

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 24/86

NAME OF APPLICANT: Joseph Turley and Claire Kelly,

ADDRESS FOR CORRESPONDENCE: c/o Paula Dermody,
Grove House,
Rath,
Birr,
Co. Offaly.
R42 HP08.

NATURE OF APPLICATION: Request for Declaration Under Section 5 of the Planning & Development Act 2000, as amended as to Whether the construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is or is not development and if so, is or is not exempted development.

LOCATION OF DEVELOPMENT: 4 St. Kieran's Park, Shannonbridge, Co. Offaly. N37 K073.

WHEREAS a question has arisen as to whether the construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is or is not development and if so, is or is not exempted development at 4 St. Kieran's Park, Shannonbridge, Co. Offaly, N37 K073.

AS INDICATED on the particulars received by the Planning Authority on the 15th August 2024 and 20th September 2024,

AND WHEREAS Joseph Turley and Claire Kelly c/o Paula Dermody, Grove House, Rath, Birr, Co. Offaly. R42 HP08 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 -

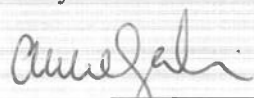
- (a) Section 3(1) and 4(1)(a) of the Planning & Development Act 2000 (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- (c) Schedule 2 – Exempted Development, Part I - Development Within the Curtilage of a House, Class 1 (of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the works are development and is exempted development.

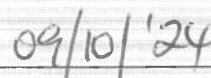
NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The proposed construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is development and is exempted development at 4 St. Kieran's Park, Shannonbridge, Co. Offaly, N37 K073.

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.

Planning Report

Section 5 Declaration

File Reference:	<i>Dec. 24/86</i>
Question:	<i>Whether the construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is or is not development and if so, is or is not exempted development</i>
Applicant:	<i>Joseph Turley and Claire Kelly</i>
Correspondence Address:	<i>c/o Paula Dermody, Grove House, Rath, Birr, Co. Offaly. R42 HP08</i>
Location:	<i>4 St. Kieran's Park, Shannonbridge, Co. Offaly. N37 K073</i>

2nd Report

This report should be read in conjunction with the previous planner's report dated 10th September 2024.

1. Introduction

The question has arisen as whether the construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is or is not development and if so, is or is not exempted development.

2. Review and Evaluation of Further Information

Further information (FI) was sought by the Planning Authority a response was subsequently received by the Planning Authority on the 20th September 2024.

The following FI was sought and the response is as follows:

- Having regard to the conditions and limitations of Class 1 (Development within the curtilage of a house) of Schedule 2 – Exempted Development, Part I of the Planning and Development Regulations 2001 (as amended), the Applicant shall clarify whether the existing dwelling has been previously extended and provide the gross floor area of the extension.*

The Applicant shall note that in accordance with the provisions of the exemption, the floor area of the proposed extension, shall be taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40m².

Having considered the FI response and had regard to *Schedule 2 – Exempted Development, Part I - Development Within the Curtilage of a House, Class 1*, Planning and Development Regulations 2001 (as amended) and the outstanding items, the Planner notes the following:

- (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

The Planning Authority are satisfied that the existing dwelling has not been previously extended.

- (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The Planning Authority are satisfied that the dwelling has not been extended previously.

Having considered the FI response and had regard to *Section 4(1)(h) - Exempted Development of the Planning and Development Act 2000 (as amended)*, it is the view of the Planner that the proposed works are exempted development and do not require planning permission.

3. 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.

4. 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.

5. Conclusion

Having assessed the Further Information received and the previous planning report on file, it is considered that the proposed extension and associated works at the subject site 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 construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is or is not development and if so, is or is not exempted development at 4 St. Kieran's Park, Shannonbridge, Co. Offaly, N37 K073.

AS INDICATED on the particulars received by the Planning Authority on the 15th August 2024 and 20th September 2024,

AND WHEREAS Joseph Turley and Claire Kelly c/o Paula Dermody, Grove House, Rath, Birr, Co. Offaly. R42 HP08 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 3(1) and 4(1)(a) of the Planning & Development Act 2000 (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- (c) Schedule 2 – Exempted Development, Part I - Development Within the Curtilage of a House, Class 1 (of the Planning and Development Regulations 2001 (as amended)).

AND WHEREAS Offaly County Council has concluded that the works are 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 construction of a ground floor single storey extension (31.62m²), first floor extension (7.85m²) and renovation work is **development** and is **exempted development** at 4 St. Kieran's Park, Shannonbridge, Co. Offaly, N37 K073.

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.



Úna McCaffrey

Executive Planner

9th October 2024

Date

Ed Kelly

10th October 2024

Ed Kelly

Date

ASEP

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 24/86

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the construction of a ground floor single storey extension (31.62m ²), first floor extension (7.85m ²) and renovation work is or is not development and if so, is or is not exempted development		
Site location:	4 St. Kieran's Park, Shannonbridge, Co. Offaly.		
Site size:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	River Shannon Callows SAC - c.45m Middle Shannon Callows SPA - c.0.46m River Suck Callows SPA – c.83m		
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):			
<p>Middle Shannon Callows SPA – Features of interest include:</p> <ul style="list-style-type: none"> • Whooper Swan (Cygnus cygnus) [A038] • Wigeon (Anas penelope) [A050] • Corncrake (Crex crex) [A122] • Golden Plover (Pluvialis apricaria) [A140] • Lapwing (Vanellus vanellus) [A142] • Black-tailed Godwit (Limosa limosa) [A156] • Black-headed Gull (Chroicocephalus ridibundus) [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 (Molinion caeruleae) [6410] • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Limestone pavements [8240] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Lutra lutra (Otter) [1355] <p>River Suck Callows SPA – Features of interest include:</p> <ul style="list-style-type: none"> • Whooper Swan (Cygnus cygnus) [A038] • Wigeon (Anas penelope) [A050] • Golden Plover (Pluvialis apricaria) [A140] • Lapwing (Vanellus vanellus) [A142] • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] 			

Wetland and Waterbirds [A999]

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 SUCK CALLOWS SPA, SITE CODE: 004097

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004097.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.	<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.		
Name:	Úna McCafferkey <i>Úna McCafferkey</i>		
Position:	Executive Planner	Date:	9 th October 2024