

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 17/8

NAME AND ADDRESS OF APPLICANT: Moneygall Community Hall, Church Street, Moneygall,
Co. Offaly.

ADDRESS FOR CORRESPONDENCE: C/O Brian England, Design and Draughting Services,
Stoneyacre, Cloughjordan, Co. Tipperary.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Acts 2000, as amended as to whether (1) Level landing areas to the 3 entrance doors, (2) widening of two entrance doors for accessibility, (3) replacement of window to SE elevation with a smaller window, (4) the provision of external insulation to a portion of the exterior wall on the NW & SE elevations is considered exempted development under the Planning and Development Act 2000 as amended

LOCATION OF DEVELOPMENT: Church Street, Moneygall, Co. Offaly.

WHEREAS a question referred to Offaly County Council on 6th June 2017 has arisen as to whether (1) Level landing areas to the 3 entrance doors, (2) widening of two entrance doors for accessibility, (3) replacement of window to SE elevation with a smaller window, (4) the provision of external insulation to a portion of the exterior wall on the NW & SE elevations at Moneygall Community Hall, Church Street, Moneygall, Co. Offaly is considered exempted development under the Planning and Development Act 2000 as amended.

AND WHEREAS the Planning Authority, in considering this declaration request, had regard particularly to-

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended.
- (b) Section 3(1) of the Planning and Development Act, 2000 as amended.
- (c) Section 4(1)(h) of the Planning and Development Act, 2000 as amended.

AND WHEREAS Offaly County Council has concluded that –

The proposed development **IS Development and IS Exempted Development.**

NOW THEREFORE Offaly County Council, in exercise of powers conferred on it by Section 5 (2) of the Planning and Development Act 2000, as amended, hereby decides that (1) Level landing areas to the 3 entrance doors, (2) widening of two entrance doors for accessibility, (3) replacement of window to SE elevation with a smaller window, (4) the provision of external insulation to a portion of the exterior wall on the NW & SE elevations at Moneygall Community Hall, Church Street, Moneygall, 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

29/6/2017

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 S.5 Declaration 17/8

Section 5 Declaration

Applicant: Moneygall Community Hall.

A Question has arisen as to whether:

- 1) Level landing areas to the 3 entrance doors,
- 2) Widening of two entrance doors for accessibility,
- 3) Replacement of window to SE elevation with a smaller window,
- 4) The provision of external insulation to a portion of the exterior wall on the NW & SE elevations

is considered exempted development in the Planning and Development Act 2000 (as amended).

Address of correspondence: C/O Brian England, Design and Draughting Services, Stoneyacre, Cloughjordan, Co Tipperary.

Location of development: at Church Street, Moneygall, Co Offaly

Whereas a question has arisen as to whether the above development is exempted development.

Development Plan Policy: The subject site is located on lands zoned Public / Community / Educational.

SITE HISTORY

PL2 85/83 – Moneygall Development Committee sought permission for the reconstruction of parish hall (Legion Hall) and develop parking area. **Granted.**

LEGISLATIVE FRAMEWORK

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

Planning and Development Act, 2000 as amended

Section 2 provides a definition of:

“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 provides a definition of development.

S.3.(1) In this Act, “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.

S.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 only affect the interior of the structure or which do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures.

PROPOSAL BY APPLICANTS:

The applicant's proposal is for the provision of external insulation on part of this hall, widening two doors and make an existing window smaller and creation of level landing area outside three entrances.

ASSESSMENT:

Having regard to the details submitted by the applicant, the Planning Authority considers that the:

- 1) Level landing areas to the 3 entrance doors,
- 2) Widening of two entrance doors for accessibility,
- 3) Replacement of window to SE elevation with a smaller window,
- 4) The provision of external insulation to a portion of the exterior wall on the NW & SE elevations

is exempted development as the works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, works which affect only the interior of the structure and which does not materially affect the external appearance of the structure constitutes development, but is however considered to be exempted development.

Conclusion:

Having considered Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended) the proposed development is considered to be Development and is Exempted Development.

Suzanne O'Toole

S O'Toole A.P
26th June 2017

L. Nutter sep 27/6/17

Report noted

[Signature] 27/6/17

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are considered exempted development in the Planning and Development Act 2000 (as amended).

