

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**Niall & Aoife Roche,**



**Reference Number: DED 524**

**Application Received: 11<sup>th</sup> August, 2022.**

**Location: Ardcar, Boyle, Co. Roscommon.**

**WHEREAS** a question has arisen as to whether development consisting of the closing of an existing entrance onto the N4 National Road and the opening of a new entrance onto the L1024 Local Road at Ardcar, Boyle, Co. Roscommon is or is not development or is or is not exempted development.

**AND WHEREAS** Roscommon County Council, in considering this application, had regard particularly to:

- (a)** (Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended)).
- (b)** The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (c)** The planning history of the site.

**AND WHEREAS** Roscommon County Council has concluded that:

- (a)** The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- (b)** The proposed development is exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- (c)**

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of the closing of an existing entrance onto the N4 National Road and the opening of a new entrance onto the L1024 Local Road at Ardcar, Boyle, Co. Roscommon constitutes development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

**ADVICE NOTE**

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:

  
Administrative Officer, Planning

Date: 7<sup>th</sup> September, 2022.

c.c. O'Dowd Solicitors,  
Bridge Street,  
Boyle,  
Co. Roscommon.

**Planner's Report on application under Section 5 of the  
Planning and Development Acts 2000 - 2011**

**Reference Number:** DED 524

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development consisting of closing an existing entrance onto the N4 and opening a new entrance onto the L1024 Local Road at Ardarn, Boyle, County Roscommon

**Applicants:** Niall Roche & Aoife Roche

**Date:** 5<sup>th</sup> September 2022

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WHEREAS a question has arisen as to whether works consisting of closing an existing entrance onto the N4 and opening a new entrance onto the L1024 Local Road at Ardarn, Boyle, County Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (c) The planning history of the site

**Site Location & Development Description**

The subject residential property is located in Ardarn, Boyle, County Roscommon. The nature of the proposed works consists of closing an existing entrance onto the N4 and opening a new entrance onto the L1024 Local Road. As per the submitted details, the existing and proposed use of the land is residential.

**Planning History**

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

**Assessment**

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure...." In this Act, "land" includes any structure and any land covered with water (whether inland or coastal)". It is considered that the said works consisting of closing an existing entrance onto the N4 and opening a new entrance onto the L1024 Local Road constitutes works, as defined in Section 3 of the said Act.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

11/08/2022 10 13 03

Receipt No : L01/0/218337

NIALL & AOIFE ROCHE  
C/O O'DOWD SOLICITORS  
BRIDGE ST  
BOYLE  
CO. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 524	

Total	80.00 EUR
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Tendered	
Cheque	80.00
5353	

Change	0.00
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Issued By : Louis Carroll  
From : Central Cash Office

# O'Dowd Solicitors LLP

Bridge Street, Boyle, Co Roscommon F52 W029  
DX: 65 001 Boyle

Tel: (071) 96 62861/96 64590

Fax: (071) 91 39242

E-mail: [info@odowdsolicitors.com](mailto:info@odowdsolicitors.com)

V.A.T. No: 9541287U

Planning Department  
Roscommon County Council  
Áras an Chontae  
Roscommon  
Co. Roscommon

Our ref: R00131/0001MODSM  
10 August 2022



**Our Clients: Niall Roche and Aoife Roche**

**Re: Property at Ardcarne**

**Application for Declaration under Section 5 Planning & Development Act 2000**

Dear Sir/Madam

We now enclose herewith the following:-

1. Application duly signed.
2. Cheque in your favour in the sum of €80.00
3. Site location map
4. Site layout plan
5. Copy Roscommon County Council drawing.

We would be obliged if you would acknowledge receipt and proceed with application as soon as possible.

Yours faithfully

A handwritten signature in blue ink, appearing to be "O'Dowd", written over a dotted line.

O'Dowd Solicitors LLP

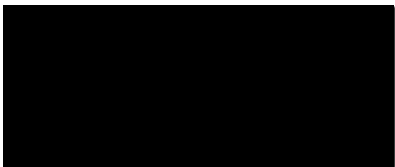


Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Name:	NIALL ROCHE & AOIFE ROCHE
Address:	
Name & Address of Agent:	O'Dowd Solicitors LLP Bridge Street, Boyle, Co. Roscommon
Nature of Proposed Works	CLOSE EXISTING ENTRANCE ONTO N4. OPEN NEW ENTRANCE TO L1024
Location (Townland & O.S No.)	ARDCARN
Floor Area	
Height above ground level	
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	
Is proposed works located at front/rear/side of existing house.	FRONT   SIDE   REAR



## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Has an application been made previously for this site	NO.
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	PRIVATE DWELLING AND SITE.
Proposed use of land or structure	" " " "
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	
Does the proposed development involve the provision of sanitary facilities	NO.

