

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 24/39

NAME OF APPLICANT: Darren Cuskelly

ADDRESS FOR CORRESPONDENCE:



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: full re-wire; new heating and plumbing system; new ceiling and plaster; drylining external wall inside & insulation and plaster; attic insulation & hips; structure work to internal steel & new heads; structure work to fix external & plastering; new windows; new internal door/skirting/ window boards; new kitchen; full bathroom shower room and tiling; ground floor toilet & tiling; floor covering ground tiling timber flooring; floor covering first floor timber flooring; internal painting; concrete floor and insulation to room to left; structure work to old floor joist; external works for roof and heating system; work for facia/sofit/down pipe is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Rathrobin, Mountbolus, Co. Offaly, R35 FX09

WHEREAS a question has arisen as to whether the proposed renovation of existing dwelling which consists of: full re-wire; new heating and plumbing system; new ceiling and plaster; drylining external wall inside & insulation and plaster; attic insulation & hips; structure work to internal steel & new heads; structure work to fix external & plastering; new windows; new internal door/skirting/ window boards; new kitchen; full bathroom shower room and tiling; ground floor toilet & tiling; floor covering ground tiling timber flooring; floor covering first floor timber flooring; internal painting; concrete floor and insulation to room to left; structure work to old floor joist; external works for roof and heating system; work for facia/sofit/down pipe is or is not development and is or is not exempted development at Rathrobin, Mountbolus, Co. Offaly, R35 FX09.

AS INDICATED on the particulars received by the Planning Authority on the 11th April 2024 and 9<sup>th</sup> May 2024.

AND WHEREAS Darren Cuskelly 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 whether the proposed renovation of existing dwelling which consists of: full re-wire; new heating and plumbing system; new ceiling and plaster; drylining external wall inside & insulation and plaster; attic insulation & hips; structure work to internal steel & new heads; structure work to fix external & plastering; new windows; new internal door/skirting/ window boards; new kitchen; full bathroom shower room and tiling; ground floor toilet & tiling; floor covering ground tiling timber flooring; floor covering first floor timber flooring; internal painting; concrete floor and insulation to room to left; structure work to old floor joist; external works for roof and heating system; work for facia/sofit/down pipe 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: full re-wire; new heating and plumbing system; new ceiling and plaster; drylining external wall inside & insulation and plaster; attic insulation & hips; structure work to internal steel & new heads; structure work to fix external & plastering; new windows; new internal door/skirting/ window boards; new kitchen; full bathroom shower room and tiling; ground floor toilet & tiling; floor covering ground tiling timber flooring; floor covering first floor timber flooring; internal painting; concrete floor and insulation to room to left; structure work to old floor joist; external works for roof and heating system; work for fascia/soffit/down pipe is **development and is exempted development** at Rathrobin, Mountbolus, Co. Offaly, R35 FX09.

**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*

20/05/2024  
\_\_\_\_\_  
*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. 24/39
Question:	WHETHER OR NOT THE RENOVATION OF EXISTING DWELLING IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT
Applicant:	DARREN CUSKELLY
Correspondence Address:	
Location:	RATHROBIN, MOUNTBOLUS R35 FX09

### SECOND REPORT ON FILE

#### 1. Review of Further Information

Further information was sought by the Planning Authority on 3<sup>rd</sup> May 2024 and subsequently received by the Planning Authority on 9<sup>th</sup> May 2024. This report should be read in conjunction with the previous planner's report dated 3<sup>rd</sup> May 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:

- Full re-wire
- New heating and plumbing system
- New ceiling and plaster
- Drylining external wall inside & insulation and plaster
- Attic insulation & hips
- Structure work to internal steel & new heads
- Structure work to fix external & plastering
- New windows
- New internal door/skirting/ window boards
- New kitchen
- Full bathroom shower room and tiling
- Ground floor toilet & tiling
- Floor covering ground tiling timber flooring
- Floor covering first floor timber flooring
- Internal painting
- Concrete floor and insulation to room to left
- Structure work to old floor joist

- External works for roof and heating system work for fascia/soffit/down pipe.

**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:

- Full re-wire
- New heating and plumbing system
- New ceiling and plaster
- Drylining external wall inside & insulation and plaster
- Attic insulation & hips
- Structure work to internal steel & new heads
- Structure work to fix external & plastering
- New windows
- New internal door/skirting/ window boards
- New kitchen
- Full bathroom shower room and tiling
- Ground floor toilet & tiling
- Floor covering ground tiling timber flooring
- Floor covering first floor timber flooring
- Internal painting
- Concrete floor and insulation to room to left
- Structure work to old floor joist
- External works for roof and heating system
- Work for fascia/soffit/down pipe.

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:

- Full re-wire
- New heating and plumbing system
- New ceiling and plaster
- Drylining external wall inside & insulation and plaster
- Attic insulation & hips
- Structure work to internal steel & new heads
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- Concrete floor and insulation to room to left
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- External works for roof and heating system
- Work for fascia/soffit/down pipe.

at Rathrobin, Mountbolus R35 FX09 is or is not development is or is exempted development and is or is not exempted development

**AND WHEREAS** Darren Cuskelly, 179 Arden View, Tullamore, Co. Offaly. R35 PY18 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:

- Full re-wire
- New heating and plumbing system
- New ceiling and plaster
- Drylining external wall inside & insulation and plaster
- Attic insulation & hips
- Structure work to internal steel & new heads
- Structure work to fix external & plastering

- New windows
- New internal door/skirting/ window boards
- New kitchen
- Full bathroom shower room and tiling
- Ground floor toilet & tiling
- Floor covering ground tiling timber flooring
- Floor covering first floor timber flooring
- Internal paining
- Concrete floor and insulation to room to left
- Structure work to old floor joist
- External works for roof and heating system
- Work for facia/sofit/down pipe.

