

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 23/46

NAME OF APPLICANT: Keith Naylor on behalf of Rockbawn Property Ltd
ADDRESS: Derry, Rathcabbin, Roscrea, Co. Tipperary
ADDRESS FOR CORRESPONDENCE: C/o Margaret Kirwan, Limford Building Surveyors, Limford House, 21 The Orchard, Millersbrook, Nenagh, Co. Tipperary. E45 HE06.
NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is or is not development and is or is not exempted development.
LOCATION OF DEVELOPMENT: Former La Sainte Union Convent, Main Street, Banagher, Birr, Co. Offaly.

WHEREAS a question has arisen as to whether the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is or is not development and is or is not exempted development at the former La Sainte Union Convent, Main Street, Banagher, Birr, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 1st November 2023,

AND WHEREAS Rockbawn Property Ltd. C/O Margaret Kirwan, Limford Building Surveyors 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) Schedule 2, Part 1 Class 14 (h) and (j) of the Planning & Development Act 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use 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 change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is development and is exempted development at the former La Sainte Union Convent, Main Street, Banagher, Birr, 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



28th November 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.

Planning Report - Section 5 Declaration

File Reference:	<i>Dec. 23/46</i>
Question:	<i>Whether the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is or is not development and is or is not exempted development.</i>
Applicant:	<i>Rockbawn Property Ltd.</i>
Correspondence Address:	<i>c/o Margaret Kirwan, Limford Building Surveyors, Limford House, 21 The Orchard, Millersbrook, Nenagh, Co. Tipperary. E45 HE06</i>
Location:	<i>Former La Sainte Union Convent, Main Street, Banagher, Birr, Co. Offaly.</i>

1. Introduction

The question has arisen as to whether the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is or is not development and is or is not exempted development.

The exemption is sought for the provision of 18 no. residential units comprising of 1 no. basement flat; 8 no. ground floor flats; 7 no. first floor flats; and, 2 no. second floor flats located at the former La Sainte Union Convent.

2. Background / Site History

The subject site is located along Main Street in Banagher Town. Under the current Offaly County Development Plan 2021 – 2027 (OCDP), the subject site is zoned as Town Centre/Mixed Use. Under this zoning, residential (single and multiple are 'Permitted in Principle'). In addition, the subject site is identified as being an Opportunity Site.



Photo 1: Subject Site (Google Maps – image Oct. 2022)

The following is planning applications associated with the subject site and adjoining grounds:

- 98/1091: La Sainte Union Convent sought permission for a boiler house & bund walls to existing oil tanks – **Granted**.
- 98/598: Secretary Board of Management sought permission for an extension of existing car park at St Rynagh's National School, Main Street, Banagher – **Granted**.
- 00/439: Fr S McKeown sought permission for extensions & alterations to the St Rynagh's, National School, Banagher – **Granted**.
- 06/275: Department of Education & Science sought outline permission for the demolition of existing schools and other ancillary buildings, construction of a new school, associated landscaping, car parking, set down areas and site works – **Granted**.
- 08/359: MFPI Schools 1 Limited sought permission for the creation of a new entrance off the Banagher by-pass, new entrance gates, piers and signage, boundary treatment of enhancing existing hedgerows/new post and rail chainlink fencing with planting, new roads, bus set down and 43 car park spaces within the site, entrance area, bicycle parking, 5 no ball courts, retained playing pitch, the opening up of a service entrance at the existing north entrance off church street, the creation of a pedestrian entrance off the main street with new railing and a pedestrian gate to match the existing along with connections to public utilities, the construction of a split level, three storey post primary school arranged around a single full height atrium with accommodation for teaching spaces, technical teaching spaces, staff rooms and offices, PE hall, special needs unit, service yard, substation and associated ancillary spaces, and the demolition of the existing school buildings including ancillary habitable accommodation and reinstatement of the site – **Granted**.
- Section 5 Dec. ref. 22/26 – Similar application submitted by the Applicant for the change of use of a disused convent building to a 5 bedroom one family housing unit located at the former La Sainte Union Convent – **Granted, deemed to be exempted development**.
- Section 5 Dec. ref. 23/03 - Similar application submitted by the Applicant for the change of use of the subject building to 18 no. apartments located at the former La Sainte Union Convent – **Refused** as the Applicant confirmed (at the time) that the proposed change of use was not been carried out by or on behalf of a State Authority and it was the view of the Planning Authority that the proposed works will materially affect the external appearance of the existing building and have an impact on the character of the structure. Therefore, it is the view of the Planning Authority that the change of use is development and **is not exempted development**.
- Section 5 Dec. ref. 23/04 - Similar application submitted by the Applicant for the change of use of a disused stand alone convent building to duplex with one house unit on ground floor level and one house unit on first floor level for residential use at the former La Sainte Union Convent – **Granted, deemed to be exempted development**.

