

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

REFERENCE: DEC 23/16

NAME OF APPLICANT: Clonmacnois National School

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under section 5 of the planning & development act 2000, as amended as to whether the development of a school playground and sensory garden in the grounds of Clonmacnois National School is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Clonmacnois National School, Clonmacnois, Co. Offaly

WHEREAS a question has arisen as to whether the development of a school playground and sensory garden in the grounds of Clonmacnois National School is or is not development and is or is not exempted development at Clonmacnois National School, Clonmacnois, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 25th May 2023 and 19th December 2024.

AND WHEREAS Clonmacnois National School C/O Lorraine O'Leary has 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 -

- Section 2, 3(1), 4(1)(h) and 4(2) of the Planning & Development Act 2000, as amended.
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- Class 40, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

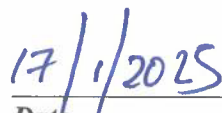
AND WHEREAS Offaly County Council has concluded that the works is development and is exempted development.

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 development of a school playground and sensory garden in the grounds of Clonmacnois National School is **development and is exempted development** at Clonmacnois National School, Clonmacnois, 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 included 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.

OFFALY COUNTY COUNCIL

Planning Report

Section 5 Declaration

File Reference:	DEC 23/16
Question:	Whether the development of a school playground and sensory garden in the grounds of Clonmacnoise National School is/ is not development and is /is not exempted development
Applicant:	Lorraine O'Leary
Location:	Clonmacnois National School
FI received:	19 th December 2024
Date due:	17 th January 2025

SECOND REPORT ON FILE

1. Proposal

The question has arisen as to whether the development of a school playground and sensory garden in the grounds of Clonmacnois National School is or is not development and is or is not exempted development.

2. Review of Further Information

Further information was sought by the Planning Authority on the 21st June 2023 and subsequently received by the Planning Authority on the 19th December 2024. This report should be read in conjunction with the previous planner's report dated 20th June 2023.

The following further information was sought, and the response is as follows:

- The proposed site is denoted is being situated in a Sites and Monument Record Referral Zone. Please submit written confirmation from the National Monuments Service as to whether the installation of playground equipment and a sensory garden consist of or comprises 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.*

In the response submitted by the Applicant, they have provided a copy of a letter from the Department of Housing, Local Government and Heritage dated 9th February 2024. This letter confirms that the Department has no objection to the sensory garden and playground, subject to the conditions which are outlined. In accordance with these conditions, the Applicants confirm that they have appointed the archaeology services of CRDS which is an archaeological consultancy.

In a telephone conversation between the Area Planner and the Applicant in December 2024, the Applicant was advised that the letter of consent from the Department remains active for 12 months from the date of issue. In response, the Applicant noted that if required, CRDS will make contact with the Department and seek an extension of time in order to carry out and complete the works.

3. Appropriate Assessment

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

4. Screening

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

It is considered that the proposed development does not constitute a development listed in Schedule 5 of the Planning and Development Regulations 2001 as amended. Furthermore, it is not a sub-threshold development. Accordingly, an EIAR is not required.

5. Conclusion

I consider that the proposed development complies with Section 2, 3(1), 4(1)(h) and 4(2) of the Planning & Development Act 2000, as amended and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and is thereby considered to constitute 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 the development of a school playground and sensory garden in the grounds of Clonmacnois National School is or is not development and is or is not exempted development at Clonmacnois National School, Clonmacnois, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 25th May 2023 and 19th December 2024,

AND WHEREAS Clonmacnois National School c/o Lorraine O'Leary has 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) Section 2, 3(1), 4(1)(h) and 4(2) of the Planning & Development Act 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 40, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the 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 development of a school playground and sensory garden in the grounds of Clonmacnois National School is **development** and is **exempted development** at Clonmacnois National School, Clonmacnois, 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 Pleanala within 4 weeks of the issuing of the decision.



Úna McCafferkey

A/Senior Executive Planner

17th January 2025

Date

APPENDIX A

APPROPRIATE ASSESSMENT SCREENING REPORT FOR PLANNING APPLICATIONS



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

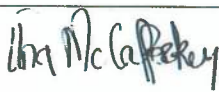
- If the plan / project is directly connected with / necessary to the management of the European site.
- If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.

Planning Authority: OCC

Planning Application Ref. No: Dec. 23-16

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the development of a school play ground and sensory garden in the grounds of Clonmacnoise National School is/ is not development and is /is not exempted development		
Site location:	Clonmacnoise National School		
Site size:	0.63ha	Floor Area of Proposed Development	c.150m ²
Identification of nearby European Site(s):	Middle Shannon Callows SPA = 100m		
Distance to European Site(s):	As above – all as crow flies		
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: ☐	No: ☒	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
The Shannon Callows has by far the largest area of lowland semi-natural grassland and associated aquatic habitats in Ireland and one in which there is least disturbance of natural wetland processes. Botanically, it is extremely diverse. In winter the site is internationally important for the total numbers of birds (regularly exceed 20,000) and for Whooper Swan in particular. It also holds nationally important populations of a further five species. Some of the wintering species are listed on Annex I of the EU Birds Directive, including Whooper Swan, Greenland White-fronted Goose and Golden Plover. In summer the site supports important populations of breeding waders. Perhaps the most important species which occurs in the site is Corncrake (the site holds 40% of the national total), as this is listed on Annex I of the EU Birds Directive and is Ireland's only globally endangered species.			
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.)			

