



Limford Building Surveyors Ltd

Limford House, 21 The Orchard, Millersbrook, Nenagh, Co. Tipperary
Assigned/Design Certifiers

- Fire Safety Consultancy • Disability • Inspections • PSDP • Mapping

Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

25th November 2022

AN BORD PLEANÁLA	
LDG-	<u>059549-22</u>
ABP-	_____
28 NOV 2022	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time: _____	By: <u>request</u>

Re: Referral of Section 5 - Declaration Decision by Laois County Council
File Ref: S5/2022/37

Applicant: Grainne Harte of Caterpillars Childcare

Location: Ballyamore, Borris-in-Ossory, Co. Laois

Dear Secretary

This referral to An Bord Pleanála, pursuant to Section 5(3) of the Planning & Development Act 2000 (as amended) is prepared by Limford Building Surveyors Ltd on behalf Grainne Harte of Caterpillars Childcare.

The referral relates to the decision by Laois County Council on a Section 5 Declaration Application - file ref. S5/2022/37 (Copy attached).

We request the Bord to review the Council’s decision and make a determination on whether the provision of a pre-school in a disused school is development and is or is not exempted development.

Grounds for Referral:

We are of the strong opinion while having regard the following that the Decision by Laois County Council is not correct;

- (a) Section 2,3 and 4 of the Planning and Development Act 2000, as amended and
- (b) Article 9 of the Planning and Development Regulations (as amended).

It is our held opinion that the use of the disused national school at Ballyamore, Borris-in-Ossory for preschool use is NOT development as set out under Section 3 of the Planning and Development Act 2000, as amended.

Under Section 3 of the Planning and Development Act 2000, as amended the use of the disused National School at Ballyamore, Borris-in-Ossory for preschool use is NOT development.

Our opinion is based on the following;

The National Síolta Aistear Initiative (NSAI) was established in 2016 to support the coordinated roll-out of Síolta and Aistear, the national quality and curriculum Frameworks for the early learning and care sector.

This is being led by the Department of Education (DE). The curriculum for inspection is called AISTEAR, (the early years curriculum for children from birth to 6 years of age.)

The Department of Education is the governing body responsible for Early-years education inspections, which are carried out in early years services (Preschools etc).

Conclusion:

The use of a disused school for Pre-School services causes no change of use to the building as both uses are classed Educational and therefore is not development.

We request the Bord to reverse the decision of Laois County Council and declare that the use of a school as a pre-school service is NOT considered Development under Section 3 of the Planning and Development Act 2000 (as amended).

We thank the Bord for its attention and consideration of this referral.

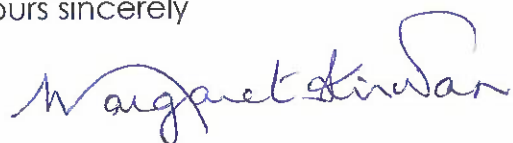
Attached for the Bord's attention:

Appendix A – Declaration issued by Laois County Council & Acknowledgement letter from Laois County Council

Appendix B – Section 5 Declaration Application content to Laois County Council

Fee: Cheque €220 (First Party Referral)

Yours sincerely



Margaret Kirwan C.Build E FCABE, MIBCI
Registered Building Surveyor B0156
Chartered Building Engineer

APPENDIX A:

**Section 5 - Declaration issued by Laois County Council &
Acknowledgement letter from Laois County Council**



COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Registered Post.

Our Reference: S5/2022/37

Comhairle Chontae
Laoise
Áras an Chontae
Port Laoise
Contae Laoise
R32 EHP9

16th November 2022

Grainne Harte,
C/o Margaret Kirwan
Limford Building Surveyors Ltd.,
Limford House
21 The Orchard
Millerbrook
Nenagh
Co. Tipperary

Laois County Council
Áras an Chontae
Portlaoise
County Laois
R32 EHP9

T: (057) 8664000

F: (057) 8622313

corpaffairs@laoiscoco.ie
www.laois.ie

Re: Section 5 - The use of Ballaghmore Old National School as a childcare facility, Borris in Ossory, Co. Laois.

A Chara,

I refer to your Section 5 application received in this office on the 17th October, 2022 in connection with the above.

NOW WHEREAS Laois County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended it is hereby decided that the proposed development consisting of the following:

“the change of use of Ballaghmore Old National School to a childcare facility” at Ballaghmore, Borris In Ossory, Portlaoise, Co. Laois

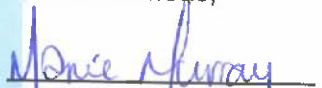
is ‘Development’ and is **NOT Exempted Development** as the development does not accord with the conditions/limitations of Article 10, Part 4, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

It is considered that the change of use is a ‘material’ change of use and therefore it constitutes development which is not exempted development

Please be advised that you may, on payment of the prescribed fee to An Bord Pleanala, request a review of this decision.

