

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 2019

NAME OF APPLICANT: COLM COSGROVE ON BEHALF OF NUA HEALTHCARE SERVICES

ADDRESS EXISTING DWELLING AT BROOKHAVEN, BIRR, CO. OFFALY

ADDRESS FOR CORRESPONDENCE: THE ATRIUM,
JOHN'S LANE,
NAAS,
CO. KILDARE.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the change of use from dwelling to community dwelling for provision of care to persons with intellectual disability and other mental issues at Brookhaven, Birr, Co. Offaly is or is not development and is or is not exempted development

LOCATION OF DEVELOPMENT: EXISTING DWELLING AT BROOKHAVEN, BIRR, CO. OFFALY

WHEREAS a question referred to Offaly County Council on 21/10/2020 as to whether the change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues. at Brookhaven, 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) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and;
- (c) Schedule 2, Part 1, Class 33 (c) (exempted Development – Development for amenity or recreational purposes, of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that The change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues. at Brookhaven, Birr, Co. Offaly does constitute 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 the change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues. is development and is exempted development at existing dwelling at Brookhaven, Birr, Co. Offaly

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.



A/Senior Executive 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 20/19</i>
Question:	<i>Whether the change of use from dwelling to community dwelling for provision of care to persons with intellectual disability and other mental issues is or is not development and is or is not exempted development.</i>
Applicant:	<i>Col Cosgrove on behalf of Nua Healthcare Services</i>
Correspondence Address:	<i>The Atrium, John's Lane, Naas, Co. Kildare</i>
Location:	<i>Existing dwelling at Brookhaven, Birr, Co. Offaly.</i>

1. Introduction

The question has arisen as to whether the change of use from dwelling to community dwelling for provision of care to persons with intellectual disability and other mental issues is or is not development and is or is not exempted development.

2. Site Location and Description

The subject site is on unzone/whitelands in the countryside of County Offaly and occupied by a part two storey/part three storey dwelling with an outbuilding and a parking area to the rear of the dwelling. The site is accessed off the regional road, R439 and is located approximately 4.5m north west of Birr Town.

3. Site History

The following planning applications have been made on the subject site:

- Planning reference 19/4: Colm Cosgrove sought retention permission for the following:
 - (a) Increase in size of plant room/garage to rear at basement level, with double garage door and window and door with side window,
 - (b) Increase in overall floor area of house by 95.8m²,
 - (c) Steel shed to rear,
 - (d) Change of window to door with side window on side elevation,
 - (e) 2.4m high external rendered block walls at front and rear of dwelling,
 - (f) Conversion of part of plant room/garage at basement level to habitable use,
 - (g) Change of grass lawn area in front garden to gravel hardstanding and change of grassed area at rear of house to gravel hardstanding,
 - (h) Waste water treatment system with percolation area to rear.

Permission was **GRANTED** on the 3rd December 2019. A notable condition is condition No. 2 which requires that *'the dwelling and basement accommodation shall be used as a single residential unit only'*.

- Planning reference 99/902: Mr. Noel O'Keeffe sought permission for a dwelling, garage and septic tank – **GRANTED**.

The following Section 5 declaration application has been made on the subject site:

- Section 5 Declaration (ref. 18/9): Request for declaration under Section 5 of the planning acts regarding works/activities to a place of residence. The works activities were deemed to be **development and not exempted development**.

4. Legislative Context

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

Statutory Provisions

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

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) Planning and Development Act 2000, as amended, defines development.

“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 - Exempted Development

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

(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 and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of other structures or neighbouring structures.

Section 4 (2) (a) - The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that -

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development.*

Regulatory Provisions

Article 6 of the Planning and Development Regulations 2001 (as amended) states, *inter alia*, that:

"Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1".

Article 9 of the Planning and Development Regulations 2001 (as amended), identifies restrictions on exemption.

9 (1): Development to which article 6 relates shall not be exempted development for the purposes of the Act - (a) if the carrying out of such development would –

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.*

Article 10 relates to changes of use. Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2 shall be exempted development for the purposes of the Act, providing that the development if carried out would not:

- (a) involve the carrying out of any works other than the works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act,*
- (c) be inconsistent with any use specified or included in such permission,*
- (d) be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

Schedule 2, Part 1 of Article 6 contains the following specific class of development under Class 14(f):

Development consisting of a change of use –

- (f) from use of a house, to use as a residence for persons with an **intellectual or physical disability or mental illness** and persons providing care for such persons.*

Provided:

The number of persons with and intellectual or physical disability or a mental illness living in such a residence shall not exceed 6 and the number of resident carers shall not exceed 2.

