

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 23/28

NAME OF APPLICANT: Aoife Buckley.

ADDRESS: 2 DERRYNAGUN, BALLYCUMBER, TULLAMORE, CO. OFFALY.

ADDRESS FOR CORRESPONDENCE: 2 DERRYNAGUN, BALLYCUMBER, TULLAMORE, CO. OFFALY

**NATURE OF APPLICATION:** Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the renovation/refurbishment and extension to the rear of property is or is not development and is or is not exempted development

**LOCATION OF DEVELOPMENT:** Lemanaghan, Ballycumber. Co. Offaly, R35 DY06

**WHEREAS** a question has arisen as to:

- Whether the renovation/refurbishment and extension to the rear of property at Lemanaghan, Ballycumber, Co. Offaly, R35 DY06 is or is not development and is or is not exempted development.

**AND WHEREAS** Aoife Buckley 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 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(2) of the Planning & Development Act 2000, as amended.
- (d) Section 4(1)(h) of the Planning & Development Act 2000, as amended.
- (e) Article 6(1) of the Planning and Development Regulations 2001, as amended.
- (f) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended

**AND WHEREAS** Offaly County Council has concluded that –

- The work is considered development and is exempted development.

**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

- The renovation/refurbishment and extension to the rear of property at Lemanahan, Ballycumber, Co. Offaly, R35 DY06  
**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*

*Date*

21/12/2023

**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**

<b>File Reference:</b>	Dec 23/28
<b>Question:</b>	Whether the renovation refurbishment and extension to the rear of property is/ is not development and is /is not exempted development
<b>Applicant:</b>	Aoife Buckley
<b>Location:</b>	Lemanaghan, Ballycumber R35 DY06
<b>Date received:</b>	15/12/23 <del>9/10/2023</del>
<b>Date due:</b>	21/12/2023

The following further information was requested

Please submit 1:500 floor plans of both the existing structures on site and of the works subject of this request for a declaration.

Drawings have been submitted of the proposed extensions which form two parts. One of the extensions has a first floor area. I note that the proposed extensions comply with SCHEDULE 2 Part One Class One and the attendant Conditions and Limitations of this class of development.

**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.

Other than the European sites addressed in the AA no other AA is potentially within the zone of influence of the project.

**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 renovation refurbishment and extension to the rear of property

At Lemanaghan, Ballycumber R35 DY06

**AND WHEREAS** Aoife Buckley 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 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(2) of the Planning & Development Act 2000, as amended.
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**AND WHEREAS** Offaly County Council has concluded that –

- The work is considered development and is exempted development.

**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

- The renovation refurbishment and extension to the rear of property  
**Is development and is exempted development.**



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Ed Kelly

ASEP

19/12/2023

## 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 Natura 2000 site.
- If the effects will be significant on a Natura 2000 site in view of its conservation objectives, either alone / in combination with other plans / projects.

**Planning Authority : OCC**

**Planning Application Ref. Dec 23/28**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	the renovation refurbishment and extension to the rear of property		
Site location:	Lemanaghan, Ballycumber R35 DY06		
Site size:	0.32 ha	Floor Area of Proposed Development:	140 sq. m.
Identification of nearby Natura 2000 Site(s):	Ferbane Bog SAC 000575		
Distance to Natura 2000 Site(s):	4kms		
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 Natura 2000 site:	None		
Is the application accompanied by an EIA?	No: <input checked="" type="checkbox"/>		
(B) IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S):			
The reasons for the designation of the Natura 2000 site(s):	Raised bog annex 1 of Habitats Directive.		
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 Natura 2000 site synopses and, if applicable, a Conservation Management Plan; all available on <a href="http://www.npws.ie">www.npws.ie</a> ) (ATTACH INFO.)	PLEASE SEE SITE SYNOPSIS SHEET ATTACHED		
(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)

<b>Would there be...</b> ... 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 Natura site.
... a reduction in habitat area on a Natura 2000 site?	There will be no reduction in the habitat area.
	The site is sufficient distance from the Natura site.
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?	Not likely due to the location and type of development
	The site is sufficient distance from the Natura site.
... serious / ongoing disturbance to species / habitats for which the Natura 2000 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 Natura site.
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?	None likely due to the location and type of development
	The site is sufficient distance from the Natura 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 Natura 2000 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 Natura site.

**(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 would be no likely significant impact on Natura sites from the proposed development.**

**Name:** Ed Kelly

**Position:** A/Senior Exec. Planner

**Date:** 19/12/2023

## SITE SYNOPSIS

**SITE NAME: FERBANE BOG**

**SITE CODE: 000575**

Ferbane Bog is a relatively large, domed, raised bog located about 10 km east of Shannonbridge. It is underlain by low permeability Waulsortian limestone and clayrich tills.

Much of the surface of the bog is very wet and spongy and the cover of Bog Mosses (*Sphagnum* spp.) and lichens is generally good. A wet quaking area to the east occurs in a depression and is characterised by a dominant growth of Hare's-tail Cottongrass (*Eriophorum vaginatum*), while another very wet quaking area on the western side of the site has well-developed inter-connecting pools. Around these wet areas is found a slightly drier area with lawns of *Sphagnum magellanicum* and hummocks of *S. papillosum*, *S. capillifolium* and *S. imbricatum*. Carnation Sedge (*Carex panicea*) is present in abundance throughout the site, but particularly so on sloping areas. Purple Moor-grass (*Molinia caerulea*) and Bog-myrtle (*Myrica gale*) occur in scattered patches throughout the bog. Bog-rosemary (*Andromeda polifolia*) and Cranberry (*Vaccinium oxycoccos*) are also found. A flushed area occurs on the northern part of the site.

Scots Pine (*Pinus sylvestris*) and Birch (*Betula* sp.) trees have encroached onto the high bog in the north, south, east and north-west. In the north and south these extend approximately 300 m into the site. An areas of mixed woodland is included in the site for hydrological reasons.

The vegetation of the older cutaway areas to the west, north and east of the site is dominated by Birch and Gorse (*Ulex europaeus*), with areas of Bracken (*Pteridium aquilinum*), Willow (*Salix* sp.), Bilberry (*Vaccinium myrtillus*), Scots Pine and Rhododendron (*Rhododendron ponticum*) also found.

Raised bogs, due to the high water content of peat are vulnerable to activities which increase water loss. Drainage is extensive at the site and has caused significant drying out. Past peat-cutting and some active peat-cutting have also speeded up water loss. However, although the high bog has suffered some water loss, it is still in restorable condition.

Ferbane Bog is a good example of a raised bog of a particular topographical type and is of considerable conservation significance. Raised bogs are becoming increasingly rare in Ireland and Europe and are listed as a priority habitat on Annex I of the EU Habitats Directive.

4.2.1997

