



CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

To: Bord of Management Scariff Community College
c/o Michael O'Brien
Tinarana
Killaloe
Co. Clare
V94 R718

PL 6098 6555 81E

Planning Register Number: P21/118

Application Received: 15/02/2021

In pursuance of the powers conferred upon it by the above mentioned Acts, Clare County Council has by order dated 08th April 2021 decided to **grant permission** for the development of land, namely:

to re-surface with Astroturf existing pitch and gravel running track, provide fencing to astroturf playing area and to erect flood lighting to same and all associated site works at Scariff Community College, Drewsborough, Scariff, Co. Clare, 94 AE2D.

Under Article 20 of the Planning and Development Regulations 2001 (as amended), the applicant shall remove the site notice following the notification of the Planning Authority's decision.

The Planning Authority in its decision has had regard to submissions/observations received (if any) in accordance with Planning and Development Regulations 2001 (as amended).

The reason for the decision is set out in the First Schedule hereto and is **SUBJECT** to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto **(4 Conditions)**.

FIRST SCHEDULE-REASON

Having regard to the Community zoning on the site, the existing use established on site, the policies of the Clare County Development Plan 2017-2023 (as varied) and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE - CONDITIONS

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 15th February 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit full details of surface water management for the proposed development to the Planning Authority for written agreement and approval. This shall include details of the likely peak surface water run-off rates and details of the design and capacity of the soakpits to manage likely surface water volumes.

Reason: In the interests of residential amenity and to prevent flooding and pollution.

3. Any fencing erected shall be plastic coated and other wise in accordance with details received by the Planning Authority on the 15th February 2021.

Reason: In the interest of visual amenity.

4. (a) The proposed lighting shall be installed in accordance with the plans and particulars received by the Planning Authority on the 15th February 2021.
(b) The floodlights shall be directed onto the playing surface of the astro turf pitch. The floodlights shall be directed and cowled to avoid glare on the adjacent properties.
(c) Flood lighting on the site shall operate between the hours of 7am and 9.30pm only

Reason: In the interest of public safety and amenity.

If there is no appeal to An Bord Pleanála against the said decision, a **grant of permission** will be issued as soon as may be, but not earlier than 3 working days after the expiration of the period for the making of an appeal to An Bord Pleanála. It should be noted that, until a grant of permission has been issued no work shall commence on the site and that the development in question is **NOT AUTHORISED** until a final grant of permission has issued.

Signed on behalf of the said Council **this 08th April 2021.**

Josephine Conroy **STAFF OFFICER, PLANNING DEPARTMENT,
ECONOMIC DEVELOPMENT DIRECTORATE, NEW ROAD, ENNIS, CO. CLARE**

IMPORTANT NOTE: REGARDING APPEALS

An appeal against the decision of a Planning Authority on an application may be made to An Bord Pleanála. Appeals must be received by An Bord Pleanála within **four weeks** beginning on the date of the making of the decision by the Planning Authority. (N.B. not the date on which the decision is sent or received).

An appeal

shall:

- (a) be made in writing and state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf.
- (b) state the subject matter of the appeal with details of the nature and site of the proposed development, the name of the Planning Authority, the planning register number and the applicant's name and address (if you are a third party).
- (c) state the **full** grounds of appeal and be accompanied by supporting material and arguments. The Board cannot take into consideration any grounds of appeal or information submitted after the appeal (except information specifically requested by the Board) and it cannot consider non-planning issues so grounds of appeal should not, therefore, include such issues.
- (d) In the case of a third party appeal, be accompanied by the acknowledgement by the Planning Authority of receipt of the submission or observations made by the person to the Planning Authority at application stage. (A copy of the notification of the decision or similar is not accepted as an acknowledgement of receipt of the submission or observation)
- (e) be accompanied by the appropriate fee (see below for details). **An Appeal, submission or observation to An Bord will be invalid unless it is accompanied by the appropriate fee.**

A request An Bord Pleanála for an Oral Hearing shall be accompanied by the appropriate fee and such request must be made within the period for lodging the appeal, but where the developer is sent a copy of a third party appeal, he/she is allowed four weeks from this date.

All appeals, submissions, observations and other documents should be addressed to **The Secretary, An Bord Pleanála 64, Marlborough Street, Dublin 1** or delivered by hand to an employee of An Bord Pleanála at their offices during office hours (9.15 a.m. to 5.30 p.m. on Monday to Friday, except public holidays and Good Friday): The telephone number of An Bord Pleanála is (01-8588100). Web: <http://www.pleanala.ie>. email: bord@pleanala.ie.

Note: Under Section 251 of the Planning & Development Act 2000 (as amended) where calculating any period referred above, the period between the 24th December & 1st January both days inclusive shall be disregarded.