5. Proposal by Applicants

The applicant Colm Cosgrove on behalf of Nua Healthcare Services wishes to ascertain whether the change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues is or is not development and is or is not exempted development.

6. Evaluation

Question: *Is the proposed change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues considered as Development?*

It is considered that the change from a use from a domestic dwelling to use as a residential care home represents a material change in the use of the structure and as such, the proposal constitutes development as defined by Section 3 of the Planning and Development Act (as amended)

Question: *Is this proposal considered as Exempted Development?*

Under Class 14(f) of the Planning and Development Regulations 2001 (as amended), development consisting of a *'change of use from use of a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons'* is exempted development provided that *'the number of persons with and intellectual or physical disability or a mental illness living in such a residence shall not exceed 6 and the number of resident carers shall not exceed 2'*.

The Applicant confirms that the dwelling will accommodate up to a maximum of 5 no. resident service users noting they will avail of the 2 no. bedrooms on the grounds floor; 2 no bedrooms on the first floor; and 1 no. bedroom at basement level. It is also confirmed that the number of resident carers staying overnight will not exceed 2.

As the dwelling will remain in use as a single residential unit, the Planning Authority are satisfied that the change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues will not contravene Condition No. 2 of the grant of planning permission ref. 19/4.

It is concluded that the proposed use of the dwelling as outlined by the Applicant in their application is exempted development.

7. Evaluation

It is recommended that the change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues **does constitute development** defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

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 change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues is or is not development and, where it is development, whether or not it is or is not exempted development at Brookhaven, Birr, Co. Offaly.

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


- (a) Sections 2, 3 and 4 of the Planning & Development Act 2000 as amended.
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended.
- (c) Class 14(f) of Part 1 of Schedule 2 of the said Regulations.

AND WHEREAS Offaly County Council has concluded that –

The change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues (as indicated on the documentation submitted by the Applicant on the 21st October 2020) is development and is exempted development at Brookhaven, Birr, Co. Offaly.

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 change of use of the existing dwelling to a community dwelling for provision of care to persons with intellectual disability and other mental issues is development and is exempted development.



Una McCafferkey
Assistant Planner

11th November 2020
Date



Carroll Melia
(A/Senior Executive Planner)

13th November 2020
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 Authority: OCC

Planning Application Ref. No: Dec. 20-19

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:

Proposed development:	Whether the change of use from dwelling to community dwelling for provision of care to persons with intellectual disability and other mental issues is or is not development and is or is not exempted development.		
Site location:	Brookhaven, Birr, Co. Offaly.		
Site size:	c. 0.38 ha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Ridge Road, SW of Rapemills SAC – 1.44km Dovegrove Callows SPA – 1.63km All Saints Bog and Esker SAC – 2.74km All Saints Bog SPA – 2.75km River Little Brosna Callows SPA – 3.16km		
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?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	

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

The reasons for the designation of the European site(s):
<p>Ridge Road, SW of Rapemills SAC - Features of interest include:</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] <p>Dovegrove Callows SPA - Features of interest include:</p> <ul style="list-style-type: none"> • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] <p>All Saints Bog and Esker SAC- Features of interest include:</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] • Bog woodland [91D0] <p>All Saints Bog SPA - Features of interest include:</p> <ul style="list-style-type: none"> • Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] <p>River Little Brosna Callows SPA- Features of interest include:</p> <ul style="list-style-type: none"> • Whooper Swan (Cygnus cygnus) [A038] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054]

- Shoveler (*Anas clypeata*) [A056]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Lapwing (*Vanellus vanellus*) [A142]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395]
- Wetland and Waterbirds [A999]

The conservation objectives / qualifying interests of the site and the factors that contribute 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: Ridge Road, SW of Rapemills SAC

Site Code: 000919

This site consists of steep-sided, twin esker ridges formed from glacial gravels. It is situated under 2 km south-west of the village of Rapemills in Co. Offaly. The more northerly ridge supports a road running towards the Little Brosna River. Hollows are present with deeper soils which are more nutrient-enriched, while the banks are slightly leached.

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):

[6210] Orchid-rich Calcareous Grassland*

The vegetation is primarily unimproved grassland in the western section and a mixture of dry, unimproved esker grassland and wet grassland in the more easterly section. An important feature of this site is the presence of orchid-rich calcareous grassland. This vegetation supports a rich diversity of plant species and a variety of unusual plant communities. Along with several uncommon or localised plant species, this site supports a large population of Green-winged Orchid (*Orchis morio*), a Red Data Book species.

