

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 21/17

NAME OF APPLICANT: REMCOLL CAPITAL LTD

ADDRESS CHAMBER BUILDING  
SWORDS  
CO. DUBLIN

ADDRESS FOR CORRESPONDENCE: C/O WILLIAM DONOGHUE & ASSOCIATES  
MAIN STREET, MOUNTCHARLES  
CO. DONEGAL

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 51 CHURCH STREET, TULLAMORE, CO. OFFALY

WHEREAS a question referred to Offaly County Council on 1<sup>st</sup> June 2021 as to whether the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units at 51 Church Street, Tullamore, 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 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 10 of the Planning and Development Regulations, 2001 (as amended);
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units, by virtue of (i) the use of the restaurant not being a specified class of use in Part 4, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and (ii) the dwelling floor areas do not comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities", and is therefore considered not to be exempted development as per the provisions of Article 10 of the Planning and Development Regulations, 2001:

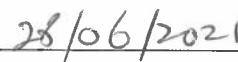
NOW THEREFORE Offaly County Council, in exercise of powers conferred on it by Section 5 (2)(a) of the Planning and Development Act 2000, as amended hereby decides that the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units, 51 Church Street, Tullamore, Co. Offaly **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

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.

# OFFALY COUNTY COUNCIL

## Planning Report

### Section 5 Declaration

<b>File Reference:</b>	<i>Dec 21/17</i>
<b>Question:</b>	Whether the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units is development and is or is not exempted development at 51 Church Street, Tullamore, Co. Offaly is or is not exempted development;
<b>Applicant:</b>	<i>Remcoll Capital LTD</i>
<b>Correspondence Address:</b>	<i>See application form</i>
<b>Location:</b>	<i>51 Church Street</i>
<b>Date received:</b>	<i>June 1st 2021</i>
<b>Date due:</b>	<i>28<sup>th</sup> June 2021</i>

#### 1. Proposal

The question has arisen as to whether the “proposed refurbishment of this existing property” at 51 Church Street into **04** Residential Units is development and is or is not exempted development. The applicant seeks to ‘exempt’ development across three floors of the existing structure. The ground floor appears to have been in use as a restaurant, with living accommodation overhead.

The applicant submits that the development complies with the requirements of S.I. 30 of 2018, Planning and Development (Amendment) (No.2) Regulations 2018 and will comply with the Design Standards for New Apartments, March 2018.

The floor area of the proposed residential units as follows:

- Apt. 1 – 37sqm – ground floor
- Apt. 2 – 40sqm – ground floor & first floor
- Apt. 3 – 35sqm. – first floor & second floor
- Apt. 4 – 35sqm. – first floor & second floor

4 staircases are proposed.

Works are indicated to commence on 13<sup>th</sup> May 2021.

#### 2. Background

The subject site is zoned for ‘town centre’ use in the Tullamore Town Development Plan 2010-2016 (as extended).

There is an existing three storey terraced building on site, which fronts Church Street. There is an arched alleyway to the west. It is proposed to access three studios/apartments via this laneway. A Right of Way has not been indicated on the site location map. The structure appears to have been last in use a restaurant, with accommodation overhead.

### **3. Relevant Planning History:**

TU285395 Change of use from retail to restaurant, granted permission, 26/09/1995.

### **4. Legislative Context**

Under the Planning and Development Act 2000, all development including a material change of use, unless specifically exempted under the Act or associated Planning and Development Regulations 2001, requires planning permission.

Article 10 of the Planning and Development Regulations 2001 (as amended) provides that certain changes of use, with regard to particular classes of use, are exempted from the requirement to obtain permission. Article 10 change of use exemptions are not subject to Article 9 restrictions. However, all exemptions, under Section 4 of the Act, or Article 6 and 10 of the Regulations are subject to compliance with any general restrictions on exemptions set out in the Act and need to be considered on a case-by-case basis. For example, section 4(4) of the Planning and Development Act 2000 provides that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required in accordance with relevant EU Directive requirements.

The Planning and Development (Amendment) (No.2) Regulations 2018 provide that, for development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, to be exempt from the requirement to obtain planning permission. This exemption can be availed of during the period from 8 February 2018 until 31 December 2021.

The exemption introduced in 2018 applies to existing completed commercial buildings, such as shops and offices, which have been in use for commercial purposes but which have been vacant for a period of two years prior to the proposed works commencing and are available and suitable for housing. As envisaged in *Rebuilding Ireland*, therefore, the regulations focus on bringing existing vacant commercial units back into use for residential purposes thereby facilitating increased housing supply.