3. 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:

“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.

Section 4 (2) (a) - The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that -

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development.

Regulatory Provisions

Article 6 of the Planning and Development Regulations 2001 (as amended) states:

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 – Restrictions on Exemptions

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new

development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

(b) in an area to which a special amenity area order relates, if such development would be development:—

(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or

(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Article 10 (1) - Changes of Use states:

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Part 1 of Schedule 2 of the Planning & Development Regulations deals with 'Exempted Development – General'.

Column 1 sets out the classes of development that are exempted and Column 2 sets out the conditions and limitations on the exemption.

Column 1 Description of Development	Column 2 Conditions & Limitations
<p>Class 14 Development consisting of a change of use—</p> <p>(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as to use as accommodation for protected persons,</p> <p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>

Circular Letter PL 12/ 2015 dated 18 December 2015 states the following:

- “protected persons” i.e. refugees and asylum seekers defined in accordance with relevant legislation for which the Minister for Justice and Law Reform is responsible. This new class of exempted development will particularly assist in the implementation

of the Government's Irish Refugee Protection Programme (IRRP) as part of the Irish contribution to the EU Relocation Programme for Migrants.

As outlined on the Irish Department of Justice website (www.justice.ie), 'on 10 September 2015, as part of Ireland's response to the migration crisis in central and southern Europe, the Government established the Irish Refugee Protection Programme (IRPP). Under this programme, the Government committed to accept up to 4,000 people into the State, through a combination of the European Union Relocation Programme established by two EU Council Decisions in 2015 to assist Italy and Greece, and the UNHCR-led Refugee Resettlement Programme currently focussed on resettling refugees from Lebanon and Jordan'.

The Planning Authority notes that those affected by the invasion by Russia appear to be offered temporary protection under The Temporary Protection Directive, which is an EU law that was introduced in 2001. As outlined on the Citizens Information website www.citizensinformation.ie,

- *The Directive sets out the minimum standards for giving protection to people in the event of a mass influx. Individual EU countries can grant additional rights, but cannot provide less than what is set out in the Directive.*
- *The Directive applies to all EU countries except Denmark.*
- *The Directive defines 'mass influx' as a 'large number of displaced persons, who come from a specific country or geographical area.' There is no minimum number of people needed for it to be considered a mass influx.*
- *The Directive was adopted into Irish law by Section 60 of the International Protection Act 2015.*
- *The European Council Decision on 4 March 2022, which introduced temporary protection following Russia's invasion of Ukraine, applies to Ukrainian nationals living in Ukraine who were displaced on or after 24 February 2022.*
- *Once the protection is triggered, EU member states must give anyone who benefits from temporary protection a residence permit while the protection is in place.*

As part of their application, the Applicant outlines the following:

On 4 March 2022, the Council of the European Union enacted the Temporary Protection Directive (Council Implementing Decision (EU) 2022/382) in response to refugees arriving in the EU from Ukraine.

The enactment of the Directive means persons fleeing the armed conflict in Ukraine will have access to 'temporary protection' in EU Member States. The Directive, which establishes minimum standards for temporary protection, seeks to balance the distribution of persons between EU Member States.

The implementing decision applies to the following categories of persons displaced from Ukraine on or after 24 February 2022:

- Ukrainian nationals residing in Ukraine before 24 February 2022;*
- Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022;*
and,
- Family members of the persons referred to in points (a) and (b).*

Ukrainians War Refugees are deemed temporary protected persons under the EU Directive.

