

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/12

NAME OF APPLICANT: Pauline McKenna on behalf of Sacred Heart School

ADDRESS FOR CORRESPONDENCE: C/O Elliott Ballam, Building Design Partnership, Blackhall Green,  
Dublin 7, D07 VORF

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 to an existing school which comprises of: Replacement of existing external windows and doors; Repainting the façade; Installation of insulated external render; Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school; Installation of an air source heat pump & EV dual car charging outlet is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61.

WHEREAS a question has arisen as to whether or not, the renovations and upgrade to an existing school which comprises of: Replacement of existing external windows and doors; Repainting the façade; Installation of insulated external render; Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school; Installation of an air source heat pump & EV dual car charging outlet is, or is not development, and is or is not exempted development at Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61.

AS INDICATED on the particulars received by the Planning Authority on the 29th January & 7th February 2025

AND WHEREAS Pauline McKenna of Sacred Heart School C/O Elliott Ballam of Building Design Partnership, Blackhall Green, Dublin 7 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 the renovations and upgrade to an existing school which comprises of: Replacement of existing external windows and doors; Repainting the façade; Installation of insulated external render; Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school; Installation of an air source heat pump & EV dual car charging outlet is exempted development at Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61.

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.

## Planning Report - Section 5 Declaration

<b>File Reference:</b>	Dec. 25/12
<b>Question:</b>	<p>Whether or not renovations and upgrade to an existing school which comprises of:</p> <ul style="list-style-type: none"> <li>• Replacement of existing external windows and doors,</li> <li>• Repainting the façade,</li> <li>• Installation of insulated external render,</li> <li>• Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school,</li> <li>• Installation of an air source heat pump &amp;</li> <li>• EV dual car charging outlet</li> </ul> <p>Is or is not development and if so is it or is it not exempted development</p>
<b>Applicant:</b>	<p>Pauline McKenna, Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61</p>
<b>Correspondence Address:</b>	<p>Pauline McKenna of Sacred Heart School C/O Elliott Ballam, Building Design Partnership Blackhall Green, Dublin 7 D07 VORF</p>
<b>Location:</b>	<p>Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61</p>



### 1. Introduction

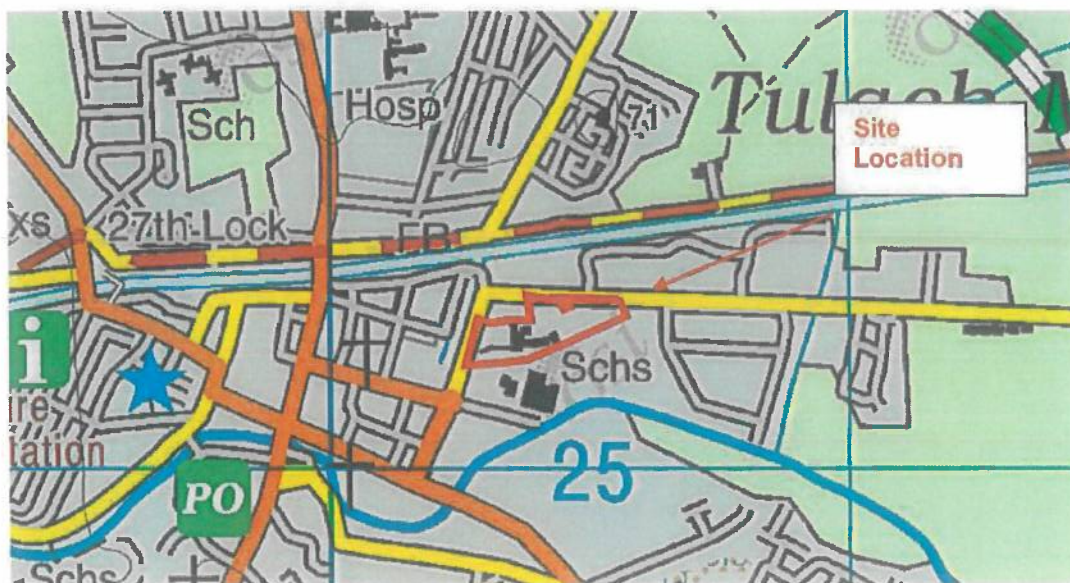
The question has arisen as to whether the renovations and upgrade to an existing school which comprises of:

- Replacement of existing external windows and doors,
- Repainting the façade,
- Installation of insulated external render,
- Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school,
- Installation of an air source heat pump &
- EV dual car charging outlet

is or is not development and if so is it or is it not exempted development.

## 2. Background

The site is situated within Tullamore Town and is zoned Community Services/Facilities in the Offaly County Development Plan 2021-2027. The site is 2.26ha in size and consists of an existing two storey secondary school.



