

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Parents Association,  
Rooskey National School,  
Rooskey,  
Co. Roscommon.

Reference Number: DED 664  
Application Received: 23<sup>rd</sup> February 2024  
Name of Applicants: Parents Association, Rooskey National School  
Agent: N/A

**WHEREAS** a question has arisen as to whether the installation of a greenhouse on school green area at Rooskey National School, Rooskey, Co. Roscommon., is or is not development and 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 20D of Part 1 Article 6 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (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.
- (e) The planning history of the site.

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

- (a) The works are development.
- (b) The installation of a greenhouse on school green area as described in this case is an exempted development, subject to the structure is removed or planning/retention permission is granted after 5 years, and the structure complies with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.<sup>3</sup>.
- (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.

**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 development to install a greenhouse on school green area at Rooskey National School, Rooskey Co. Roscommon., is development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 2<sup>nd</sup> May 2024

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

<b>Reference Number:</b>	DED 664
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the installation of a greenhouse on school green area.
<b>Name of Applicant:</b>	Parents Association, Rooskey National School
<b>Location of Development:</b>	Rooskey National School, Rooskey, Co. Roscommon. (N41 DH36)
<b>Site Visit:</b>	01/05/2024

**WHEREAS a question has arisen as to whether the following works;** for the installation of a greenhouse on school green area at the above address 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 20D of Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (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.
- (e) The planning history of the site

#### **Site Location & Development Description**

Rooskey National School is located in Rooskey Village and is accessed off the R371 Regional Road. The subject site contains Rooskey National School with existing associated buildings, the subject of this application is stated as a 12ft x 28ft timber frame greenhouse, on a green area behind the school.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures on the subject site, as per the Roscommon County Council GIS.

#### **Archaeological and Cultural Heritage**

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

#### **Appropriate Assessment**

The closest European sites to the site of the proposed development are Lough Boderg and Lough Bofin PNHA (Site Code 001642) which is located circa 150m to the east and 350m to the west. The Clooneen Bog SAC (Site Code: 002 348), which is approximately 2.7km south east of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Question arising: Whether a proposed greenhouse on school green area is or is not development and is or is not exempted development.

### **Planning History**

As per the Roscommon County Council's Planning Registry, There are a number of previous planning applications and DED Exempted developments relating to the subject site.

- 21/611 – Revisions to planning application 20/497.
- 20/497 – Extension to existing school.
- DED438 - Installation of a multi use play surface at Rooskey National School.

### **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(1) of the Act defines certain types of development as being 'exempted development'.

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 3 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 3 opposite the mention of that class in the said column 1.

##### **Article 9 (1) applies;**

Development to which article 6 relates shall not be exempted development for the purposes of the Act

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 20D of Part 1 Article 6 of Schedule 2: Exempted development - General**

Description of Development	Conditions and Limitations
<p><b>CLASS 20D</b> Development consisting of – The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be erected for a period exceeding 5 years.</li> <li>2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.</li> <li>3. No such structure shall exceed two storeys.</li> <li>4. Distance to party boundary – <ol style="list-style-type: none"> <li>(a) any single storey structure shall be a distance of not less than 2 metres from any party boundary,</li> <li>(b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or</li> <li>(c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall – <ol style="list-style-type: none"> <li>(i) have no windows overlooking, or</li> <li>(ii) have obscure glass.</li> </ol> </li> </ol> </li> <li>5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.<sup>3</sup> Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</li> </ol>

**Assessment:**

The proposed for the installation of a greenhouse on school green area, it is stated as a 12ft x 28ft timber frame greenhouse.

With regard to the compliance with the conditions and limitations of Class 20D of Part 1 Article 6 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Structure is only exempt if it is removed or planning/retention permission is granted after 5 years.
2. Structure doesn't exceed 30% of school.
3. Proposed structure is only on ground floor level.
4.
  - a. Structure is not next to a party boundary.
  - b. Proposed structure is only on ground floor level.
  - c. Proposed structure is only on ground floor level.
5. Structure is only exempt if it complies with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.<sup>3</sup>.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 20D of Part 1 Article 6 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, for the installation of a greenhouse on school green area as described in this case is considered an exempted development, subject to Conditions and Limitations 1 and 5 listed above.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered that 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 need for EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement are not required. It should 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 a NIS is required.

### **Recommendation**

**WHEREAS a question has arisen as to whether the installation of a greenhouse on school green area in Rooskey National School, Rooskey, 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 Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 20D of Part 1 Article 6 of Schedule 2 of the Planning and Development Regulations , 2001, as amended
- (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.
- (e) The planning history of the site

**AND WHEREAS I have concluded that**

- a) The works are development.
- b) The installation of a greenhouse on school green area as described in this case is an exempted development, subject to the structure is removed or planning/retention permission is granted after 5 years, and the structure complies with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.<sup>3</sup>.
- 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.

