

**OFFALY COUNTY COUNCIL
DECLARATION UNDER SECTION 5 OF THE**

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 21/24

NAME OF APPLICANT: RAHAN COMMUNITY ALERT GROUP

ADDRESS: C/O TOM MINNOCK, CARRAIG BAN,
CLONSHANNY, CO. OFFALY, R35 PY03.

ADDRESS FOR CORRESPONDENCE: C/O TOM MINNOCK, CARRAIG BAN,
CLONSHANNY, CO. OFFALY, R35 PY03.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the information on the 29 no. CCTV camera and associated structures/supports at the 12 no. locations within the Rahan Community and surrounding areas is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 12 NO. LOCATIONS THROUGHOUT THE RAHAN PARISH AND SURROUNDING AREA

WHEREAS a question referred to Offaly County Council on 05th August 2021 as to whether the information on the 29 no. CCTV camera and associated structures/supports at the 12 no. locations within the Rahan Community and surrounding areas 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-

- Sections 2, 3, 4 and 254 of the Planning and Development Act 2000 (as amended);
- Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that

- The community CCTV cameras (28 no.) and associated structures/supports at all 12 no. locations is development;
- The community CCTV cameras and associated structures/supports at Location 1 – Brackens; Location 2 – Healy’s House; Location 4 – Claragh Cross – Blue Diamond; Location 5 - Butterfield Farm; Location 6 – Slieve Bloom Mushroom Farm; Location 7 – McLoughlins; Location 8 – Ted Dunican; Location 9 – Joe Fahy’s; Location 10 – Grennan’s Farm; Location 11 – Minnocks; and, Location 12 – Ashfield is exempted development under the exemption provided by Section 4 (1)(h) of the Planning and Development Act 2000, as amended.
- The community CCTV cameras and associated structures/supports at Location No. 3 - Esker Junction is not exempted development in accordance with Section 254 of the Planning and Development Act 2000 (as amended).

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 community CCTV cameras and associated structures/supports at all 12 no. locations is development;

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Contd/...

REFERENCE: DEC 21/24

- The community CCTV cameras and associated structures/supports at Location 1 – Brackens; Location 2 – Healy’s House; Location 4 – Claragh Cross – Blue Diamond; Location 5 - Butterfield Farm; Location 6 – Slieve Bloom Mushroom Farm; Location 7 – McLoughlins; Location 8 – Ted Dunican; Location 9 – Joe Fahy’s; Location 10 – Grennan’s Farm; Location 11 – Minnocks; and, Location 12 – Ashfield **is exempted development** under the exemption provided by Section 4 (1)(h) of the Planning and Development Act 2000, as amended.
- The community CCTV cameras and associated structures/supports at Location No. 3 - Esker Junction **is not exempted development** in accordance with Section 254 of the Planning and Development Act 2000 (as amended).

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.

Advice Note to Applicant:

Prior to the commencement of works, the Applicant is required to liaise with the Tullamore Municipal District Area Engineer.



Administrative Officer

08/11/2021

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 21/24</i>
Question:	<i>Is the information on the 29 no. CTV camera and associated structures/supports at the 12 no. locations within the Rahan community and surrounding areas, is or is not development and is or is not exempted development?</i>
Applicant:	<i>Rahan Community Alert Group c/o Tom Minnock</i>
Correspondence Address:	<i>Carraig Ban, Clonshanny, Co. Offaly County Council R35 PY03</i>
Location:	<i>At 12 no. locations throughout the Rahan Parish and surrounding area.</i>

SECOND REPORT ON FILE

1. Introduction

While the wording of the written response to Question 5 on the submitted Section 5 application form is slightly in the wrong order, it is the opinion of the Planning Authority that the Applicant is seeking confirmation of the following:

- Whether the installation of 29 no. community CCTV cameras and an associated structures/supports at 12 no. locations within the Rahan Parish and surrounding area is or is not development and is or is not exempted development.

2. Review of Further Information

Further information (FI) was sought by the Planning Authority on the 1st September 2021 and subsequently received by the Planning Authority on 19th October 2021.

This report should be read in conjunction with the previous planner's report dated 31st August 2021. The following FI was sought and the response is as follows:

1. *For each of the proposed camera locations, the Applicant is required to provide the following:*
 - (a) *Confirmation of the Eircode for each site.*
 - (b) *Site location map for each site so that the camera location and direction of cameras within the site can be clearly identified. Please also include a photo of where each camera will be located.*

The Applicant has provided a camera schedule with an Eircode provided for 9 of the proposed locations. For those which are not provided, please refer to the Summary of Camera Locations table in the First Report which was prepared by the Planner. With regard to Camera Location No. 12, the Planner notes that the Eircode provided is incorrect and the correct code is R35 AE35.

