

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 25/46

NAME OF APPLICANT: Board of Management, St. Patrick's Primary School

ADDRESS FOR CORRESPONDENCE: c/o Richard McMichael, Carlin Planning Limited, Suite 1 Bamford House, 91-93 Saintfield Road, Belfast, Northern Ireland, BT8 7HL

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the erection of a 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: St. Patrick's Primary School, Edenderry, Co. Offaly, R45 XV22.

WHEREAS a question has arisen as to whether or not the erection of 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development at St Patrick's Primary School, Edenderry, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 25th February 2025.

AND WHEREAS the Board of Management St Patrick's Primary School requested a declaration on the said question from Offaly County Council.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

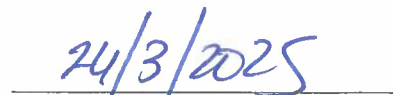
(a) Sections 2(1), 3(1),4(1)(h) and of the Planning & Development Act 2000 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the erection of 1.1m high safety railings along roof edge of school building is development and is exempted development at St Patrick's Primary School, Edenderry, Co. Offaly.

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters include any submissions and observations received by it in accordance with statutory provisions.

  
Administrative Officer

  
Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.



## Planning Report

### Section 5 Declaration

<b>File Reference:</b>	Dec 25/46
<b>Question:</b>	Whether or not the erection of 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development.
<b>Applicant:</b>	Board of Management St Patrick's Primary School.
<b>Correspondence address:</b>	Board of Management St Patrick's Primary School, C/O Richard McMichael, Carlin Planning Limited, Suite 1 Bamford House, 91-93 Saintfield Road, Belfast, Northern Ireland BT8 7HL
<b>Location:</b>	St. Patrick's Primary School, Edenderry, Co Offaly R45XV22

#### 1. Introduction

The question has arisen as whether works which includes:

- 1) Erection of a 1.1m high safety railing along the edge of the school building

#### 2. Background

The school is located in Edenderry Town and is zoned as Community Services/Facilities under the *Offaly County Development Plan 2021-2027*.

