

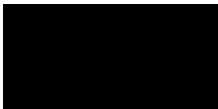
ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Billy Morris,
c/o Culleen Hall,



Reference Number: DED 545

Application Received: 7th March, 2023.

Location: Culleen Hall, Scregg, Knockcroghery, Co. Roscommon.

WHEREAS a question has arisen as to whether the replacement of the existing masonry wall with a 1.2-metre-high 6-inch block wall (plastered and capped) at Culleen Hall, Scregg, Knockcroghery, 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) Article 6 of the Planning and Development Regulations 2001 (as amended)
- (c) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Class **11** of Part **1** of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (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.

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 replacement of the existing masonry wall with a 1.2-metre-high 6-inch block wall (plastered and capped) at Culleen Hall, Scregg, Knockcroghery, 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: 28th March, 2023

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

Reference Number: DED 545

Re: Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development to replace existing masonry wall with 6-inch block wall (plastered and capped)

Name and Address of Applicant: Billy Morris c/o Culleen Hall.

Location of Development: Scregg, Knockcroghery, Co Roscommon

WHEREAS a question has arisen as to whether the following works; to replace existing masonry wall with 6-inch block wall (plastered and capped), 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 Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 11 of Part 1, Schedule 2
- (d) 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);

Site Location & Development Description

The proposed development is located on a National Secondary Route N61 c2km south of the village of Knockcroghery. The site consists of a community hall.

Planning History

05/730: application withdrawn to use portion of our premises namely Culleen Hall as a playschool

Relevant statutory provisions

Planning and Development Acts 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 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1)

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—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users

(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.

Schedule 2, Part 1

Sundry Works

Class 11

Description of Development	Conditions and Limitations
The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), or (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres. 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

It should also be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in Regulations

where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption, (Art. 9 (1)(a)(viiB)) exclude development, which would otherwise be exempted development under these regulations, where an Appropriate Assessment is required.

Assessment

The question to be determined in this Section 5 referral is whether the replacement of an existing masonry wall with a 1.2 m high 6-inch block wall (plastered and capped) in front of a community hall 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.

Having established that the ‘works’ undertaken amount to ‘development’, the issue to be considered is whether the development is exempted development or not. Section 4(1) of the Act defines certain types of development as being ‘exempted development’. The proposed does not fall within any of the categories identified in this section. I am satisfied that the development in question is not considered to be exempted development under the provisions of the Planning & Development Act, 2000 (as amended).

Currently there is a wall in front of the community hall which is in a state of disrepair. Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended states that the construction of any wall, where the height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, is deemed exempted development. In the case of a wall finishes, the block wall is to be constructed using 6-inch block with a nap plaster finish. It is considered that the proposed development is within the conditions and limitations for Class 11 of Part 1 of the Planning and Development Regulations 2001 as amended.

Environmental Considerations :

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located c 2km away from Lough Re SAC and SPA. Having regard to the limited nature and scale of the proposed development and the distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development. In light of this, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000 as amended and associated Regulations, the development works would not be constrained by the restrictions on exempted development detailed in Article 9(1) of the Planning & Development Regulations 2001 as amended, and therefore, the works do constitute exempted development.

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

- The works are development
- The replacement of an existing masonry wall with a 1.2 m high 6-inch block wall (plastered and capped) falls within the classes of development listed in Class 11 of Part Schedule 2 of the Planning & Development Regulations.
- Given that the development is within the conditions and limitations for Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations, I have concluded that the proposal is exempted development.

Recommendation

WHEREAS a question has arisen as to whether the replacement of an existing masonry wall with a 1.2 m high 6-inch block wall (plastered and capped) Scregg, Knockcroghery Co 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 Acts 2000 as amended
- (b) Articles 6 of the Planning and Development Regulations 2001 as amended
- (c) Article 9 of the Planning and Development Regulations 2001 as amended
- (d) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (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

- The works are development
- The falls within the classes of development listed in Schedule 2 of the Planning & Development Regulations.
- Given that the development is within the conditions and limitations for Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations, I have concluded that the proposal is exempted development.

AND WHEREAS I have concluded that

- (a) the replacement of an existing masonry wall with a 1.2 m high 6-inch block wall (plastered and capped) is development and is exempted development.