The Applicant has provided a site location map for each of the 12 no. locations.

A satisfactory response has been received.

2. *For the proposed camera locations 2, 4, 5, 6, 7, 8, 9, 11 and 12, the Applicant is required to provide clarification on the proposed 4m galvanised steel tube. This is shown on the submitted drawing in two parts.*

In response, the Applicant has provided a revised drawing of the proposed galvanised steel tube which is satisfactory.

3. *The Planning Authority note that no details have been provided for proposed Location No. 3 - Esker Junction. The Applicant is invited to contact the Area Engineer in the Tullamore Municipal District office to discuss the matter further. In addition, details for this location, as required by Item 1 above, shall be submitted.*

A letter from the Tullamore MD Area Engineer has been submitted. This letter notes that certain works have been completed at the site location but at this stage due to funding issues, it is not proposed to install public lighting. The Applicant proposes to attach 3 no. cameras to the camera pole and has obtained consent from Tullamore MD to do so. However, until such time that additional funding is gathered, there is no lighting pole at this location and therefore currently no support structure for the proposed cameras.

4. *The Applicant is required to provide details of how the following will be carried out safely in locations which are adjacent to public roads:*
 - (a) *Installation;*
 - (b) *Cleaning;*
 - (c) *Maintenance; and,*
 - (d) *Adjustment of the cameras.*

The above will be installed by a private contractor who will be appointed by the Community CCTV Alert Group and who will work under the direction of ABBD Consultants. The latter has provided a letter confirming:

- ABBD have been engaged as supervising engineers in relation to the installation of the 12 no. CCTV cameras in the Rahan area by their clients. Rahan Community Alert.
- ABBD will inspect all installations and ensure that the brackets are structurally sound and fit for purpose.

The Applicants response is accepted.

The Planner also notes that in accordance the Department of Justice grant aid scheme, certain criteria with regard to the installation, etc. of the cameras will also have to be met.

5. *The Applicant is required to provide written reassurance that those responsible for carrying out the procedures referred to in Item 4 above will have the appropriate public liability insurance cover; traffic management training; and, working at heights training.*

Further to the response above, the Applicant advises the following:

- The chosen contractor will be required to supply details of their Public Liability Cover and Certificate for Working at Heights;
- A Method Statement will be provided before the commencement of work for each site.

- Prior to the commencement of works, each site will be visited to carry out a Risk Assessment.
- Under the supervision of ABBD Consultants, a suitable traffic management plan will be agreed with the Local Authority.
- A copy of ABBD Consultants insurance cover has been provided.

The Applicants response is accepted.

6. *The Applicant is required to provide the following information with regard to Location 1 – Brackens:*
- Confirm location of DVR storage.*
 - Confirm the number of cameras at this location and demonstrate on site layout plan. The Planning Authority note that Drawing No. 3 shows 2 no. cameras however the submitted camera schedule states 3 no. cameras are proposed at this location.*

The Applicant confirms that 3 no. cameras are proposed at this location. The BVR strongbox will be attached to the existing boundary wall.

The Applicants response is accepted.

7. *The Applicant is required to confirm the height of the existing boundary wall/pier/fence at the following locations:*
- Location 2 – Healy’s House:*
 - Location 6 – Slieve Bloom Mushroom Farm*
 - Location 7 – McLoughlins*
 - Location 8 – Ted Dunican*
 - Location 9 – Joe Fahy’s*
 - Location 11 – Minnocks*
 - Location 12 - Ashfield*

With the exception of Location No. 2, all drawings have been amended to show the height of the existing boundary walls at the above locations; the Applicants response is accepted.

8. *The Applicant is required to provide the following information with regard to Location 4 – Claragh Cross – Blue Diamond:*
- Confirm the height of the existing boundary wall and pier.*
 - Confirm the number of cameras at this location and demonstrate on site layout plan. The Planning Authority note that Drawing No. 6 shows 2 no. cameras however the submitted camera schedule states 3 no. cameras are proposed at this location.*

The height of the existing wall has been confirmed as being 1.1m and the pier as 1.5m and the number of cameras is 3. The Applicants response is accepted.

9. *The Applicant is required to provide the following information with regard to Location 10 – Grennan’s Farm:*
- Clarify whether the proposed camera can be attached to the existing structure, eliminating the need for a support pole.*
 - Proposed support pole appears to be at an angle and unsupported – please provide additional information.*

- (c) *Confirm the number of cameras at this location and demonstrate on site layout plan. The Planning Authority note that Drawing No. 12 shows 2 no. cameras however the submitted camera schedule states 3 no. cameras are proposed at this location.*

3 no. cameras will be supported with proposed steel brackets attached directly to the existing shed. The Applicants response is accepted.