See attached site synopsis	
(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:	
<i>(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).</i>	
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)	
Would there be... ... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).	Not likely due to the location and type of development. The site is sufficient distance from the European site.
... a reduction in habitat area on a European site?	There will be no reduction in the habitat area. The site is sufficient distance from the European site.
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?	Not likely due to the location and type of development The site is sufficient distance from the European site.
... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?	Not likely due to the location and type of development The site is sufficient distance from the European site.
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?	None likely due to the location and type of development The site is sufficient distance from the European site
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.	No other plans known of in the vicinity of the site. The site is sufficient distance from the European site.
(E) SCREENING CONCLUSION:	
Screening can result in:	
1.	AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.
2.	No potential for significant effects / AA is not required.
3.	Significant effects are certain, likely or uncertain. (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 would be no likely significant impact on the European site from the proposed development due to the scale of the proposed development and the separation distance between the subject site and European Site.	
Name:	Úna McCafferkey 		
Position:	Executive Planner	Date:	16 th January 2025

SITE SYNOPSIS

SITE NAME: MIDDLE SHANNON CALLOWS SPA

SITE CODE: 004096

The Middle Shannon Callows SPA is a long and diverse site which extends for approximately 50 km from the town of Athlone (at southern point of Lough Ree) to the town of Portumna (northern point of Lough Derg). The site averages about 0.75 km in width though in places is up to 1.5 km wide. Water levels on the site are greatly influenced by the very small fall between Athlone and Portumna and by the weir at Meelick. The Shannon Callows has a common boundary with two other sites of similar habitats, the River Suck Callows and the Little Brosna Callows, both of which are also Special Protection Areas.

The site has extensive areas of callow, or seasonally flooded, semi-natural, lowland wet grassland, along both sides of the river. The callows are mainly too soft for intensive farming but are used for hay or silage or for summer grazing. Other habitats of smaller area which occur alongside the river include lowland dry grassland, freshwater marshes, reedbeds and wet woodland. Along most of its length the site is bordered by raised bogs, now mostly exploited for peat, esker ridges and limestone bedrock hills. The diversity of semi-natural habitats and the sheer size of the site attracts an excellent diversity of bird species and significant populations of several species.

The composition of the lowland wet grassland varies, depending on elevation and flooding patterns. Two habitats listed on Annex I of the EU Habitats Directive are well represented within the site – *Molinia* meadows and lowland hay meadows. The former is characterised by the presence of the Meadow Thistle (*Cirsium dissectum*) and Purple Moor-grass (*Molinia caerulea*), while typical species in the latter include Meadow Fescue (*Festuca pratensis*), Rough Meadow-grass (*Poa trivialis*), Downy Oat-grass (*Avenula pubescens*) and Common Sorrel (*Rumex acetosa*). In places these two habitats grade into one another.

Low-lying areas of the callows with more prolonged flooding are characterised by Floating Sweet-grass (*Glyceria fluitans*), Marsh Foxtail (*Alopecurus geniculatus*) and wetland herbs such as Yellow Cress (*Rorippa* spp.), Water Forget-me-not (*Myosotis scorpioides*) and Common Spike-rush (*Eleocharis palustris*). Most of the callows, however, consist of a plant community characterised by Creeping Bent (*Agrostis stolonifera*), Brown Sedge (*Carex disticha*), Common Sedge (*Carex nigra*), and herbs such as Marsh Marigold (*Caltha palustris*) and Marsh Bedstraw (*Galium palustre*). Scarce plant species associated with the grassland include Meadow-rue (*Thalictrum flavum*), Summer Snowflake (*Leucojum aestivum*) and Marsh Stitchwort (*Stellaria palustris*).

The dry grassland areas, especially where they exist within hay meadows, are species-rich, and can contain many orchid species and such species as Cowslip (*Primula veris*), Adder's-tongue Fern (*Ophioglossum vulgatum*) and Spring-sedge (*Carex caryophylla*), as well as an unusually wide variety of grasses. In places along the edge of the callows there occurs wet broad-leaved woodland dominated by both Birch (*Betula pubescens*) and Alder (*Alnus glutinosa*) and dry broad-leaved woodland dominated by Hazel (*Corylus avellana*). There are also areas of raised bog and fen on old cut-away bog with species such as Black Bog-rush (*Schoenus nigricans*).

