

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Avril Byrne,
Brusna National School,
Ballaghaderreen,
CO. ROSCOMMON,

Reference Number: DED 517

Application Received: 4th May, 2022

WHEREAS a question has arisen as to whether the groundworks for a playground at the back of the school building at Brusna N.S., Ballaghaderreen, Co. Roscommon is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (f) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the proposed development

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of the **groundworks for a playground at the back of the school building at Brusna N.S., Ballaghaderreen, Co. Roscommon** constitutes development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:



Administrative Officer,
Planning.

Date: 31st May, 2022

**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number: DED 517.

Name and Address of Applicant: Brusna NS, Ballaghaderreen, Co. Roscommon.

AGENT: N/A.

WHEREAS a question has arisen as to whether groundworks for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (f) The planning history of the site.

1.0 <u>Site Location and Description</u>

The subject site is located in the townland of Boghtaduff which is north-west of Ballaghaderreen. There is a primary school on site, to the rear of which is a lawn and basketball court. Immediately west of the site is Sacred Heart Church, behind which an all-weather playing pitch has been developed. In relation to Natura 2000 sites, River Moy SAC (site code 002298) is 4.2km north of the application site. The proposal includes ground works to the rear of the school to develop a playground. As is apparent on the GIS, there are no heritage features within proximity to the site.

2.0 <u>Planning History</u>

PD/06/129 – Permission was granted subject to 5no. conditions to demolish existing play shelter and to construct an extension to existing school comprising of class room, toilets, storage area and all ancillary services.

PD/05/701 – Permission was granted subject to 5no. conditions to construct an extension to existing school comprising of class room, toilets, storage area and all ancillary services.

PD/02/426 – Planning permission was granted subject to 5no. conditions to construct an extension to the school, to a design which differs from that for which Planning Permission was issued under PD 01/168 along with alterations to existing front elevations.

PD/01/168 – Permission was granted subject to 7no. conditions to retain existing extension to rear of building and to construct an extension to the front of the building.

3.0 Relevant Legislation

Planning and Development Act, 2000

Section 2 (1)

“works” include 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)

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.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001

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,

(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.

Development for amenity and recreation purposes
Class 33

Description of Development	Conditions and Limitations
Development consisting of the laying out and use of land— (a) as a park, private open space or ornamental garden,	

<p>(b) as a roadside shrine, or</p> <p>(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.</p>	<p>The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>
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It should also be noted that any development for which an Environmental Impact Assessment Report or Appropriate Assessment is required shall not be exempted development unless specifically exempted in Regulations where there is provision in other legislation for the carrying out of EIAR or AA. In addition, the restrictions on exemption, (Art. 9 (1)(a)(viiB)) exclude development, which would otherwise be exempted development under these regulations, where an Appropriate Assessment is required.

4.0 Planning Assessment

The question to be determined in this Section 5 referral is whether to whether groundwork for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the proposed development constitutes works and is therefore development.

With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIAR or AA does not apply with respect to the current referral case.

The applicant is proposing to develop a soft play area to the rear of the school in what is currently a hard surfaced basketball court. It is noted this proposal is for a small scale development as the total area to which the works relate is 20m². Considering the works outlined essentially comprise the redevelopment of the existing play area, the works are deemed to fall within the provisions of Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- Groundwork for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon falls within Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- The proposal constitutes exempted development.

5.0 Recommendation

Recommendation:

WHEREAS a question has arisen as to whether groundwork for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000, (as amended).

- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (f) The planning history of the site.

