

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/40

NAME OF APPLICANT: An Garda Siochana, Birr Garda Station.

ADDRESS FOR CORRESPONDENCE: c/o OPW, Government Office, Abbeylax Road, Portlaoise, Co. Laois,
R32 RPA6.

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing into Emmet Square is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: An Garda Siochana, Birr Garda Station, Co. Offaly, R42 XY31.

WHEREAS a question has arisen as to whether the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square is or is not development and is or is not exempted development at An Garda Siochana, Birr Garda Station, Co. Offaly, R42 XY31.

AS INDICATED on the particulars received by the Planning Authority on the 25th February 2025.

AND WHEREAS An Garda Siochana Birr Garda Station c/o OPW, Government Office, Abbeylax Road, Portlaoise, Co. Laois, R32 RPA6 has 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:

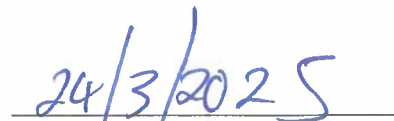
- (a) Section 2(1), Section 3(1) and Section 181(1)(a) (Development by State Authorities) of the Planning & Development Act 2000 (as amended).
- (b) Section 86 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development and the applicant **is required to advertise the proposed works in accordance with the provisions of Section 87 'Public notice of proposed development' of the Planning & Development Regulations 2001 (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 installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square **is development and is exempted development** at An Garda Siochana, Birr Garda Station, Co. Offaly. R42 XY31.

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. 25/40
Question:	Whether the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square is or is not development and is or is not exempted development
Applicant:	An Garda Siochana Birr Garda Station
Correspondence Address:	c/o OPW, Government Office, Abbeyleix Road, Portlaoise, Co. Laois. R32 RPA6
Location:	An Garda Siochana, Birr Garda Station, Co. Offaly. R42 XY31

1. Introduction

The question has arisen as whether the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square is or is not development and if so, are they exempted development. The Applicant advises that the position of the signage is yet to be decided but they suggest the centre of the elevation to the left hand side of the Garda lantern above the ground floor windows.

2. Background

The existing Garda station is located within Birr Town Centre (on Emmet Square) and under the Birr Local Area Plan 2023 – 2029, is zoned as Town Centre/Mixed Use.



Photo 1 - Subject Site (source: Google Maps – October 2022).

3. Site History

On Site – Recent planning history associated with the subject site includes BR1543 (2007): OPW sought permission to alter the facade incorporating installation of new window design and layout and new front door design and a change use of existing garage to rear, to form male locker room, toilets and storage area. Permission was granted subject to conditions.

Enforcement – No recent history associated with the subject site.

Adjoining Lands - No recent planning history associated with the adjoining lands.

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 181 - Development by State Authorities.

Section 181(1)(a) states:

The Minister may, by regulations, provide that, except for this section [and sections 181A to 181C], the provisions of this Act shall not apply to any specified class or classes of development by or on behalf of a State authority where the development is, in the opinion of the Minister, in connection with or for the purposes of public safety or order, the administration of justice or national security or defence and, for so long as the regulations are in force, the provisions of this Act shall not apply to the specified class or classes of development.

Regulatory Provisions

Section 86 – Specified development for purposes of section 181(1)(a) of Act, of the Planning and Development Regulations 2001 (as amended) states:

86. (1) In accordance with section 181(1)(a) of the Act, the provisions of the Act shall not apply to the following classes of development:

(a) development consisting of the provision of—

(i) Garda stations or other buildings, or other premises or installations, or other structures or facilities, used for the purposes of or in connection with the operations of An Garda Síochána,

.....

(d) development consisting of the carrying out of any works within, or bounding, the curtilage of a building, premises or other installation referred to in paragraph (a), insofar as the works are incidental to the use of such building, premises or installation;

.....

Section 87 - Public notice of proposed development of the Regs outlines the requirements for the advertising of the works which are proposed under the provisions of S.86(1)(a).

Section 87(2) outlines the following:

A State authority shall, in accordance with this article—

(a) publish notice of proposed development in an approved newspaper, and

(b) erect or fix a site notice or site notices of proposed development on the land or structure where the proposed development would be situated

The subsequent sub-sections of S.87 provide detail on the content of the notices. The Applicant will be advised of the need to advertise the proposed works at the subject site.

