

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

John Larkin,



Reference Number: DED 534

Application Received: 20th December, 2022

Location: Termon Beg, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the works set out hereunder in regard to the refurbishment of a derelict residence at Termon Beg, Castlerea, Co. Roscommon, is or is not development or is or is not exempted development:

- a) Dry lining external walls using metal stud frame and 100mm thick rock wool insulation also vapour and air tightness control layer behind plasterboard fixed to metal stud.
- b) Insulate attic space with 2 layers of 150mm mineral wool. Insulate between floor joists on first floor.
- c) Plasterboard ceiling at ground floor and first floor.
- d) Repair roof timbers, re-batten and repair front porch.
- e) Install traditional style guttering and rain water goods, maintaining with period style of house.
- f) Remove external cement plaster and repair traditional lime render.
- g) Place Boor insulation 100mm and pour screed 80mm.
- h) Complete rewire of house including all lights, light switches, plug breaker board, smoke and heat alarms and electrical requirements for heating system.
- i) Full re-plumb of house with air to water central heating system, under floor heating on ground floor and radiators on first floor.

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) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended)
- c) Class 2(d) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended)
- d) The planning history of the site
- e) 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)

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) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the proposed development.

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 **specific works set out above in regard to the refurbishment of a derelict residence at Termon Beg, Castlerea, Co. Roscommon constitutes development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations. This declaration is subject to the external works set out at (a), (d), (e) and (f) above being undertaken **such that the works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.**

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 said Council



**Administrative Officer,
Planning.**

Date: 25th January, 2023



Comhairle Contae
Ros Comáin
Roscommon
County Council



John Larkin,

Date: 25th January, 2023.
Planning Reference: DED 534

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Refurbishment of derelict residence at Termon Beg, Castlerea, Co. Roscommon.

A Chara,

I refer to your application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), received on the 20th December 2022 and also to your e-mail received on 16th January 2023 in relation to a septic tank.

I wish to clarify at the outset that the Declaration (attached) made by the Planning Authority relates exclusively to the specific works detailed in the documentation submitted on the 20th December 2022. Queries raised in your subsequent e-mail on the 16th January 2023 in respect of septic tank arrangements are a separate matter. In this regard, as alluded to in your e-mail and as observed during a recent site inspection, a septic tank has been installed which does not have the benefit of planning permission and therefore is unauthorised.

In light of the unauthorised nature of this, the Planning Authority request that you make arrangements to remedy the unauthorised status immediately. Failure to do so may necessitate this matter being progressed to formal planning enforcement activity.

Mise le meas,

Administrative Officer,
Planning.

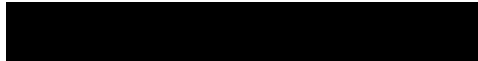
**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number:

DED 534

Name and Address of Applicant:

John Larkin



WHEREAS a question has arisen as to whether the following is development and if it is exempt development

“Refurbishment of derelict residence”, works to include:

- a) Dry lining external walls using metal stud frame and 100mm thick rock wool insulation also vapour and air tightness control layer behind plasterboard fixed to metal stud.
- b) Insulate attic space with 2 layers of 150mm mineral wool. Insulate between floor joists on first floor.
- c) Plasterboard ceiling at ground floor and first floor.
- d) Repair roof timbers, re-batten and repair front porch.
- e) Install traditional style guttering and rain water goods, maintaining with period style of house.
- f) Remove external cement plaster and repair traditional lime render.
- g) Place Boor insulation 100mm and pour screed 80mm.
- h) Complete rewire of house including all lights, light switches, plug breaker board, smoke and heat alarms and electrical requirements or heating system.
- i) Full re-plumb of house with Air to water central heating system, under floor heating on ground floor and radiators on first floor.

1.0 Site Location and Description

The site is located on the northern side of the L1616-18 within the townland of Ardass, Castlerea, Co. Roscommon. A derelict dwelling house and a number of old agricultural shed buildings are located to the rear of the existing derelict dwelling.

2.0 Planning History

According to Roscommon County Council records there does not appear to be any planning history attached to the subject site.