Any such request should be made to An Bord Pleanala within four weeks of the date of this correspondence.

Is mise le meas,


Evelyn Brownrigg
Administrative Officer,
Planning Section
planning@laoiscoco.ie

Tá Fáilte Romhat
Gnó a Dhéanamh
as Gaeilge



MidlandsIreland.ie

‘I bpáirt leis an bpobal’

Arna phriontáil ar pháipéar atá 100% aitheirsáilte – Do Chomhshaoil a chothú





COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Our Reference: S5/2022/37

Comhairle Chontae
Laoise
Áras an Chontae
Port Laoise
Contae Laoise
R32 EHP9

20th October, 2022

Laois County Council
Áras an Chontae
Portlaoise
County Laois
R32 EHP9

**Grainne Harte,
C/o Margaret Kirwan
Limford Building Surveyors Ltd.,
Limford House
21 The Orchard
Millerbrook
Nenagh
Co. Tipperary**

T: (057) 8664000
F: (057) 8622313
corpaffairs@laoiscoco.ie
www.laois.ie

Re: Section 5 - The use of Ballaghmore Old National School as a childcare facility, Borris in Ossory, Co. Laois.

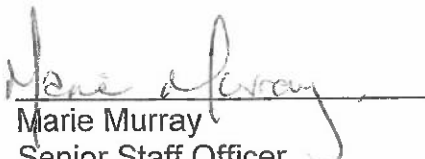
A Chara,

I wish to acknowledge receipt of your application on the 14th October 2022 for a Section 5 Declaration of Exempted Development under the Planning & Development Acts 2000 (as amended). Please find enclosed your receipt in the amount of €80.00.

I wish to advise that a response on this matter will be sent to you before the 10th November, 2022.

Trusting the above is in order.

Is mise le meas,


Marie Murray
Senior Staff Officer
Planning Department
planning@laoiscoco.ie

Tá Fáilte Romhat
Gnó a Dhéanamh
as Gaeilge



APPENDIX B:

Section 5 Declaration Application Contents to Laois County Council



LAOIS COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION – EXEMPTED DEVELOPMENT
PLANNING & DEVELOPMENT ACTS 2000-2010

1. Applicants Name GRAINNE HARTE ON BEHALF OF
CATERPILLARS CHILDCARE
Applicants Address _____
COOLE, NEWPORT,
CO. TIPPERARY
- Tel: 086 8145542 Fax No. — E-Mail caterpillarschildcare
@gmail.com
2. Name & Address of Agent (if any) MARGARET KIRWAN
LIMFORD BUILDING SURVEYORS
21, THE ORCHARD, MILLERSBROOK,
NENAGH, CO. TIPPERARY E45 HE06
- Tel: 087 9396512 Fax No. — E-Mail limfordcbs@gmail.com
3. Address for Correspondence: _____
As 2 Above

4. Location of Proposed Development: BALLAGHMORE
BORRIS-IN-OSSORY
PORTLAOISE, CO. LAOIS R32 T2X4
5. Reference No. of any planning permission which governs the overall development of the site:
N/A - THE BUILDING IS PRE 1963
(CIRCA 1900 NATIONAL SCHOOL)

6. Is this a Protected Structure, or within the curtilage of a Protected Structure?

No

7. Description of proposed development:

THE USE OF BALLAGHMORE OLD NATIONAL SCHOOL
FOR CHILD CARE USE.

8. Applicants' interest in the site:-

THE APPLICANT WILL BE LEASING THE BUILDING
FROM THE BALLAGHMORE PARISH COUNCIL

9. List of items to accompany this application:-

- ✓a) A fee of €80
- ✓b) 1 x Site Location Map with the site outlined clearly- 1:1000 in urban areas and 1:2500 in rural areas
- ✓c) 1 x Site Layout Plan at a scale of 1:500 showing all existing and proposed structures on site and distances from boundaries
- ✓d) 1 x Floor Plans at a scale of not less than 1:200
- ✓e) 1 x Elevations at a scale of not less than 1:200

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

Signed: Margaret Stinson Date: 14. 10. 2022
(Agent)

NOTES:

PAYMENT OF FEE:

This application will not be accepted and will be returned unless it is accompanied by a fee of €80

LODGEMENT:

This application should be forwarded to:

The Planning Department,
Laois County Council,
County Hall,
Portlaoise,
Co. Laois.