Noteworthy is the presence of herb communities containing Bloody Crane's-bill (*Geranium sanguineum*), Burnet Rose (*Rosa pimpinellifolia*) and Zigzag Clover (*Trifolium medium*), in association with woody species such as Yew (*Taxus baccata*) and Buckthorn (*Rhamnus catharticus*). Other herb species present are Upright Brome (*Bromus erectus*), Dog's Mercury (*Mercurialis perennis*), Stone Bramble (*Rubus saxatilis*) and Wild Madder (*Rubia peregrina*), while shrubs such as Spindle (*Euonymus europaeus*), Crab Apple (*Malus sylvestris*) and Dwarf Cherry (*Prunus cerasus*) are also present. Some banks have mature Hazel (*Corylus avellana*) woods. The herb species mentioned are unusual in a midland, inland context.

Species-rich calcareous grasslands are sensitive to agricultural improvement, for example fertiliser application and re-seeding. At Ridge Road, the steep esker banks have restricted the agricultural use of this site and the lands are, in general, unfertilized. The site is used for cattle grazing. Overall, grazing is a positive influence on calcareous grasslands. However, it is important that the correct level of grazing is achieved, i.e. enough to halt the spread of shrub species and to maintain the balance between scrub and species-rich grassland. Too much grazing would result in damage to the vegetation cover.

Although small, this site is of ecological value as a good example of species-rich calcareous grassland, rich in orchids. This habitat type is increasingly rare as a result of agricultural intensification, and is given priority status on Annex I of the E.U. Habitats Directive. The vegetation at Ridge Road is diverse and features a variety of unusual plant communities, as well as a large population of Green-winged Orchid. Eskers are becoming increasingly rare in Ireland - many have been destroyed as a result of gravel extraction.

SITE NAME: DOVEGROVE CALLOWS SPA

SITE CODE: 004137

Dovegrove Callows is an area of callowland beside the Little Brosna River 2 km downstream from Birr, Co. Offaly and 5 km upstream from the start of the main area of River Little Brosna callows. The main habitat is wet grassland which floods.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for Greenland White-fronted Goose.

The site is an important feeding area for the internationally important Little Brosna Greenland White-fronted Goose flock (527 individuals - 5 year mean peak for the period 1994/95 to 1998/99) and is used on an occasional basis when other feeding sites along the middle Shannon and Little Brosna callows are flooded. It is of particular importance as it can support the entire Little Brosna flock. For this reason the site is a key part of this flock's winter range and important for its protection.

Dovegrove Callows SPA is of major conservation significance as a feeding site for an internationally important flock of Greenland White-fronted Goose, a species that is listed on Annex I of the E.U. Birds Directive

Site Name: All Saints Bog and Esker SAC

Site Code: 000566

All Saints Bog is a lowland raised bog lying about 5 km north-west of Birr in Co. Offaly, and separated from the Little Brosna Callows by a fragmented esker ridge.

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):

[6210] Orchid-rich Calcareous Grassland*

[7110] Raised Bog (Active)*

[] Degraded Raised Bog

[7150] Rhynchosporion Vegetation

[91D0] Bog Woodland*

Active raised bog comprises areas of high bog that are wet and actively peat-forming, where the percentage cover of bog mosses (*Sphagnum* spp.) is high, and where some or all of the following features occur: hummocks, pools, wet flats, *Sphagnum* lawns, flushes and soaks. Degraded raised bog corresponds to those areas of high bog whose hydrology has been adversely affected by peat cutting, drainage and other land use activities, but which are capable of regeneration. The Rhynchosporion habitat occurs in wet depressions, pool edges and erosion channels where the vegetation includes White Beak-sedge (*Rhynchospora alba*) and/or Brown Beak-sedge (*R. fusca*), and at least some of the following associated species: Bog Asphodel (*Narthecium ossifragum*), sundews (*Drosera* spp.), Deergass (*Scirpus cespitosus*) and Carnation Sedge (*Carex panicea*).

The active raised bog is dominated by bog mosses, e.g. *S. cuspidatum* in pools, *S. magellanicum* forming carpets and *S. imbricatum* forming hummocks. Heather (*Calluna vulgaris*) occurs on the hummocks. Characteristic species of midland raised bogs, such as Cranberry (*Vaccinium oxycoccos*) and Bog-rosemary (*Andromeda polifolia*), also occur. In the wettest areas, Rhynchosporion vegetation is relatively well-developed and widespread. Frequent species include Bogbean (*Menyanthes trifoliata*), Great Sundew (*Drosera anglica*), Bog Asphodel, White Beak-sedge and Common Cottongrass (*Eriophorum angustifolium*). The relatively rare Brown Beak-sedge has been noted from wet pools within the site. The presence of the liverwort *Pleurozia purpurea*, a western species, is notable.