3.0 Relevant Legislation

I have considered this questions and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);**
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended);**
- (c) Class 2 (d) of Part 1 of Schedule 2 9 of the Planning and Development Regulations 2001 (as amended);**
- (d) The planning history of the site.**

- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

Planning and Development Act, 2000 (as amended)

Section 2 (1)

“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)

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.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 (as amended)

Article 4(1)(H): The following shall be exempted developments for the purposes of this Act—*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 or 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 of neighbouring structures*

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—

viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Class 2 (d) of Part 1 of Schedule 2: Exempted development -General

Description of Development	Conditions and Limitations
(d) The installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) or an air source heat pump.	<ol style="list-style-type: none"> 1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. 2. The total area of such a heat pump, taken together with any other such pump previously erected, shall not exceed 2.5 square metres. 3. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted. 4. No such structure shall be erected on, or forward of, the front wall or roof of the house. 5. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘refurbishment of derelict residence’ is or is not development, and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the aforementioned forms of development constitute works and is therefore development.

The second question to be determined declaration is whether ‘refurbishment of derelict residence’ is or is not exempted development as outlined in 4 (1) (h) of the planning and development Act as amended.

There are ten elements to the question asked under this question:

Refurbishment of derelict dwelling house. To include the following works:

- a) Dry lining external walls using metal stud frame and 100mm thick rock wool insulation also vapour and air tightness control layer behind plasterboard fixed to metal stud.
- b) Insulate attic space with 2 layers of 150mm mineral wool. Insulate between floor joists on first floor.
- c) Plasterboard ceiling at ground floor and first floor.
- d) Repair roof timbers, re-batten and repair front porch.
- e) Install traditional style guttering and rain water goods, maintaining with period style of house.
- f) Remove external cement plaster and repair traditional lime render.
- g) Place Boor insulation 100mm and pour screed 80mm.
- h) Complete rewire of house including all lights, light switches, plug breaker board, smoke and heat alarms and electrical requirements or heating system.
- i) Full re-plumb of house with Air to water central heating system, under floor heating on ground floor and radiators on first floor.

Context and Description

The derelict dwelling house was constructed pre 1963. From reviewing historical maps, it is evident that a dwelling was located on the subject site. The dwelling was over grown, boarded up, not accessible and uninhabited, there are no windows on the front elevation. From conducting a site visit it was noted that there was scaffolding erected around the structure and it would appear that the roof has been replaced. The refurbishment of the derelict dwelling house will be assessed under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Each of the ten items will be dealt with below:

Dry lining external walls using metal stud frame and 100mm thick rock wool insulation also vapour and air tightness control layer behind plasterboard fixed to metal stud; It is proposed to dry line the external walls. It is considered that these works come within the scope of Section 4(1)(h) Planning and Development Act 2000 (as amended) as long as the works do not materially change the character of the dwelling. It is considered the works proposed is “maintenance” and “improvement” of the existing dwelling house, therefore the constitutes works which are considered to be exempted development, subject to the works do not materially affect the external appearance of the structure so as far to render the appearance inconsistent with the character of the structure.

Insulate attic space with 2 layers of 150mm mineral wool. Insulate between floor joists on first floor; Plasterboard ceiling at ground floor and first floor; Place Boor insulation 100mm and pour screed 80mm; Complete rewire of house including all lights, light switches, plug breaker board, smoke and heat alarms and electrical requirements or heating system;

The applicant proposes to carry out the listed works internally to the existing dwelling house under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), it is considered that the works are “maintenance” and are considered to be exempted development.

Repair roof timbers, re-batten and repair front porch; Install traditional style guttering and rain water goods, maintaining with period style of house.

Limited details have been provided on the extent of the works to take place, subject to such works not altering the appearance of the dwelling house, therefore the constitutes works which are considered to be exempted development, subject to the works do not materially affect the external appearance of the structure so as far to render the appearance inconsistent with the character of the structure.

Remove external cement plaster and repair traditional lime render

The works fall within the scope of Section 4(1)(h) Planning and Development Act 2000 (as amended) as along as the works do not materially change the character of the dwelling. It is considered the works proposed is “maintenance” and “improvement” of the existing dwelling house, therefore the constitutes works which are considered to be exempted development, subject to the works not materially change the character of the dwelling.

Full re-plumb of house with Air to water central heating system, under floor heating on ground floor and radiators on first floor.

It is proposed to install Air to water central heating system under Class 2 (d) of schedule 2: Exempted development –General of the Planning and Development Regulations 2001 (as amended) the installation of the an ‘air to water central heating system’ is considered to be “works” and is “exempted development”.