OSi PLACE Map

LOCATION MAP : GH-22-01
SECTION 5 APPLICATION - GRAINNE HART



National Mapping Agency

CENTRE COORDINATES:
ITM 620605,689907

PUBLISHED: 10/10/2022

ORDER NO.: 50296116_1

MAP SERIES: 1:2,500

MAP SHEETS: 4052-C, 4111-A

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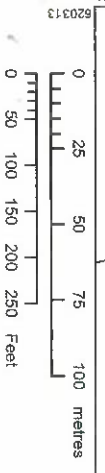
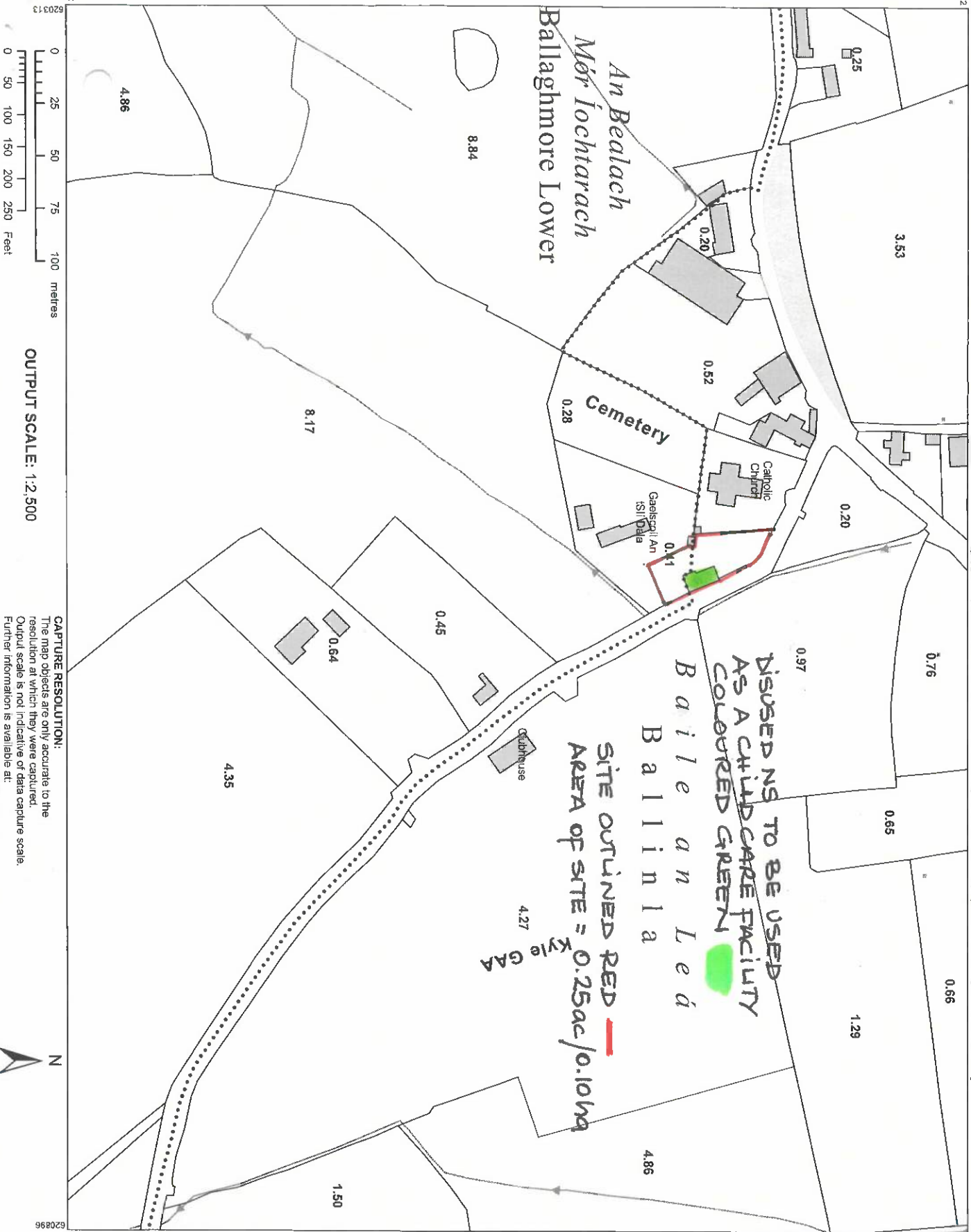
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LEGEND:
<http://www.osi.ie>,
search 'Large Scale Legend'



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>, search 'Capture Resolution'