Two legally-protected plant species (Flora (Protection) Order 1999) occur in the site: Opposite-leaved Pondweed (*Groenlandia densa*) in drainage ditches, and Meadow Barley (*Hordeum secalinum*) on dry alluvial grassland. The Red Data Book plant

Green-winged Orchid (*Orchis morio*) is known from dry calcareous grasslands within the site, while the site also supports a healthy population of Marsh Pea (*Lathyrus palustris*).

The Middle Shannon Callows qualifies as a site of International Importance for wintering waterfowl both on the total numbers regularly exceeding 20,000 birds (for example 27,581 in winter 1998/99) and for the Whooper Swan population (287 – average peak count 1995/96-1999/00). Whooper Swan is listed on Annex I of the EU Birds Directive. Five further species occur in numbers of national importance (all figures are average peaks for winters 1995/96-1999/00) - Mute Swan 349, Wigeon 2,972, Golden Plover (listed on Annex I of the EU Birds Directive) 4,254, Lapwing 11,578 and Black-tailed Godwit 388. For some of these species, peak counts in the period have been considerably higher than the averages, such as 1,096 Black-tailed Godwits and 23,839 Lapwings. The importance of the site for species like Blacktailed Godwit and Whimbrel may have been underestimated if count coverage missed the brief spring peaks for these species. A wide range of other species occur in numbers of regional or local importance, including Bewick's Swan (listed on Annex I of the EU Birds Directive) 7, Teal 77, Tufted Duck 33, Dunlin 369, Curlew 129, Redshank 31 and Black-headed Gull 1,061. Small numbers of Greenland Whitefronted Goose (listed on Annex I of the EU Birds Directive) use the Shannon Callows (average 21, peak 55) and these are generally associated with larger flocks which occur on the adjacent Little Brosna Callows and River Suck Callows. The callow grasslands provide optimum feeding grounds for these various species of waterfowl, while many of the birds also roost or rest within the site.

The site is also of national importance for breeding waterfowl. The total population of breeding waders (Lapwing, Redshank, Snipe and Curlew) on the Shannon and Little Brosna Callows in 1987 was one of three major concentrations in Ireland and Britain. Since then, however, numbers of at least Lapwing and Redshank have shown serious declines (a full survey of the callows is being carried out in 2002). For example, at a monitoring site at the callows at Shannon Harbour, numbers of Lapwing fell from 29 to 10 pairs and Redshank from 26 to 10 pairs between 1987 and 1994. Black-tailed Godwit, a very rare breeding species in Ireland, nests or attempts to nest in small numbers each year within the site. A further scarce breeding species, Shoveler, also nests in small numbers each year (an estimated 12 pairs in 1987). The Shannon Callows continues to hold approximately 40% of the Irish population of Corncrake, a species of global conservation concern that is also listed on Annex I of the EU Birds Directive. Between 1997 and 2001, the average number of calling birds was 60, with a peak of 69. BirdWatch Ireland, in association with Dúchas and the RSPB, operate a grant scheme to encourage farming practices that favour the Corncrake and this has probably been responsible for the stabilisation of numbers in recent years. A related scarce species, the Quail, is also known to breed within the callow grasslands.

A good variety of other bird species are attracted to this site. Birds of prey, including scarce species such as Merlin (listed on Annex I of the EU Birds Directive) and wintering Hen Harrier (listed on Annex I of the EU Birds Directive), are regularly reported hunting over the callows. A range of passerine species associated with grassland and swamp vegetation breed, including Sedge Warbler, Grasshopper Warbler, Skylark and Reed Bunting. Kingfisher (listed on Annex I of the EU Birds Directive) is also regularly seen within the site. Whinchat, an uncommon breeding species, occur in small numbers.

The wintering waterfowl within the Shannon Callows are difficult to monitor due to the size and inaccessibility of large parts of the site. In each winter there is usually one complete aerial census, as well as partial land-based counts. The population of Corncrake within the site is monitored each year and research is carried out on various aspects of the species' ecology. The breeding waders are also surveyed at intervals. About 30 ha of the callows is a nature reserve owned by voluntary conservation bodies.

The Shannon Callows has by far the largest area of lowland semi-natural grassland and associated aquatic habitats in Ireland and one in which there is least disturbance of natural wetland processes. Botanically, it is extremely diverse. In winter the site is internationally important for the total numbers of birds (regularly exceed 20,000) and for Whooper Swan in particular. It also holds nationally important populations of a further five species. Some of the wintering species are listed on Annex I of the EU Birds Directive, including Whooper Swan, Greenland White-fronted Goose and

Golden Plover. In summer the site supports important populations of breeding waders. Perhaps the most important species which occurs in the site is Corncrake (the site holds 40% of the national total), as this is listed on Annex I of the EU Birds Directive and is Ireland's only globally endangered species.

20.6.2002