In general, the development works to the building must primarily be works which only affect the interior of the building. Some limited works to the external appearance of the structure are permitted, but they must be consistent with the character of the structure and of neighbouring properties.

These limited external works may include alterations of existing ground-floor shop fronts, in which case the works must be consistent with the fenestration details and architectural and streetscape character of the remainder of the building and of neighbouring buildings. In addition, minor external works required to provide on-street access to the upper floors of the building are also permitted.

It should be noted that development works to vacant commercial buildings which are being converted to residential use also need to comply with the requirements of the Building Regulations and Building Control Regulations.

The exemption will only apply to buildings that currently have a specific class of use with reference to the Exempted development –

Classes of Use set out in Part 4 of Schedule 2 of the Principal Regulations, as follows:

Class 1: Use as a shop.

Class 2: Use for the provision of

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

Class 3: Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

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**

**The Planning and Development (Amendment) (No. 2) Regulations 2018 amends Article 10 of the Planning and Development Regulations, 2001 as follows:**

(6) (a) *In this sub-article—*

*“habitable room” means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;*

*“relevant period” means the period from the making of these Regulations until 31 December 2021.*

(b) *This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.*

(c) *Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*

*(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

*then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

*(d) (i) The development is commenced and completed during the relevant period.*

*(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*

*(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*

*(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*

*(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.*

*(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.*

*(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.*

*(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.*

*(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*

*(x) No development shall relate to any structure in any of the following areas:*

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e) (i) Where a person proposes to undertake development to which subparagraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

**Article 5, Exempted Development, Planning and Development Regulations 2001, as amended:**

'shop' means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

(a) for the retail sale of goods,

(b) as a post office,

(c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, **a restaurant** or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

#### **Schedule 2, Part 4, Exempted Development, Classes of Use**

**Class 1:** Use as a shop.

**Class 2:** Use for the provision of

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

**Class 3:** Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

**Class 6:** Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

#### **Article 6(1) of the Planning and Development Regulations 2001, as amended:**

*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.*

#### **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 Planning and Development Act 2000, as amended - Exempted Development**

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

## 5. Proposal by Applicant

The applicant wishes to ascertain whether the change of use of a vacant/disused restaurant building to four residential units is development which is exempted development.

## 6. Evaluation

### 6.1 Question:

**Are the works 'development'?**

As the proposed works comprises a material change of use (from a restaurant to four residential units) it is considered that the works is 'development' in accordance with section 3(1) of the Planning and Development Act, 2000, as amended.

### 6.2 Question:

**Is the structure/building of Class 1, 2, 3 or 6 of Part 4 to Schedule 2 which allow it to avail of the provisions of Article 10(6)(b) of the Regulations?**

No. A restaurant can be described as "*sui generis*" use – and does not fall under a use class.

### 6.3 Question:

**The structure was completed prior to the making of the Planning and Development Regulations 2018?**

Yes.

### 6.4 Question:

**Has the structure concerned at some time been used for the purpose of its current use class?**

*N/a – sui generis* use.

### 6.4 Question:

**Has the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development?**

Yes, according to documentation on file and Google Earth street view (time lapse).

### 6.5 Question

**Any related works shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.**

No drawings indicating external elevations are submitted. External works not indicated on plans.

### 6.6 Question:

**Are the proposed related works for the alteration of existing ground floor shop fronts consistent with the fenestration details and architectural and**



**streetscape character of the remainder of the structure or of neighbouring structures?**

N/a – existing use is not a shop.

**6.7 Question:**

**Does the development consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned?**

N/a – existing use is not retail use.

**6.8 Question:**

**Does the development consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure?**

No.

**6.9 Question:**

**Do the proposed dwelling floor areas and storage spaces have minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines?**

Note: drawings not to scale. It appears that the min. floor area is not provided in respect of any of the units, all being below the min. standards.

Studios are required to be a min. of 40 sqm – unit 1 is the only studio at 37sqm;

1 bed apt. are required to be a min. of 45sqm - remainder of units are over two floors; unit 2: 40sqm; unit 3: 35sqm, unit 4:35sqm.

Concerns also regarding width of dining/living areas and bedroom sizes.

**6.10 Question:**

**Do proposed rooms for use, or intended for use, as habitable rooms have adequate natural lighting?**

Yes – each habitable room has a window.

**6.11 Question:**

**Is the structure a protected structure?**

No.

**6.12 Other matters:**

It is not known if the development will not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included of either of the relevant planning permission (history file requested from storage, not available at time of writing this report).