AND WHEREAS I have concluded that

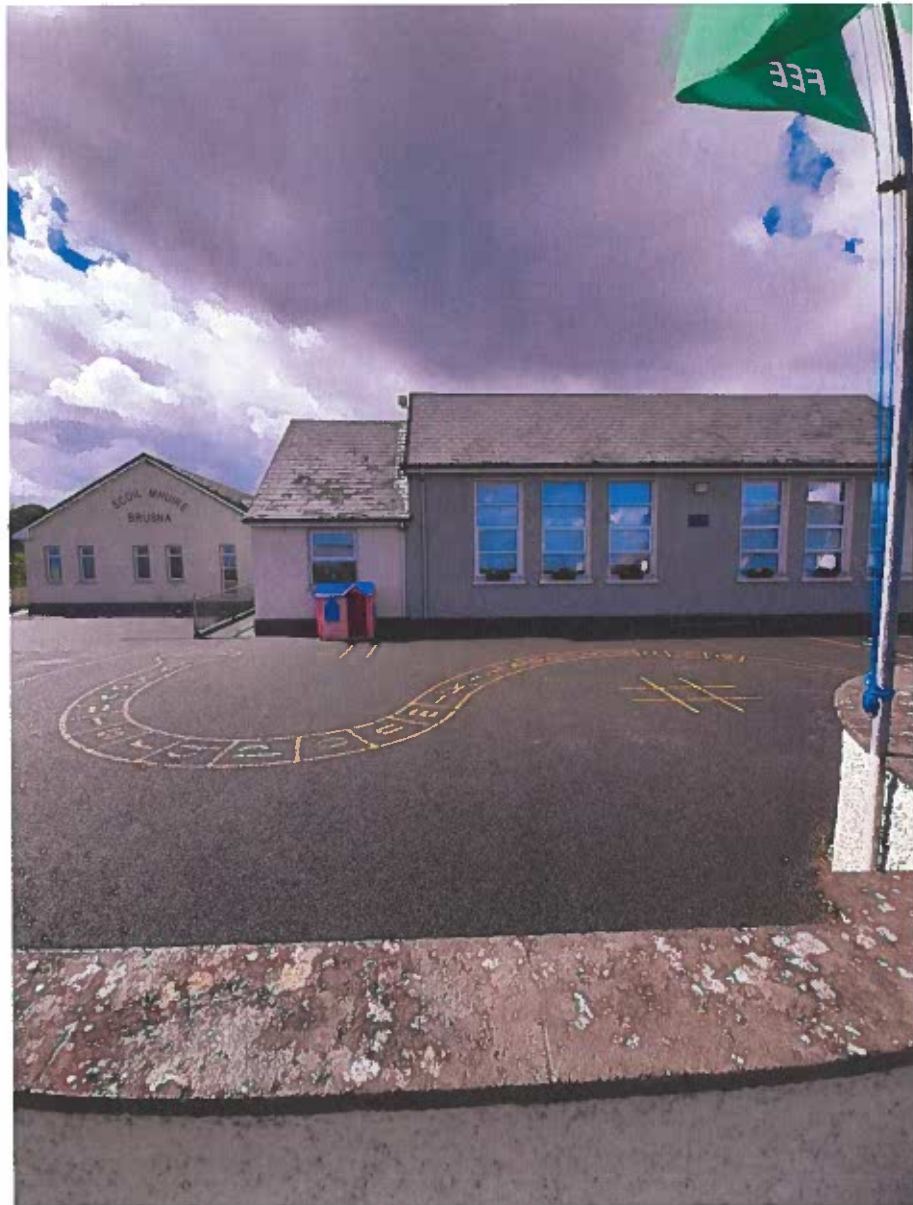
- The works are development.
- Groundworks for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon falls within Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that groundworks for a playground at the back of the school building at Brusna NS, Ballaghaderreen, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: *John Wallace*