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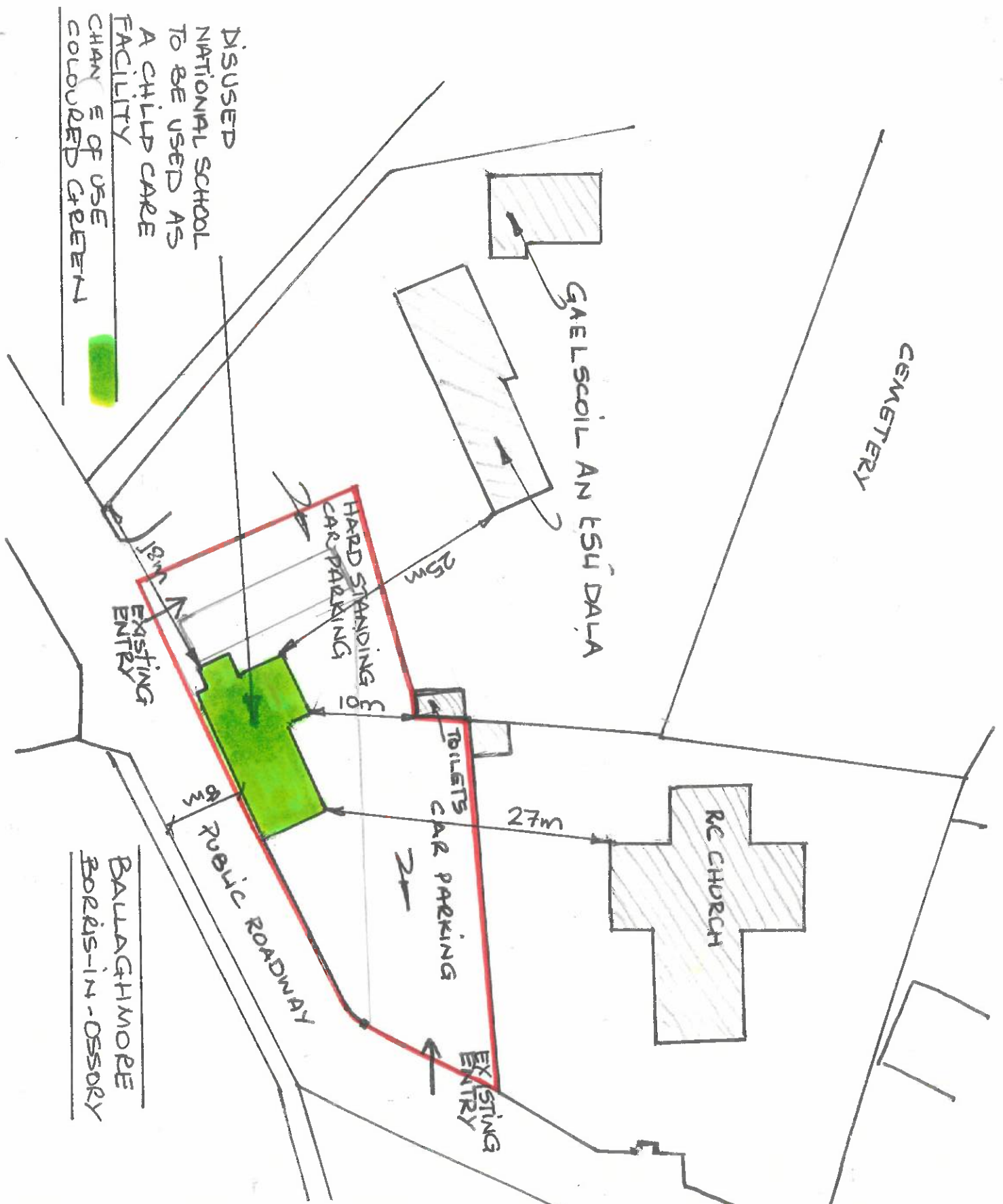
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620896



DISUSED NATIONAL SCHOOL TO BE USED AS A CHILD CARE FACILITY

CHANGING OF USE COLOURED GREEN

BALLAGHMORE BORRIS-IN-OSSORY

SITE OUTLINED IN RED

AREA OF SITE 0.25ac/0.10 ha

LMFORD BUILDING SURVEYORS
 LMFORD HOUSE
 21 THE ORCHARD, MILLERSROOK
 NENNGH, CO. TIPPERARY
 TEL: 087/41944
 MOBILE TEL: 087 9396512
 MARGARET KIRWAN FCAE MIBC
 REGISTERED BUILDING SURVEYOR B0156

Client: GRANNIE HARTÉ
 CATTERPILARS CHILDCARE

Location: DISUSED NATIONAL SCHOOL,
 BALLAGHMORE, BORRIS-IN-OSSORY
 CO. LAOISE

Scale: 1:500 @ A4 Date: 10/2022

Project: USE OF DISUSED NATIONAL SCHOOL
 TO CHILDCARE FACILITY

Drawn By: MK Stage: SECTION 5 APPLICATION

Design By: Checked By:

Drawing Title: SITE LAYOUT PLAN

Dwg. No. GH-22-02