The development does not relate to a structure which is in a special amenity area order relates, an area of special planning control or within the relevant perimeter

distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

The restrictions set out in article 9(1)(a) subparagraph:

- (iv) which relates to porches;
- (vii) which relates to places, caves, sites, features, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest;
- (viiA) which relates to archaeological monuments;
- (viiB) which relates to the requirement for an appropriate assessment;
- (viiC) which relates to natural heritage areas;
- (viii) which relates to an unauthorised structure or use;
- (ix) which relates to an objective in a development or draft development plan to ensure that the structure remain available for a use;

are not applicable in this instance and therefore do not restrict the proposed development.

The restrictions set out in article 9(1)(c) or (d) which relate to developments to which Part 10 (Environmental Impact Assessment) applies or to an establishment that could have significant repercussions on major accident hazards do not restrict the proposed development.

No details have been submitted which indicate that the proposed development would consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system.

#### **6.13 Question**

**Does the development require environmental impact assessment or an appropriate assessment of the development?**

No. Development is not of the type that requires environmental impact assessment or an appropriate assessment. Appropriate assessment screening report attached.

#### **6.14 Question**

**Is this proposal considered an Exempted Development?**

In accordance with section 3(1) of the Planning and Development Act, as amended, the proposed works are considered to be 'development' if a material change of use (from restaurant to residences) will occur.

In accordance with Article 10(6) of the Planning and Development Regulations, 2001, as amended, it is considered that the proposed change of use from a restaurant to four residential units is development which is not exempted development, by virtue of the fact that a restaurant is not of a use class which can avail of the exemption (i.e. Class 1, 2, 3 or 6 of Schedule 2, Part 4, Exempted Development, Classes of Use).

#### **7.0 Recommendation:**

It is recommended that the applicant is advised that the development as described in the application is development and is not exempted development.

*Alaine Clarke*

---

*Alaine Clarke*  
*Executive Planner*

22<sup>nd</sup> June 2021

---

*Date*

*Carroll Melia*

---

*Carroll Melia*  
*A/Senior Executive Planner*

28<sup>th</sup> June 2021

---

*Date*

## 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 proposed change of use of a building, last in use as a restaurant, into 4 no. residential units is development and is or is not exempted development at 51 Church Street, Tullamore, Co. Offaly is or is not exempted development;

**AND WHEREAS** Remcoll Capital LTD has requested a declaration on the said question from Offaly County Council;

**AND WHEREAS** Offaly County Council as the Planning Authority, in considering this declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended);
- Article 10 of the Planning and Development Regulations, 2001 (as amended);
- Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

**AND WHEREAS** Offaly County Council has concluded that the proposed change of use of a building, last in use as a restaurant, into 4 no. residential units, by virtue of (i) the use of the restaurant not being a specified class of use in Part 4, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and (ii) the dwelling floor areas do not comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities", and is therefore considered not to be exempted development as per the provisions of Article 10 of the Planning and Development Regulations, 2001:

**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 change of use of a building, last in use as a restaurant, into 4 no. residential units, 51 Church Street, Tullamore, Co. Offaly is development and is not exempted development.

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.

**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**

**Section 5 Ref. No: 21/17**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	<b>proposed change of use of a building, last in use as a restaurant, into 4 no. residential units</b>		
Site location:	<b>Church Street, Tullamore</b>		
Site size:	<b>Not known</b>	Floor Area of Proposed Development:	<b>Not known</b>
Identification of nearby European Site(s):	<b>Charleville SAC</b>		
Distance to European Site(s):	<b>2.5 km</b>		
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:	<b>None</b>		
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>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>		
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 <a href="http://www.npws.ie">www.npws.ie</a> ) (ATTACH INFO.)	See below		
(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.

<b>Would there be...</b> ... any impact on an Annex I habitat? (Annex I habitats are listed in Appendix 1 of AA Guidance).	No
... a reduction in habitat area on a European site?	No
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?	No
... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?	No
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?	No
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

**(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:	<b>There are no likely significant impact on the European site from the development due to its scale and the separation distance</b>
--	--

between the subject site and European Site.

**N  
a  
m  
e:**

*Alaine Clarke*

**Posit  
ion:**

**EP**

**Date:**

**22.06.21**



**Conservation objectives for Charleville Wood SAC [000571]**

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
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*

\* denotes a priority habitat

Code	Common Name	Scientific Name
1016	Desmoulin's Whorl Snail	<i>Vertigo moulinsiana</i>

For more information please go to: [www.npws.ie/protected-sites/conservation-management-planning](http://www.npws.ie/protected-sites/conservation-management-planning)



