

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 23/42

NAME OF APPLICANT: SAULIUS BAUBA

ADDRESS: MAIN STREET, DAINGEAN, CO. OFFALY, R35 W285

NATURE OF APPLICATION: REQUEST FOR DECLARATION UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000, AS AMENDED AS TO WHETHER OR NOT THE INTERNAL RENOVATION WORKS INCLUDING PLUMBING, REWIRING AND INSULATING AN EXISTING DWELLING HOUSE IS OR IS NOT DEVELOPMENT, AND IS OR IS NOT EXEMPTED DEVELOPMENT.

LOCATION OF DEVELOPMENT: MAIN STREET, DAINGEAN, CO. OFFALY, R35 W285

WHEREAS A question referred to Offaly County Council on 24/10/2023 as to whether or not the internal renovation works including plumbing, rewiring, and insulating an existing dwelling house at Main Street, Daingean, Co. Offaly, R35 W285 is or is not development, and is or is not exempted development under the Planning and Development Act 2000, (as amended).

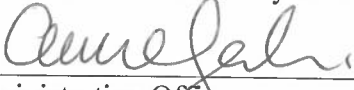
AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to-

(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 internal renovation works including plumbing, rewiring, and insulating an existing dwelling house **is development and is exempted development** at Main Street, Daingean, Co. Offaly, R35 W285.

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

20/11/23  
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.



## Planning Report

### Section 5 Declaration

<b>File Reference:</b>	<i>Dec. 23/42</i>
<b>Question:</b>	<i>Whether internal renovation works including plumbing, rewiring and insulating an existing dwelling house is or is not development and if so, are they exempted development.</i>
<b>Applicant:</b>	<i>Saulius Bauba</i>
<b>Correspondence Address:</b>	<i>Main Street, Daingean, Co. Offaly, R35 W285.</i>
<b>Location:</b>	<i>Main Street, Daingean, Co. Offaly, R35 W285.</i>

#### 1. Introduction

The question has arisen as to whether internal renovation works (as detailed) including plumbing, rewiring and insulating an existing dwelling house is or is not development and if so, are they exempted development.

#### 2. Background

The existing two storey townhouse is located in Daingean town centre. The dwelling is zoned under Town Centre/Mixed Use within the Offaly County Development Plan 2021-2027.



*Photo 1: Subject Site.*

#### 3. Site History

*Ref 21726 – Withdrawn application for a change of use of existing two storey family home from residential use to commercial.*

#### **4. Legislative Context**

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

##### **Statutory Provisions**

**Section 2 (1) Planning and Development Act 2000, as amended, states as follows:**

*“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;*

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 3 (1) Planning and Development Act 2000, as amended, defines development.**

*“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

##### **Section 4 - Exempted Development**

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.*

#### **5. Proposal by Applicants**

The Applicant has advised of proposed internal renovation works to the existing dwelling house to restore the house to a liveable condition.

64 number sheets 4\*8 of xtuf75mm to be crosslapped providing 150mm ground floor insulation  
 € 3072.00  
 7 number sheets of 50mm xtuf perimeter insulation € 280.00  
 Radon tape 4 rolls and flexi adhesive for radon application to walls 16 tubes/5m tube = € 400.00  
 Radon barrier 1600 gauge 2 number € 250.00  
 Fine sand blinding layer layer 50mm deep / 4m2 @ € 80/m3 = € 320.00  
 804 for compacted floor base levels 12 m3 @€ 70/m3 = € 840.00  
 Reinforced fiber concrete 35n20 / 11m3 with pump and conveyor and labour to install subfloor  
 €4,600.00  
 Self leveling concrete screed supply and install to ground floor 5m3 = € 2,400.00  
 Plumbing to dwelling, 14 number rapid response radiators with theromastitic control valves on manifold  
 lines 16mm insulated to ground floor and first floor , with 300ltd hot water cylinder and 200ltr buffer and  
 expansion vessel and pumps – heat source by client -supply and fit all sanatory fixtures to ground floor  
 bathroom and sink and waste to kitchen. € 12,500.00 pc sum  
 Electrical rewire, complete reqire of dwelling to both floors including connections to heating controls and  
 fire and carbon alarms. € 12,800.00 pc sum.  
 Eco wool to underside of first floor 200 mm in two layers of 100mm supply and fit = €1600.00  
 Supply air tight membrane for full ceiling element € 800.00  
 Oricon f flexi sealent 35 number tubes @ 18.5/tube = € 647.50  
 Air tight tape and window tape 5 number rolls @ 28.50/ roll = € 142.50  
 Supply 100MM foiled insulation to rear lean to roof element 38m2 = € 840.00  
 Supply 62.5mm insulated board to sloped ceiling at rear lean to roof = € 900.00  
 Supply 100MM foiled insulation to main roof element 80 m2 = € 1680.00  
 Supply 62.5mm insulated board to main roof = € 1950.00  
 Installation of 9 number 125mm air vents to external walls on both floors = € 3,150.00  
 5 number internal doors complete with frame ,locks ,fittings and hinges = € 1200.00  
 180m 4by 2 for stud walls 38 lenghts @ 12.00 € 456.00  
 Rockwool for studwalls € 437.50  
 12.5MM plaster board 60number = € 720.00  
 Screws and fittings € 20/box 5 boxes = € 100.00  
 9\*2 c16 floor upgrade joists allowance 15 4.8m lengths = € 450.00  
 6\*2 c16 roof upgrade /supports allowance 10 lenghts 4.8m = € 200.00

