

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

**REFERENCE:** DEC 19/16

**NAME OF APPLICANT:** Crinkle Sports & Recreation Centre

**ADDRESS FOR CORRESPONDENCE:** C/o Noel Lyons,  
Woodfields,  
Birr,  
Co. Offaly.

**NATURE OF APPLICATION:** Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the removing existing roof and replacing with similar, installing solar roof panels for water heating, installing over ground water harvesting tank approx. 25m<sup>3</sup> is or is not development and is or is not exempted development.

**LOCATION OF DEVELOPMENT:** Boherdeel Road, Crinkle, Birr, Co. Offaly.

**WHEREAS** a question referred to Offaly County Council on 11<sup>th</sup> October 2019 has arisen as to whether a removing existing roof and replacing with similar, installing solar roof panels for water heating, installing over ground water harvesting tank approx.. 25m<sup>3</sup> at Boherdeel Road, Crinkle, Birr, Co. Offaly is or is not development and is or is not 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, 3 & 4 of the Planning & Development Act 2000, as amended
- (b) Article 6 of the Planning & Development Regulations, 2001, as amended

**AND WHEREAS** Offaly County Council has concluded that –

- (a) Remove existing roof covering and replace with similar: **Is Development and Is Exempted Development**
- (b) Install solar roof panels for water heating: **Is Development and Is Exempted Development**
- (c) Install over ground water harvesting tank: **Is Development and Is Not 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

- (a) Remove existing roof covering and replace with similar: **Is Development and Is Exempted Development**
- (b) Install solar roof panels for water heating: **Is Development and Is Exempted Development**
- (c) Install over ground water harvesting tank: **Is Development and Is Not 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*

13/3/20  
\_\_\_\_\_  
*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>	<b>Dec 19/16</b>
<b>Question:</b>	<i>Whether the following is development and exempted development: (a) Remove existing roof covering and replace with similar (b) Install solar roof panels for water heating (c) Install over ground water harvesting tank (c. 25m<sup>3</sup>)</i>
<b>Applicant:</b>	<i>Crinkle Sports &amp; Recreation Centre</i>
<b>Correspondence Address:</b>	<i>c/o Noel Lyons Woodfield, Birr, Co. Offaly</i>
<b>Location:</b>	<i>Crinkle Sports &amp; Recreation Centre, Crinkle, Co. Offaly.</i>

### SECOND REPORT ON FILE

#### 1. Introduction

The question has arisen as to whether the proposed development (as listed above) is development, and if so, is it exempted development under Schedule 2, Part 1 Class 14(f) of the Planning and Development Regulations 2001 (as amended).

#### 2. Further Information

Further information was sought by the Planning Authority on 7<sup>th</sup> November 2019 and subsequently received by the Planning Authority on 30<sup>th</sup> January 2020 (deemed as not completed by the Planner) and 26<sup>th</sup> February 2020.

This report should be read in conjunction with the previous planner's report dated 6<sup>th</sup> November 2019. The following further information was sought and the response is as follows:

1. *Submit a roof plan (to a scale of not less than 1:200) indicating the following:*
  - (a) *Type of panels proposed i.e. solar thermal collector or photo-voltaic.*

In information submitted to the Planning Authority on the 30<sup>th</sup> January 2020, the Applicant confirmed that solar thermal collector panels are proposed.

- (b) *Location showing the setback of the panels from the edge of the roof.*

The roof plan received by the Planning Authority on the 26<sup>th</sup> February 2020 confirms the proposed solar panels will be set back 0.675m from the roof pitch; 2.4m from the end elevation; and, 1.8m from the gutter on the south elevation.

- (c) *Amount proposed showing the dimensions of the panels.*

A total of 5 no. panels are proposed, each measuring approximately 1.925m x 1m. This amounts to a total area of approximately 9.625m<sup>2</sup> which is less than 50% of the total roof area.

(d) *Distance between the plane of the roof and the panel.*

While this has not been specifically referred to on the submitted plans, the east elevation drawing shows the proposed panels on the roof and are aligned with the slope of the roof.

2. *Submit details of the over ground water harvesting tank including:*

(a) *Site layout plan (to a scale of not less than 1:500) indicating the location of the tank with setbacks to site boundaries, buildings, etc. provided.*

On the 26<sup>th</sup> February 2020, the Planning Authority received a site layout plan which shows the location of the proposed ground water harvesting tank. It is proposed to locate the tank to the rear of the buildings which are located on the site and 7.35m from the rear western boundary and c.14m from the southern boundary.

