

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 23/31

NAME OF APPLICANT: TONY MCCABE

ADDRESS: C/O KAREN FEENEY, DRUMCOOLEY STUDIO LTD,  
DRUMCOOLEY HOUSE, EDENDERRY, CO. OFFALY, R45 KW02

NATURE OF APPLICATION: REQUEST FOR DECLARATION UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED AS TO  
WHETHER OR NOT THE CHANGE OF USE FROM A DWELLING  
UNIT TO HOME CARE UNIT TO FACILITATE DISPLACED  
YOUNG UNACCOMPANIED MINORS/YOUNG PERSONS IN NEED  
IS OR IS NOT DEVELOPMENT, AND IS OR IS NOT EXEMPTED  
DEVELOPMENT.

LOCATION OF DEVELOPMENT: KNOCKDRIN, RHODE, CO. OFFALY

WHEREAS A question referred to Offaly County Council on 05/10/2023 as to whether or not the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons in need at Knockdrin, Rhode. Co. Offaly is or is not development and is or is not exempted development under the Planning and Development Act 2000, (as amended).

AND WHEREAS Offaly County Council as the Planning Authority, in considering this declaration request, had regard particularly to-

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Offaly County Council has concluded that the proposal comprises of development to which the provision of the following applies:

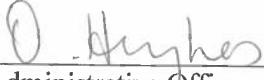
- (a) Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and;
- (c) Schedule 2, Part 1, Class 14 (f) (Exempted Development –Change of Use) of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Offaly County Council has concluded that –

- The works are considered **development** and are **exempted development**.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) of the Planning and Development Act 2000, as amended, hereby decides that the proposal for the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons at Knockdrin, Rhode. Co. Offaly 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

23/11/23

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 23/31
<b>Question:</b>	Whether or not the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons in need is or is not development and is or is not exempted development.
<b>Applicant:</b>	Tony McCabe
<b>Location:</b>	Knockdrin, Rhode. Co. Offaly
<b>Date received:</b>	5 <sup>th</sup> October 2023 (further information received on 3 <sup>rd</sup> November 2023)

#### SECOND REPORT ON FILE

##### 1. Proposal

The question has arisen as to whether or not the change of use from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons at Knockdrin, Rhode. Co. Offaly 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 1<sup>st</sup> November 2023 and subsequently received by the Planning Authority on 3<sup>rd</sup> November 2023. This report should be read in conjunction with the previous planner's report dated 1<sup>st</sup> November 2023. The following Further Information was sought and the response is as follows:

1. The Applicant is requested to clarify the proposed number of young person's/unaccompanied minors who will be in need of care and support living in the dwelling will be less than 6 and the number of resident carers will be less than 2.

**Applicants Response:** The Applicant has indicated the dwelling will accommodate a maximum of 4 young person's/unaccompanied minors in need of care and support and 2 carers.

**Planners Appraisal:** The further information received in relation to item 1 was assessed by the Planning Authority, who subsequently are satisfied with the response.
2. In order to clarify if the proposed use complies with class 14, Part 1, of Schedule 2 of the Planning and Development Regulations 2001 (as amended) please indicate if the proposed occupants have an intellectual or physical disability or mental illness

**Applicants Response:** The Applicant has indicated the care provided within the dwelling will primarily address psychological well-being and social integration, for young people suffering from trauma or other mental health challenges as opposed to medical or specialized physical needs care.

**Planners Appraisal:** The further information received in relation to item 2 was assessed by the Planning Authority, who subsequently are satisfied with the response.

### **3. Appropriate Assessment**

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.

### **4. Evaluation**

I consider that the proposed development complies with the provisions of Class 14 (f) of Part 1, Schedule 2 and is thereby considered to constitute exempted development in accordance with Article 6 of the Regulations.

### **5. Conclusion**

Having regard to:

- Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and;
- Schedule 2, Part 1, Class 14 (f) (exempted Development –Change of use, of the Planning and Development Regulations 2001 (as amended);

It is considered that the proposal for a change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons at Knockdrin, Rhode. Co. Offaly **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and is **exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

**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 or not the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons in need at Knockdrin, Rhode. Co. Offaly is or is not development and is or is not exempted development.

**AND WHEREAS** Tony McCabe requested a declaration on the said question from Offaly County Council;

**AND WHEREAS** Offaly County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended);

**AND WHEREAS** Offaly County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and;
- (c) Schedule 2, Part 1, Class 14 (f) (exempted Development –Change of Use) of the Planning and Development Regulations 2001 (as amended);

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

- The works are 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 proposal for the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons at Knockdrin, Rhode. Co. Offaly is **development** and is **exempted development**.

Michael Duffy

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*Michael Duffy*

*Assistant Planner*

*15<sup>th</sup> November 2023*

Ed Kelly

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*Ed Kelly*

*Acting Senior Executive Planner*

*22/11/2023*

**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 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:** Offaly County Council

**Planning Application Ref. No.:** DEC 23/31

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether or not the change of use of from a dwelling unit to home care unit to facilitate displaced young unaccompanied minors/young persons in need is or is not development and is or is not exempted development.		
Site location:	Knockdrin, Rhode. Co. Offaly		
Site size:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby <i>European</i> Site(s):	Raheenmore Bog SAC		
Distance to <i>European</i> Site(s):	7.34km		
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 <i>European</i> site:	As the proposed development will not lead to a physical encroachment on the cut away bogland, woodland or will affect the water table below the European designated site from excessive water abstraction and the subject site not border the European designated site or linked through a surface water body, it is not considered likely to be interactive/cumulative impacts other existing, proposed or approved plans in the area.		

