEPARTMENT OF EDUCATION

Drawing title:
EXISTING MODULAR & MASONRY BUILDING IMAGES

Drawing type:
PLANNING

Scale:
NTS

Job No.:
2815-059

Date:
APRIL 2025

Drg No.:
2815-P-004

Rev.:
00



Site Boundary
0.363 Hectares
0.897 Acres

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CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE

| Rev | Description | Drn By | Chk By | Date |
|-----|----------------------------------|--------|--------|----------|
| 00 | ISSUED FOR SECTION 5 APPLICATION | POS | FOH | 01-05-25 |
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North Point House,
North Point Business Park,
New Mallow Road,
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T - (021) 4309299
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F - (021) 4309247
info@cda-architects.ie
www.cda-architects.ie

Job title:
PROPOSED MODULAR BUILDING,
KILMURRY MCMAHON NS, KILRUSH, CO. CLARE

Client:
DEPARTMENT OF EDUCATION

Drawing title:
PROPOSED SITE LAYOUT PLAN

Drawing type:
PLANNING

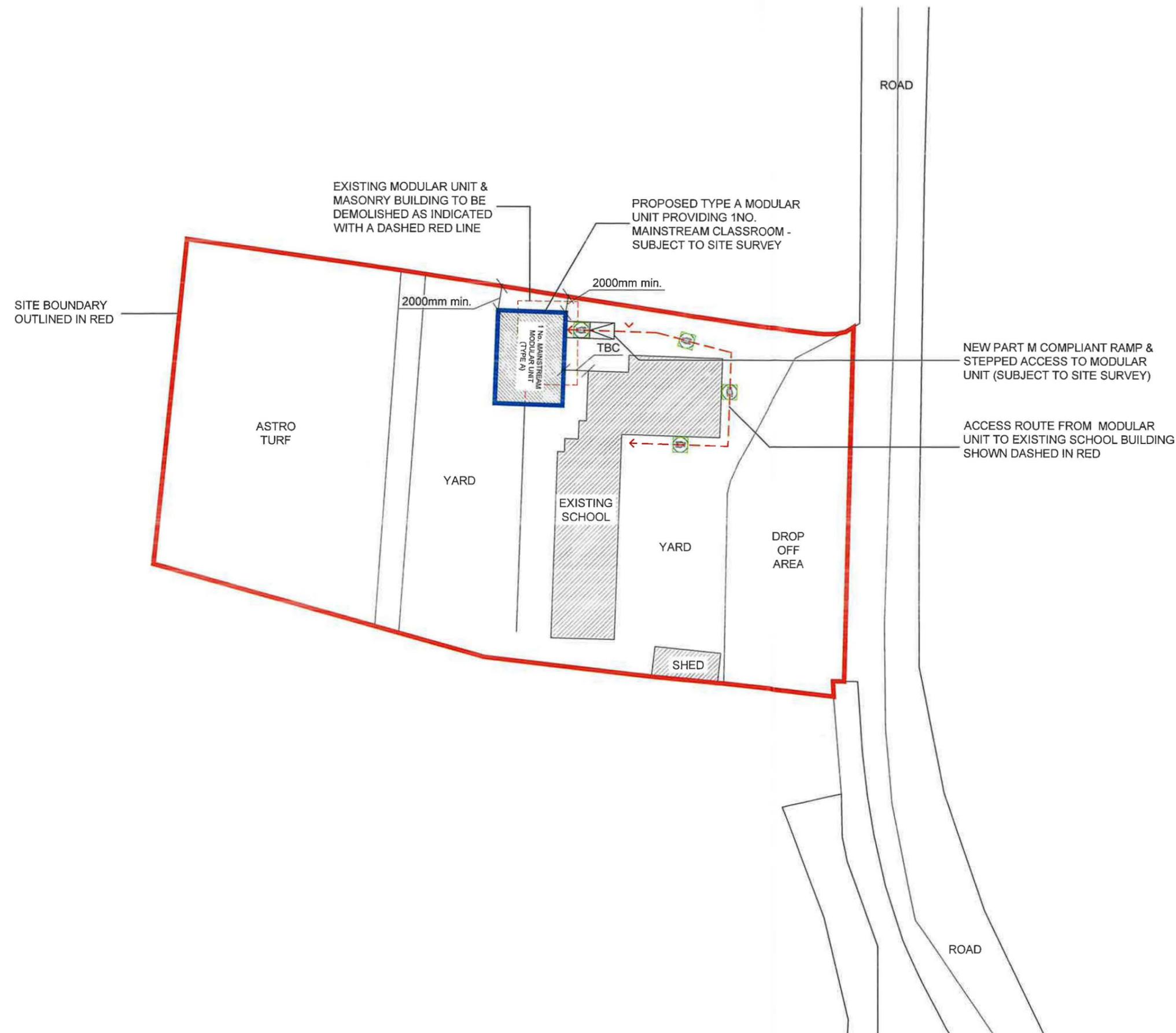
Scale:
1:500 @ A3

Job No.:
2815-059

Date:
APRIL 2025

Drg No.:
2815-P-002

Rev.:
00



01
002 **PROPOSED SITE LAYOUT PLAN**
1:500 @ A3