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:

- Full re-wire
- New heating and plumbing system
- New ceiling and plaster
- Drylining external wall inside & insulation and plaster
- Attic insulation & hips
- Structure work to internal steel & new heads
- Structure work to fix external & plastering
- New windows
- New internal door/skirting/ window boards
- New kitchen
- Full bathroom shower room and tiling
- Ground floor toilet & tiling
- Floor covering ground tiling timber flooring
- Floor covering first floor timber flooring
- Internal paining
- Concrete floor and insulation to room to left
- Structure work to old floor joist
- External works for roof and heating system work for facia/sofit/down pipe.

is development and is exempted development at development at Rathrobin, Mountbolus R35 FX09

*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

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*Michael Duffy*

*Executive Planner*

*15<sup>th</sup> May 2024*



*Ed Kelly*

*Acting Senior Executive Planner*

*20/5/2024.*

## 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 Authority : OCC**

**Planning Application Ref. No.: DEC24/39**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	<i>WHETHER OR NOT THE RENOVATION OF EXISTING DWELLING IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT</i>		
Site location:	RATHROBIN, MOUNTBOLUS R35 FX09		
Area (ha)	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	2000 site(s): SAC 000571– Charleville Wood SAC		
Distance to European Site(s):	7.62km		
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?	No: ✓		
(B) IDENTIFICATION OF THE RELEVANT European SITE(S):			
The reasons for the designation of the European site:	<p>Charleville Wood is considered to be one of the very few ancient woodlands remaining in Ireland, with some parts undisturbed for at least 200 years. 'Old Oak woodland is a habitat listed on Annex I of the EU Habitats Directive, while the rare snail species, <i>Vertigomoulin siana</i>, is listed on Annex II of this directive. The wetland areas, with their associated bird populations, the rare insect and Myxomycete species contribute further to the conservation significance of the site.</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 <a href="http://www.npws.ie">www.npws.ie</a> ) (ATTACH INFO.)	<p>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 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles * denotes a priority habitat Code Common Name Scientific Name 1016 Desmoulin's Whorl Snail</p>		

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>	Not likely due to the location and type of
... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).	The site is sufficient distance from the European
... 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
... 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 The site is sufficient distance from the European
... 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 The site is sufficient distance from the European
... 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
<b>(E) SCREENING CONCLUSION:</b>	
<b>Screening can result in:</b>	
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 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?	<b>Category 2</b>
Justify why it falls into relevant category above:	There would be no likely significant impact on European sites from the proposed development.

Name:	Michael Duffy		
Position:	Acting Senior Exec. Planner	Date:	15 <sup>th</sup> May 2024

#### SITE SYNOPSIS

**SITE NAME: CHARLEVILLE WOOD**

**SITE CODE: 000571**

Charleville Wood is a large Oak woodland surrounded by estate parkland and agricultural grassland located about 3 km south-west of Tullamore. The site, which is underlain by deep glacial deposits, includes a small lake with a wooded island, and a stream runs along the western perimeter. The woodland is considered to be one of very few ancient woodlands remaining in Ireland, with some parts undisturbed for at least 200 years.

Some 10% of the woodland has been underplanted with conifers and other exotic trees, but the rest of the area is dominated by Pedunculate Oak (*Quercus robur*).

Apart from Oak, there is much Ash (*Fraxinus excelsior*) and scattered Wych Elm (*Ulmus glabra*), while Birch (*Betula* spp.) is a feature of the boggy margins. The shrub layer is composed largely of Hazel (*Corylus avellana*), Hawthorn (*Crataegus monogyna*) and Blackthorn (*Prunus spinosa*). The ground layer is varied, including damp flushed slopes with Ramsons (*Allium ursinum*) and drier, more open areas with a moss sward composed largely of *Rhytidiadelphus triquetris*. The fungal flora of the woodland is notable for the presence of several rare Myxomycete species, namely *Hemitrichia calyculata*, *Perichaena depressa*, *Amaurochaete atra*, *Collaria arcyronema*, *Stemonitis nigrescens* and *Diderma deplanata*. A number of unusual insects have also been recorded in Charleville Wood, notably *Mycetobia obscura* (Diptera), a species known from only one other site in Ireland. The site is also notable for the presence of a large population of the rare snail species, *Vertigo moulinsiana*.

Extensive swamps of Bulrush (*Typha latifolia*) and Bottle Sedge (*Carex rostrata*) have developed in the lake shallows. The lake is an important wildfowl habitat – it supports populations of Mute and Whooper Swan and a number of duck species, including Teal, Wigeon, Shoveler, Pochard and Tufted Duck. The wooded island at its centre is famed for its long history of non-disturbance. Hazel, Spindle (*Euonymus europaeus*) and Ivy (*Hedera helix*) reach remarkable sizes here.

Charleville Wood is one of the most important ancient woodland sites in Ireland. The woodland has a varied age structure and is relatively intact with both areas of closed canopy and open areas with regenerating saplings present. The understorey and ground layers are also well represented. Old Oak woodland is a habitat listed on Annex I of the EU Habitats Directive, while the rare snail species, *Vertigomoulin siana*, is listed on Annex II of this directive. The wetland areas, with their associated bird populations, the rare insect and Myxomycete species contribute further to the conservation significance of the site.

6.12.1999