Is the application accompanied by an EIAR?	Yes: <input type="checkbox"/>	No: <b>X</b>
<b>(B) IDENTIFICATION OF THE RELEVANT <i>European</i> SITE(S):</b>		
The reasons for the designation of the <i>European</i> site(s):		
<p>Please see the following extract from Raheenmore Bog SAC National Parks and Wildlife Conservation Plan for 2005-2010.</p> <p>Raheenmore Bog is situated 12km north-east of Tullamore, Co. Offaly and comprises 182ha. It developed in a small basin in the catchment of the Brosna and Boyne rivers, and is the deepest remaining raised bog in Ireland. The majority of the site (89%) comprises a statutory Nature Reserve. The underlying rock is Carboniferous limestone, with overlying gravely glacial till and lacustrine deposits above this. Deep peripheral drains surround the bog. Surface drains are also present, mostly on the eastern side of the bog. By far the most important habitat present is the active raised bog, an Annex I priority habitat listed in the E.U. Habitats Directive. The habitat has a well-developed hummock and hollow system. The hummocks are often colonised by the bog mosses <i>Sphagnum imbricatum</i> and <i>S. fuscum</i>. Pool areas support Great Sundew, the moss <i>Sphagnum cuspidatum</i> and the liverwort <i>Cladopodiella fluitans</i>. In places, moss lawns of <i>S. magellanicum</i> have infilled the pools. Overall, the cover of bog mosses on the bog is very good. Away from the dome summit, Bog Asphodel flats dominate the peat surface. Other species include Ling Heather, Deergrass, lichens, Bog Cottons and White Beak-sedge.</p> <p>Other habitats present on the site include cutover bog, strips of Birch woodland at the margins, lowland wet grassland (fertilised to varying degrees) and freshwater marsh. Small relict areas of poor fen or lagg vegetation have been identified at Raheenmore. It may therefore be possible to restore some lagg areas, which would add to the quality of the site. Noteworthy plant species present include Tussock Sedge and the moss <i>Sphagnum pulchrum</i>. Merlin frequents the site and the Irish Red Grouse recently bred on the bog.</p>		
<p>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 <i>European</i> site synopses and, if applicable, a Conservation Management Plan; all available on <a href="http://www.npws.ie">www.npws.ie</a>) (ATTACH INFO.)</p>		
<p>The nature conservation objectives for this site are:</p> <p><b>Objective 1:</b> To maintain and, where possible, enhance the quality of the active raised bog (64% of</p>		



the site).

**Objective 2:** To restore areas of lagg vegetation around the raised bog i.e. in the westnorth- west and south of the site.

**Objective 3:** To maintain and, where possible, enhance the ecological quality of other habitats, in particular dry, broadleaved semi-natural woodland (3% of site), cutover bog (10%), lowland wet grassland (23%), and freshwater marsh (<1%).

**Objective 4:** To maintain, and possibly increase, the populations of Annex I and other important species of flora and fauna present e.g. Merlin, Grouse and *Sphagnum pulchrum*.

**Objective 5:** To maintain effective liaison between NPW, landowners and other interested parties, in order to effectively manage the site for conservation.

**(C) NPWS ADVICE:**

Advice received from NPWS over phone:	None received.
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Summary of advice received from NPWS in written form <b>(ATTACH SAME):</b>	None received.
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**(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).*

<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 European site.
... a reduction in habitat area on a European site?	Not likely due to the location and type of development. 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

<p>... serious / ongoing disturbance to species / habitats for which the <i>European</i> site is selected (e.g. because of increased noise, illumination and human activity)?</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site</p>
<p>... direct / indirect damage to the size, characteristics or reproductive ability of populations on the <i>European</i> site?</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
<p>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 <i>European</i> sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.</p>	<p>No other plans known of in the vicinity of the site. The site is sufficient distance from the European site</p>
<p><b>(E) SCREENING CONCLUSION:</b></p>	
<p><b>Screening can result in:</b></p>	
<p>1</p>	<p><i>AA is not required</i> because the project is directly connected with / necessary to the nature conservation management of the site.</p>
<p>2</p>	<p><i>No potential for significant effects / AA is not required.</i></p>
<p>3</p>	<p><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.</p>
	<p><i>Conclusion:2 No potential for significant effects / AA is not required.</i></p>
	<p>As the proposed development will not lead to a physical encroachment on the cut away bogland, woodland of the Raheenmore Bog SAC or will affect the water table below the European designated site from excessive water abstraction and the subject site not border European designated site or linked through a surface water body, it is not considered likely to be have significant effects on the European Designated site.</p>
<p>Name:</p>	<p>Michael Ouffy</p>
<p>Position:</p>	<p>Executive Planner</p>
<p>Date:</p>	<p>15<sup>th</sup> November 2023</p>



