

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

REFERENCE: DEC 24/18

NAME OF APPLICANT: Danielle Peppard

ADDRESS FOR CORRESPONDENCE: [REDACTED]

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the proposed renovation of existing dwelling which consists of plasterwork & finishes; internal joinery; flooring; electrics; plumbing; heating; kitchen & utility units; bathroom, sanitary ware & fittings; fireplace; waste & drainage; and landscaping is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Bohernagrisna, Ballycumber, Co. Offaly R35 W308

WHEREAS a question has arisen as to whether the proposed renovation of existing dwelling which consists of plasterwork & finishes; internal joinery; flooring; electrics; plumbing; heating; kitchen & utility units; bathroom, sanitary ware & fittings; fireplace; waste & drainage; and landscaping is or is not development and is or not exempted development at Bohernagrisna, Ballycumber, Co. Offaly R35 W308.

AS INDICATED on the particulars received by the Planning Authority on the 19th February 2024 and 11th April 2024.

AND WHEREAS Danielle Peppard, [REDACTED] 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) Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.

AND WHEREAS Offaly County Council has concluded that the proposed renovation of existing dwelling which consists of plasterwork & finishes; internal joinery; flooring; electrics; plumbing; heating; kitchen & utility units; bathroom, sanitary ware & fittings; fireplace; waste & drainage; and landscaping 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 renovation of existing dwelling which consists of plasterwork & finishes; internal joinery; flooring; electrics; plumbing; heating; kitchen & utility units; bathroom, sanitary ware & fittings; fireplace; waste & drainage; and landscaping is **development** and is **exempted development** at Bohernagrisna, Ballycumber, Co. Offaly R35 W308.

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.

A. O'Connell
A/Administrative Officer

01/5/24
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:	Dec. 24/18
Question:	WHETHER OR NOT THE RENOVATION OF EXISTING DWELLING IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT
Applicant:	DANIELLE PEPPARD
Correspondence Address:	
Location:	BOHERNAGRISNA, BALLYCUMBER, CO. OFFALY R35 W308.

SECOND REPORT ON FILE

1. Review of Further Information

Further information was sought by the Planning Authority on 12th March 2024 and subsequently received by the Planning Authority on 11th April 2024. This report should be read in conjunction with the previous planner's report dated 1st March 2024. The following Further Information was sought and the response is as follows:

1. The Applicant has stated the development consists of restoring the dwelling to livable condition. The Applicant is required to submit a detailed list which clearly indicates exactly what external works are proposed to be carried out in order to determine if the restoration of the dwelling complies with Section 4 (1)(h) of the Planning and Development Act 2000 (as amended)

Applicants Response: The Applicant has indicated the following works will be carried out:

- Plasterwork & finishes
- Internal joinery
- Flooring
- Electrics
- Plumbing
- Heating
- Kitchen & utility units
- Bathroom, sanitary ware & fittings
- Fireplace
- Waste & drainage
- Landscaping

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority and are satisfied the proposed development complies with Section 4 (1)(h) of the Planning and Development Act 2000 (as amended),

CONCLUSION:

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed renovation of existing dwelling which consists of:

- Plasterwork & finishes
- Internal joinery
- Flooring
- Electrics
- Plumbing
- Heating
- Kitchen & utility units
- Bathroom, sanitary ware & fittings
- Fireplace
- Waste & drainage
- Landscaping

is development and is 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 proposed renovation of existing dwelling which consists of:

- Plasterwork & finishes
- Internal joinery
- Flooring
- Electrics
- Plumbing
- Heating
- Kitchen & utility units
- Bathroom, sanitary ware & fittings
- Fireplace
- Waste & drainage
- Landscaping

at Bohernagrisna, Ballycumber, Co. Offaly R35 W308 is or is not development is or is exempted development and is or is not exempted development

AND WHEREAS Danielle Peppard, 73 Sarsfield Square, Athlone, Co. Westmeath 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) Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.

AND WHEREAS Offaly County Council has concluded that the proposed renovations of existing dwelling which comprises of:

- Plasterwork & finishes
- Internal joinery
- Flooring
- Electrics
- Plumbing
- Heating
- Kitchen & utility units
- Bathroom, sanitary ware & fittings
- Fireplace
- Waste & drainage
- Landscaping

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 renovations of existing dwelling which comprises of:

- Plasterwork & finishes
- Internal joinery
- Flooring
- Electrics
- Plumbing
- Heating
- Kitchen & utility units
- Bathroom, sanitary ware & fittings
- Fireplace
- Waste & drainage
- Landscaping

is **development** and is **exempted development** at development at Bohernagrisna, Ballycumber, Co. Offaly R35 W308.

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.

Michael Duffy

Michael Duffy

Executive Planner

1st May 2024

Ed Kelly

Ed Kelly

Acting Senior Executive Planner

1st May 2024

**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.: DEC24/18

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	WHETHER OR NOT THE RENOVATION OF EXISTING DWELLING IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT		
Site location:	BOHERNAGRISNA, BALLYCUMER, CO. OFFALY R35 W308.		
Area:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	2000 site(s): SAC 000571– Clara Bog		
Distance to European Site(s):	0.51km		
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 EIS?		No: v	
(B) IDENTIFICATION OF THE RELEVANT European SITE(S):			
The reasons for the designation of the European site:	<p>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]</p>		
<p>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 www.npws.ie) (ATTACH INFO.)</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000572.pdf</p> <p>To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in Clara Bog SAC To restore the favourable conservation condition of Active raised bogs in Clara Bog SAC; The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this</p>			

habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Clara Bog SAC;
 Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Clara Bog SAC;
 To maintain the favourable conservation condition of Bog woodland in Clara Bog SAC.

(C) NPWS ADVICE:

Advice received from NPWS over phone:	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.

... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?	Not likely due to the location and type of development	
	The site is sufficient distance from the European site	
<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>	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 NIS 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 European sites from the proposed development.
Name:	Michael Ouffy	
Position:	Exec. Planner	Date: 1 st May 2024