6. Referrals

Tullamore Municipal District Area Engineer, referral response received 5th November 2021:

- *Installation and maintenance of camera's and associated equipment shall not be carried out from the public road/ footpath/ verge or roadside, unless prior written permission has been granted by Tullamore Municipal District Office. The public road shall not be adversely affected by development or maintenance works.*
- *Certification of compliance with relevant standards shall be provided to OCC on completion of development works, confirming that supporting structures, brackets, camera's, fixings etc. have been inspected post installation and are in compliance with relevant design standards and installation requirements.*
- *Advertising structures, signage, posters etc shall not be erected without prior written permission and a section 254 licence being granted by Tullamore Municipal District Office.*

Road Section, referral response dated 4th November 2021:

I have reviewed the documentation and comment as follows:

- *Sightlines shall not be impacted by the proposed structures*
- *New structures shall not impact on the existing Road widths*
- *All works (both civil and electrical) shall be carried out as per the technical requirements/specification at the time of installation.*
- *Please also refer to Area Engineers report in relation to this application.*

To ensure that the Applicant is aware of the need to comply with the above, a note shall be added to the Section 5 Declaration requiring the Applicant to contact the Tullamore MD Area Engineer prior to any works taking place.

7. Evaluation

Having reviewed the Applicants response to the RFI, the Planner concludes the following:

a) "Is or is not Development"

As the proposed works comprises of the erection of a CCTV cameras, support brackets and associated transmitter wireless link, it is considered that the works are 'development' in accordance with section 3(1) of the Planning and Development Act, 2000, as amended.

b) "Is or is not Exempted Development"

With regard to the following locations:

- Location 1 – Brackens
- Location 2 – Healy's House
- Location 4 – Claragh Cross – Blue Diamond
- Location 5 - Butterfield Farm
- Location 6 – Slieve Bloom Mushroom Farm

- Location 7 – McLoughlins
- Location 8 – Ted Dunican
- Location 9 – Joe Fahy’s
- Location 10 – Grennan’s Farm
- Location 11 – Minnocks
- Location 12 - Ashfield

The Planning Authority are satisfied that the camera and support structures fall into an exemption provided by Section 4 (1)(h) of the Planning and Development Act 2000 as amended, as they constitute development which will not materially affect the external appearance or character of the structure.

With regard to the following location:

- Location No. 3 - Esker Junction

The Planning Authority notes that no existing support structure for the proposed cameras is currently in place. This subject site comprises of public lands and that it is proposed to attached the cameras to a public lighting pole, once this is erected. The correct procedure to obtain consent from the Local Authority is through seeking a Section 254 Licence.

Section 254(7) of the Planning & Development Act (as amended) provides that development on/along a public road carried out in accordance with a licence under Section 254 shall be exempted development for the purpose of the Act.

8. Recommendation

Based on the information provided by the Applicant on the 5th August 2021 and 19th October 2021, it is recommended that the development as described in the application at all 12 no. locations is development.

With regard to the followings locations: Location 1 – Brackens; Location 2 – Healy’s House; Location 4 – Claragh Cross – Blue Diamond; Location 5 - Butterfield Farm; Location 6 – Slieve Bloom Mushroom Farm; Location 7 – McLoughlins; Location 8 – Ted Dunican; Location 9 – Joe Fahy’s; Location 10 – Grennan’s Farm; Location 11 – Minnocks; and, Location 12 – Ashfield; the Local Authority confirm that these areas are exempted development.

With regard to Location No. 3 - Esker Junction; this is not exempted development as the works are proposed on/along a public road and a Section 254 Licence is required for the erection of camera(s) at this location.

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 installation of 28 no. community CCTV cameras and associated structures/supports at 12 no. locations within the Rahan Community and surrounding areas is or is not development and if so, is or is not exempted development.

AND WHEREAS Rahan Community Alert Group c/o Mr Tom Minnock 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 2, 3, 4 and 254 of the Planning and Development Act 2000 (as amended);
- Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that –

- The community CCTV cameras (28 no.) and associated structures/supports at all 12 no. locations is development;
- The community CCTV cameras and associated structures/supports at Location 1 – Brackens; Location 2 – Healy’s House; Location 4 – Claragh Cross – Blue Diamond; Location 5 - Butterfield Farm; Location 6 – Slieve Bloom Mushroom Farm; Location 7 – McLoughlins; Location 8 – Ted Dunican; Location 9 – Joe Fahy’s; Location 10 – Grennan’s Farm; Location 11 – Minnock’s; and, Location 12 – Ashfield is exempted development under the exemption provided by Section 4 (1)(h) of the Planning and Development Act 2000, as amended.
- The community CCTV cameras and associated structures/supports at Location No. 3 - Esker Junction is not exempted development in accordance with Section 254 of the Planning and Development Act 2000 (as amended).