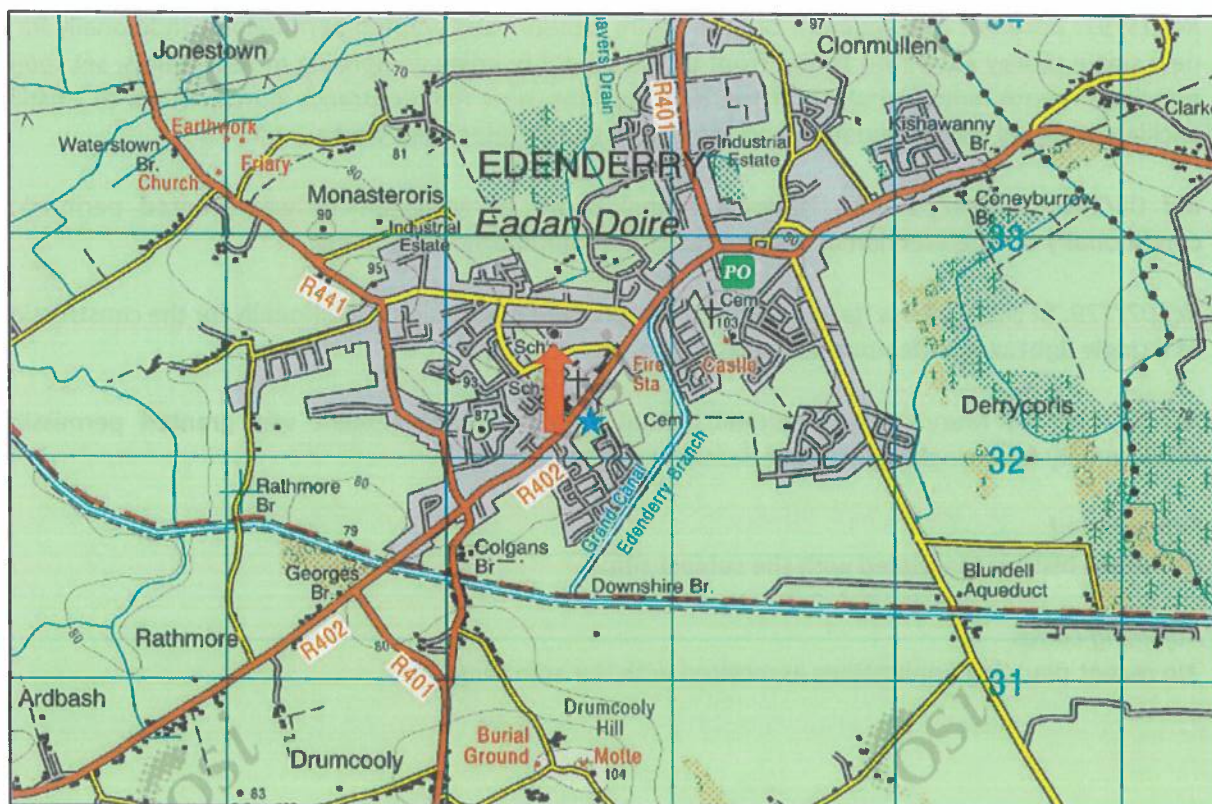
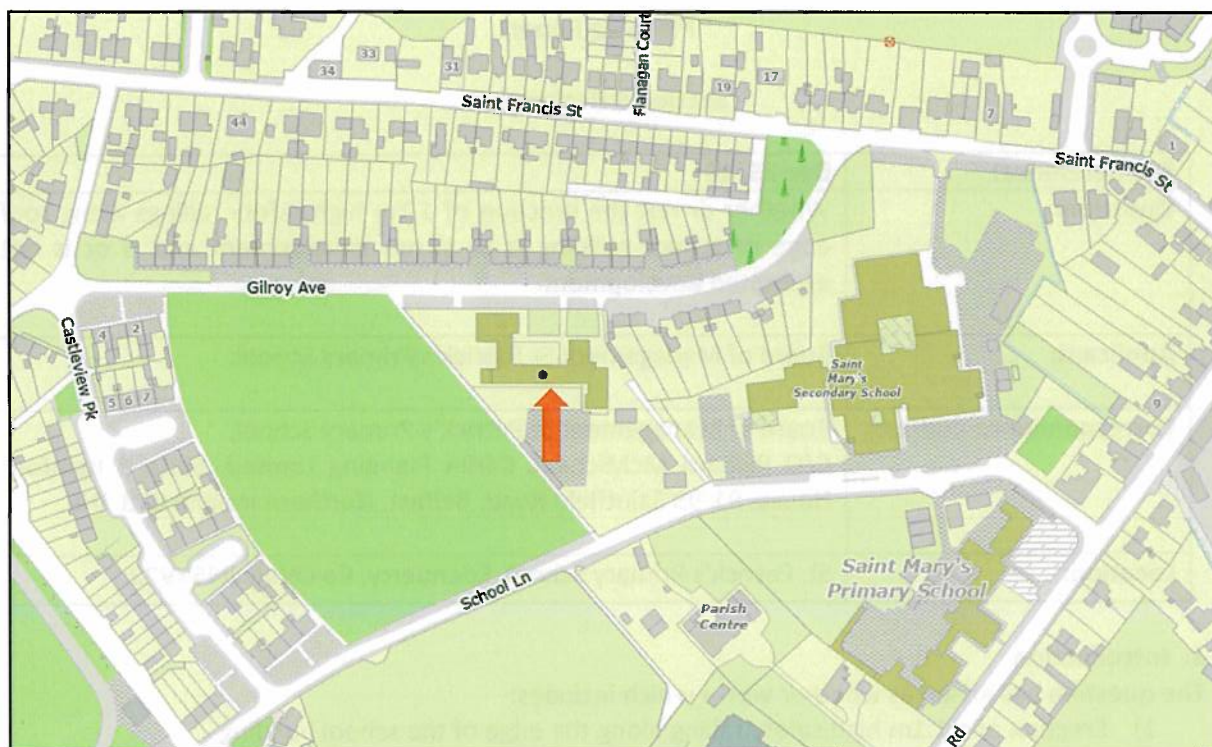


Figure 1: Site Location (red arrow)



**Figure 2: Site Location (red arrow)**

### 3. Site History

#### *On Site*

*Ref 19/91:* Board of Management of Scoil Muire Barrion was granted permission conditionally for a new single storey extension to the front of the school building comprising of new toilets, set room, principals' room, administration office, new corridor, new main entrance porch, works to existing ancillary sanitary accommodation and associated site development works.