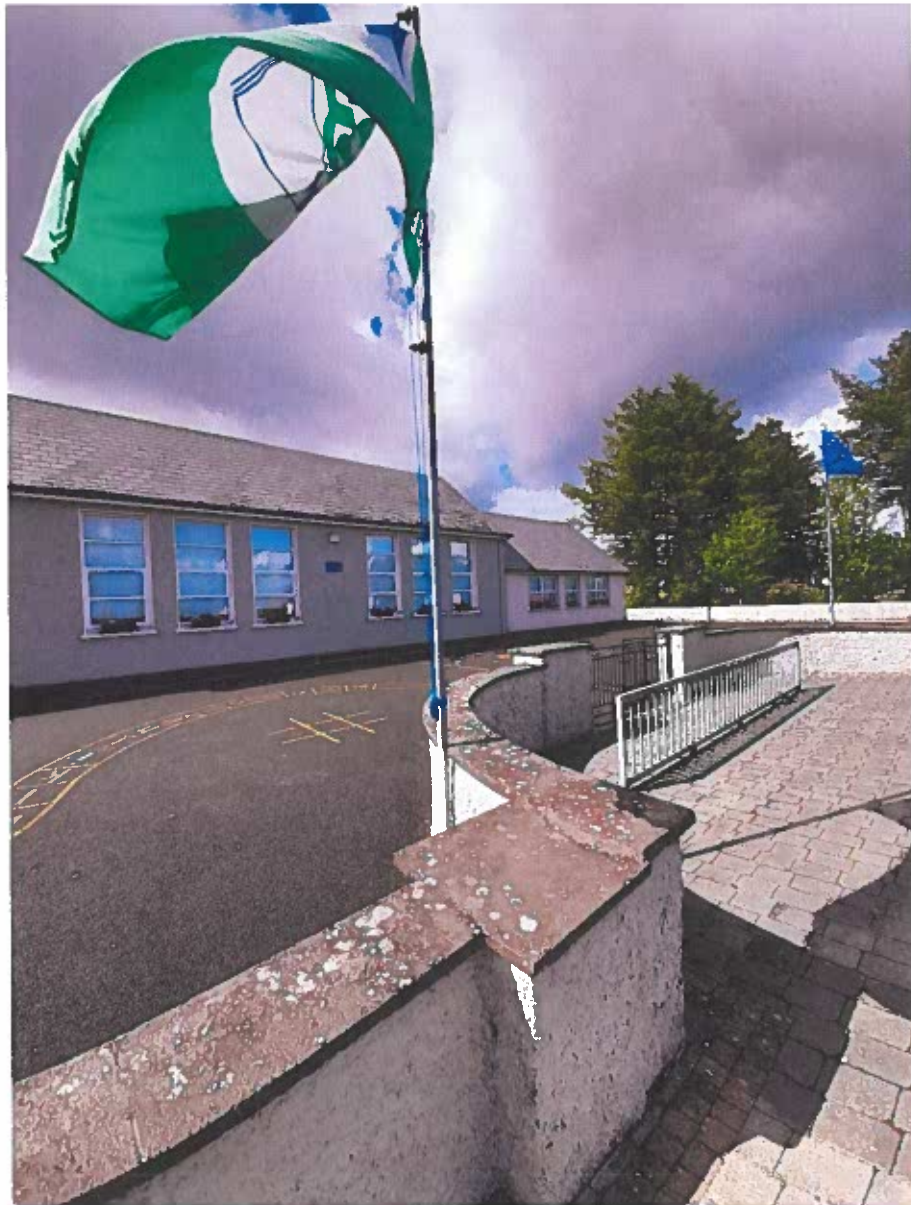
Date: 31st May 2022

John Wallace
Graduate Planner

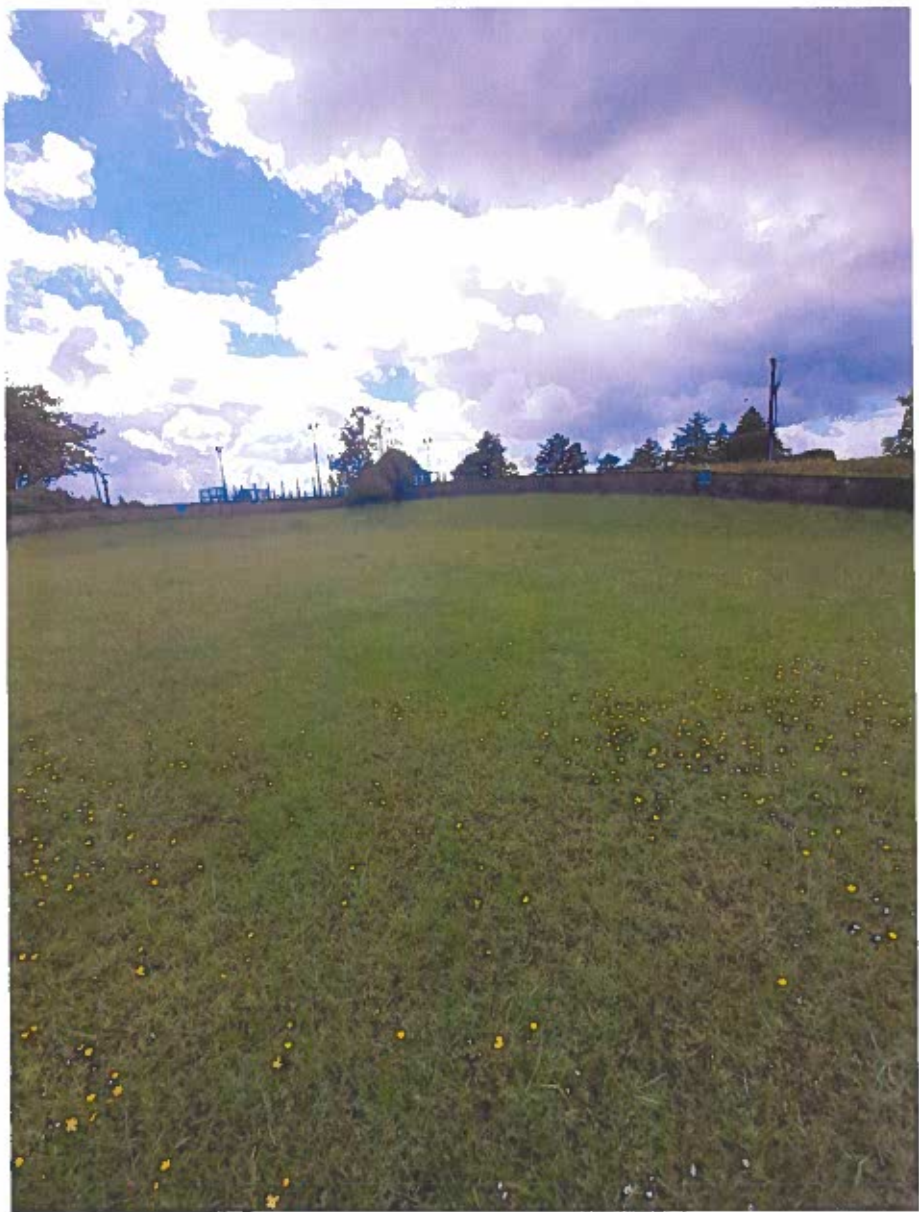












Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

05/05/2022 10:32:58

Receipt No : L01/0/216699

AVRIL BYRNE
BRUSNA NS
BALLAGHADERREEN
CO. ROSCOMMON.

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 517

Total : 80.00 EUR

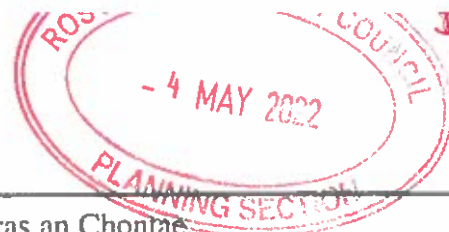
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Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Name:	Avril Byrne
Address:	Brusna NS Ballaghaderreen Co Roscommon
Name & Address of Agent:	Brusna NS Ballaghaderreen Co Roscommon
Nature of Proposed Works	Groundwork for a playground at the back of school building
Location (Townland & O.S No.)	Brusna NS. - scoll Mhuire, circode F45 AR29.
Floor Area	20 sqmeters:
Height above ground level	at ground level.
Total area of private open space remaining after completion of this development	Large field at back of school left.
Roofing Material (Slates, Tiles, other) (Specify)	n/a
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Soft play carpet put under the playground.
Is proposed works located at front/rear/side of existing house.	Rear of school.

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development

Has an application been made previously for this site	no.
If yes give ref. number (include full details of existing extension, if any)	—
Existing use of land or structure	stone area at back of school
Proposed use of land or structure	playground proposed.
Distance of proposed building line from edge of roadway	40 metres.
Does the proposed development involve the provision of a piped water supply	no
Does the proposed development involve the provision of sanitary facilities	no.

