

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/11

NAME OF APPLICANT: Michael Hyland on behalf of Geashill National School

ADDRESS FOR CORRESPONDENCE: c/o Elliot Balam, Building Design Partnership, Blackhall Green, Dublin 7, D07 V0RF

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not renovations and upgrade of national school is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Geashill National School, Geashill, Co. Offaly, W253E4

WHEREAS a question has arisen as to whether or not, the upgrade of a national school consisting of replacement of existing external windows, doors and glazed screens, repainting the façade, installation of insulated external render, installation of ventilation hoods on the external façade installation of an LPG air tank source heat pump and new pedestrian gate is, or is not development, and is, or is not, exempted development at Geashill National School, Geashill, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 27th January 2025.

AND WHEREAS Michael Hyland on behalf of Geashill National School 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:

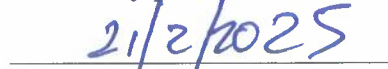
(a) Sections 2(1), 3(1),4(1)(h) and 57 of the Planning & Development Act 2000 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed works **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 works to upgrade national school consisting o consisting of replacement of existing external windows, doors and glazed screens, repainting the façade, installation of insulated external render, installation of ventilation hoods on the external façade installation of an LPG air tank source heat pump and new pedestrian gate is exempted development at Geashill National School, Geashill, 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 include 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.

Planning Report

Section 5 Declaration

File Reference:	Dec 25/11
Question:	Whether or not renovations and upgrade of national school is, or is not development, and is, or is not, exempted development
Applicant:	Michael Hyland on behalf of Geashill National School
Correspondence address:	c/o Elliott Ballam, Building Design Partnership, Blackhall Green, Dublin 7 D07 VORF
Location:	Geashill National School, Geashill, Co. Offaly R35 W253E4

1. Introduction

The question has arisen as whether works which includes:

- Replacement of existing external windows, doors and glazed screens,
- Repainting the façade,
- Installation of insulated external render,
- Installation of ventilation hoods on the external façade
- Installation of an LPG air tank source heat pump,
- New pedestrian gate.

2. Background

The school is located within Geashill Village and is zoned as Community Services/Facilities under the *Offaly County Development Plan 2021-2027*. The Area Planner notes that the school comprises of 1 no. protected structure under the County Offaly Record of Protected Structures which was adopted in September 2021. The school consists of an older historic building with a much larger contemporary school. The works subject of this declaration are to the contemporary school.

RPS ref. 35-01

Structure: Former School

- Description:** Detached three-bay single-storey Tudor style former school house, built in 1862, with return to rear and projecting gable-fronted entrance porch and southern bay of facade. Now used as a community centre. Set within grounds adjacent to modern school. Pitched slate roof with terracotta ridge cresting, paired tooled stone chimneystacks, finials, bellcote and castiron rainwater goods. Snecked rock-faced limestone walls with tooled stone quoins and chamfered plinth. Replacement windows in tooled limestone surrounds with stone mullions. Tooled stone quatrefoil windows. Half-dormer windows to north bay of front and rear. Canted bay window to north elevation. Segmental-headed door openings with tooled stone block-and-start surrounds. Date plaque of 1862 above main entrance to porch. Replacement gate to porch with replacement timber panelled door to interior. Replacement door to rear with overlight. Site bounded by random coursed wall with pedestrian stiles.
- Appraisal:** Prominently located overlooking The Green in the heart of Geashill, this handsome former school-house has been carefully maintained. The finely executed stonework and interesting architectural features such as the half-dormer windows make it a striking and instantly noticeable structure. The attention to detail in the fleurs-de-lis finials, the ridge cresting that mimics Tudor flower brattishing and quatrefoils make it a building of artistic merit. The bellcote used to inform local children that school was commencing is a reminder of this structure's former use.

