

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 23/56

NAME OF APPLICANT: JOHN GLENNON.

ADDRESS: 84 ASSUMPTION ROAD, EDENDERRY, CO. OFFALY.

**NATURE OF APPLICATION:** DECLARATION UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT, 2000 AS AMENDED IN RELATION TO WHETHER PROPOSED RENOVATION WORKS TO EXISTING DWELLING INCLUDING ROOF REPLACEMENT, INSTALLATION OF WINDOWS, DOORS, BATHROOM AND KITCHEN, INTERNAL AND EXTERNAL INSULATION IS OR IS NOT DEVELOPMENT AND IF SO, ARE THEY EXEMPTED DEVELOPMENT.

**LOCATION OF DEVELOPMENT:** 3 ST. MARY'S ROAD, EDENDERRY, CO. OFFALY, R45 WF21

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

Whether proposed renovation works to existing dwelling including new boiler, new sewer line, roof replacement installation and new kitchen and ensuite windows, doors, bathroom and kitchen, internal and external insulation is or is not development and if so, are they exempted development at 3 St Marys Road, Edenderry, Co Offaly.

**AND WHEREAS John Glennon** 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(1)(h) of the Planning & Development Act 2000, 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 proposed renovation works to existing dwelling including new boiler, new sewer line, roof replacement installation and new kitchen and ensuite windows, doors, bathroom and kitchen, internal and external insulation at 3 St Marys Road, Edenderry, 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

19/12/23  
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. 23/56</i>
<b>Question:</b>	<i>Whether proposed renovation works to existing dwelling including roof replacement, installation of windows, doors, bathroom and kitchen, internal and external insulation is or is not development and if so, are they exempted development</i>
<b>Applicant:</b>	<i>John Glennon</i>
<b>Correspondence Address:</b>	<i>84 Assumption Road, Edenderry, Co. Offaly.</i>
<b>Location:</b>	<i>3 St. Mary's Road, Edenderry, Co. Offaly, R45 WF21.</i>

### SECOND REPORT

#### 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.

#### The following further information was requested by OCC:

1. The applicant has submitted two separate quotes, one from SSE and a second from Cluain Mhór Construction Ltd. The applicant is required to submit a single detailed list of the proposed external and internal works to be carried out on the dwelling.

The applicant has indicated that the Cluain Mhor quote is the relevant quotation.

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

The Applicant should note the Solar PV is likely to be deemed exempt if it complies with Class 2(c), Part 1, of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The applicant has indicated that solar panels will not form part of the proposal.

I consider the works exempt.

**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 proposed renovation works to existing dwelling including new boiler, new sewer line, roof replacement installation and new kitchen and ensuite windows, doors, bathroom and kitchen, internal and external insulation is or is not development and if so, are they exempted development*

At3 St Marys road, Edenderry, Co Offaly.

**AND WHEREAS** John Glennon 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.

**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 proposed renovation works to existing dwelling including new boiler, new sewer line, roof replacement installation and new kitchen and ensuite windows, doors, bathroom and kitchen, internal and external insulation*

**Is development and is exempted development.**



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Ed Kelly  
Section 5 Ref. DEC 23/56

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Date 18/12/2023

**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 23/56**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether proposed renovation works to existing dwelling including roof replacement, installation of windows, doors, bathroom and kitchen, internal and external insulation is or is not development and if so, are they exempted development.		
Site location:	3 St. Mary's Road, Edenderry, Co. Offaly, R45 WF21.		
Site size:	0.11ha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	The Long Derries, Edenderry SAC		
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: <b>X</b>
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
<b>The Long Derries, Edenderry SAC – Features of interest include:</b> <ul style="list-style-type: none"> <li>• [6210] Orchid-rich Calcareous Grassland*</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: The Long Derries, Edenderry SAC, Site Code: 000925 <a href="https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000925.pdf">https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000925.pdf</a>			
(C) NPWS ADVICE:			

Advice received from NPWS over phone:	None Received
Summary of advice received from NPWS in written form (ATTACH SAME):	None Received
<b>(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:</b>	
<i>(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).</i>	
If the answer is 'yes' to any of the questions below, then the effect is significant. <i>(Please justify your answer. 'Yes' / 'No' alone is insufficient)</i>	
<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?	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.
<b>(E) SCREENING CONCLUSION:</b>	
<b>Screening can result in:</b>	
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:	<b>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>
<b>Name:</b>	Ed Kelly
<b>Position:</b>	ASEP
<b>Date:</b>	18/12/2023