

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 24/99

NAME OF APPLICANT: GARY CULLEN AND SONYA CAREY,

ADDRESS FOR CORRESPONDENCE: RATHMORE, EDENDERRY, CO. OFFALY, E45 EH51.

NATURE OF APPLICATION: request for declaration under section 5 of the planning & development act 2000, as amended as to whether the internal renovation of the property and addition of rear extension is, or is not development, and is, or is not, exempted development.

LOCATION OF DEVELOPMENT: RATHMORE, EDENDERRY, CO. OFFALY, E45 EH51.

WHEREAS a question has arisen as to whether internal renovation of the property and addition of rear extension at Rathmore, Edenderry, Co Offaly, R45EH51 is, or is not development, and is, or is not, exempted development.

AND WHEREAS Gary Cullen and Sonya Corey have 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.
- (d) Article 6(1) of the Planning and Development Regulations 2001, as amended.
- (e) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, 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 internal renovation of the property and addition of rear extension

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



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.

In format mode

Planning Report

Section 5 Declaration

File Reference:	<i>Dec. 24/99</i>
Question:	Whether the internal renovation of the property and addition of rear extension is, or is not development, and is, or is not, exempted development
Applicant:	<i>Gary Cullen and Sonya Carey</i>
Correspondence Address:	<i>Rathmore, Edenderry, Co. Offaly, E45 EH51</i>
Location:	<i>Rathmore, Edenderry, Co. Offaly, E45 EH51</i>

SECOND REPORT

The following further information, in blue font, was requested:

1. Having regard to the conditions and limitations of *Class 1 (Development within the curtilage of a house) of Schedule 2 – Exempted Development, Part 1 of the Planning and Development Regulations 2001 (as amended) and in particular limitation 2(a)*, Please indicate the gross floor area of the existing extension to the dwelling and also indicate when the existing extension was built and when the original dwelling was constructed.

The applicant has indicated the existing extension was built in 1963 and is 17sqm. Given the existing extension occurred before 1964 I do not consider the existing extension is relevant to the current proposed works subject of this declaration.

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 of the property and addition of rear extension

At Rathmore, Edenderry, Co Offaly R45EH51

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Ed Kelly ASEP

31/10/2024

Date

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 Application Ref. No: DEC 24/99

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the internal renovation of the property and addition of rear extension is, or is not development, and is, or is not, exempted development		
Site location:	Rathmore, Edenderry, Co. Offaly, E45 EH51		
Site size:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	The Long Derries SAC 4.5Km		
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):			
The Long Derries SAC – Qualifying interest:			
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]			
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: The Long Derries SAC, SITE CODE: 000925			
https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000925.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:	
<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>	
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.	<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.
Name:	Ed Kelly
Position:	ASEP
Date:	31/10/2024

Planning Report

Section 5 Declaration

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