

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

REFERENCE: DEC 22/14

NAME OF APPLICANT: BRENDAN AND MAEVE GARRY

ADDRESS: THE MALTING,
CASTLE STREET, TOWNPARKS,
BIRR, CO. OFFALY

ADDRESS FOR CORRESPONDENCE: C/O KENNY LYONS & ASSOCIATES,
BLOCK 6,
CENTRAL BUSINESS PARK,
CLONMINCH,
TULLAMORE,
CO. OFFALY

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works, which the Local Authority confirm is a Protected Structure (Ref no. 53-206) is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: THE MALTINGS, CASTLE STREET, TOWNPARKS, BIRR, CO. OFFALY

WHEREAS a question referred to Offaly County Council on 12/07/2022 as to whether the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments at The Maltings, Castle Street, Townparks, Birr, Co. Offaly which the Local Authority confirm is a Protected Structure (Ref no. 53-206) and associated site development works 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(1) h of the Planning & Development Act 2000, as amended;
- (b) Article 6 the Planning and Development Regulations 2001 (as amended); and,
- (c) Article 9 the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that –

The works are development and are not exempted development.

NOW THEREFORE Offaly County Council, in exercise of the 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 a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works at The Maltings, Castle Street, Townparks, Birr, Co. Offaly which the Local Authority confirm is a Protected Structure (Ref no. 53-206) **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

8/8/2022

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. 22/14
Question:	<i>Whether the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works is or is not development and is or is not exempted development.</i>
Applicant:	<i>Brendan & Maeve Garry</i>
Correspondence Address:	<i>c/o Kenny Lyons & Associates, Block 6, Central Business Park, Clonminch, Tullamore</i>
Location:	<i>The Maltings, Castle Street, Townparks, Birr, Co. Offaly.</i>

1. Introduction

The question has arisen as to whether the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works is or is not development and is or is not exempted development.

2. Background / Site History

The subject site is located along Castle Street, approximately 300m southwest of Emmet Square, which is centrally located in the Birr Town Centre. Under the current Offaly County Development Plan 2021 – 2027 (OCDP), the subject site is zoned as Town Centre/Mixed Use. Under this zoning, residential – multiple (two or more units) are 'Permitted in Principle'. The subject site is located within an area, which has been identified as being prone to flooding (low – medium probability). Under the OCDP, the building is listed as a Protected Structure:

Grid Ref: 53-206

Structure: The Maltings Former Distillery

NAME: The Maltings, Castle Street, Birr

DESCRIPTION: Detached multiple-bay three-storey over basement with attic former distillery, built c.1820, with extension to rear. Backing onto street. Now used as a restaurant and shop. Hipped tiled roof with terracotta ridge tiles. Random coursed limestone walls.



Photo 1: Subject Site (photo provided with RPS report).



Photo 1: Subject Site.



Figure 1; Subject Site & Adjoining Lands within the ownership of the Applicant.

The following is planning applications associated with the subject site and adjoining grounds:

- BR838: Brendan Garry sought permission for a multi-purpose leisure, cultural, exhibition & craft centre – **Granted (October 1993)**.
- BR835: Brendan Garry sought permission to reconstruct existing grain drying store to form leisure centre with accommodation and associated site works, incorporated roads, car parking etc. – **Granted (November 1993)**.
- BR988: The Maltings Holiday Hostel Ltd sought retention/permission to (A) Retain alterations to existing new building at Castle St, Birr. (B) Use the above building as hostel accommodation. (C) Change part of ground from approved use PD 838 to use as a stand alone catering, toilet, lounge and recreational facility for adjoining hostel accommodation at Castle St, Birr – **Granted (July 1997)**.
- BR987: Brendan Garry sought retention permission for change of use from gym to public lounge bar – **Granted (July 1997)**.
- BR1078: Brendan Garry & The Sisters of the Sacred Heart of Jesus & Mary sought permission for 1 No. Residential Care Unit and 8 No. Self-Contained Apartments – **Granted (July 1999)**.
- BR995: Brendan Garry sought permission for 40 no. apartment units in 3 no. blocks ancillary services & pedestrian link to Bridge St. – **Granted (May 1998)**.
- BR1472: Brendan Garry sought permission to construct a new three storey apartment building comprising of 4no one bedroom and 2no two bedroom apartments at ground floor level and 4no two bedroom and 2no three bedroom Duplex apartment at First Floor level – **Refused (February 2006)**.
- BR1495: Brendan Garry sought permission for 6 one bedroom apartments, 6 two bedroom duplex apartments. Construct a new three storey apartment building comprising of 6 no. one bedroom apartments at ground floor level and 6 no. two bedroom duplex apartments at first and second floor levels and associated site development works – **Refused (August 2006)**.
- BR12002: Brendan Garry sought permission for an extension to existing domestic garage and all associated site works within the curtilage of a protected structure – **Granted (May 2012)**.
- BR1616: Brendan Garry sought permission to construct 2 no. new three storey terraced town houses with associated site works including amendments to car parking and road layout previously under PD995 and new road layout and change of path at Crotty's Church to improve visibility at the site entrance the proposed development is within the curtilage of a protected structure – **Granted (June 2010)**.
- 22/356: Brendan & Meave Garry have sought planning permission for the change of use of the former three-storey over basement mill building, from resource and leisure use to 12 no. self-contained apartments comprised of 5 no. one bed apartments and 7 no. studio units, with alterations to existing elevations and layout, along with all associated site development works. The proposed development will consist of works to a protected structure Ref No. 53-206 – **Decision due date is 12th September 2022**.