Signature:

*Michael O'Dowd*


Date:

*8<sup>th</sup> July 2022*

**Note:** This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed

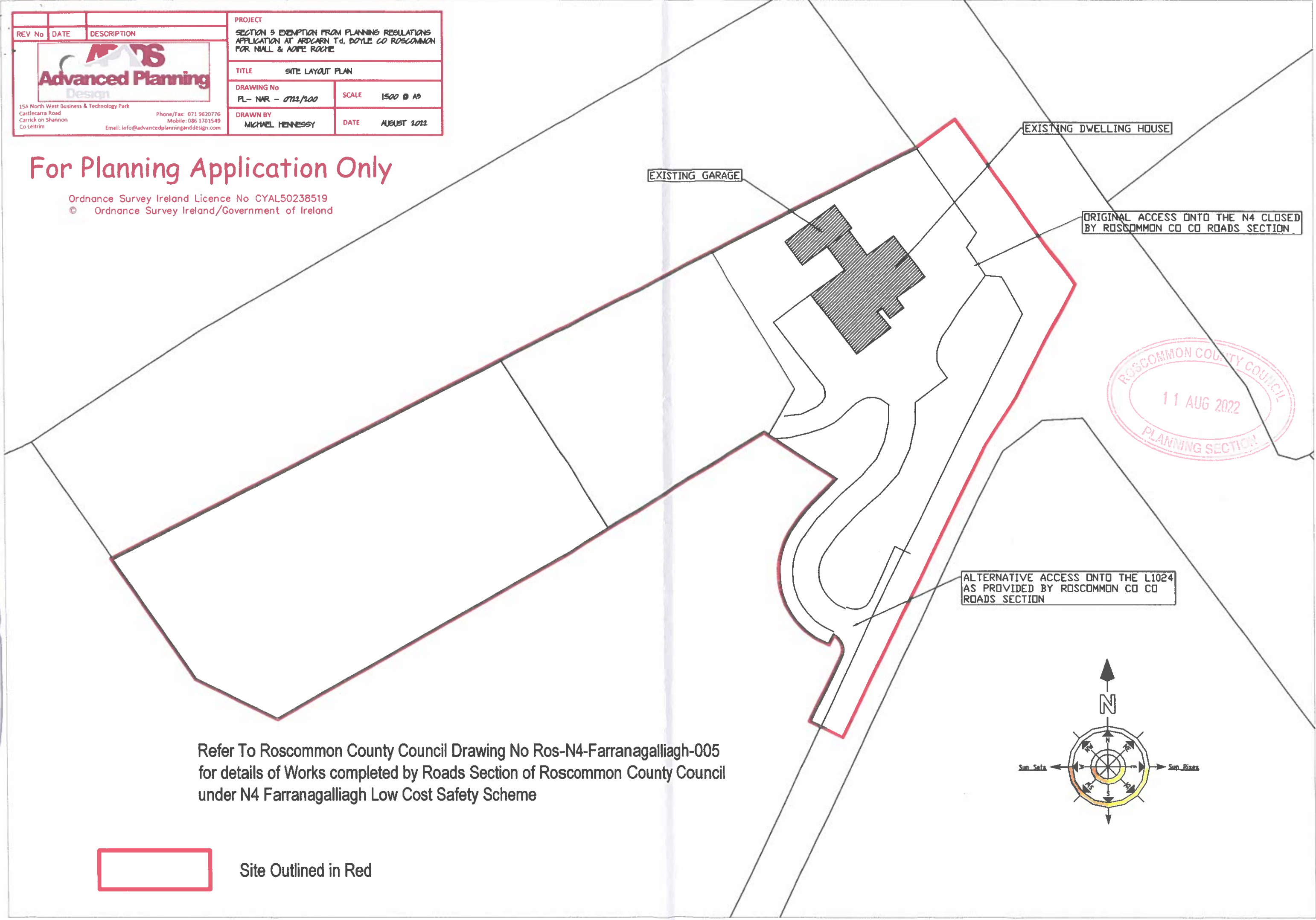


REV No	DATE	DESCRIPTION
		
<b>PROJECT</b> SECTION 5 EXEMPTION FROM PLANNING REGULATIONS APPLICATION AT ARDCARN Td, BOYLE CO ROSCOMMON FOR NIAL & AIFE ROCHE		
<b>TITLE</b> SITE LAYOUT PLAN		
<b>DRAWING No</b> PL- NAR - 0712/200		<b>SCALE</b> 1:500 @ A3
<b>DRAWN BY</b> MICHAEL HENNESSY		<b>DATE</b> AUGUST 2022

