

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 24/2

NAME OF APPLICANT: Maire Callaghan

ADDRESS:

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72

WHEREAS a question has arisen as to whether the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development at the Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.

AS INDICATED on the particulars received by the Planning Authority on the 5th January 2024,

AND WHEREAS Maire Callaghan has requested a declaration on the said question from Offaly County Council.

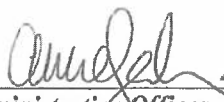
AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -

- (a) Section 2 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(2)(a) of the Planning & Development Act 2000, as amended.
- (d) Article 6 of the Planning and Development Regulations 2001, as amended.
- (e) Article 9 of the Planning and Development Regulations 2001, as amended.
- (f) Schedule 2, Part 1, Class 20F of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons 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 temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is development and is exempted development at the Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.

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 31st Jan. 2024

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. 24/02
Question:	<i>Whether the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development.</i>
Applicant:	Maire Callaghan
Correspondence Address:	[REDACTED]
Location:	Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.

1. Introduction

The question has arisen as to whether the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development.

2. Site Description / Site History

The subject building is located along the south of St. Brendan Street within Birr Town and is zoned as Town Centre/Mixed Use under the Birr Local Area Plan 2023 – 2029. The Applicant advises that the building is currently vacant. Within this zoning, residential (single & multiple) is a landuse which is permitted in principle (subject to a full assessment).

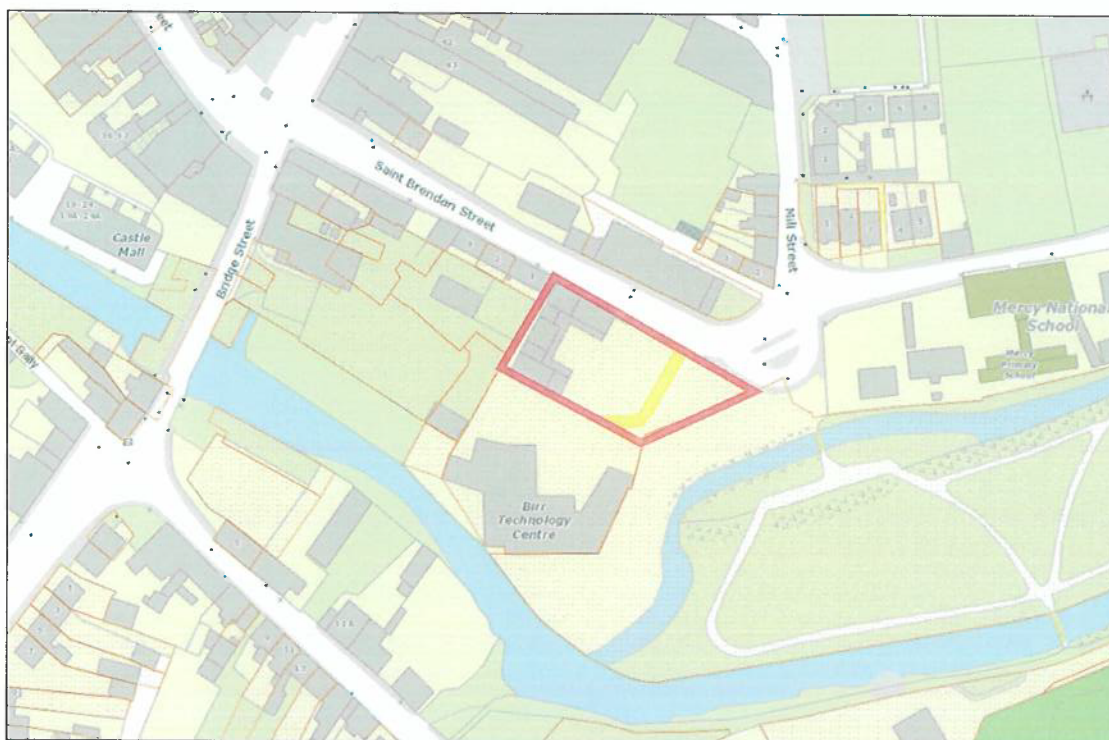


Figure 1: Site Location (source: www.landdirect.ie)

The building is located on the same site as the Birr Technology Centre; the Planner notes that the two buildings are within the same land ownership but are located on separate land folios.



Photo 1: Entrance to the subject site.