**Figs 1: Site Location (Discovery Series)**



**Figs 2: Site Location**





**Figs 3:** Aerial image of location of site

### 3. Site History

- 19/290:** Subject to 5 conditions permission was **Granted** to the Board of Management, Sacred Heart School for alterations to previously approved permission (ref.16/97) comprising of 1. revised and new vehicular and pedestrian entrances on Daingean road, set-down areas, car-parking and associated site boundary and site development works, in lieu of entrances and set down area on O'Carroll street. 2 alterations to elevations. 3. ASD unit in lieu of school office and gym.
- 16/97:** Subject to 9 conditions permission was **Granted** to the Board of Management, Sacred Heart School for demolition of existing house on O'Carroll street and amalgamation of existing residential site with existing school site, demolition of existing single-storey maintenance building and storage area, construction of a new physical education (pe) hall to the west of the existing pe hall, alterations to elevations of existing pe hall and internal alterations to accommodate changing rooms, sanitary facilities, fitness suite and offices, revised and new vehicular and pedestrian entrances on O'Carroll street, set-down areas, car-parking and associated site boundary and site development works
- TU/14011:** Subject to 5 conditions permission was **Granted** to the Board of Management, Sacred Heart School for the construction of a new single storey extension to the rear of the existing school comprising of 5 no. new classrooms and alterations and extension to existing classroom to create a new science room and for all associated site development works to complete the development.

- TU/10024:** Subject to 6 conditions permission was **Granted** to the Board of Management, Sacred Heart School for a single storey extension comprising of 2 no. music tuition rooms and 1 no. music store room and all associated works
- TU/10015:** Subject to 9 conditions permission was **Granted** to the Board of Management, Sacred Heart School for (a) single storey extension comprising 1 no. classroom (b) two storey extension comprising 1 no. new classroom & meeting room to the ground floor and a staffroom and office to the first floor; (c) refurbishment works comprising new entrance and offices to the ground floor and a new home economics room to the first floor and all ancillary works.
- TU/84476:** Permission was **Granted** to the Sacred Heart School for the erection of single storey class room.
- TU/72974:** Permission was **Granted** to Mr Noel F. Heavey B.Arch for the Erection of boilerhouse extension to Sacred Heart School.
- TU/61273:** Permission was **Granted** to the Sacred Heart Secondary School for the erection of extension.
- TU/34870:** Permission was **Granted** to Rev Mother Superior for classroom extension.
- TU/43671:** Permission was **Granted** to Rev Mother Cecilia for the Erection of gymnasium and stage to the Sacred Heart School.

#### 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:

##### 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.*

#### **5. Proposal by Applicant**

The Applicant have indicated that the following works will be carried out:

- Replacement of existing external windows and doors,
- Repainting the façade,
- Installation of insulated external render,
- Installation of ventilation hoods on the external façade to serve the internal classroom MVHR units of the original block of the school,
- Installation of an air source heat pump &
- EV dual car charging outlet

#### **6. Appropriate Assessment (AA)**

The subject site is located 1.99m from SAC 0005721-Charleville Woods SAC.

Having regard to nature of the proposed development which comprises of the following:

- Replacement of existing external windows and doors,
- Repainting the façade,
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at Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, and due to a lack of any pathway to a European site it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

#### **7. EIA Screening:**

No Screening required, see appendix A attached.

#### **8. Other Screening:**

The proposed development is not contrary to the RSES and so it was not referred to the Eastern and Midland Regional Assembly

#### **9. Evaluation**

**Question:** *Whether the proposed works (as listed) to the existing 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 as it includes repairs to the existing school.

**Question: Is this proposal considered as Exempted Development?**

With regard to the proposed works which are described in the submitted documents, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the school appearance and the finished development would not be inconsistent with the character of the structure.

**7. Conclusion**

It is recommended that the Applicants 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 renovations and upgrade to an existing school which comprises of:

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is, or is not development, and is, or is not, exempted development at Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61

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is exempted development at Sacred Heart School, Daingean Road, Tullamore, Co. Offaly, R35 KO61



*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*

*24<sup>th</sup> February 2025*

*Ed Kelly*

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*Ed Kelly*

*ASEP*

*24<sup>th</sup> February 2025*

# Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec25/3
Development Summary:	<p>energy fabric upgrade to an existing school which comprises of:</p> <ul style="list-style-type: none"> <li>• The provision of external wall insulation,</li> <li>• External window/door rooflight replacement,</li> <li>• MVHR installation including external vents,</li> <li>• Solar pv installation,</li> <li>• Air-source heat pump installation including external compound &amp;</li> <li>• Electric car charging points.</li> </ul>
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	No Screening required