*Ref 08/240:* St Mary's Boys National School Board of Management was **granted** permission conditionally for the erection of two lightweight demountable classrooms.

*Ref 07/779:* St Mary's Boys National School was **granted** permission conditionally for the construction of a single lightweight demountable classroom.

*Ref 03/436:* St Mary's Boys National School Board of Management was **granted** permission conditionally for a single lightweight demountable classroom.

#### *Enforcement*

No recent history associated with the subject site.

#### *Adjoining Lands*

No recent planning applications associated with the adjoining lands.



**Photo 1: Front (north) elevation of subject site**



**Photo 2: Side (west) elevation of the subject site**

#### 4. Legislative Context

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

##### (i) Statutory Provisions

**Section 2 (1) *Planning and Development Act 2000, as amended*, states 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.*

**Section 3 (1) *Planning and Development Act 2000, as amended*, defines development.**

*“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.*

##### **Section 4 - Exempted Development**

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.*

The subject proposed development is considered to be in accordance with section 4 (1)(h) outlined above, as the addition of a 1.1 m high safety railing along the roof edge will not materially affect the external appearance of the existing structure or negatively impact on neighboring properties or the protected structure on site. It is noted that the proposed safety rail is of very limited scale.

## 5. Proposal by Applicants

The Applicant has advised that the proposed works will include the addition of a 1.1m high safety rail along the edge of the school building.



Figure 3: Proposed elevations

## 6. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been concluded that the existing development is unlikely to have significant effects on any European sites. Please see attached report under Appendix A.

## 7. Environmental Impact Assessment Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the *Planning and Development Regulations 2001 (as amended)* and therefore is not subject to EIA requirements.

## 8. Evaluation

**Question: Whether the erection of 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development?**

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development.

**Question: Is this proposal considered as Exempted Development?**

Based on the information received, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the appearance of the development and would not be

detrimental to the character of the site or the surrounding area. It is the opinion of the Planning Authority that these works meet the criteria of exempt development under section 4(1)(h) of the act as they do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

#### **9. Recommendation**

It is recommended that the Applicant be advised that the proposed development is **development** and is **exempted development**.



**Declaration on Development and Exempted Development**

**Section 5 of the *Planning and Development Act 2000* (as amended)**

**WHEREAS** a question has arisen as to whether or not the erection of 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development at St Patrick's Primary School, Edenderry, Co. Offaly.

**AS INDICATED** on the particulars received by the Planning Authority on the 25<sup>th</sup> February 2025.

**AND WHEREAS** the Board of Management St Patrick's Primary School requested a declaration on the said question from Offaly County Council:

**AND WHEREAS** Offaly County Council, in considering this declaration request, had regard particularly to:

(a) Sections 2(1), 3(1),4(1)(h) and of the *Planning & Development Act 2000* (as amended).

**AND WHEREAS** Offaly County Council has concluded that the proposed works is **development** and is **exempted development**.

**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the *Planning and Development Act 2000* (as amended), hereby decides that:

The erection of 1.1m high safety railings along roof edge of school building is **development** and is **exempted development** at St Patrick's Primary School, Edenderry, Co. Offaly.

*Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.*



Enda Finlay

Date 18<sup>th</sup> March 2025

Graduate Planner



Ed Kelly

Date 18<sup>th</sup> March 2025

ASEP

## Appendix A

<b>Establishing if the proposal is a 'sub-threshold development':</b>	
Planning Register Reference:	Dec 25/46
Development Summary:	Declaration as to whether or not the erection of 1.1m high safety railings along roof edge of school building is or is not development and is or is not exempted development
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)	
No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?</b> (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>