Final assessment and recommendation:

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

The works proposed to be carried out to the existing derelict dwelling on site are considered to be exempted development as the works proposed fall within the remit of ‘maintenance’ or ‘improvement’ referred to in section 4(1)(h) of the Planning and Development Act and Class 2 (d) of schedule 2: Exempted development – General of the Planning and Development Regulations 2001 (as amended).

Advisory Note:

From undertaking a site inspection, it was noted that a septic tank has been installed. The installation of a wastewater treatment system requires planning permission. This did not form part of the question set out in this Section 5 Exempted Development question. Furthermore, it is considered upgrade works to the entrance/ access would be required and requires planning permission.

5.0 Recommendation

WHEREAS a question has arisen as to whether ‘refurbishment of derelict residence”,’ is development, and is 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 Acts 2000 (as amended)
- (b) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 2 (d) of Part 1 of Schedule 2 9 of the Planning and Development Regulations 2001 (as amended)

- (d) The planning history of the site.
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended)

AND WHEREAS I have concluded that

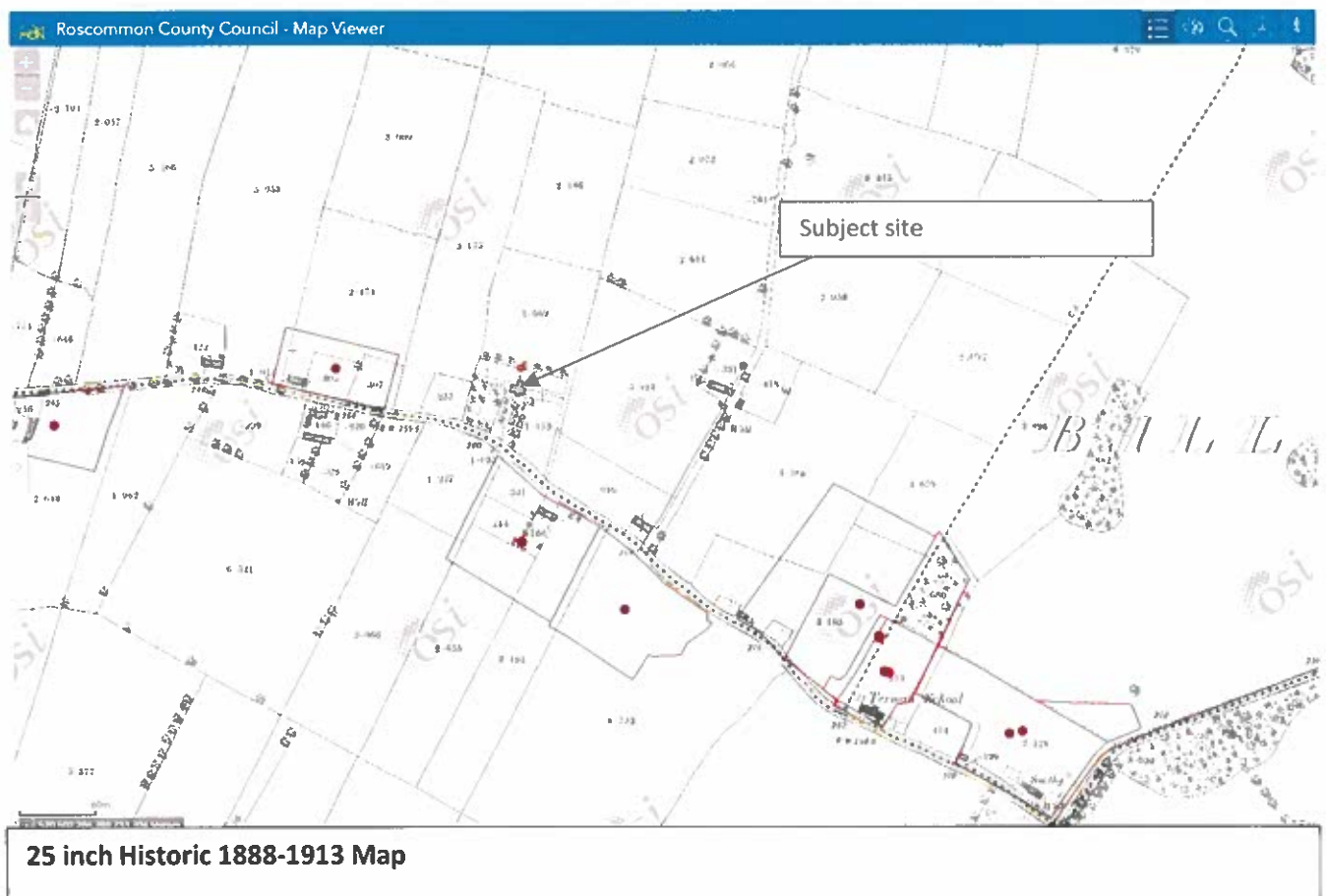
- a) The works are development.
- b) Refurbishment of dwelling is exempted development, subject to external works set out at (a), (d), (e), and (f) being undertaken such that the works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

