

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 20/03

NAME OF APPLICANT: Board of Management of Scoil Bhríde Croghan

ADDRESS FOR CORRESPONDENCE:

BOM Secretary, Scoil Bhríde Croghan,
Croghan,
Rhode,
Co. Offaly
R35 T974

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the installation of a playground within the existing school grounds is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Scoil Bhríde Croghan, Croghan, Rhode, Co. Offaly.

WHEREAS a question referred to Offaly County Council on 6/2/2020 has arisen as to whether the installation of a playground within the existing school grounds at Scoil Bhríde Croghan, Croghan, Rhode, Co. Offaly is or is not development and is or is not exempted development under the Planning and Development Act 2000, (as amended).

AND WHEREAS the Planning Authority, in considering this declaration request, had regard particularly to-

- (a) Sections 2, 3 and 4 of the Planning & Development Act 2000 as amended.
- (b) Planning and Development Regulations 2001 -2018, Article 6 (1) and Article 9
- (c) Planning and Development Regulations 2001-2018, Schedule 2, Part 1, Class 40

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 powers conferred on it by Section 5 (2) of the Planning and Development Act 2000, as amended hereby decides that the installation of a playground within the existing school grounds a, Scoil Bhríde Croghan, Croghan, Rhode, Co. Offaly **IS DEVELOPMENT AND IS EXEMPTED DEVELOPMENT**

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 included any submissions and observations received by it in accordance with statutory provisions.


Administrative Officer

7/5/2020
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

SECOND REPORT ON FILE

File Reference:	<i>Dec 20-03</i>
Question:	<i>Whether the following is development and exempted development: The erection of a playground within the existing school grounds at Scoil Bhride National School, Croghan</i>
Applicant:	<i>Caroline Reynolds, Board of Management, Scoil Bhride Croghan, Croghan, Rhode, Co. Offaly.</i>
Correspondence Address:	<i>C/o, Caroline Reynolds, Board of Management, Scoil Bhride Croghan, Croghan, Rhode, Co. Offaly.</i>
Location:	<i>Scoil Bhride Croghan, Croghan, Rhode, Co. Offaly.</i>

1. INTRODUCTION:

The applicant has stated it is the intention of the Board of Management of Scoil Bhride to install a playground within the existing school grounds.

The Planning Authority is accessing the query ~~as if the applicant is asking the question~~ as whether the erection of a playground within the existing school grounds at Scoil Bhride National School, Croghan is development and exempted development under ~~Schedule 2, Part 1, Class 40 of the Planning and Development Regulations 2001 (as amended).~~ cm

Schedule 2 – Exempted Development, Part 1 Development for amenity or recreational purposes, Class 40 Specifies;

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.

2. FURTHER INFORMATION:

Further information was sought by the Planning Authority on 3rd March 2020 and subsequently received by the Planning Authority on 27th April 2020. This report

should be read in conjunction with the previous planner's report dated 3rd March 2020. The following further information was sought and the response is as follows:

- (a) Requested to fill out the Offaly County Council Section 5 Declaration form which is available from the Offaly County Council Website.

The applicant has submitted the Offaly County Council Section 5 Declaration.

- (b) Submit site layout and drawings of the proposed playground equipment.

The applicant has submitted a partial site layout drawing indicating where the subject playground equipment is being installed within the school grounds. Furthermore, the applicant has submitted drawings of the proposed playground equipment.

3. ASSESSMENT:

Question: Is the subject works considered as development and if the subject works is considered development is it considered exempted development?

The subject development entails the installation of a playground within the existing school grounds. As the applicant is proposing to erect a playground within the grounds of a school, the subject proposal is considered 'development' as per Section 3 (1) Planning and Development Act 2000 (as amended).

Furthermore, pursuant to the Planning and Development Regulations 2018, Schedule 2, Part 1, Exempted Development, General Class 40, the subject development is considered exempted development under the aforesaid Class, as the works proposed is deemed to be incidental to the use of the school. It should be noted that there are no restrictions on exemption with respect of Article 9 (1) in this instance.

4. RECOMMENDATION:

WHEREAS a question has arisen as to whether or not the erection of a playground within the existing school grounds are or are not development and, where it is development, whether or not it is or is not exempted development at Scoil Bhríde National School, Croghan, Co. Offaly.

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

- (a) Sections 2, 3 and 4 of the Planning & Development Act 2000 as amended.
- (b) Planning and Development Regulations 2001 -2018, Article 6 (1) and Article 9
- (c) Planning and Development Regulations 2001-2018, Schedule 2, Part 1, Class 40

AND WHEREAS Offaly County Council has concluded that --

The erection of a playground within the existing school grounds (as indicated on the site layout submitted on the 27th April 2020) is development and is exempted development.

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

The erection of a playground within the existing school grounds (as indicated on the site layout submitted on the 27th April 2020) is development and is exempted development.

Michael Duffy
Michael Duffy
Assistant Planner
29th March 2020

Carroll Mehe

A/SEP

6/5/2020

**APPROPRIATE ASSESSMENT SCREENING
REPORT FOR PLANNING APPLICATIONS**



Screening is used to determine if an AA is necessary by examining:

- If the plan / project is directly connected with / necessary to the management of the European site.
- If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.

Planning Authority: OCC

Planning Application Ref. No: DEC/20/3

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Playground		
Site location:	Croghan National School.		
Site size:	.7 ha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Raheenmore Bog SAC		
Distance to European Site(s):	3.25km		
The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and which may affect the European site:	None		
Is the application accompanied by an EIAR?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes). See below:			
The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the European site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) (ATTACH INFO.)			
7110 Active raised bogs*			
7120 Degraded raised bogs still capable of natural regeneration			
7150 Depressions on peat substrates of the Rhynchosporion			
(C) NPWS ADVICE:			
Advice received from NPWS over phone:	None Received		

Summary of advice received from NPWS in written form (ATTACH SAME):

None Received

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:

(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).

If the answer is 'yes' to any of the questions below, then the effect is significant. (Please justify your answer. 'Yes' / 'No' alone is insufficient)

<p>Would there be...</p> <p>... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).</p>	No
<p>... a reduction in habitat area on a European site?</p>	No
<p>... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?</p>	No
<p>... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?</p>	No
<p>... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?</p>	No
<p>Would the project interfere with mitigation measures put in place for other plans / projects. [Look at <i>in-combination effects</i> with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.</p>	No

(E) SCREENING CONCLUSION:

Screening can result in:

1.	<i>AA is not required</i> because the project is directly connected with / necessary to the nature conservation management of the site.
2.	<i>No potential for significant effects / AA is not required.</i>
3.	<i>Significant effects are certain, likely or uncertain.</i> (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.
Therefore, does the project fall into category 1, 2 or 3 above?	Category 2
Justify why it falls into relevant category above:	There are no likely significant impact on the European site from the development to be retained due to its scale and the