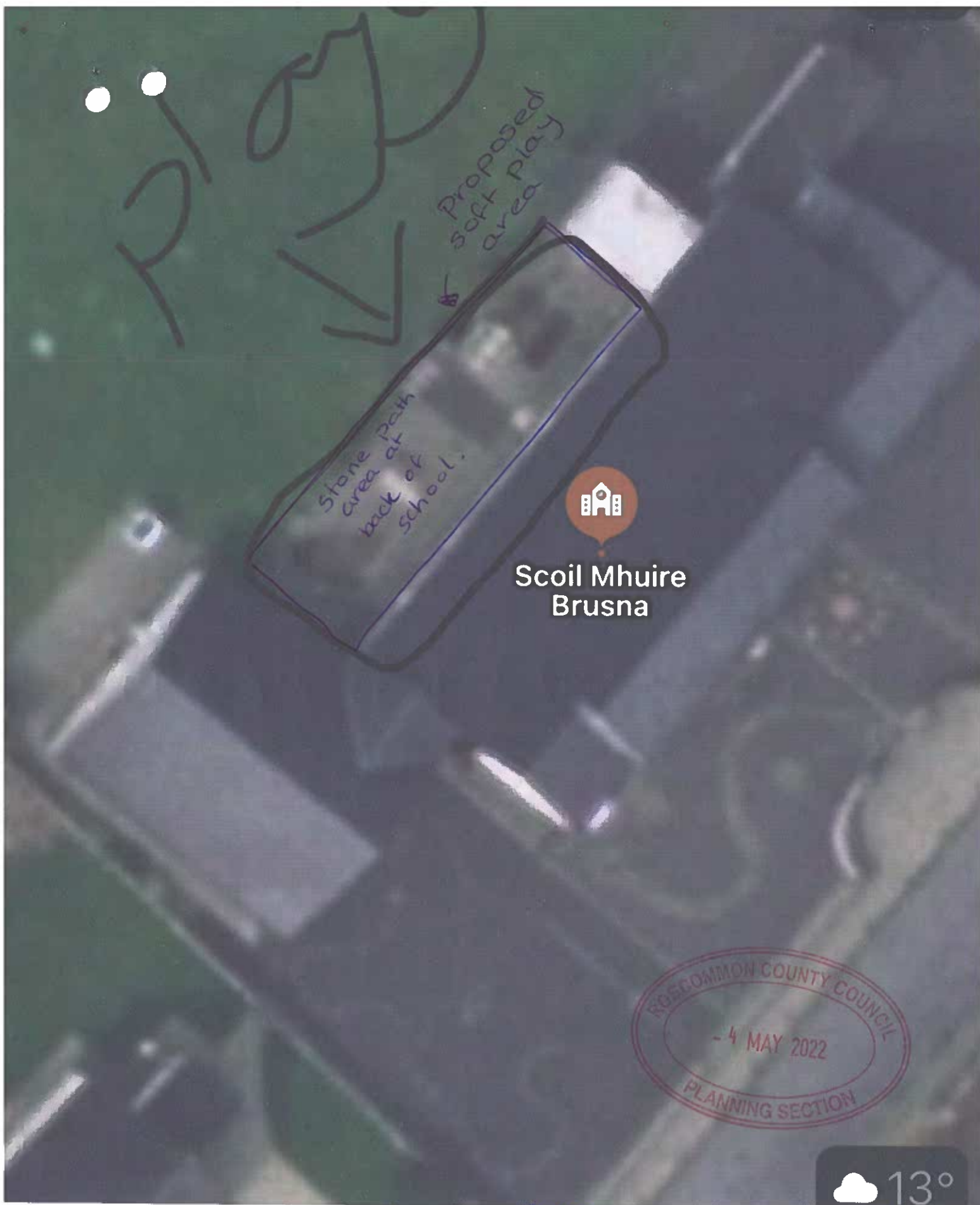
Signature: Avril Byrne (Principal)

Date: 28-4-2022.

