

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

REFERENCE: DEC 23/33

NAME OF APPLICANT: Bernard Cully.

ADDRESS: Mucklagh, Co.Offaly.

ADDRESS FOR CORRESPONDENCE: Frank Murray Architectural Services Ltd, Pallas Park, Blueball, Tullamore, Co. Offaly.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to Whether the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development. Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the construction of a single level extension opening up kitchen into back yard. Extension to consist of extending kitchen approx. 3 metres into yard with fully glazed back wall including new sliding door to yard. Finish with a lean too roof to match that of existing roof. Replace existing oil stove with new wood pellet stove, replacing old kitchen units with new kitchen appliances etc. Floor to be finished with tiles. Total size of extension 17sqm is/ is not development and is /is not exempted development.

LOCATION OF DEVELOPMENT: Mucklagh, Co.Offaly.

WHEREAS a question has arisen as to:

- Whether the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development.

AND WHEREAS Bernard Culley 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:

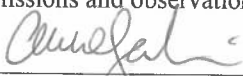
- (a) Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.

AND WHEREAS Offaly County Council has concluded that the proposed 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 proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is development and is exempted development at Mucklagh, 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 20/12/23

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

File Reference:	<i>Dec. 23/33</i>
Question:	<i>Whether the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development.</i>
Applicant:	<i>Bernard Cully</i>
Correspondence Address:	<i>Frank Murray Architectural Services Ltd, Pallas Park, Blueball, Tullamore, Co. Offaly</i>
Location:	<i>Mucklagh, Co.Offaly</i>

SECOND REPORT ON FILE

1. Proposal

The question has arisen as to whether the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development.

Review of Further Information

Further information was sought by the Planning Authority on 15th November 2023 and subsequently received by the Planning Authority on 6th December 2023. This report should be read in conjunction with the previous planner's report dated 13th November 2023. The following Further Information was sought and the response is as follows:

- Please indicate if PV panels form a part of this request for a declaration. The applicant has indicated the construction of P.V. Panel in an attached quotation. If the proposal includes PV panels the applicant is required to submit a structural drawing of the proposed P.V. Panel (scale 1:50).*

Applicants Response: The Applicant has clarified they do not wish to proceed with P.V panels as per builders quotation.

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. 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.

3. Evaluation

I consider that the proposed development complies with Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) and is thereby considered to constitute exempted development.

4. Conclusion

Having regard to:

- Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.

It is considered that the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys at Mucklagh, 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 the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development.

AND WHEREAS Bernard Culley 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) and 4(1)(h) of the Planning & Development Act 2000, as amended.

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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 proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is development and is exempted development at Mucklagh, 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 Pleanála within 4 weeks of the issuing of the decision.



Enda Dolan
Graduate Planner

18th December 2023

A handwritten signature in black ink that reads "Ed Kelly". The signature is written in a cursive style with a long, sweeping underline.

Ed Kelly
ASEP
19/12/2023

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 23/33

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the proposed works of refurbishing an entire existing dwelling house, incorporating re-roofing, treatment to internal and external walls, fully replacement of all mechanic electrical, new insulated concrete floors throughout, replacement of all windows and external doors, replacement of all 2nd fix joinery, insulation to floors, walls and ceilings, upgrading and enhancement of background ventilation, replacement and or refurbishment of external drainage works, foul and sws, incorporating new gutters, downpipes and gulleys is or is not development and if so, are they exempted development.		
Site location:	Mucklagh, Co.Offaly		
Site size:	15 ha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Charleville Wood SAC – 0.22km Clara Bog SAC – 7.61km		
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?			No: X
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
Charleville Wood SAC – Features of interest include: <ul style="list-style-type: none"> • [91E0] Alluvial Forests* • [1016] Desmoulin's Whorl Snail (Vertigo moulinsiana) 			
Clara Bog SAC - Features of interest include: <ul style="list-style-type: none"> • [6210] Orchid-rich Calcareous Grassland* • [7110] Raised Bog (Active)* • [7120] Degraded Raised Bog 			

- [7150] Rhynchosporion Vegetation
- [91D0] Bog Woodland*

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.)

Site Name: Charleville Wood SAC, Site Code: 000571
<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000571.pdf>

Site Name: Clara Bog SAC, Site Code: 000572
<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000572.pdf>

(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)


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
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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:	Enda Dolan 		
Position:	Graduate Planner	Date:	18 th December 2023