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to-

- (a) Section 2 (1) of the Planning and Development Acts, 2000 as amended
- (b) Section 3 (1) of the Planning and Development Acts, 2000 as amended
- (c) Section 4 (1)(h) of the Planning and Development Acts, 2000 as amended

AND WHEREAS Offaly County Council has concluded that –

The proposed development IS development and IS Exempted development.

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

- 1) Level landing areas to the 3 entrance doors,
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IS Development and is **Exempted** development at this location on Church Street, Moneygall Co. Offaly.

**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. S5 Dec 17/8

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:

Proposed development:	Alterations to Moneygall Community Hall	
Site location:	Church Street, Moneygall	
Site size:	0.ha	Floor Area of Proposed Development: -
Identification of nearby European Site(s):	Kilduff, Devilsbit Mountain SAC	
Distance to European Site(s):	5.5km as the 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 EIS?	Yes: <input type="checkbox"/>	No: X <input type="checkbox"/>

(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):

The reasons for the designation of the European site(s):	
Dry Heath and Species rich – Nardus Grassland.	
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.)	
PLEASE SEE SITE SYNOPSIS and CONSERVATION OBJECTIVES SHEETS ATTACHED.	

(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.	<i>AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.</i>
2.	<i>No potential for significant effects / AA is not required.</i>
3.	<i>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.</i>

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:	Suzanne O'Toole
Position:	Assistant Planner
Date:	26 th June 2017

*Suzanne ref
26/6/17*

Site Name: Kilduff, Devilsbit Mountain SAC

Site Code: 000934

This upland site is situated approximately 6 km north-west of Templemore in Co. Tipperary. It comprises the summit of Devilsbit Mountain and much of the eastern side of the ridge which extends northwards to Kilduff Mountain. Most of the site lies above 250 m and the highest point is 480 m. Devilsbit Mountain is composed of Silurian grits.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[4030] Dry Heath [6230] Species-rich <i>Nardus</i> Grassland*
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The main habitats found within the site are upland grassland, heath and woodland. Heath dominates the upper slopes and the summit of Devilsbit Mountain, and the site contains small areas of good quality dry heath.

Upland acid grassland covers extensive areas, and is relatively herb-rich. There is a diversity of vegetation communities found, as well as plant species. Populations of the rare Small-white Orchid (*Pseudorchis albida*), a species which is protected under the Flora (Protection) Order, 1999, occur in such areas of unimproved grassland. Associated species include Sheep's-fescue (*Festuca ovina*), Great Wood-rush (*Luzula sylvatica*), Devil's-bit Scabious (*Succisa pratensis*) and Bracken (*Pteridium aquilinum*).

The central wooded area is a relic of former planting. Small groves of mature Beech (*Fagus sylvatica*) and oak (*Quercus* sp.) trees persist on the higher slopes. Naturally-regenerating Alder (*Alnus glutinosa*) woodland with willow (*Salix* spp.) dominates a wet area traversed by streams near the eastern boundary of the site. Elsewhere on the site, woodland is mixed and comprises Beech, Alder, Ash (*Fraxinus excelsior*), Hazel (*Corylus avellana*) and Hawthorn (*Crataegus monogyna*).

Peregrine, a species listed on Annex I of the E.U. Birds Directive, breeds within the site.

The site is heavily grazed by cattle and sheep. Agricultural improvement and afforestation are the main threats, particularly to those areas of unimproved grassland found within the site.

The site is of conservation importance due to the presence of two habitats listed in Annex I of the E.U. Habitats Directive, dry heath and species-rich *Nardus* grassland, the latter being of priority status. The presence of the rare and protected Small-white Orchid adds significantly to the value of the site.

Conservation objectives for Kilduff, Devilsbit Mountain SAC [000934]

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

Code	Description
4030	European dry heaths
6230	Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*

* denotes a priority habitat



Citation: NPWS (2015) Conservation objectives for Kilduff, Devilsbit Mountain SAC [000934]. Generic Version 4.0. Department of Arts, Heritage and the Gaeltacht.

10 Church Rd



Image capture: Jun 2009 © 2017 Google

County Offaly

Street View - Jun 2009



Google Maps 10 Church Rd



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County Offaly

Street View - Jun 2009