**Signed:**



**Date:** 2<sup>nd</sup> May 2024

Civil Technician



**Signed:**

**Date:** 2<sup>nd</sup> May 2024

Senior Executive Planner















Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Parents Association,  
Rooskey National School,  
Rooskey,  
Co. Roscommon.

Date: 26<sup>th</sup> February 2024

Planning Reference: DED 664

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

Development: Permission to install a greenhouse on school green area under the Planning & Development Act (Exempt Development) Regulations 2018 at Rooskey National School, Rooskey, Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 23<sup>rd</sup> February 2024, 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. **L01/0/227258** dated 26<sup>th</sup> February 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 664**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

26/02/2024 12:31:09

Receipt No. L01/0/227258

ROOSKEY NATIONAL SCHOOL PA  
COISLOUGH  
CARRIGEEN  
KILGLASS  
CO ROSCOMMON F42 HA 29  
DED 664

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 664	

Total	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
3508	

Change	0.00
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Issued By : Bernadine Duignan  
From : Central Cash Office



## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Friday 23 February 2024 10:25  
**To:** [REDACTED]  
**Subject:** RE: Application for a Declaration of Exempted Development

Hi [REDACTED]

Thanks for sending on those details. Your application is has been assigned a number now DED664 – please call the cash desk today to pay the fee of €80 – Telephone No: 090-6637108 – and quote DED664.

Unfortunately we are unable to back date the application, so the application will be deemed valid from today's date, 23<sup>rd</sup> February 2024 on receipt of payment.

Regards,

Carmel

**From:** [REDACTED]  
**Sent:** Wednesday 21 February 2024 20:34  
**To:** Carmel Curley [REDACTED]  
**Subject:** Re: Application for a Declaration of Exempted Development

Hi Carmel,

Thanks for your email. I will include an excerpt in the attachments from the Greenhouse supplier we have chosen (Heptagon Houses). Additionally, please find below a brief description of the planned project. We will not be installing a concrete floor/foundation for our greenhouse as we want a more natural setting. Please let me know if any other information is required.

Thanks again,  
[REDACTED]

- Framework:
  - A 12 ft by 28 ft timber frame heptagon greenhouse will be constructed in the grounds of Rooskey National School. This greenhouse has the benefit of being exceedingly hard wearing, boasting a 15 year guarantee. Additionally, all materials used in their construction are locally sourced.
- Furnishings:
  - The internal area of the greenhouse will be equipped with raised beds and racks to house seedlings.
  - The pathway will be sufficiently wide enough to allow wheelchair access, and will integrate various materials to provide a sensory experience for hands and feet.

DEB664

## Carmel Curley

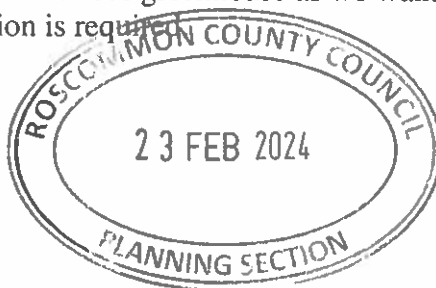
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**From:** [REDACTED]  
**Sent:** Wednesday 21 February 2024 20:34  
**To:** Carmel Curley  
**Subject:** Re: Application for a Declaration of Exempted Development  
**Attachments:** IMG\_0127.png

Hi Carmel,

Thanks for your email. I will include an excerpt in the attachments from the Greenhouse supplier we have chosen (Heptagon Houses). Additionally, please find below a brief description of the planned project. We will not be installing a concrete floor/foundation for our greenhouse as we want a more natural setting. Please let me know if any other information is required.

Thanks again,  
[REDACTED]



ACL

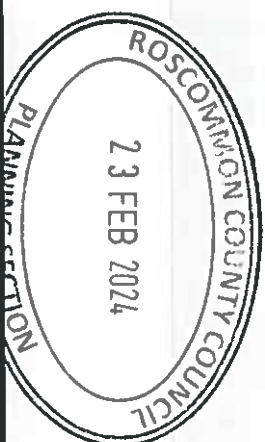
- Framework:

- A 12 ft by 28 ft timber frame heptagon greenhouse will be constructed in the grounds of Rooskey National School. This greenhouse has the benefit of being exceedingly hard wearing, boasting a 15 year guarantee. Additionally, all materials used in their construction are locally sourced.