Degraded raised bog dominates the drier areas of high bog surface within this site. The most frequent vascular plant species in the vegetation are Heather, Hare's-tail

Cottongrass (*Eriophorum vaginatum*), Deergass, Bog Asphodel and Carnation Sedge. The *Sphagnum* cover in degraded raised bog areas is generally low, typically lying within the range of 5 to 20% ground cover. The presence, and local abundance, of moss species indicative of disturbance or drying-out, such as *Campylopus paradoxus*, *C. introflexus* and *Leucobryum glaucum*, is noteworthy. Locally, the cover of the lichen *Cladonia portentosa* can be high. However, the lichen cover is generally low due to frequent burning episodes which have affected the site in the recent past.

The site contains the largest stand of birch (*Betula* spp.) woodland growing on an active raised bog in the country. In the centre of the bog there is an elongated flushed area which is wooded, and this is surrounded by an outer non-wooded area. The non-wooded area is dominated by *Sphagnum recurvum* and *S. fimbriatum*, with hummocks of *S. palustre* and *S. capillifolium*. Hare's-tail Cottongrass is common and Heather, Crowberry (*Empetrum nigrum*) and Cranberry are abundant. The wooded area, which covers approximately 20 ha, is dominated by birch (mostly Downy Birch, *Betula pubescens*, but with a little Silver Birch, *B. pendula*), which grows to about 5-8 m high. There are scattered pines (*Pinus* spp.) and a shrub layer of willows (*Salix aurita* and *S. atrocinerea*), a dwarf shrub layer of Heather and Crowberry, and a thick mat of mosses and lichens with species such as *Sphagnum fimbriatum*, *S. palustre*, *Aulacomnium palustre*, *Polytrichum commune*, *Peltigera* cf. *canina* and *Cladonia portentosa*. In drier and more open areas, Bracken (*Pteridium aquilinum*) is locally dominant with grasses, e.g. Sweet Vernal-grass (*Anthoxanthum odoratum*), and the Field Wood-rush (*Luzula campestris*). Bottle Sedge (*Carex rostrata*) occurs in wetter areas. The rare Myxomycete fungus, *Badhamia lilacina*, has been recorded from the site.

The birch wood supports an interesting invertebrate fauna, with two rare species being recorded; a fly (*Dictenida bimaculata*, Order Diptera) and a ladybird (*Hippodamia tredecimpunctata*, Order Coleoptera). There is a concentration of saproxylic invertebrates in the birch woodland, which suggests that the woodland is ancient. The bog has traditionally been used as an occasional refuge for part of the Little Brosna flock of Greenland White-fronted Goose, an Annex I species of the E.U. Birds Directive, although in recent years they have not been observed on the bog.

An extensive area in the north-east corner of the bog, representing about 20% of the bog surface, is being cut for turf, with drains running into the eastern edge of the birch woodland. This appears to be leading to the bog drying out, as the surface is reported to be much drier than when first surveyed in the mid-1980s.

To the south of the bog are the fragmented remains of an esker ridge, which may have an influence on the hydrology of the flush. It is included in the site partly for this reason, but also for its own intrinsic value. The area south-east of Coneycarn pit is steeply sloping and unfertilised, and supports a good example (though small in area) of species-rich calcareous esker grassland. Pyramidal Orchid (*Anacamptis pyramidalis*) and Common Spotted-orchid (*Dactylorhiza fuchsii*) have both been recorded. In addition, a large population of Green-winged Orchid (*Orchis morio*), a species listed in the Irish Red Data Book of vascular plants, occurs here. Coneycarn pit itself supports populations of the legally protected (Flora (Protection) Order, 1999) Red Hemp-nettle (*Galeopsis angustifolia*) and the threatened Blue Fleabane (*Erigeron acer*). Both of these are annual species of ruderal habitats and are listed in the Irish Red Data Book of vascular plants.

All Saints' Bog is a unique bog, important for its vegetation types, plants, invertebrates and birds. To conserve the site peat cutting needs to stop, drains need to be blocked and marginal dams built to raise the water table. The esker supports species-rich grassland, including rare species, and this area should continue to be grazed but left unfertilized. Further gravel extraction should be prevented, although some disturbance may be required to conserve the Red Hemp-nettle and Blue Fleabane.