15A North West Business & Technology Park  
 Castletarra Road  
 Carrick on Shannon  
 Co Leitrim  
 Phone/Fax: 071 9620776  
 Mobile: 086 1701549  
 Email: info@advancedplanninganddesign.com

For Planning Application Only

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Refer To Roscommon County Council Drawing No Ros-N4-Farranagalliagh-005  
for details of Works completed by Roads Section of Roscommon County Council  
under N4 Farranagalliagh Low Cost Safety Scheme

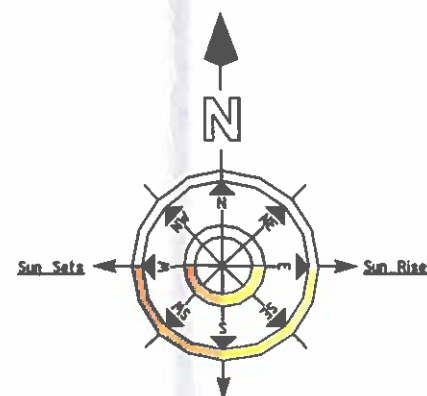
 Site Outlined in Red



# Digital OS Map 1741



Site Outlined in Red



**Description:**  
Digital Landscape Model (DLN)

**Publisher / Source:**  
Ordnance Survey Ireland (OSI)

**Data Source / Reference:**  
PRIME2

**File Format:**  
Autodesk AutoCAD (DWG\_R2013)

**File Name:**  
v\_50284598\_1.dwg

**Clip Extent / Area of Interest (AOI):**  
LLX,LLY= 586656.9074,801680.9613  
LRX,LRY= 587239.9074,801680.9613  
ULX,ULY= 586656.9074,802110.9613  
URX,URY= 587239.9074,802110.9613