and I recommend that a declaration to that effect should be issued to the applicant.

24th January 2023

Signed: Karen Dunleavy
 Karen Dunleavy
 Assistant Planner

Date: _____



File number: DED534

Date of site inspection: 23rd January 2023



File number: DED534

Date of site inspection: 23rd January 2023



File number: DED534

Date of site inspection: 23rd January 2023



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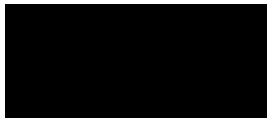




Comhairle Contae
Ros Comáin
Roscommon
County Council



John Larkin,



Date: 22nd December, 2022.
Planning Reference: DED 534

Re: Application for a Declaration under Section 5 of the Planning &
Development Act 2000 (as amended), regarding Exempted Development.
Development: Refurbishment of derelict residence at Termon Beg, Castlerea,
Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 20th December, 2022, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/220438** dated 20/12/2022 refers, copy of receipt attached herewith.

Note: Please note your Planning Reference No. is **DED 534**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

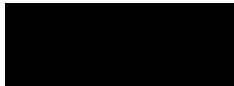
Administrative Officer,
Planning.

Roscommon County Council
Aras an Chontae
Roscom
09088 3 00

20/12/2022 15:01:12

Receipt No. : L01/0/220438

JOHN LARKIN



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 534	

Total	80.00 EUR
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Tendered :	
Credit/Debit Card	80.00
2272	

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



Áras an Chontae,
Roscommon,
Co. Roscommon.

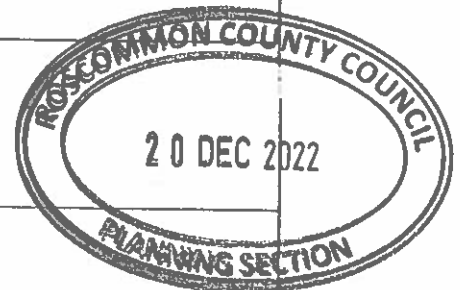
Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	JOHN LARKIN
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	REFURBISHMENT OF DERELICT RESIDENCE
Location (Townland & O.S No.)	TERMON BEG 570822, 780471
Floor Area	158.5m ²
Height above ground level	87.11m O.D to roof ridge slate
Total area of private open space remaining after completion of this development	NO CHANGE TO AREA OF PRIVATE OPEN SPACE
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	REPAIRING LIME RENDER PLASTER
Is proposed works located at front/rear/side of existing house.	NO



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)	N/A
Existing use of land or structure	DERELICT HOUSE
Proposed use of land or structure	PRIVATE RESIDENCE
Distance of proposed building line from edge of roadway	35m FROM ROADWAY TO EXISTING BUILDING
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

Signature: John Larkin

Date: 20.12.2022

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) Detailed specification of development proposed

Detailed specification of development proposed

Proposed refurbishment works include

- 1. Drylining external walls using metal stud frame and 100mm thick rock wool insulation also vapour and air tightness control layer behind plasterboard fixed to metal stud**
- 2. Insulate attic space with 2 layers of 150mm mineral wool. Insulate between floor joists on first floor**
- 3. Plasterboard ceiling at ground floor and first floor**
- 4. Repair roof timbers, re-batten and repair front porch**
- 5. Install traditional style guttering and rain water goods, maintaining with period style of house**
- 6. Remove external cement plaster and repair traditional lime render**
- 7. Place floor insulation 100mm and pour screed 80mm**
- 8. Complete rewire of house including all lights, light switches, plug sockets, breaker board, smoke and heat alarms and electrical requirements or heating system**
- 9. Full re-plumb of house with Air to water central heating system, under floor heating on ground floor and radiators on first floor.**

