

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 24/78

NAME OF APPLICANT: Jacqueline Bannon

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 upgrading the building fabric of the dwelling to include the application of external insulation is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 6 Oakview, Kilcoursey, Clara, Co. Offaly, R35 AE08

WHEREAS a question has arisen as to whether the proposed upgrading the building fabric of the dwelling to include the application of external insulation at 6 Oakview Kilcoursey, Clara R35AE08 is or is not development is or is exempted development and is or is not exempted development.

AS INDICATED on the particulars received by the Planning Authority on the 15th July 2024 and 22nd August 2024.

AND WHEREAS Jacqueline Bannon, requested a declaration on the said question from Offaly County Council.

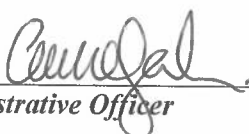
AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

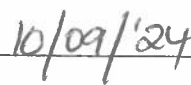
- Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000 (as amended),

AND WHEREAS Offaly County Council has concluded that the proposed upgrading the building fabric of the dwelling to include the application of external insulation 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 upgrading the building fabric of the dwelling to include the application of external insulation is **development** and **is exempted development** at development at 6 Oakview Kilcoursey, Clara R35AE08.

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

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

File Reference:	DEC 24/78
Question:	Whether the proposed upgrading the building fabric of the dwelling to include the application of external insulation
Applicant:	Jacqueline Bannon
Location:	6 Oakview Kilcoursey, Clara R35AE08
Date due:	11 th September 2024

Second Report on File

1. Introduction

The question has arisen as to whether the proposed upgrading the building fabric of the dwelling to include the application of external insulation is/ is not development and is /is not exempted development

2. Review of Further Information

Further information (FI) was sought by the Planning Authority on 13th August 2024 and subsequently received by the Planning Authority on the 22nd August 2024.

This report should be read in conjunction with the previous planner's report dated 8th August 2024. The following FI was sought, and the response is as follows:

1. Please provide a detailed written description of the proposed works which are subject of this request for a section five declaration.

In the event that external insulation is proposed for the dwelling please provide brochures showing photographic samples of the external finishes. Please indicate the depth of the insulation on the exterior of the dwelling and please indicate, by means of hatching on drawings or photographs, the area of the external elevations of the dwelling which are proposed to be covered by external insulation.

Applicants Response: The Applicant has indicated the proposed works have been approved for the "Warmer Homes Scheme" for external insulation. The external works will consists of 100mm insulation to the exterior of the house. Additionally brochures showing photographic samples of the proposed external finishes has been submitted

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority and are satisfied the response.

3. Conclusion:

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed upgrading the building fabric of the dwelling to include the application of external insulation 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 upgrading the building fabric of the dwelling to include the application of external insulation at 6 Oakview Kilcoursey, Clara R35AE08 is or is not development is or is exempted development and is or is not exempted development

AS INDICATED on the particulars received by the Planning Authority on the 15th July 2024 and 22nd August 2024.

AND WHEREAS Jacqueline Bannon, [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) Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000 (as amended),

AND WHEREAS Offaly County Council has concluded that the proposed upgrading the building fabric of the dwelling to include the application of external insulation 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 the proposed upgrading the building fabric of the dwelling to include the application of external insulation is **development** and is **exempted development** at development at 6 Oakview Kilcoursey, Clara R35AE08

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

9th September 2024

Ed Kelly

Ed Kelly

Acting Senior Executive Planner

10th September 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 s 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: **Dec24/78**

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Insulation works to a house		
Site location:	6 Oakview Kilcoursey Clara		
Site size:	120sqm	Floor Area of Development	N/A
Identification of nearby <i>European</i> Site(s):	2000 site(s): SAC 000572– Clara Bog SAC		
Distance to <i>European</i> Site(s):	2.4 kms		
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 <i>European</i> site:	None		
Is the application accompanied by an EIAR?	No: ✓		
(B) IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S):			
The reasons for the designation of the Natura 2000 site(s):			

Clara Bog has long been regarded as one of the most important lowland raised bogs in the country, being the largest remaining example of the true Midland sub-type. The ecology supports breeding Merlin (1-2 pairs), a scarce species in Ireland and one that is listed on Annex I of the EU Birds Directive

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.)**

PLEASE SEE

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000572.pdf>

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000572.pdf

(C) NPWS ADVICE:

Advice received from NPWS over phone:	None received
Summary of advice received from NPWS in written form	None received
(ATTACH SAME):	

(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...	Not likely due to the location and type of development
... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of ...)	The site is sufficient distance from the <i>European</i> site.
... a reduction in habitat area on a <i>European</i> site?	There will be no reduction in the habitat area. The site is sufficient distance from the <i>European</i> site.
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the <i>European</i> site?	Not likely due to the location and type of development The site is sufficient distance from the <i>European</i> site.
... serious / ongoing disturbance to species / habitats for which the <i>European</i> 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 <i>European</i> site.
	None likely due to the location and type of development

... direct / indirect damage to the size, characteristics or reproductive ability of	The site is sufficient distance from the <i>European</i> 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 <i>European</i> 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 <i>European</i> 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 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 <i>European</i> site from the proposed development.	
Michael Duffy			
Name:	Ed Kelly		
Position:	ASEP	Date:	9 th September 2024