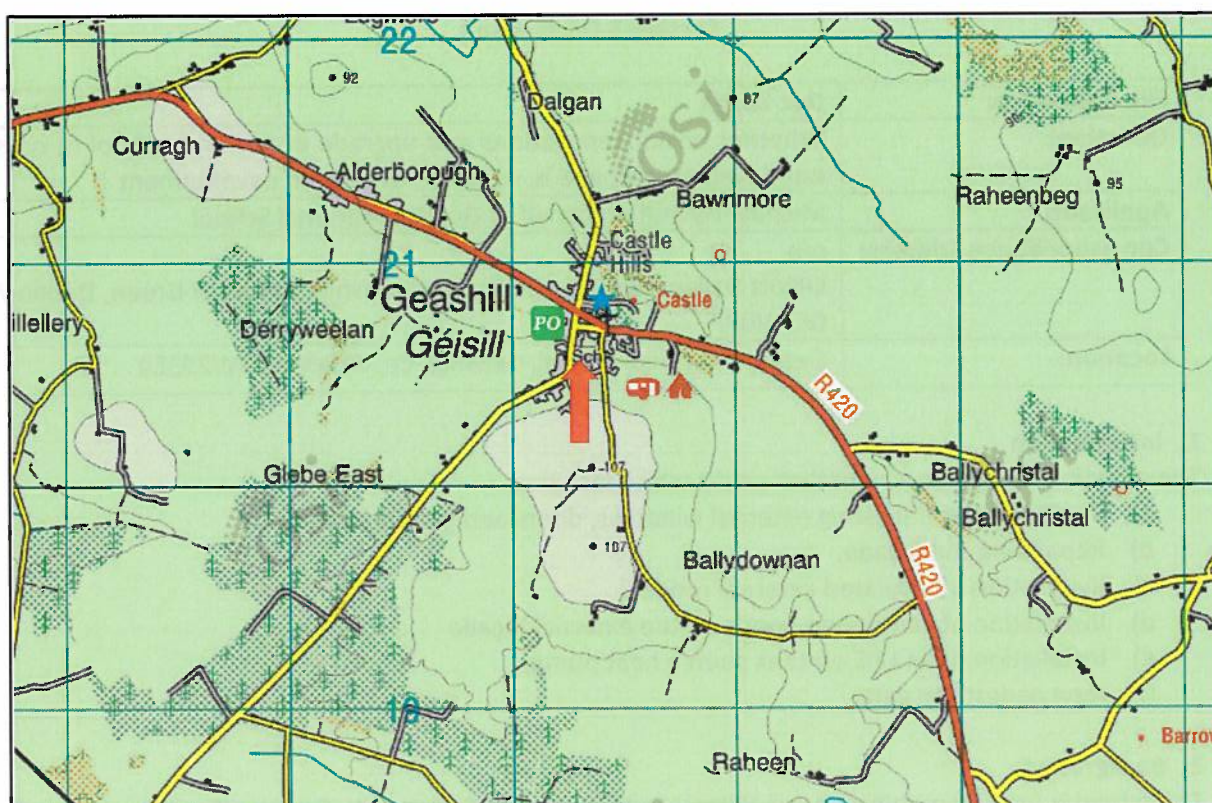


Figure 1: Site Location (red arrow)

