

OFFALY COUNTY COUNCIL

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

REFERENCE: DEC 25/60

NAME OF APPLICANT: Patrick Bracken

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the proposed installation of external wall insulation to an existing dwelling is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Church Street, Clara, Co. Offaly, R35 P9H2.

WHEREAS a question has arisen as to whether the proposed installation of external wall insulation to an existing dwelling is or is not development and is or is not exempted development at Church Street, Clara, Co. Offaly, R35 P9H2.

AS INDICATED on the particulars received by the Planning Authority on the 22nd April 2025 & 23rd May 2025.

AND WHEREAS Patrick Bracken of [REDACTED] 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:


- Section 2, 3(1) and 4(1)(h) 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 proposed installation of external wall insulation to an existing dwelling is development and is exempted development at Church Street, Clara, Co. Offaly, R35 P9H2.

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.

OFFALY COUNTY COUNCIL

Planning Report

Section 5 Declaration

File Reference:	Dec. 25/60
Question:	Whether the proposed installation of external wall insulation to an existing dwelling is or is not development and is or is not exempted development
Applicant:	Patrick Bracken
Correspondence Address:	
Location:	Church Street, Clara Co. Offaly. R35 P9H2

Second Report on this file

1. Review of Further Information

Further information was sought by the Planning Authority on 19th May 2025 and subsequently received by the Planning Authority on 23rd May 2025. This report should be read in conjunction with the previous planner's report dated 15th May 2025. The following Further Information was sought and the response is as follows:

- Following a search of the GIS Planning register it is noticed that a previous planning permission (which is currently under construction) exists on the subject site and according to the submitted Section 5 Application Form, there is no history of any previous planning applications on the site in question. The Applicant therefore requested to submit a revised Section 5 Application Form modifying this discrepancy.

Applicants Response: The Applicant has submitted a revised Section 5 Application Form which indicates previous planning applications on the site in question.

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority and are satisfied the response.
- Following a site Inspection, it is noticed that the front elevation of the subject dwelling directly abuts the public footpath, insofar as if the external insulation were installed it would be located directly on top of the public footpath. The Applicant is therefore requested to contact the Tullamore Municipal District Engineer to obtain written consent to erect the external insulation on top of the public footpath.

Applicants Response: The Applicant has contacted the Tullamore Municipal District Engineer and obtained written consent to erect the external insulation on top of the public footpath.

Planners Appraisal: The further information received in relation to item 2 was assessed by the Planning Authority and are satisfied the response.
- Please indicate the depth of the proposed external insulation.

Applicants Response: The Applicant has indicated the depth of the proposed external insulation is 100mm.

Planners Appraisal: The further information received in relation to item 3 was assessed by the Planning Authority and are satisfied the response.

2. APPROPRIATE ASSESSMENT (AA):

The subject site is located 2.13km from SAC 000572-Clara Bog

Having regard to nature of the proposed development which comprises of the installation of external wall insulation to an existing dwelling at Church Street, Clara, Co Offaly, R35P9H2, 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 EIA 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.

5. CONCLUSION:

Having assessed the further Information received and the previous planning report on file, it is considered the proposed installation of external wall insulation to an existing dwelling 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 installation of external wall insulation to an existing dwelling is or is not development and is or is not exempted development at Church Street, Clara Co. Offaly. R35 P9H2

AS INDICATED on the particulars received by the Planning Authority on the 22nd April 2025 & 23rd May 2025.

AND WHEREAS Patrick Bracken of [REDACTED] 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:

- Section 2, 3(1) and 4(1)(h) 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 proposed installation of external wall insulation to an existing dwelling is **development** and is **exempted development** at Church Street, Clara Co. Offaly. R35 P9H2

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

6th June 2025

Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/60
Development Summary:	Whether the proposed installation of external wall insulation to an existing dwelling is or is not development and is or is not 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