

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

REFERENCE: DEC 22/23

NAME OF APPLICANT: Tullamore Tennis Club

ADDRESS: Tullamore Tennis Club,  
Arden Road,  
Tullamore,  
Co. Offaly

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Tullamore Tennis Club, Arden Road, Tullamore, Co. Offaly

WHEREAS a question referred to Offaly County Council on 06/10/2022 as to whether or not the upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse at Tullamore Tennis Club, Arden Road, 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 2, 3 and 4(1) h of the Planning & Development Act 2000, as amended;

AND WHEREAS Offaly County Council has concluded that the upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse at Tullamore Tennis Club, Arden Road, Tullamore, Co. Offaly **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 upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse **is development and is exempted development** at Tullamore Tennis Club, Arden Road, Tullamore, Co. Offaly.

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 2/11/2022

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.

**OFFALY COUNTY COUNCIL**

**Planning Report**

**Section 5 Declaration**

<b>File Reference:</b>	DEC 22/23
<b>Question:</b>	Upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse
<b>Applicant:</b>	Tullamore Tennis Club
<b>Location:</b>	Arden rd, Tullamore, Co Offaly
<b>Date received:</b>	6/10/2022
<b>Date due:</b>	2/11/2022

**1. Proposal**

The question has arisen as to whether the Upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse is or is not development and is or is not exempted development.

**Location**

The site is located in Tullamore on a site zoned Open Space, Amenity and Recreation

## **2. Relevant Planning History:**

**TU271294** Tullamore Tennis Club granted Approval for single store clubhouse

**TU239390** Tullamore Tennis Club granted 3 no. tennis courts.

## **3. Legislative Context:**

Relevant Sections/Articles

Section 2 Planning and Development Act 2000, as amended:

“development” has the meaning assigned to it by [section 3](#), and “develop” shall be construed accordingly;

Section 3 (1) Planning and Development Act 2000, as amended:

“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.—(1) The following shall be exempted developments for the purposes of this 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;

## **4. Appropriate Assessment**

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.

## **5. 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.

## **6. Evaluation**

**Question:** Are the following works considered as Development?

Yes

**Question:** Are the following works proposal considered as Exempted Development?

Having regard to section 4(1)(h) of the planning act I consider the proposed works exempt.

I consider that the development as described in the application is development and is exempted development.



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Ed Kelly

A/Senior Executive Planner

2/11/2022

**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 Upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse at the Tullamore Tennis Club Arden Rd, Tullamore, Co. Offaly is or is not development and is or is not exempted development.

**AND WHEREAS** Tullamore Tennis Club 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;

**AND WHEREAS** Offaly County Council has concluded that the Upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse at Tullamore Tennis Club Arden rd, Tullamore, Co Offaly 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 Upgrading of floodlighting (using existing poles) to LED lights and installation of CCTV on clubhouse at Tullamore Tennis Club Arden rd, Tullamore, Co Offaly, is **development** and is **exempted development**.



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Ed Kelly  
(A/Senior Executive Planner)

Date 2/11/2022

**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 Application Ref. No.: DEC 22/23**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:	
Proposed development:	Upgrading of floodlight (using existing poles) to LED lights and installation of CCTV on clubhouse
Site location:	Tullamore Tennis Club, Arden rd, Tullamore, Co Offaly
Identification of nearby European Site(s):	<b>2000 site(s): SAC 000571– Charleville Wood SAC</b>
Distance to European Site(s):	<b>1.8 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?	No: <input checked="" type="checkbox"/>
(B) IDENTIFICATION OF THE RELEVANT European SITE(S):	
The reasons for the designation of the European site:	

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes): [91E0] Alluvial Forests* [1016] Desmoulin's Whorl Snail (Vertigo moulinsiana)	
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 Natura 2000 site synopses and, if applicable, a Conservation Management Plan; all available on <a href="http://www.npws.ie">www.npws.ie</a> ) (ATTACH INFO.)	
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 Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* * denotes a priority habitat Code Common Name Scientific Name 1016 Desmoulin's Whorl Snail Vertigo moulinsiana	
<b>(C) NPWS ADVICE:</b>	
Advice received from NPWS over phone:	None received

<b>(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:</b>	
<i>(The purpose of this is to identify if the effect(s) identified could be significant – if <b>uncertain</b> assume the effect(s) are significant).</i>	
If the answer is 'yes' to any of the questions below, then the effect is significant. <i>(Please justify your answer. 'Yes' / 'No' alone is insufficient)</i>	
<b>Would there be...</b>  ... 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	Not likely due to the location and type of development

<p>quality and supply, soil compaction) in the European site?</p>	<p>The site is sufficient distance from the European site.</p>
<p>... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?</p>	<p>Not likely due to the location and type of development</p> <p>The site is sufficient distance from the European site.</p>
<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</p> <p>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.</p> <p>The site is sufficient distance from the European site.</p>
<p><b>(E) SCREENING CONCLUSION:</b></p>	
<p><b>Screening can result in:</b></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 NIS 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><b>Category 2</b></p>
<p>Justify why it falls into relevant category above:</p>	<p><b>There would be no likely significant impact on European sites from the proposed development.</b></p>



<b>Name:</b>	Ed Kelly		
<b>Position:</b>	ASEP	<b>Date:</b>	2/11/2022

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