Site Location Map

CENTRE COORDINATES:
ITM 570822,780471

PUBLISHED: 20/12/2022
ORDER NO.: 50308935_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: RN021
6 Inch Raster RN027

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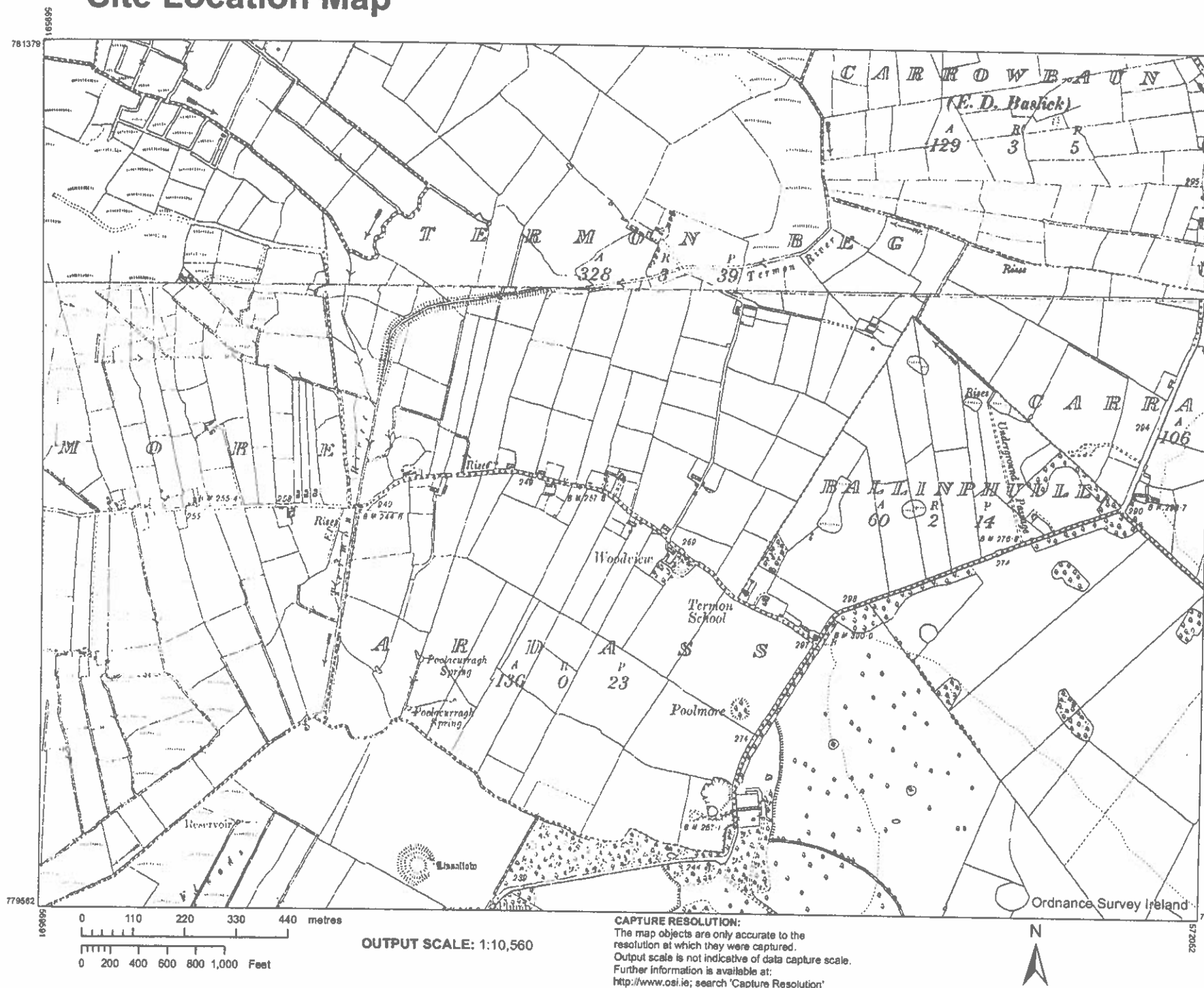
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2022

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Planning Pack Map

CENTRE COORDINATES:
ITM 570822.780471

PUBLISHED: 20/12/2022 **ORDER NO.:** 50308935_1

MAP SERIES: 1:5,000 **MAP SHEETS:** 2158

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