SITE NAME: ALL SAINTS BOG SPA

SITE CODE: 004103

All Saints Bog is a lowland raised bog located about 5 km north-west of Birr in Co. Offaly. It is separated from the River Little Brosna callows by a fragmented esker ridge. The site is unique in that it contains the largest stand of birch (*Betula* sp.) woodland in the country growing on an active raised bog.

At the time this site was designated as a Special Protection Area (SPA) it was known to be utilised by part of an internationally important population of Greenland White-fronted Goose. Greenland White-fronted Goose is regarded as a special

conservation interest for this SPA.

All Saints Bog was formerly used by part of the internationally important Greenland White-fronted Goose population based on the River Little Brosna. In recent years, however, there has been little or no use of All Saints by the geese following a general trend of less usage of raised bogs in favour of grassland sites. The last record of Greenland White-fronted Goose within the site was 75 individuals in 1993/94.

Merlin has been seen on the bog during the breeding season and may breed there. The peat dome and marginal areas provide good foraging habitat for this bird of prey species

SITE NAME: RIVER LITTLE BROSNA CALLOWS SPA

SITE CODE: 004086

The River Little Brosna Callows SPA follows the River Brosna from its confluence with the River Shannon for approximately 9 km south-eastwards to just beyond New Bridge on the R438 road. The site extends along both sides of the river within counties Offaly and Tipperary. The main habitat present is the extensive area of low-lying callow grassland along the floodplain of the river. These grasslands are subject to prolonged flooding in winter, early spring and occasionally in summer.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Whooper Swan, Greenland White-fronted Goose, Wigeon, Teal, Pintail, Shoveler, Golden Plover, Lapwing, Black-Tailed Godwit and Black-Headed Gull. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The River Little Brosna Callows is an internationally important site for wintering waterfowl, being notable both for numbers and diversity of species. Of particular note is the internationally important Greenland White-fronted Goose flock (527) that is based along the Brosna - mean peak count for the five winters 1994/95 to 1998/99. The populations of Golden Plover (10,577 - 3 year mean peak from aerial surveys between 1995/96 and 1999/2000) and Black-tailed Godwit (2,900 - 4 year mean peak between 1995/96 and 1999/2000) are also of international importance. The River Little Brosna Callows is an important spring passage site and the Black-tailed Godwit flock, which is the largest in the country, exceeds over 4,000 birds on some occasions. A further seven species have populations of national importance, i.e. Whooper Swan (122), Wigeon (8,116), Teal (2,683), Pintail (130), Shoveler (164), Lapwing (6,552) and Black-headed Gull (1,939) - all figures are 4 year mean peaks between 1995/96 and 1999/2000 except Lapwing (3 year mean peak from aerial surveys between 1995/96 and 1999/2000) and Black-headed Gull (2 year mean peak for 1999/2000 and 2000/01). The populations of Wigeon, Teal and Golden Plover are consistently among the largest in the country. Other species which occur include Mute Swan (79), Mallard (334), Pochard (38), Dunlin (434) and Curlew (194); the population of Dunlin is of particular note as it comprises the largest inland population in the country.

The callows are also of importance for breeding waders, and such species as Redshank (65 pairs in 1987 and 22 pairs in 2002), Snipe (35 pairs in 1987 and 23 pairs in 2002) and Lapwing (41 pairs in 1987) have been recorded breeding here. Corncrake formerly bred on the Brosna callows (2 calling birds recorded in 1993), and may still breed occasionally.

The River Little Brosna Callows SPA is one of the top sites in the country for wintering waterfowl and part of the site is a Wildfowl Sanctuary. It is of international importance on account of the total numbers of birds that use it, as well as for its Greenland White-fronted Goose, Golden Plover and Black-tailed Godwit populations. In addition, there are a further seven species with nationally important populations, several of which are the largest in the country. Also of note is that three of the species which occur regularly, i.e. Whooper Swan, Greenland White-fronted Goose and Golden Plover, are listed on Annex I of the E.U. Birds Directive.

(C) NPWS ADVICE:

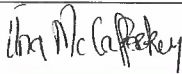
Advice received from NPWS over phone:	None Received
Summary of advice received from NPWS in written form (ATTACH SAME):	None Received

(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)

<p>Would there be...</p> <p>... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).</p>	<p>Not likely due to the location and type of development. The site is sufficient distance from the European site.</p>
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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.
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Position:	Assistant Planner
Date:	11 th November 2020