- Furnishings:

- The internal area of the greenhouse will be equipped with raised beds and racks to house seedlings.
- The pathway will be sufficiently wide enough to allow wheelchair access, and will integrate various materials to provide a sensory experience for hands and feet.
- Organic seeds and plants will be obtained from local providers. Attention will be focused on plants that deliver a feast for the senses and draw beneficial insects into our growing space.
- A compost bin(pig digester) / worm farm will be situated at the entrance to the greenhouse. This can be supplemented during the spring with the brewing of various compost teas. Furthermore, the greenhouse will be fitted with guttering and an IBC tank to allow for water collection and storage. These measures will serve as a key teaching aid to educate children and visitors of the opportunities of moving towards self sustaining systems.
- The greenhouse will be surrounded by a woodchip mulched growing space housing a perennial polyculture of plants beloved by pollinators. This will further enhance the aesthetics of our growing area as perceived by humans and insects.

On Wed, Feb 21, 2024 at 12:17 PM Carmel Curley [REDACTED] wrote:



[Home](#) [About Us](#) [Products / Prices](#) [Galleries](#) [FAQ's](#) [Blog](#) [Shop](#) [Contact Us](#)

Sizes, prices and added extras

As seen on The Late Late Show, Heptagon Houses Ltd. are a family run company based in Corofin Co Galway, H54 YX20. Established in 2020, Mike designed and manufactured a greenhouse and chicken run for his own family. On becoming more sustainably aware in this current climate, Mike saw an opening in the market for his products.

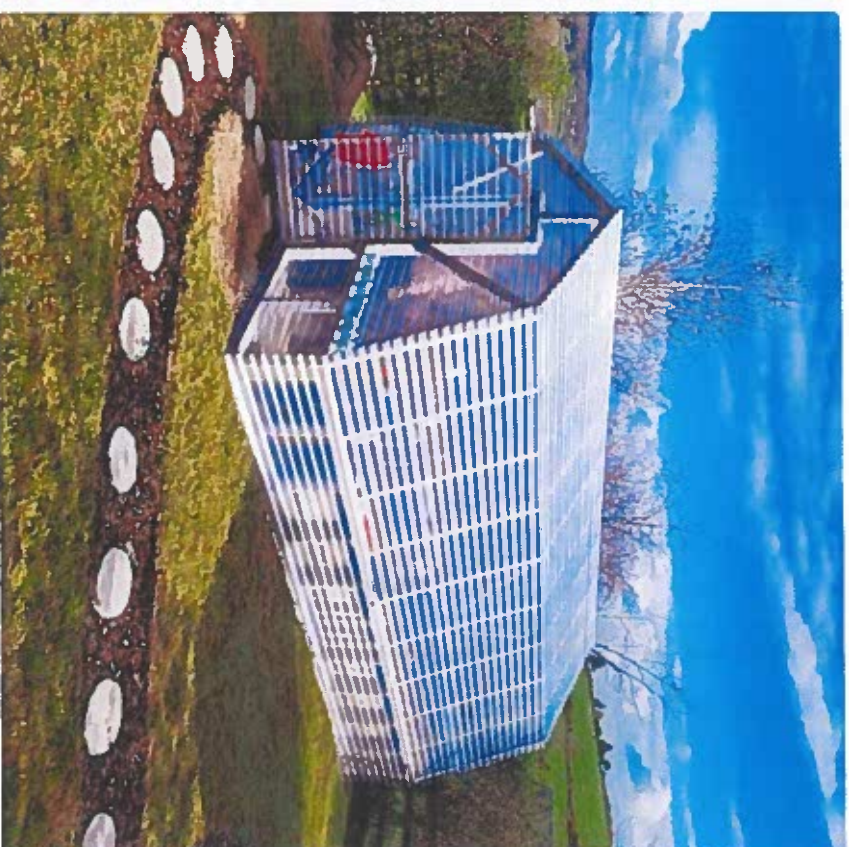
Heptagon Houses are the sole manufacturer and installer of Timber Framed Greenhouses in Ireland.

We manufacture and install Chicken Runs, Catios, Pergolas and our own bespoke Raised Beds. Our greenhouses and chicken runs are available in over 30 different sizes. We offer free installation with each product.

Our timber is sourced in Cornamona Co Galway, and is pressure treated requiring minimal maintenance.

We use UV treated corrugated Perspex which ensures our products will not discolour or go brittle.

We pride ourselves in our customer service, ensuring each customer receives the required design inside their Heptagon House.





## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Wednesday 21 February 2024 12:18  
**To:** [REDACTED]  
**Subject:** RE: Application for a Declaration of Exempted Development

Dear [REDACTED]

My apologies, the maps were received – I just hadn't received it.

I was speaking to the Senior Executive Planner in relation to your application, please note that detailed specification of the greenhouse is requested. If you could forward over a copy of the proposed greenhouse, we can review it then.

Once we have all the information we will then validate it and payment will have to be made before it will be processed.

Regards,

Carmel

**From:** [REDACTED]  
**Sent:** Wednesday 21 February 2024 12:03  
**To:** Carmel Curley [REDACTED]  
**Subject:** Re: Application for a Declaration of Exempted Development

Dear Carmel,

Thank you for your consideration. I have just checked the email I initially sent to you and the maps are in the attachments. Could you have another look. The attachments include a 1:500 and a 1:2500 map indicating the location of the proposed development, as prescribed.

Given that the initial application was sent on the 9th of February, could you please confirm that the turn around time of 4 weeks will be applied from that date. The receipt of this documentation is time sensitive.

Many thanks,  
[REDACTED]

On Mon, Feb 19, 2024 at 2:11 PM Carmel Curley [REDACTED] wrote:

Dear [REDACTED],

I refer to your application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) received via email on 9<sup>th</sup> February 2024.

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Monday 19 February 2024 14:11  
**To:** [REDACTED]  
**Subject:** Application for a Declaration of Exempted Development

Dear [REDACTED],

I refer to your application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) received via email on 9<sup>th</sup> February 2024.

I wish to advise that as there was no site location map, site layout plan or detailed specification of the development proposed with your application form, it cannot be considered as a valid application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended).

In order to apply for a Section 5 Declaration, it is necessary for you to submit the following:

- Application Form
- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- Detailed specification of development proposed
- €80.00 fee

The planning authority shall issue the declaration, within 4 weeks of receipt of the request. The planning authority may require further information to be submitted to enable the authority to issue the declaration. In this regard, a declaration shall issue within 3 weeks of the receipt of this further information.

On receipt of the information as outlined above, your request will be considered further.

Kind regards,

Carmel

Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

☎: (090) 6637100

✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**MAP LOCATION**



Sharon Kelly

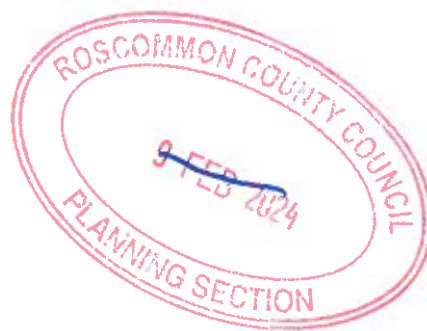
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**From:** [REDACTED]  
**Sent:** Friday 9 February 2024 11:19  
**To:** Planning Department  
**Subject:** Application for a Declaration under Section 5  
**Attachments:** IMG\_20240209\_111403.jpg; IMG\_20240209\_111421.jpg; IMG\_20240209\_111442.jpg; 1\_500.pdf; 1\_2500.pdf

Hi,

Please find attached my application for Exception from planning for the school greenhouse. Please let me know if you require any further information.

Thanks and regards,  
[REDACTED]



*Emailed 19/02/24.*







Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

### Application for a Declaration under Section 5 of the

### Planning & Development Act 2000 (as amended), regarding Exempted Development

Name of Applicant(s)	Rooskey National School
Name of Agent	Parents Association of Rooskey National School
Nature of Proposed Works	Installation of a greenhouse on school green area. (12 Ft X 28 Ft Timber frame greenhouse) (Heptagon Houses)
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Rooskey National School, Rooskey, Co. Roscommon N41DH36
Floor Area: a) Existing Structure b) Proposed Structure	a) NA b) 12 Ft x 28 Ft
Height above ground level:	8 Ft
Total area of private open space remaining after completion of this development	NA
Roofing Material (Slates, Tiles, other) (Specify)	UV treated Corrugated Perspex



## Roscommon County Council

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	UV Treated Corrugated Perspex.
Is proposed works located at front/rear/side of existing house.	Rear of school property.
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	NA
Existing use of land or structure	Play area
Proposed use of land or structure	Outdoor classroom, Sensory Garden, Growing space
Distance of proposed building line from edge of roadway	~80m
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

### Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: [Redacted]

Date: 08 Feb 2024

**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





# Proposed Glasshouse Location Rooskey National School



## Legend



Proposed Glasshouse





# Proposed Glasshouse Location Rooskey National School



## Legend



Proposed Glasshouse

