

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 24/47

NAME OF APPLICANT: Shiela Hough & Michael Hough.

ADDRESS FOR CORRESPONDENCE: Main Street, Banagher, Co. Offaly. R42 H393.

NATURE OF APPLICATION: Request for declaration under section 5 of the planning & development act 2000, as amended as to whether renovations to a house consisting of internal works only which comprise of the following elements:

- Internal strip back and clear out
 - Replaster wire and plumbing
 - Internal refit of kitchen
 - Painting windows /doors
 - Energy upgrade: insulation and membrane
- Is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Tonlemone, Cloghan, Co Offaly.

WHEREAS a question has arisen as to:

Whether renovations to a house consisting of internal works only which comprise of the following elements:

- Internal strip back and clear out
- Replaster wire and plumbing
- Internal refit of kitchen
- Painting windows doors
- Energy upgrade: insulation and membrane

at Tonlemone, Cloghan, Co Offaly

AND WHEREAS Shiela Hough and Michael Hough 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 works are considered development and are exempted development having particular regard to section 4(1)(h).

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

Renovations to a house consisting of internal works only which comprise of the following elements:

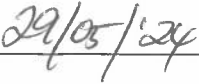
- Internal strip back and clear out
- Replaster wire and plumbing
- Internal refit of kitchen
- Painting windows doors
- Energy upgrade: insulation and membrane

Is not 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

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:	DEC 24/47
Question:	Whether renovations to a house consisting of internal works only which comprise of the following elements: <ul style="list-style-type: none">• Internal strip back and clear out• Replaster wire and plumbing• Internal refit of kitchen• Painting windows /doors• Energy upgrade: insulation and membrane Is/ is not development and is /is not exempted development
Applicant:	Shiela Hough and Michael Hough
Location:	Tonlemone, Cloghan, Co Offaly.
Date received:	2/5/2024
Date due:	27/5/2024

1. Proposal

The question has arisen as to whether renovations to a house consisting of internal works only which comprise of the following elements:

- Internal strip back and clear out
- Replaster wire and plumbing
- Internal refit of kitchen
- Painting windows doors
- Energy upgrade: insulation and membrane

Is/ is not development and is /is not exempted development.

Location

The site is located in a rural area of County Offaly. The property adjoins a national secondary road the N62 . There is an existing house on site.



2. Relevant Planning History:

No record of any planning history on site.

3. Legislative Context:

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

In this Act, except where the context otherwise requires—
“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

Section 3 (1) Planning and Development Act 2000, as amended:

“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 Planning and Development Act 2000, as amended:

4.—(1) The following shall be exempted developments for the purposes of this Act—

(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 or 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 of neighbouring structures;

4. Appropriate Assessment

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.

5. Evaluation

Question: Is the following works considered as Development?

Yes

Question: Is the following works proposal considered as Exempted Development?

Yes under section 4(1)(h) of the Planning Act 2000 as amended.

Question: Does the development require environmental impact assessment?

It is considered that the proposed development does not constitute a development listed in Schedule 5 of the Planning and Development Regulations 2001 as amended. Furthermore, it is not a sub-threshold development. Accordingly an EIAR is not required.

6. Conclusion

It is recommended that the applicant be advised that the proposed development **is/is not development and is/ is not 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 renovations to a house consisting of internal works only which comprise of the following elements:

- Internal strip back and clear out
- Replaster wire and plumbing
- Internal refit of kitchen
- Painting windows doors
- Energy upgrade: insulation and membrane

At Tonlemone, Cloghan, Co Offaly

AND WHEREAS Shiela Hough and Michael Hough 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 works are considered development and are exempted development having particular regard to section 4(1)(h).

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

Renovations to a house consisting of internal works only which comprise of the following elements:

- Internal strip back and clear out
- Replaster wire and plumbing
- Internal refit of kitchen
- Painting windows doors
- Energy upgrade: insulation and membrane

not development and is exempted development.

Signature

A handwritten signature in black ink, appearing to read "Ed Kelly".

ASEP

27/5/2024

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 Application Ref.

No.: DEC 24/47

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether renovations to a house consisting of internal works only which comprise of the following elements <ul style="list-style-type: none"> Internal strip back and clear out Replaster wire and plumbing Internal refit of kitchen Painting windows doors Energy upgrade: insulation and membrane 		
Site location:	Tonlemone, Cloghan, Co Offaly.		
Site size:	N/A	Floor Area of Proposed Development:	165sqm
Identification of nearby <i>European</i> Site(s):	MIDDLE SHANNON CALLOWS SPA		
Distance to Site(s):	4.1 kms		
The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and	Given the limited scale of the development applied for it is not considered that it will have any interactive / cumulative impacts with any other plan or project in the vicinity.		

which may affect the <i>European</i> site:		
Is the application accompanied by an ETAR?		No
(B) IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S):		
The reasons for the designation of the <i>European</i> site(s):		
<p>The Shannon Callows has by far the largest area of lowland semi-natural grassland and associated aquatic habitats in Ireland and one in which there is least disturbance of natural wetland processes. Botanically, it is extremely diverse. In winter the site is internationally important for the total numbers of birds (regularly exceed 20,000) and for Whooper Swan in particular. It also holds nationally important populations of a further five species. Some of the wintering species are listed on Annex I of the EU Birds Directive, including Whooper Swan, Greenland White-fronted Goose and Golden Plover. In summer the site supports important populations of breeding waders. Perhaps the most important species which occurs in the site is Corncrake (the site holds 40% of the national total), as this is listed on Annex I of the EU Birds Directive and is Ireland's only globally endangered species.</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		

Natura 2000 site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie (ATTACH INFO.)	
See attached site synopsis	
(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).*

Given the location the limited nature and size of the development applied for and the characteristics of natura 2000 sites in the vicinity it is considered that 100 metres should be used as a potential zone of impact of the project in accordance with section 3.2.3 of the appropriate assessment guidelines. There are no *European* sites within 100 metres of the development applied for and therefore no significant effects on any natura 2000 sites either alone or in combination with other plans and projects.

Would there be...	None likely
... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of ...)	
... a reduction in habitat area on a <i>European</i> site?	None likely
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the <i>European</i> site?	None likely
... 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)?	None likely
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the <i>European</i> site?	None likely
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.	None likely

(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.

Conclusion:		
Justify why it falls into relevant category above:		Given the location and the nature and size of the development applied for and the characteristics of <i>European</i> sites in the vicinity and the appropriate assessment guidelines it is considered that the development will have no adverse impacts on any <i>European</i> sites
Name:	Ed Kelly	
Position:	ASEP	Date: 27/5/2024