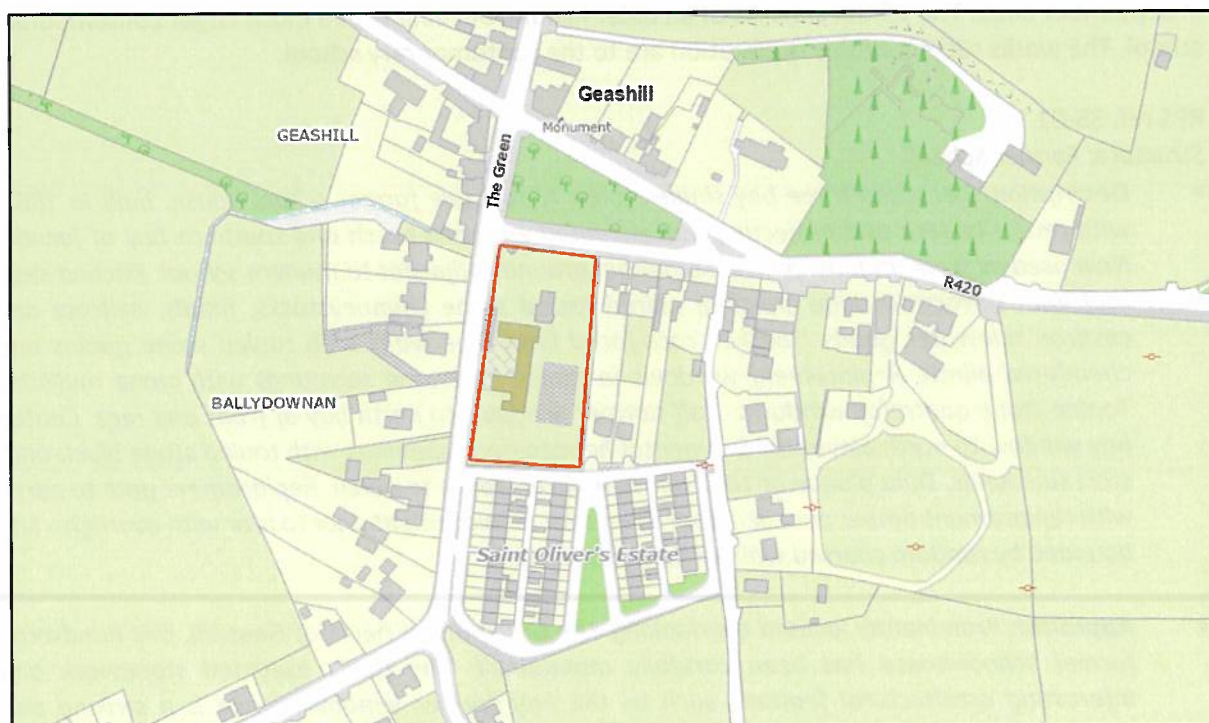


Figure 2: Site Location (red line boundary)

3. Site History

On Site

Ref 15/92: the Board of Management of Scoil na Croise Naofa was **granted** permission for a single storey classroom extension (80m²) to the rear of the existing school and all associated site development works. The proposed development is within the curtilage of a protected structure (ref: 35-01).

Ref 14/216: the Board of Management of Scoil na Croise Naofa was **granted** permission for a new single storey classroom extension (283 m²) to the front of the existing school and all associated site development works. The proposed development is within the curtilage of a protected structure (reference: 35-01).

Enforcement

No recent history associated with the subject site.

Adjoining Lands

No recent planning applications associated with the adjoining lands.



Photo 2: front elevation of subject site



Photo 2: Protected Structure (RPS ref. 35-01)

4. 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:

(i) 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.

The subject proposed development is considered to be in accordance with section 4 (1)(h) outlined above, as the renovations will not materially affect the external appearance of the existing structure or negatively impact on neighboring properties or the protected structure on site. It is noted that the LPG air tank source heat pump and ancillary structures are of very limited scale.

5. Proposal by Applicants

The Applicant has advised that the proposed works will include renovations to the existing school buildings as part of upgrades under the Department of Education Climate Action Re: Power EU Path Finder Programme-Lot 10.1. Proposed works include:

THE PROPOSED DEVELOPMENT CONSISTS OF THE REPLACEMENT OF EXISTING EXTERNAL WINDOWS, DOORS AND GLAZED SCREENS WITH SIMILAR, REPAINTING OF EXISTING FACADE, INSTALLTION OF INSULATED EXTENAL RENDER TO SELECTED WALLS AND INSTALLATION OF VENTILATION HOODS ONTO THE EXTERNAL FACADE TO SERVE INTERNAL CLASSROOM MVHR UNITS.