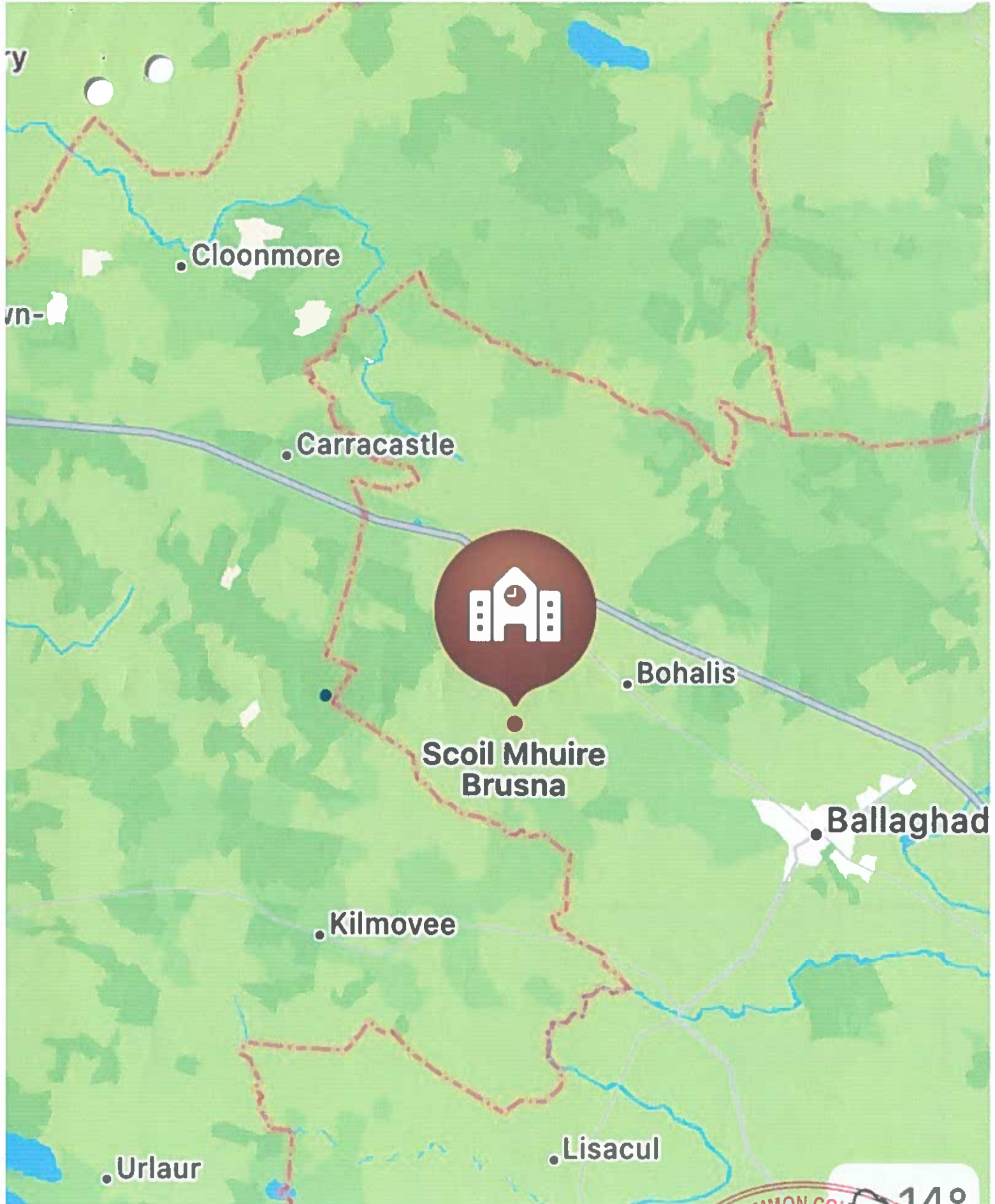
Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed





* Area at the back is ~~used~~ proposed for a playground which would be used by both the school and the public - currently it is just used for picnic benches at back of school.





