

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

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 21/34

NAME OF APPLICANT: MONEYGALL COMMUNITY HALL COMMITTEE

ADDRESS FOR CORRESPONDENCE: C/O MATTHEW COLLISON (CHAIRPERSON),
DERRYPALLAGHAN ROAD,
MONEYGALL,
BIRR,
CO. OFFALY.
E53 XP84

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the installation of 24m² of PV solar panels to the existing roof of The Community Hall is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Moneygall Community Hall, Church Road, Moneygall, Birr, Co. Offaly,
E53 Y791

WHEREAS a question referred to Offaly County Council on 06/12/2021 as to whether the installation of 24m² of PV solar panels to the existing roof of The Community Hall at Moneygall Community Hall, Church Road, Moneygall, Birr, Co. Offaly, E53 Y791 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, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and Article 9(1) (a) (viii) of the Planning and Development Regulations 2001 (as amended); and,
- (c) Article 6, Part 1 - Class 56(f) of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the installation of 24m² of PV solar panels to the existing roof of Moneygall Community Hall comes within the scope of Classes 56(f) of Part 1 of Schedule 2 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 installation of PV solar panels to the existing roof of Moneygall Community Hall at Moneygall, Co. Offaly, as shown on Dwg. No. A3_2605_C (Elevations – Proposed Moneygall Community Hall) and received by the Planning Authority on the 2nd February 2022, **is development and is exempted development.**

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Date

25/02/2022

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:	Dec. 21/34
Question:	<i>Whether the installation of 24m² of PV solar panels to the existing roof of the community hall is or is not development and is or is not exempted development.</i>
Applicant:	<i>Moneygall Community Hall Committee</i>
Correspondence Address:	<i>c/o Matthew Collison (Chairperson), Derrycallaghan Road, Moneygall, Birr, Co. Offaly E53 XP84</i>
Location:	<i>Moneygall Community Hall, Moneygall, Co. Offaly.</i>

SECOND REPORT ON FILE

1. Introduction

The question has arisen as to whether the installation of 24m² of PV solar panels to the existing roof of the community hall is development, and if so, is it exempted development.

2. Review of Further Information

Further information (FI) was sought by the Planning Authority on 10th January 2022 and subsequently received by the Planning Authority on 2nd February 2021. This report should be read in conjunction with the previous planner's report dated 10th January 2021. The following FI was sought and the response is as follows:

1. *Submit a roof plan (to a scale of not less than 1:200) indicating the following:*
 - (a) *Location of the proposed panels showing the setback (cm/m) of the panels from the edges of the existing roof.*
 - (b) *The dimensions of the panels.*
 - (c) *Distance between the plane of the roof and the panel.*

When considering the amount and location of roof mounted solar panels, the Applicant is advised that planning permission is not required for roof mounted photovoltaic solar panels if the following criteria is adhered to:

1. *The total aperture area of any such panels, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser.*
2. *The distance between the plane of the wall and the panel shall not exceed 15cm.*
3. *The distance between the plane of a pitched roof and the panel shall not exceed:*
 - (a) *50cm in the case of a light industrial building.*
 - (b) *15cm in the case of a business premises.*
4. *The distance between the plane of a flat roof and the panel shall not exceed:*
 - (a) *2 metres in the case of a light industrial building.*
 - (b) *1 metre in the case of a business premises.*
5. *The solar panel shall be a minimum of 50cm from the edge of the wall or pitched roof on which it is mounted, or 2 metres in the case of a flat roof.*
6. *Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.*

In response, the Applicant has provided Dwg. No. A3_2605_C (Elevations – Proposed Moneygall Community Hall) which provides the required information.

The Planner notes that while the Applicant has made reference to a solar PV panel area of 24m² in the submitted application form, the submitted drawing (referred to above) shows an area of 27m².

3. Evaluation

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

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

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed solar PV panels as illustrated on Dwg. No. A3_2605_C (Elevations – Proposed Moneygall Community Hall) are development and are exempted development.

Una McCafferkey

Una McCafferkey
Assistant Planner

22nd February 2022

Date

Carroll Melia
(A/Senior Executive Planner)

22nd February 2022

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 installation of PV solar panels, as shown on Dwg. No. A3_2605_C (Elevations – Proposed Moneygall Community Hall) and received by the Planning Authority on the 2nd February 2022, to the existing roof at Moneygall Community Hall, Moneygall, Co. Offaly is or is not development and if so, is or is not exempted development.

AND WHEREAS Moneygall Community Hall Committee c/o Matthew Collison (Chairperson) 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 and 4 of the Planning and Development Act 2000 (as amended);
- Article 6 and Article 9(1) (a) (viii) of the Planning and Development Regulations 2001 (as amended); and,
- Article 6, Part 1 - Class 56(f) of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the installation of 24m² of PV solar panels to the existing roof of Moneygall Community Hall comes within the scope of Classes 56(f) of Part 1 of Schedule 2 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 installation of PV solar panels to the existing roof of Moneygall Community Hall at Moneygall, Co. Offaly, as shown on Dwg. No. A3_2605_C (Elevations – Proposed Moneygall Community Hall) and received by the Planning Authority on the 2nd February 2022, is development and is 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.

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. 21/34

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the installation of 24m² of PV solar panels to the existing roof of the community hall is or is not development and is or is not exempted development.		
Site location:	Moneygall, Birr, Co. Offaly		
Site size:	c. 0.03ha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Kilduff, Devilsbit Mountain SAC – 6.14km Sharavogue Bog SAC – 12.23km		
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):			
Kilduff, Devilsbit Mountain SAC - Features of interest include:	<ul style="list-style-type: none"> European dry heaths [4030] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] 		
Sharavogue Bog SAC - Features of interest include:	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] 		
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: KILDUFF, DEVILSBIT MOUNTAIN SAC, SITE CODE: 000934	https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000934.pdf		
SITE NAME: SHARAVOGUE BOG SAC, SITE CODE: 000585	https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000585.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;			
<i>(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).</i>			
If the answer is 'yes' to any of the questions below, then the effect is significant. (Please justify your answer. 'Yes' / 'No' alone is insufficient)			
Would there be...			
... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).		Not likely due to the location and type of development. The site is sufficient distance from the European site.	
... a reduction in habitat area on a European site?		There will be no reduction in the habitat area. The site is sufficient distance from the European site.	
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?		Not likely due to the location and type of development. The site is sufficient distance from the European site.	
... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?		Not likely due to the location and type of development. The site is sufficient distance from the European site.	
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?		None likely due to the location and type of development. The site is sufficient distance from the European site.	
Would the project interfere with mitigation measures put in place for other plans / projects. [Look at <i>in-combination effects</i> with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.		No other plans known of in the vicinity of the site. The site is sufficient distance from the European site.	
(E) SCREENING CONCLUSION:			
Screening can result in:			
1.	AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.		
2.	No potential for significant effects / AA is not required.		
3.	Significant effects are certain, likely or uncertain. (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.		
Therefore, does the project fall into category 1, 2 or 3 above?	2		
Justify why it falls into relevant category above:	There would be no likely significant impact on the European site from the proposed development due to the scale of the proposed development and the separation distance between the subject site and European Site.		
Name:	Úna McCafferkey 		
Position:	Assistant Planner	Date:	22 nd February 2022