3. 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:

“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 the structure 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:

(1) *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 – Restrictions on exemptions

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,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building,

beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in

the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

(b) in an area to which a special amenity area order relates, if such development would be development:—

(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or

(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Article 10 (1) - Changes of Use states:

(1) 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, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than 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 a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

The following is also noted.

Article 10 states

(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 8 February 2018 until 31 December 2025.

(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, 6 or 12 of Part 4 to Schedule 2

(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, 6 or 12, 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 subparagraph (vii), shall —

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) 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 sub-paragraph (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 paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works

related to 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,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property, 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, 2022, 2023, 2024, 2025 and 2026 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 informatio

4. Proposal by Applicants

The Applicant outlines that the following proposal: change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works.

No drawings of the subject works have been provided as part of the application however it is noted that no exemption exists for such works.

5. Appropriate Assessment Screening

A screening exercise for an appropriate assessment has been carried out and it has been deemed that the development is unlikely to have significant effects on any European sites. Please see attached report.

Other than the European sites addressed in the AA no other AA is potentially within the zone of influence of the project.

6. Environmental Impact Assessment Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001- 20 (as amended) and therefore is not subject to EIA requirements.

7. Evaluation

Question: Is the following works considered as Development?

Yes, the proposed change of use and works to the structure is development.

Question: Is the following works proposal considered as Exempted Development?

Having regard to the Article 9, the Planning Authority advise that there is no exemption in place which allows for the change of use from a resource & leisure use to a residential development without requiring planning permission.

In addition, the proposal would include alterations to a Protected Structure (RPS ref. 53-206) and is therefore not exempt from requiring planning permission.

With regard to planning exemptions outlined under Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022); Article 10(6) these do not apply for a variety of reasons including: the proposal seeks 12 no. self contained apartments while the provisions allow for no more than 9 individual residential units to be provided in a building. In addition, it is noted that a Section 57 declaration has not been issued by a planning authority to indicate the works will not affect the character or elements of the structure which has been identified for protection

8. Conclusion

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

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 a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works is or is not development and is or is not exempted development at The Maltings, Castle Street, Townparks, Birr, Co. Offaly which the Local Authority confirm is a protected structure (Ref No. 53-206).

AS INDICATED on the particulars received by the Planning Authority on 12th July 2022, is development and is or is not exempted development,

AND WHEREAS Brendan & Maeve Garry requested a declaration on the said question from Offaly County Council;

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

- (a) Sections 2, 3 and 4(1) h of the Planning & Development Act 2000, as amended;
- (b) Article 6 the Planning and Development Regulations 2001 (as amended); and,
- (c) Article 9 the Planning and Development Regulations 2001 (as amended).

ek,

AND WHEREAS Offaly County Council has concluded that the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works is development and is not 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 change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works 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.



Una McCafferkey
Executive Planner

8th August 2022

Date



Ed Kelly
(A/Senior Executive Planner)

8/8/2022

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 22-14

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the change of use of a former 3 storey over basement Mill Building from resource & leisure use to 12 no. self-contained apartments and associated site development works is or is not development and is or is not exempted development.		
Site location:	The Maltings, Castle Street, Townparks, Birr, Co. Offaly.		
Site size:	0.152ha	Floor Area of Proposed Development:	Not provided.
Identification of nearby European Site(s):	Dovegrove Callows SPA – 2.1km Lisduff Fen SAC – 4.76km Ballyduff/Clonfinane Bog SAC – 4.65km River Little Brosna Callows SPA – 5.307m All Saints Bog SPA – 6.48km		
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>Dovegrove Callows SPA - Features of interest include:</p> <ul style="list-style-type: none"> • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) <p>Lisduff Fen SAC - Features of interest include:</p> <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013] <p>Ballyduff/Clonfinane Bog SAC - Features of interest include:</p> <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] • Bog woodland [91D0] <p>River Little Brosna Callows SPA - Features of interest include:</p> <ul style="list-style-type: none"> • Whooper Swan (<i>Cygnus cygnus</i>) [A038] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [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]

All Saints Bog SPA - Features of interest include:

- Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395]

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: Dovegrove Callows SPA, Site Code: 004137

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004137.pdf>

Site Name: Lisduff Fen SAC, Site Code: 002147

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY002147.pdf>

Site Name: Ballyduff/Clonfinane Bog SAC, Site Code: 000641

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000641.pdf>

Site Name: River Little Brosna Callows SPA, Site Code: 004086

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004086.pdf>

Site Name: All Saints Bog SPA, Site Code: 004103

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004103.pdf>

(C) NPWS ADVICE:

Advice received from NPWS over phone:	None Received
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Summary of advice received from NPWS in written form (ATTACH SAME):	None Received
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(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.
... 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>
<input type="radio"/>	<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
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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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Name:	Úna McCafferkey 
Position:	Executive Planner
Date:	8 th August 2022