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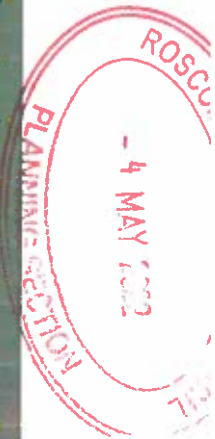
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Scoil Mhuire
Brusna

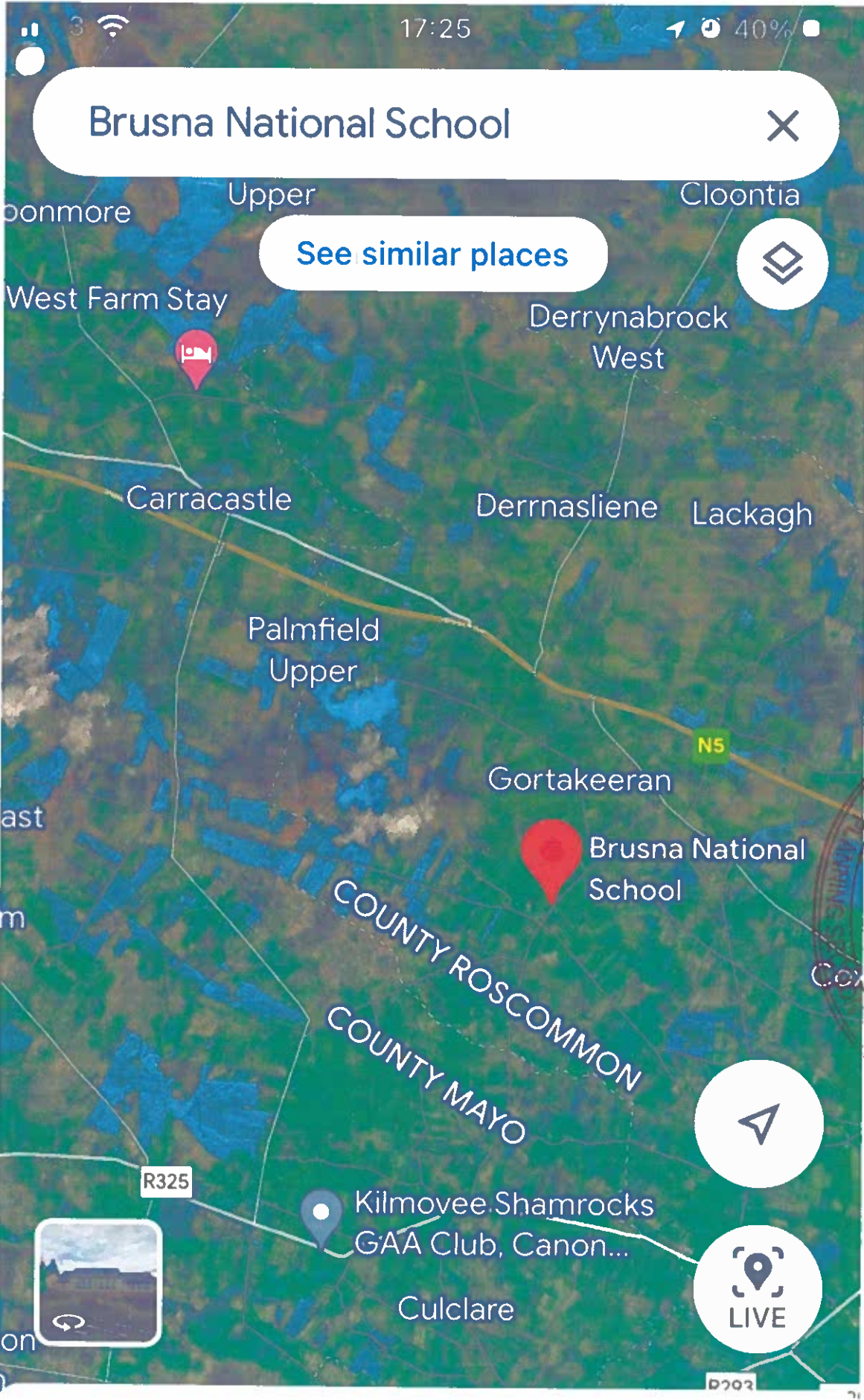


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Scoil Mhuire Brusna

School · [Boghtaduff, Co. Roscommon](#)





Brusna National School

2 reviews