**Projection / Spatial Reference:**  
Projection= IRENET95\_Irish\_Transverse\_Mercator

**Centre Point Coordinates:**  
X,Y= 586948.4074,801895.9613

**Reference Index:**  
Map Series I Map Sheets  
1:5,000 I 1741

**Data Extraction Date:**  
Date= 09-Aug-2022

**Source Data Release:**  
DCMLS Release V1.154.113

**Product Version:**  
Version= 1.4

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

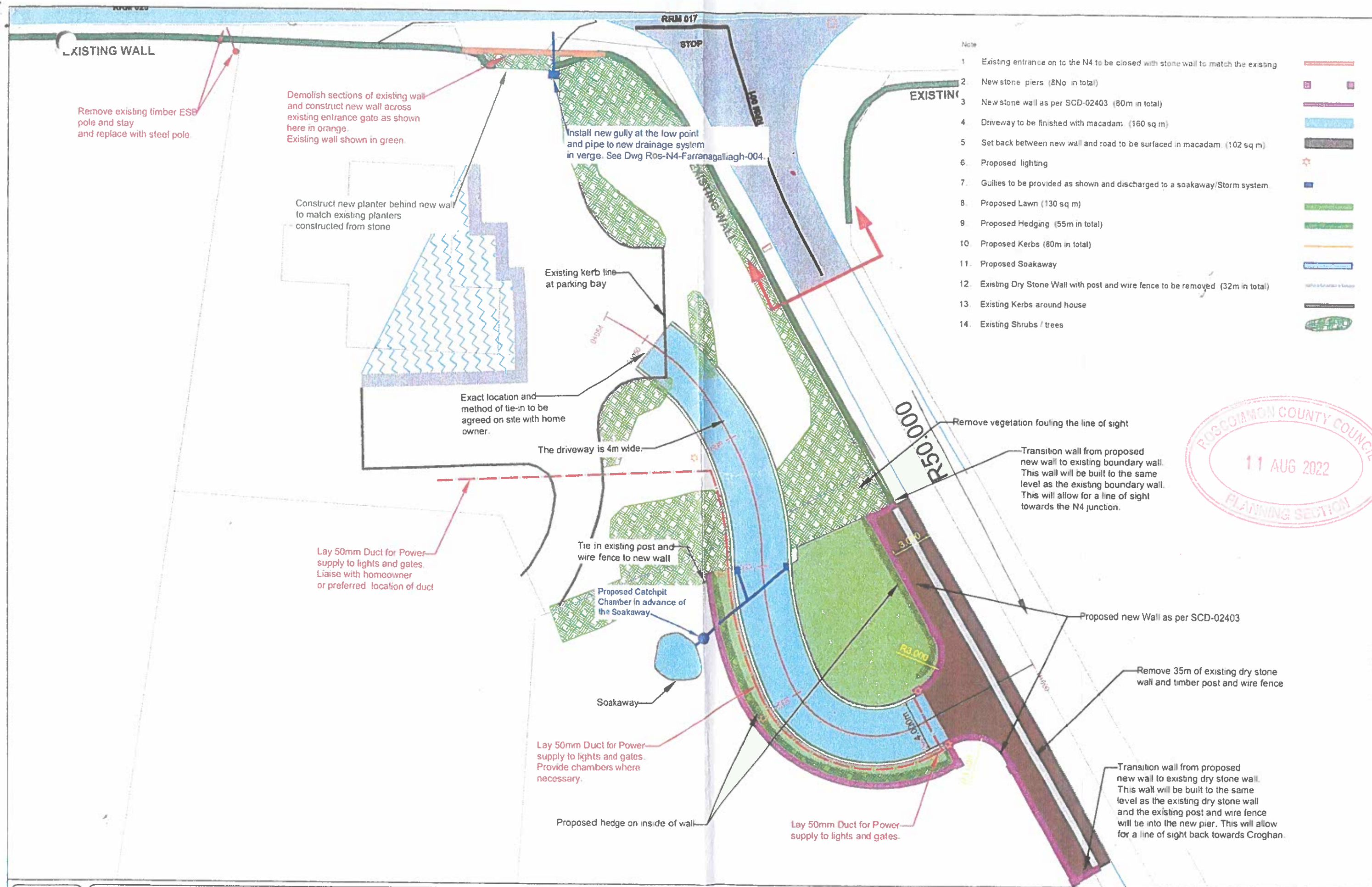
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REV No	DATE	DESCRIPTION	PROJECT	
			SECTION 5 EXEMPTION FROM PLANNING REGULATIONS APPLICATION AT ARDCARN T.D., DOYLE CO ROSCOMMON FOR MALL & ADRIE ROOPE	
 15A North West Business & Technology Park Castlecarra Road Carrick on Shannon Co Leitrim Phone/Fax: 071 9620776 Mobile: 086 1701549 Email: info@advancedplanninganddesign.com			TITLE SITE LAYOUT PLAN	
			DRAWING No PL- NAR - 0722/201	SCALE 1:2500 @ A3
			DRAWN BY MICHAEL HENNESSY	DATE AUGUST 2012





- Note
- Existing entrance on to the N4 to be closed with stone wall to match the existing
  - New stone piers (8No in total)
  - New stone wall as per SCD-02403 (80m in total)
  - Driveway to be finished with macadam (160 sq m)
  - Set back between new wall and road to be surfaced in macadam (102 sq m)
  - Proposed lighting
  - Gullies to be provided as shown and discharged to a soakaway/Storm system
  - Proposed Lawn (130 sq m)
  - Proposed Hedging (55m in total)
  - Proposed Kerbs (80m in total)
  - Proposed Soakaway
  - Existing Dry Stone Wall with post and wire fence to be removed (32m in total)
  - Existing Kerbs around house
  - Existing Shrubs / trees



**An Roinn Iompair, Turasóireachta agus Spóirt**  
 Department of Transport, Tourism and Sport

**ROSCOMMON COUNTY COUNCIL**  
 Roads Design Section,  
 Áras an Chontae, Roscommon  
 Phone 090 56 37100  
 Mr. Shane Ferran, Director of Roads & Transportation,  
 Emergency Services, Building Control,  
 Human Resources and Boyle MD Area Manager

Date	By	Position

Project: N4 Farranagallagh Low Cost Safety Scheme			
File: Roadway Accommodation Works			
Date: 12/08/21	By: P. Kelly, June 11, 2021	Drawing No.:	
Design: M. Kelly	Draw: M. Kelly	Check: M. Kelly	Rev: N4 Farranagallagh 001