

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 22/11

NAME OF APPLICANT: HIGH STREET COMMUNITY CENTRE COMMITTEE

ADDRESS: C/O PATRICK WALSH,
BALLYSHEIL,
BELMONT,
CO. OFFALY,
R42 FD72

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the proposed works, replacement of doors and windows with PVC or Aluminum double glazed to the existing community centre is or is not development and, where it is development, whether or not it is or is not exempted development.

LOCATION OF DEVELOPMENT: HIGH STREET COMMUNITY CENTRE, HIGH STREET, BELMONT,
CO. OFFALY.

WHEREAS a question referred to Offaly County Council on 05/05/2022 as to whether or not the proposed works, replacement of doors and windows with PVC or Aluminum double glazed to the existing community centre at High Street Community Centre, High Street, Belmont, 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-

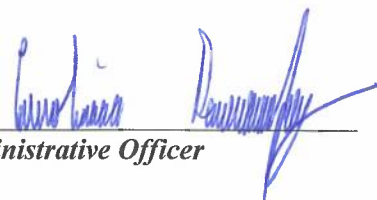
- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);

AND WHEREAS Offaly County Council has concluded that –

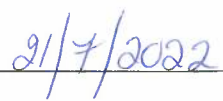
The proposed works, replacement of doors and windows with PVC or Aluminum double glazed to the existing community centre (as listed by the Applicants and considered cumulatively) is development and is exempted development.

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 works, replacement of doors and windows with PVC or Aluminum double glazed to the existing community centre at High Street Community Centre, High Street, Belmont, Co. Offaly 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.



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.

Planning Report - Section 5 Declaration

File Reference:	<i>Dec. 22/11</i>
Question:	<i>Whether the replacement of door and windows with PVC or Aluminum double-glazed is not development and is or is not exempted development.</i>
Applicant:	<i>High Street Community Centre Committee</i>
Correspondence Address:	<i>c/o Patrick Walsh (Chairperson) Ballysheil, Belmont, Co. Offaly. R42FD72</i>
Location:	<i>High Street Community Centre, High Street, Belmont, Co. Offaly.</i>

SECOND REPORT

1. Introduction

The question has arisen as to whether the replacement of door and windows with PVC or Aluminium double-glazed 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 30th May 2022 and subsequently received by the Planning Authority on the 4th July 2022. This report should be read in conjunction with the previous planner's report dated 30th May 2022. The following FI was sought and the response is as follows:

1. *The Applicant is requested to submit detailed drawings (existing and proposed) at an appropriate scale of all windows/doors to be replaced.*

In response, the Applicant has advised that the proposed windows are to be white and in triple glazed and doors will be thermally broken aluminium. Photographs of the existing windows and doors have been submitted along with hand drawings which are to scale of the proposed windows and doors. The latter will retain the same shape and form as the existing. The Applicants response is deemed acceptable.

3. 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 alterations and improvements to an existing structure, 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"

The works are deemed as exempted development in accordance with Section 4 (1) (h) of the Act:

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

The works are being carried out for maintenance/improvement/alteration purposes. The replacement windows and doors will retain the same shape and form as the existing and will not result in a material alteration of the external appearance of the building. The Planning Authority are satisfied that the works are exempted development.

4. Recommendation

Based on the information provided by the Applicant on the 5th May 2022 and 4th July 2022, it is recommended that the development as described in the application is development and is exempted development.

due to the scale of the proposed development and the separation distance between the subject site and European Site.

Name:

Una McCafferkey



Position:

Executive Planner

Date:

14th July 2022

NPWS over phone:	
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 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?	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
--	---

**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.22/11

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the replacement of door and windows with PVC or Alluminium double glazed is not development and is or is not exempted development.		
Site location:	High Street Community Centre, High Street, Belmont, Co. Offaly.		
Site size:	N/Aha	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	Moyclare Bog SAC		
Distance to European Site(s):	2km as the 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: X <input checked="" type="checkbox"/>	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):	Raised Bog		
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.)	PLEASE SEE SITE SYNOPSIS and CONSERVATION OBJECTIVES SHEET ATTACHED.		
(C) NPWS ADVICE:			
Advice received from	None Received		

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 or not the proposed works (replacement of doors and windows with PVC or Aluminum double glazed) to the existing community centre are or are not development and, where it is development, whether or not it is or is not exempted development at High Street Community Centre, Belmont, Co. Offaly.

AND WHEREAS Patrick Walsh c/o High Street Community Centre Committee 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);

AND WHEREAS Offaly County Council has concluded that the undertaking of works to the existing community hall (as listed by the Applicants and considered cumulatively) is development and is exempted development.

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 works (replacement of doors and windows with PVC or Alluminium double glazed) to the existing community centre at High Street Community Centre, Belmont, Co. Offaly is development and is exempted development.



Úna McCafferkey
Executive Planner

14th July 2022

Date



Carroll Melia
A/Senior Executive Planner

20th July 2022

Date

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.