Appeals/Referrals under Planning Acts	On or before 2 nd September 2011	On or after 5 th September 2011
(a) Appeals against decisions of Planning Authorities		
Appeal		
(i) 1 st party appeal ¹ relating to commercial development ² where the application included the retention of development.	€4,500 or €9,000 if an EIS ³ involved	€4500 or €9,000 if an EIS or NIS ⁴ involved
(ii) 1 st party appeal relating to commercial development (no retention element in application).	€1,500 or €3,000 if EIS involved	€1,500 or €3,000 if EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660	€660
(iv) 1 st party appeal solely against contribution condition(s) – (2000 Act ⁵ section 48 or 49).	€220	€220
(v) Appeal following grant of leave to appeal.	€110	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220	€220
(b) Referral.	€220	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies ⁶).	€110	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act).	€110	€110
(e) Making submission or observation (specified bodies exempt ⁶).	€50	€50
(f) Request for oral hearing under section 134 of 2000 Act.	€50	€50
Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).		
Substitute Consent Part XA of 2000 Act	On or before 2nd September 2011	On or after 5th September 2011
(a) Application for leave to apply for substitute consent.	Nil	€3,000 except no fee where previous permission set aside by Court decision.
(b) Application for substitute consent.	Nil	Similar to fee for application to Planning Authority.
(c) Request for oral hearing under section 177Q of 2000 Act.	Nil	€50

General		
(a) Request for scoping of an EIS.	Nil	€5,000
(b) Submission of EIS following request from Board.	Nil	€1,500
(c) Submission of NIS following request from Board.	Nil	Commercial development €1,500 Non-commercial development €220

¹ An appeal made by the person by whom the planning application was made.

² Commercial development includes residential development of 2 or more houses.

³ Environmental Impact Statement.

⁴ Natura Impact Statement.

⁵ 2000 Act means Planning and Development Act 2000 as amended.

⁶ A list of these bodies is available from the Board.

⁷ Where cost recovery applies fees are offset against costs incurred.

⁸ Fees under section 66 of the Water Services Act 2007 will only apply when that section is commenced after the 5th September, 2011.

⁹ After 5th September, 2011 the reduced appeal fee applies to appeals made by any person entitled to appeal other than the applicant for a licence, the person causing, making or permitting the discharge or the occupier of the premises from which the discharge is made (in effect all third party appeals including those by certain specified bodies).

¹⁰ The Board's power to set fees does not cover fees relating to appeals under section 20 of the 1977 Act and these fees remain as set by Ministerial Regulation. In these cases the reduced fee applies to certain prescribed bodies.

¹¹ The Board has no power to amend existing fees under the Air Pollution Act and these fees remain as heretofore as set by Ministerial Regulation.

The Building Regulations and Building Control Regulations:

The Building Control Act 1990 to 2014 establishes a statutory duty to design and construct in accordance with the Building Regulations. Every building to which the Building Regulations apply should be designed and constructed in accordance with the provisions of such Regulations, and the responsibility for compliance rests with the designers, the constructors and the building owners. The Building Regulations set out the technical requirements for the design and construction of building works. The Building Regulations are divided into 12 parts; Parts A to M. Works that are carried out in accordance with these 12 Technical Guidance Documents will prima facie indicate compliance with the Building Regulations.

In accordance with the Building Control Regulations 1997 to 2015, a Commencement Notice must be submitted to the Building Control Section of Clare County Council, 14 to 28 days before the commencement of works. For Commercial Buildings and Apartment Buildings, a Fire Safety Certificate must be granted by the fire authority prior to commencement of works and a Disability Access Certificate must be granted prior to occupation of the building (certain exemptions apply ref. Building Control Regulations 1997 to 2015).

On 01st March 2014, new legislation, the Building Control (Amendment) Regulations 2014 (S.I No. 9 of 2014) relating to the commencement and certification of construction works came into effect. This required that a Commencement Notice be submitted to the building control authority accompanied by:

- (i) design and compliance documentation, certified by a registered construction professional
- (ii) undertakings by the builder and assigned certifier (a registered building professional)
- (iii) an inspection plan prepared by the assigned certifier
- (iv) the relevant fee of €30 per building

However, on 01st September 2015 the Building Control (Amendment) (No. 2) Regulations 2015 (S.I No. 365 of 2015) came into effect which provides owners of new single dwellings (on a single development unit), and domestic extensions the facility to submit a Commencement Notice and "opt out" of the requirements to obtain the statutory certificates reliant on the services of a registered construction professional. For an "information note for owners of new dwellings and extensions who opt out of statutory certification" go to

http://www.environ.ie/en/Legislation/DevelopmentandHousing/BuildingStandards/FileDownload_42563,en.pdf

Please go to <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/#BldgCtrlRegs> for additional detail on S.I. No 9 of 2014, S.I. No 365 of 2015 and the information note for owners opting out of statutory certification.

All Commencement Notices must be submitted by online submission. Please go to <https://www.localgov.ie/en/link-type/bcms> to complete the online submission in the Building Control Management System (BCMS) and for further information on Commencement Notices.