5. Proposal by Applicants

The Applicant has advised that they wish to install an unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square. The Applicant advises that the position of the signage is yet to be decided but they suggest the centre of the elevation to the left-hand side of the Garda lantern above the ground floor windows.

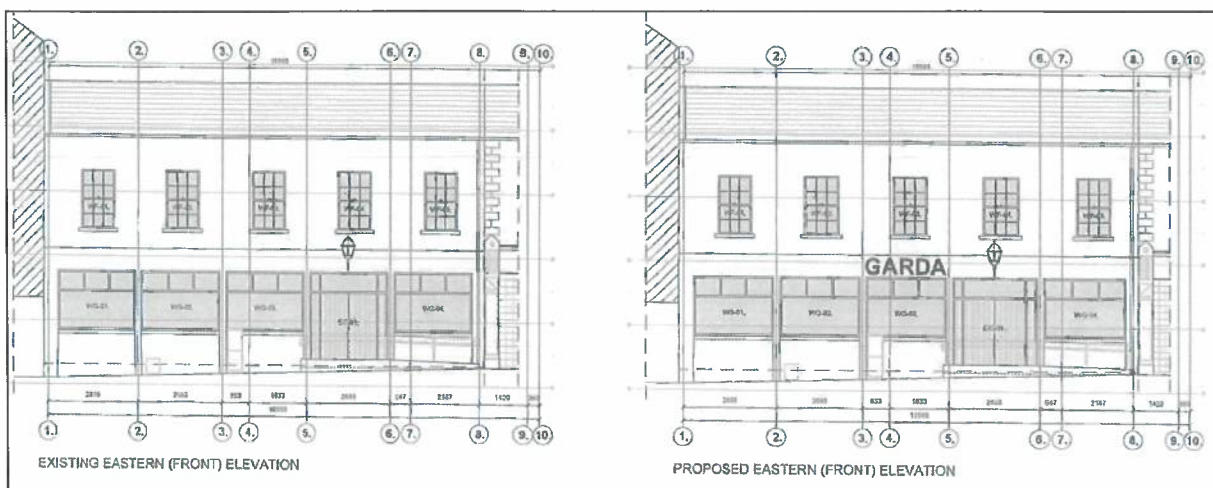


Figure 1: Existing and Proposed Front Elevation.

6. Evaluation

Question: Whether the proposed works (as listed) to the existing dwelling 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 signage.

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 are exempt from planning permission in accordance with the provisions of Section 181(1)(a) of the Planning and Development Act 2000 (as amended).

7. Appropriate Assessment

Having regard to nature of the development which comprises of the erection of signage at Emmet Square, Birr Town and 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.

8. Environmental Impact Assessment Screening

Please refer to Appendix A.

9. Conclusion & Recommendation

It is recommended that the Applicant be advised that the proposed development is **development** and is **exempted development**.

The Applicant will be advised that they are **required to advertise the proposed works** in accordance with the provisions of Section 87 'Public notice of proposed development' of the Planning & Development Regulations 2001 (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 the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square is or is not development and is or is not exempted development at An Garda Siochana, Birr Garda Station, Co. Offaly, R42 XY31.

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

- (a) Section 2(1), Section 3(1) and Section 181(1)(a) (Development by State Authorities) of the Planning & Development Act 2000 (as amended).
- (b) Section 86 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development and the applicant is required to advertise the proposed works in accordance with the provisions of Section 87 'Public notice of proposed development' of the Planning & Development Regulations 2001 (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 installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square **is development** and **is exempted development** at An Garda Siochana, Birr Garda Station, Co. Offaly. R42 XY31.

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.



Úna McCafferkey

Executive Planner

24th March 2025

Date



Ed Kelly

ASEP

24th March 2025

Date

APPENDIX A

EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25-40
Development Summary:	Whether the installation of unilluminated raised metal lettering stating 'Garda' on the front elevation of the station facing onto Emmet Square is or is not development and is or is not exempted development at An Garda Siochana, Birr Garda Station, Co. Offaly. R42 XY31
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



Úna McCafferkey

Executive Planner

24th March 2025

Date