## 6. Evaluation

**Question: *Whether the proposed works (as listed) to the existing dwelling are development and if so, are they exempted development?***

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development as it includes refurbishments and alterations to the existing dwelling.

**Question: Is this proposal considered as Exempted Development?**

With regard to the proposed works which are described in the submitted documents, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the appearance of the dwelling and would not be inconsistent with the character of area. It is the opinion of the planning authority that these works meet the criteria of exempt development under regulatory provisions.

An appropriate assessment screening has been carried out see attached.

## 7. Conclusion

It is recommended that the Applicant be advised that the proposed development is **development** and is **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 internal renovation works including plumbing, rewiring and insulating an existing dwelling house is or is not development and if so, are they exempted development at Main Street, Daingean, Co. Offaly, R35 W285.

**AS INDICATED** on the particulars received by the Planning Authority on the 24<sup>th</sup> October 2023,

**AND WHEREAS** Saulius Bauba 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 internal renovation works including plumbing, rewiring and insulating an existing dwelling house **is development and is exempted development** at Main Street, Daingean, Co. Offaly, R35 W285.

*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

15<sup>th</sup> November 2023



Ed Kelly  
(A/Senior Executive Planner)

Date 14/11/2023



**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 23/42**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	<b>Whether internal renovation works including plumbing, rewiring and insulating an existing dwelling house is or is not development and if so, are they exempted development.</b>		
Site location:	<b>Main Street, Daingean, Co. Offaly, R35 W285.</b>		
Site size:	<b>0.11ha</b>	Floor Area of Proposed Development:	<b>n/a</b>
Identification of nearby European Site(s):	<b>Raheenmore Bog SAC</b>		
Distance to European Site(s):	<b>As above – all as crow flies</b>		
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:	<b>None</b>		
Is the application accompanied by an EIAR?	<b>No: X</b>		
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
<b>Raheenmore Bog SAC – Features of interest include:</b>	<ul style="list-style-type: none"> <li>[7110] Raised Bog (Active)</li> <li>[7120] Degraded Raised Bog</li> <li>[7150] Rhynchosporion Vegetation</li> </ul>		
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 <a href="http://www.npws.ie">www.npws.ie</a> ) <b>(ATTACH INFO.)</b>			
Site Name: Raheenmore Bog SAC, Site Code: 000582 <a href="https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000582.pdf">https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000582.pdf</a>			
(C) NPWS ADVICE:			
Advice received from NPWS over phone:	None Received		
Summary of advice received from NPWS in written form <b>(ATTACH SAME):</b>	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)

<p><b>Would there be...</b> ... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
<p>... a reduction in habitat area on a European site?</p>	<p>There will be no reduction in the habitat area. The site is sufficient distance from the European site.</p>
<p>... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?</p>	<p>Not likely due to the location and type of development The site is sufficient distance from the European site.</p>
<p>... serious / ongoing disturbance to species / habitats for which the European 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 European site?</p>	<p>None 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 European 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>

**(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 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.**

<b>Name:</b>	Enda Dolan 
<b>Position:</b>	Graduate Planner
<b>Date:</b>	15 <sup>th</sup> November 2023