To implement the Directive and facilitate the speedy housing of Ukrainian War Refugees the Government has provide facility for Exemption from Planning Permission under Emergency Legislation.

It is our understanding that the Emergency Legislation by the Irish Government to comply with the EU Directive takes precedence on a temporary basis over previous legislation.

Condition/limitation

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

The owner can seek a Section 5 declaration from the Local Authority with regard to the applicability of this exemption to the specific property.

In addition to the above the, the European Union (Planning and Development) (Displaced Person from Ukraine Temporary Protection) Regulation 2022 provides that the provision of the Planning Act (other than the Environmental considerations in Section 181A to 181C) will not apply to certain classes of development on behalf of a State Authority i.e. Minister of the Government or the Commissioner of Public Works in Ireland, for the purpose of providing temporary protection to displaced persons. This is also a temporary provision and only applicable to a Minister or OPW.

Ukrainian War Refugees are classed as protected persons under the EU Directive and under Irish Government Emergency Legislation.

Having regard to the above, the Planning Authority are satisfied that those who have had to flee Ukraine due to the invasion by Russia are classed as “protected persons” as defined in accordance with relevant legislation.

4. Proposal by Applicants

An exemption is sought for the change of use of a disused convent building to 18 no. residential units consisting of 1 no. basement flat; 8 no. ground floor flats; 7 no. first floor flats; and, 2 no. second floor flats. The Applicant advises that the flats will be used as residential accommodation for Ukrainian War refugees and other protected persons.

As part of the planning documentation, the Applicant has submitted a set of proposed floor plans for each of the four levels and elevations.

5. Appropriate Assessment Screening

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.

6. Environmental Impact Assessment Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001- 20 (as amended) and therefore is not subject to EIA requirements.

7. Evaluation

The Applicant has confirmed that the proposed change of use of a disused convent building to 18 no. flats for Ukrainian war refugees and other protected persons

Based on the information submitted as part of the application, the Planning Authority are satisfied that the change of use is development and is exempted development.

8. Recommendation

Having assessed the documentation submitted by the Applicant it is considered the proposed change of use of a disused convent building to 18 no. apartments 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 the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use is or is not development and is or is not exempted development at the former La Sainte Union Convent, Main Street, Banagher, Birr, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 1st November 2023,

AND WHEREAS Rockbawn Property Ltd. c/o Margaret Kirwan, Limford Building Surveyors 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) Schedule 2, Part 1 Class 14 (h) and (j) of the Planning & Development Act 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that the change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years s from the date of the commencement of the change of use 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 change of use of a disused convent building to 18 no. apartments for accommodation for protected persons for a period of three years from the date of the commencement of the change of use **is development and is exempted development** at the former La Sainte Union Convent, Main Street, Banagher, Birr, 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 Pleanala within 4 weeks of the issuing of the decision.



Una McCafferkey
Executive Planner

27th November 2023

Date

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

Ed Kelly
A/Senior Executive Planner

Date 27/11/2023

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 23/46

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the change of use of a disused convent building to 18 no. apartments under Class 14 Schedule 2, Part 1 of the Planning & Development Act 2001 (as amended) is or is not development and is or is not exempted development.		
Site location:	Former La Sainte Union Convent, Main Street, Banagher, Birr, Co. Offaly.		
Site size:	Not provided	Floor Area of Proposed Development:	1,479.5m ² (as stated)
Identification of nearby European Site(s):	Middle Shannon Callows SPA: 0.85km River Shannon Callows SAC: 0.85km		
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?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):	<p>Middle Shannon Callows SPA – features of interest include:</p> <ul style="list-style-type: none"> Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Corncrake (<i>Crex crex</i>) [A122] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999] <p>River Shannon Callows SAC – features of interest include:</p> <ul style="list-style-type: none"> Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510] Limestone pavements [8240] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Lutra lutra</i> (Otter) [1355] 		
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: MIDDLE SHANNON CALLOWS SPA SITE CODE: 004096			

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004096.pdf>

SITE NAME: RIVER SHANNON CALLOWS SAC, SITE CODE: 000216

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000216.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
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:	Úna McCafferkey 
Position:	Executive Planner
Date:	27 th November 2023