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

- BR583: Tribune Group Print Sales sought outline permission for a specialised printing operation at Unit 2, Birr Enterprise Centre, Birr – Withdrawn (01/06/1983).
- BR581: Tony Butler sought outline permission for plastic processing (Thermofarming) at Unit 3, Birr Enterprise Centre, Syngfield Birr – Withdrawn (04/07/1983).
- BR577: Frank Masterson sought permission for Specialised Printed at Unit 6, Birr Enterprise Centre, Syngfield – Withdrawn (05/03/1985).
- BR1126: Shannon Development sought permission to rebuild, extend and adapt for re use existing derelict mill premises - Granted (15/06/2000).
- BR1189: Shannon Development sought permission for construction of offices – Granted (17/08/2001).

The subject site is located within an area which has been designated as having low probability of flooding (www.floodmaps.ie).

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.

It is not that these restrictions are not applicable in this case.

Schedule 2 – Article 6

Part 1 of Schedule 2 of the Planning & Development Regulations deals with ‘*Exempted Development – General*’.

Column 1 sets out the classes of development that are exempted and Column 2 sets out the conditions and limitations on the exemption.

The Planning and Development (Amendment) (No. 4) Regulations 2015 (S.I. No. 582 of 2015) amend the exempted development provisions of the Planning and Development Regulations 2001 to 2015 (the Principal Regulations). The primary purpose of the Regulations is to insert 4 new classes of exempted development into Class 14 of Schedule 2, Part 1 of the Principal Regulations which have the effect that the changes of use specified in the new classes below are exempted from the requirement to obtain planning permission.

Column 1 Description of Development	Column 2 Conditions & Limitations
Class 14 Development consisting of a change of use— (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery,	

Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as to use as accommodation for protected persons, (i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and (j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.	Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.
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The Regulations (Planning and Development (Exempted Development) (No. 4) Regulations 2022 [S.I. 605/2022] amend provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to assist the Minister for Children, Equality, Disability, Integration and Youth (MCEDIY) in meeting Ireland's legal obligation to provide accommodation to international protection applicants. The Regulations amend Part 1 of Schedule 2, entitled 'Exempted Development - General', to the Planning and Development Regulations 2001, as amended, to insert Class 20F exemption.

Column 1 Description of Development	Column 2 Conditions & Limitations
CLASS 20F Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.	1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001². 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028. 4. Where the obligation to provide temporary protection is discontinued in

	accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class. 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development. 6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022. 7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015). 8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.
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4. Proposal by Applicants

An exemption is sought for the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons.

As part of the planning documentation, the Applicant has submitted a set of the existing ground and first floor plans for the existing office building.

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

The Applicant has confirmed that the proposed temporary change of use of the existing vacant office building would be used for Ukrainian war refugees and other protected persons. Therefore, the assessment carried out by the Planning Authority has regard to Class 14 and Class 20F as detailed above.

The Planning Authority confirms that the landuse of 'office' is listed in the exemption provided under Class 20F. Given that the existing landuse at the subject site is an office, the proposed development meets the criteria listed in Class 20F.

Based on the information submitted as part of the application, the Planning Authority are satisfied that the change of use is development and is exempted development.

8. Recommendation

Having assessed the documentation submitted by the Applicant it is considered the proposed temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons 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 temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development at the Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.

AS INDICATED on the particulars received by the Planning Authority on the 5th January 2024,

AND WHEREAS Maire Callaghan has requested a declaration on the said question from Offaly County Council.

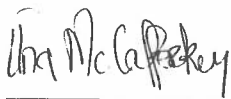
AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -

- (a) Section 2 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(2)(a) of the Planning & Development Act 2000, as amended.
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- (f) Schedule 2, Part 1, Class 20F of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or 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 temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons **is development and is exempted development** at the Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.

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.



Úna McCafferkey
Executive Planner

26th January 2024

Date

A handwritten signature in blue ink, appearing to read "Ed Kelly". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ed Kelly
A/Senior Executive Planner

Date 31/1/2024

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 24/02

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether the temporary change of use of a vacant commercial office building to accommodation for Ukrainian war refugees and other protected persons is or is not development and is or is not exempted development.		
Site location:	Enterprise Centre, St. Brendan Street, Birr, Co. Offaly. R42T72.		
Site size:	Not provided	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: ☐	No: ☒	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
Dovegrove Callows SPA - Features of interest include: - Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) Lisduff Fen SAC - Features of interest include: - Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] - Alkaline fens [7230] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013] Ballyduff/Clonfinane Bog SAC - Features of interest include: - Active raised bogs [7110] - Degraded raised bogs still capable of natural regeneration [7120] - Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] - Bog woodland [91D0] River Little Brosna Callows SPA - Features of interest include: - 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 (<i>Pluvialis apricaria</i>) [A140] - Lapwing (<i>Vanellus vanellus</i>) [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>		
3.	<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	
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:		Executive Planner	Date: 26 th January 2024