THE WORKS WILL ALSO INCLUDE INSTALLATION OF AN LPG TANK AND AIR SOURCE HEAT PUMP AND INTRODUCTION OF PEDESTRIAN GATE TO EXISTING FENCE TO PROVIDE ACCESS TO LPG TANK

The Area Planner notes that no works are proposed for the Protect Structure (RPS ref. 35-01) which is within the site boundary and that this Declaration was not referred to the Senior Executive Architect.

6. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been concluded that the existing development is unlikely to have significant effects on any European sites. Please see attached report under Appendix A.

7. 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 (as amended)* and therefore is not subject to EIA requirements.

8. Evaluation

Question: Whether the proposed renovations and upgrade of national school are development and if so, are they exempted development?

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development.

Question: Is this proposal considered as Exempted Development?

Based on the information received, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the appearance of the development and would not be detrimental to the character of the site or the surrounding area, including the Protected Structure (RPS ref. 35-01). It is the opinion of the Planning Authority that these works meet the criteria of exempt development under section 4(1)(h) of the act as they 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.

9. Recommendation

It is recommended that the Applicant be advised that the proposed development **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 or not, the upgrade of a national school consisting of replacement of existing external windows, doors and glazed screens, repainting the façade, installation of insulated external render, installation of ventilation hoods on the external façade installation of an LPG air tank source heat pump and new pedestrian gate is, or is not development, and is, or is not, exempted development at Geashill National School, Geashill, Co. Offaly.

AS INDICATED on the particulars received by the Planning Authority on the 27th January 2025.

AND WHEREAS Michael Hyland on behalf of Geashill National School 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(1), 3(1), 4(1)(h) and of the *Planning & Development Act 2000* (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed works **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:

Works to upgrade a national school consisting of replacement of existing external windows, doors and glazed screens, repainting the façade, installation of insulated external render, installation of ventilation hoods on the external façade installation of an LPG air tank source heat pump and new pedestrian gate **is exempted development** at Geashill National School, Geashill, Co. Offaly.

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.



Enda Finlay

Graduate Planner

Date 20th February 2025



Ed Kelly

Date 21th February 2025

ASEP

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 254/11

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Whether or not renovations and upgrade of national school is, or is not development, and is, or is not, exempted development		
Site location:	Geashill National School, Geashill, Co. Offaly		
Site size:	N/A	Floor Area of Proposed Development:	N/A
Identification of nearby European Site(s):	River Barrow and river Nore SAC 8.4Km		
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?		No: X	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):			
<p>[1130] Estuaries</p> <p>[1140] Tidal Mudflats and Sandflats</p> <p>[1170] Reefs</p> <p>[1310] Salicornia Mud</p> <p>[1330] Atlantic Salt Meadows</p> <p>[1410] Mediterranean Salt Meadows</p> <p>[3260] Floating River Vegetation</p> <p>[4030] Dry Heath</p> <p>[6430] Hydrophilous Tall Herb Communities</p> <p>[7220] Petrifying Springs</p> <p>[91A0] Old Oak Woodlands</p> <p>[91E0] Alluvial Forests*</p> <p>[1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>[1095] Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>[1096] Brook Lamprey (<i>Lampetra planeri</i>)</p>			

[1099] River Lamprey (*Lampetra fluviatilis*)
 [1103] Twaite Shad (*Alosa fallax*)
 [1106] Atlantic Salmon (*Salmo salar*)
 [1355] Otter (*Lutra lutra*)
 [1421] Killarney Fern (*Trichomanes speciosum*)

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.)

River Barrow and River Nore SAC Site Code: 2162

<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY002162.pdf>

(C) NPWS ADVICE:

Advice received from NPWS over phone:	None Received
Summary of advice received from NPWS in written form (ATTACH SAME):	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?	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.	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.	<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:		 Enda Finlay	
Position:		Graduate Planner	Date: 20 th February 2025