(b) *Plan/elevation (to a scale of not less than 1:200) providing details of the dimensions (height and diameter) of the proposed tank.*

On the 30<sup>th</sup> January 2020, the Planning Authority received plans/section of the proposed water tank. This confirms that the circular tank will have a maximum height of 3.05m and external diameter of 3.12m

3. **Evaluation**

(a) **Remove existing roof covering and replace with similar**

As noted in the previous report, these works are deemed as exempted development in accordance with Section 4 (1) (h) of the Act. The replacement of the existing roof is for maintenance purposes and once replaced with similar materials and colour which would not materially affect the external appearance of the structure is deemed as exempted development.

(b) **Install solar roof panels for water heating**

Article 6, Part 1 - Class 56 (d) and (e) of the Planning and Development Regulations 2001 (as amended) outlines the exemptions that are in place for business or light industrial buildings. For the purposes of this review, the Crinkle Sports and Recreation Centre is deemed to be a business building. The Regulations allow for the installation or erection on a business premises or light industrial building, or any ancillary buildings within the curtilage of such premises or buildings, of **solar thermal collector panels** subject to certain criteria including;

1. Such a solar panel may not be installed or erected on a wall of such a premises or building: *N/A to the subject property.*
2. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser:  
*The proposed solar panels do not exceed 50 square metres or 50% of the total roof area.*
3. The distance between the plane of a pitched roof and the panel shall not exceed:
  - (a) 50cm in the case of a light industrial building: *N/A.*

- (b) 15cm in the case of a business premises: *the proposed solar panels are shown to on the roof and are aligned with the slope of the roof.*
- 4. The distance between the plane of a flat roof and the panel shall not exceed:
  - (a) 2 metres in the case of a light industrial building: *N/A.*
  - (b) 1 metre in the case of a business premises: *N/A.*
- 5. The solar panel shall be a minimum of 50cm from the edge of the roof on which it is mounted, or 2 metres in the case of a flat roof: *the solar panels will be more than 50cm from the edge of the roof.*
- 6. Any equipment associated with the panels, including **water tanks**, shall be located within the roof space of the building: *no associated water tanks are shown not within the roof space.*
- 7. The total aperture area of any free-standing solar array shall not exceed 25 square metres: *N/A.*
- 8. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level: *N/A.*
- 9. A free-standing solar array shall not be located forward of the front wall of the building or premises: *N/A.*

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed solar thermal collector panels are development and are exempted development.

**(c) Install over ground water harvesting tank**

Article 6, Part 3 - Class 20 of the Planning and Development Regulations 2001 (as amended) provides exemptions for the provision of a tank or tanks for the storage of rainwater collected from the roofs however this exemption is applicable to agricultural buildings only.

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed ground water harvesting tank is development and is not exempted development.

**4. Conclusion**

**WHEREAS** a question has arisen as to whether or not the following works:

- (a) Remove existing roof covering and replace with similar
- (b) Install solar roof panels for water heating
- (c) Install over ground water harvesting tank

are or are not development, and, are or are not exempted development at Crinkle Sports & Recreation Centre, Crinkle, Co. Offaly.

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

- a) Sections 2, 3 & 4 of the Planning & Development Act 2000, as amended.
- b) Article 6 of the Planning & Development Regulations, 2001, as amended.

**AND WHEREAS** Offaly County Council has concluded that –

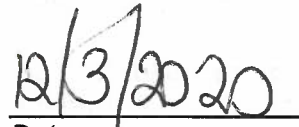
- (a) Remove existing roof covering and replace with similar: is development and is exempted development.

- (b) Install solar roof panels for water heating: is development and is exempted development.
- (c) Install over ground water harvesting tank: is development and is not exempted development.


**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) of the Planning and Development Act, as amended, hereby decides that the following works at the subject site:

- (a) *Remove existing roof covering and replace with similar: is development and is exempted development.*
- (b) *Install solar roof panels for water heating: is development and is exempted development.*
- (c) *Install over ground water harvesting tank: is development and is not exempted development.*

  
Una McCafferkey  
Assistant Planner

  
Date

  
Carroll Melia  
(A/Senior Executive Planner)

  
Date