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



Signed : _____

Name: Paula Connaughton

Job title: Executive planner

Recommendation of Co-Signing Planner

Date : 23rd March 2023

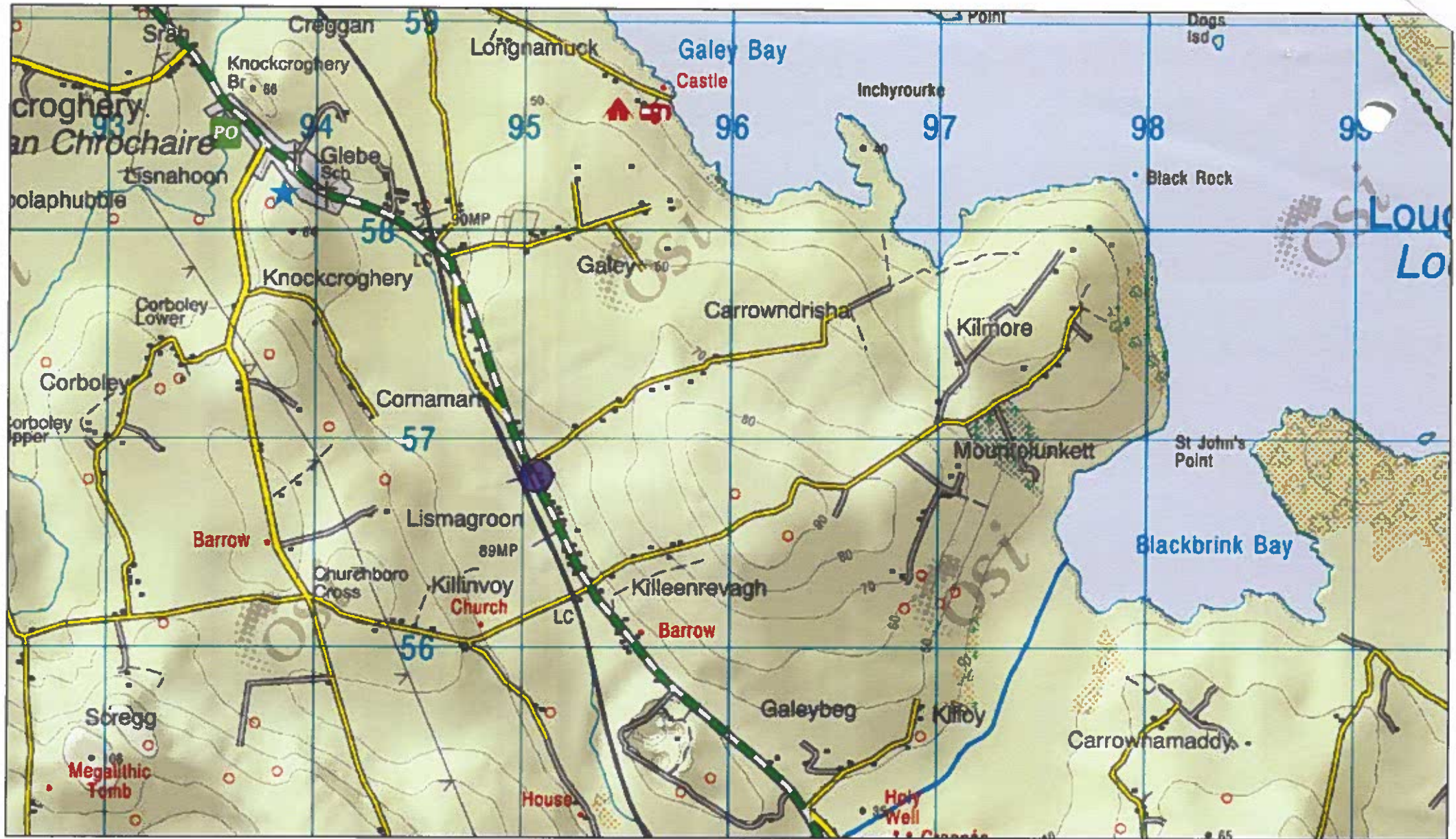
Having considered the application details and the various reports and recommendations applicable, I agree with the recommendation of the Area Planner.

Signed : _____

Senior Executive Planner / Executive Planner

Date : _____

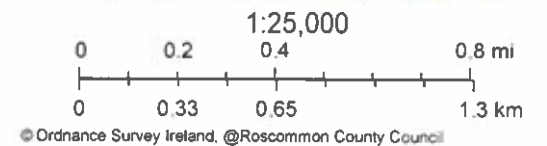
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21/03/2023 13:06:24



County Boundary



Billy Morris,
c/o Culleen Hall,



Date: 7th March, 2023.
Planning Reference: DED 545

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: Replacement of existing masonry wall with 6" block wall (plastered and capped) at Culleen Hall, Scregg, Knockcroghery, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 7th March, 2023, 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. L01/0/221615 dated 7th March, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 545**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,
Planning.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

07/03/2023 11:22:49

Receipt No. L01/0/221615

BILLY MORRIS
CIO CULLEEN HALL

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 545	

Total : 80 00 EUR

Tendered : 80 00
Cash

Change : 0 00

Issued By : Claire Conlon
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:	BILLY MORKI'S
Address:	C/O CULLEEN HALL [REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	REPLACEMENT OF EXISTING MASONRY WALL WITH 6" BLOCK WALL. (PLASTERED & CAPPED)
Location (Townland & O.S No.)	KILLEENREUAGH, KNOCKCROGHERRI
Floor Area	N/A
Height above ground level	1.2 M. (SAME AS EXISTING)
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER FINISH.
Is proposed works located at front/rear/side of existing house.	FRONT OF CULLEEN HALL

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	COMMUNITY HALL. (F42EN12)
Proposed use of land or structure	"
Distance of proposed building line from edge of roadway	7 m.
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:

Billy Monaghan

Date:

6/3/23

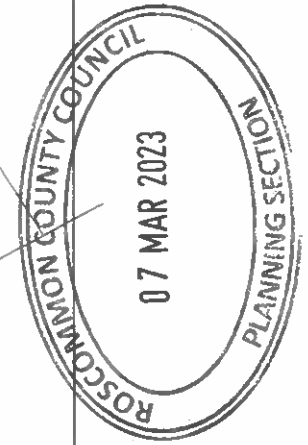
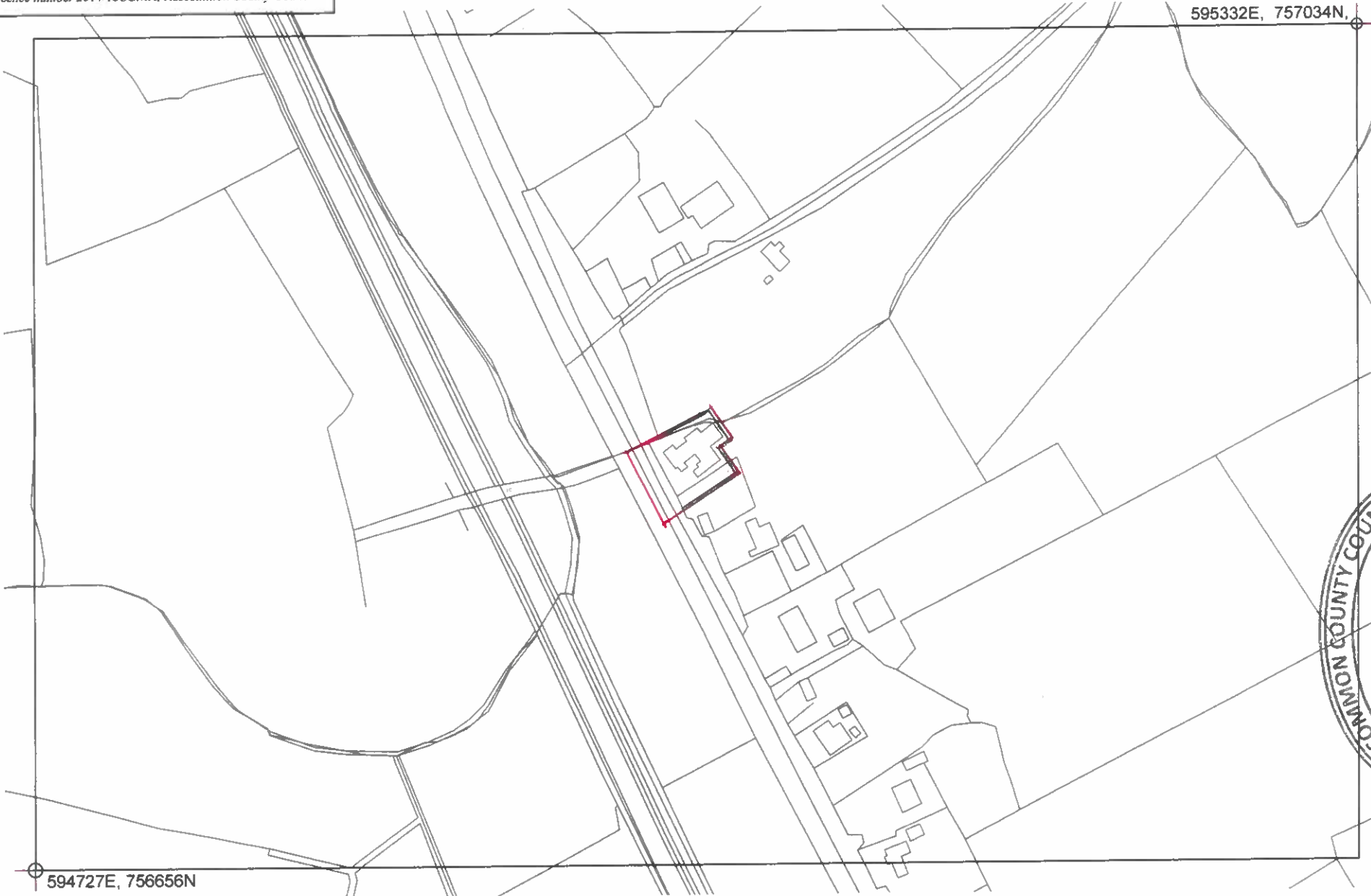
Note: This application must be accompanied by:-

- (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



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595332E, 757034N



594727E, 756656N

Date	06 March 2023	Folio	RN7748F
Scale	1:2500	OS Map No.	2689
Townland	KILLEENREUAGH		
Barony	Athlone South	County	Roscommon
			Drawing No. RN7748F-02

595090E, 756883N



594969E, 756807N



Date	06 March 2023	Folio:	RN7748F	Drawing No: RN7748F-01
Scale:	1:500	OS Map No.	2689	
Townland	KILLEENREUVAGH			Drawing No: RN7748F-01
Barony	Athlone South	County	Roscommon	

