

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/4

NAME OF APPLICANT: Didean Dochas Eireann Teoranta.

ADDRESS FOR CORRESPONDENCE: C/O Damien Quigley, Lenztech Surveying & Engineering Ltd, Unit B12,
National Enterprise Park, Portlaoise, Co. Laois, R32 RT73.

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the use of a dwelling as a residence for a single family of International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development.

LOCATION OF DEVELOPMENT: 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 A0C0.

WHEREAS a question has arisen as to whether use of a dwelling as a residence for a single family of International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development. at 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 A0C0

AS INDICATED on the particulars received by the Planning Authority on the 15th January 2025 and further information received on 14th February 2025

AND WHEREAS Didean Dochas Eireann Teoranta, C/O Damien Quigley of Unit B12, National Enterprise Park, Portlaoise, Co. Laois, R32 RT73 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) The plans and particulars submitted.
- (b) The details within the application which state that the house is occupied by a family of International Protection applicants. Consideration in this decision is based on 'family' being singular, as opposed to multiple occupancy or provision of managed accommodation, provision of care etc.
- (c) Section 2, and 3 of the Planning and Development Act 2000 (as amended).
- (d) The planning history of the site.

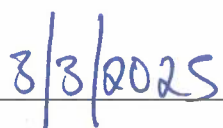
AND WHEREAS Offaly County Council has concluded that the use of the dwelling as a residence for a single family of International Protection Applicants **does not** constitute development under the Planning and Development Act 2000 (as amended).

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 use of the residential premises at 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 A0C0 for a dwelling as a residence for a single family of International Protection Applicants does not constitute development as defined under Section 2(1) of the Planning & Development Act 2000 as amended.

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. 25/4
Question:	Declaration as to whether the use of a dwelling as a residence for a single family of International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development.
Applicant:	Didean Dochas Eireann Teoranta
Correspondence Address:	C/O Damien Quigley, Lenztech Surveying & Engineering Ltd, Unit B12, National Enterprise Park, Portlaoise, Co. Laois, R32 RT73
Location:	3 Chancery Park Downs, Tullamore, Co. Offaly, R35 A0C0

SECOND REPORT ON FILE

1. Review of Further Information

Further information was sought by the Planning Authority on 7th February 2025 and subsequently received by the Planning Authority on 14th February 2025. This report should be read in conjunction with the previous planner's report dated 4th February 2025. The following Further Information was sought and the response is as follows:

1. Under point 4 of the Section 5 Declaration Application Form, the Applicant has indicated the property subject to the submitted Section 5 Declaration is leased, however the Applicant has not indicated the required 'name and address of the owner'.

The Applicant is therefore requested to submit a revised Application Form clearly indicating the name and address of the property owner which is subject to this Section 5 Declaration.

Applicants Response: The Applicant has submitted a revised Application Form which indicates the name and address of the property owner which is subject to this Section 5 Declaration.

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

2. APPROPRIATE ASSESSMENT (AA)

The subject site is located 2.83km from SAC 000571-Charleville Woods

Having regard to whether use of the subject premises as a residence for International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development at 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 A0C0 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.

3. EIA SCREENING:

No Screening required, see appendix A attached.

4. OTHER SCREENING:

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

CONCLUSION:

Having assessed the further information received and the previous planning report on file, it is considered that the use of the subject premises at 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 AOC0 for a dwelling as a residence for a single family of International Protection Applicants does not constitute development as defined under Section 2(1) of the Planning & Development Act 2000 as amended.

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 use of a dwelling as a residence for a single family of International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development. at 3 Chancery Park Downs, Tullamore, Co. Offaly, R35 AOC0

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- (c) Section 2, and 3 of the Planning and Development Act 2000 (as amended);
- (d) The planning history of the site;

AND WHEREAS Offaly County Council has concluded that the use of the dwelling as a residence for a single family of International Protection Applicants **does not** constitute development under the Planning and Development Act 2000 (as amended).

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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

Acting Senior Executive Planner

3rd March 2025

Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/4
Development Summary:	Declaration as to whether the use of a dwelling as a residence for a single family of International Protection Applicants constitutes development and whether, if it does, it can be considered exempted development.
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , 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