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 community CCTV cameras and associated structures/supports at all 12 no. locations is development;
- The community CCTV cameras and associated structures/supports at Location 1 – Brackens; Location 2 – Healy’s House; Location 4 – Claragh Cross – Blue Diamond; Location 5 - Butterfield Farm; Location 6 – Slieve Bloom Mushroom Farm; Location 7 – McLoughlins; Location 8 – Ted Dunican; Location 9 – Joe Fahy’s; Location 10 – Grennan’s Farm; Location 11 – Minnock’s; and, Location 12 – Ashfield is exempted development under the exemption provided by Section 4 (1)(h) of the Planning and Development Act 2000, as amended.

- The community CCTV cameras and associated structures/supports at Location No. 3 - Esker Junction **is not exempted development** in accordance with Section 254 of the Planning and Development Act 2000 (as amended).

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.

Advice Note to Applicant:

Prior to the commencement of works, the Applicant is required to liaise with the Tullamore Municipal District Area Engineer.



Una McCafferkey
Assistant Planner

8th November 2021

Date



Carroll Melia
A/Senior Executive Planner

8th November 2021

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 21/24

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the installation of 29 no. community CCTV cameras and an associated structures/supports at 12 no. locations within the Rahan Parish and surrounding area is or is not development and is or is not exempted development		
Site location:	12 no. locations throughout the Rahan Parish		
Site size:	Not specified	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Using Rahan Sráid as the location and listing the identified sites within a 15km radius: <ul style="list-style-type: none"> • Clara Bog SAC • Charleville Wood SAC • Clonaslee Eskers and Derry Bog SAC • Ferbane Bog SAC • Split Hills and Long Hill Esker SAC • Slieve Bloom Mountains SPA 		
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):			
Clara Bog SAC - Features of interest include: <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] Charleville Wood SAC - Features of interest include: <ul style="list-style-type: none"> • 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] • <i>Vertigo moulinsiana</i> (<i>Desmoulin's Whorl Snail</i>) [1016] Clonaslee Eskers and Derry Bog SAC - Features of interest include: <ul style="list-style-type: none"> • Alkaline fens [7230] 			

- Vertigo geyeri (Geyer's Whorl Snail) [1013]
- Ferbane Bog SAC - Features of interest include:**
- Active raised bogs [7110]
 - Degraded raised bogs still capable of natural regeneration [7120]
 - Depressions on peat substrates of the Rhynchosporion [7150]
- Split Hills and Long Hill Esker SAC - Features of interest include:**
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]
- Slieve Bloom Mountains SPA- Features of interest include:**
- Hen Harrier (Circus cyaneus) [A082]

The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the European site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) (ATTACH INFO.)

Site Name: Clara Bog SAC, Site Code: 000572

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000572.pdf>

Site Name: Charleville Wood SAC, Site Code: 000571

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000571.pdf>

Site Name: Clonaslee Eskers and Derry Bog SAC, Site Code: 000859

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000859.pdf>

Site Name: Ferbane Bog SAC, Site Code: 000575

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000575.pdf>

Site Name: Split Hills and Long Hill Esker SAC, Site Code: 001831

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY001831.pdf>

Site Name: Slieve Bloom Mountains SPA, Site Code: 004160

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004160.pdf>

(C) NPWS ADVICE:

Advice received from NPWS over phone:

None Received

Summary of advice received from NPWS in written form (ATTACH SAME):


None Received

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:

(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.

<p>... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?</p>	<p>None likely due to the location and type of development The site is sufficient distance from the European site</p>
<p>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.</p>	<p>No other plans known of in the vicinity of the site. The site is sufficient distance from the European site.</p>
<p>(E) SCREENING CONCLUSION:</p>	
<p>Screening can result in:</p>	
<p>1.</p>	<p><i>AA is not required</i> because the project is directly connected with / necessary to the nature conservation management of the site.</p>
<p>2.</p>	<p><i>No potential for significant effects / AA is not required.</i></p>
<p>3.</p>	<p><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.</p>
<p>Therefore, does the project fall into category 1, 2 or 3 above?</p>	<p>Category 2</p>
<p>Justify why it falls into relevant category above:</p>	<p>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.</p>
<p>Name:</p>	<p>Úna McCafferkey </p>
<p>Position:</p>	<p>Assistant Planner</p>
<p>Date:</p>	<p>8th November 2021</p>