

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Jane Flanagan & David Ward,

Reference Number: DED 687  
Application Received: 8<sup>th</sup> April 2024  
Name of Applicants: Jane Flanagan & David Ward  
Agent: N/A

**WHEREAS** a question has arisen as to whether the renovation of an existing house at Feigh, Lisacul, Castlerea, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (c) 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.
- (d) The planning history of the site.

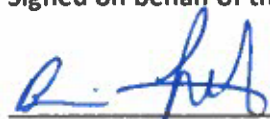
**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:  
*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;*
- (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 renovate an existing house at Feigh, Lisacul, Castlerea, 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:



Brian Farragher  
Senior Executive Planner,  
Planning.

Date: 27<sup>th</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 687
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate existing house.
<b>Name of Applicant:</b>	Jane Flanagan & David Ward
<b>Location of Development:</b>	Feigh, Lisacul, Castlerea, Co. Roscommon.
<b>Site Inspection:</b>	24 <sup>th</sup> May 2024

**WHEREAS a question has arisen as to whether the following works to renovate existing house 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.
- (d) The planning history of the site

**Site Location & Development Description**

The property is a two story detached house in Feigh, Lisacul, Castlerea, Co. Roscommon. The proposed development consists of the renovation of the existing house including replacing external doors, plumbing and electrical works internally, heating system and various other internal works.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to 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 site to the site of the proposed development is Lough Glinn PNHA (Site Code 001644) which is located circa 2.2km to the 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.

## **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history as follows

- 03/1592 – Change of house plan – withdrawn
- 00/548 – Erection of house and WWTS

## **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’. Of potential relevance is section 4(1)(h) which provides as follows:

*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;*

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,

## **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....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes the renovation of the existing house including replacing external doors, plumbing and electrical works internally, heating system and various other internal works. These works have considered in the context of Section 4 (1)(h) of the Act, 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. The proposed works are deemed an exempt development.

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

I am satisfied that an Environmental Impact Statement or Appropriate Assessment 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 an AA is required.

## Recommendation

**WHEREAS** a question has arisen as to whether a proposed development; to renovate existing house, as outlined above in Feigh, Lisacul, Castlerea, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.
- (d) The planning history of the site

## AND WHEREAS I have concluded that

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

*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;*

- 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 WHEREAS** I have concluded that the said development to renovate existing house, as outlined above in Feigh, Lisacul, Castlerea, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 27<sup>th</sup> May 2024

Civil Technician

Signed:



Date: 27<sup>th</sup> May 2024

Senior Executive Planner





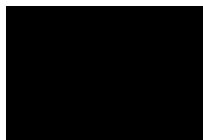




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Jane Flanagan & David Ward,



**Date:** 8<sup>th</sup> April 2024

**Planning Reference:** DED 687

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

**Development:** Permission to renovate existing house under the Planning & Development Act (Exempt Development) Regulations 2018 at Feigh, Lisacul, Castlerea, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 8<sup>th</sup> April 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. **L01/0/227951** dated 28<sup>th</sup> March 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 687**  
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

08/04/2024 12:41:14

Receipt No : L01/0/227951

JANE FLANIGAN & DAVID WARD

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED687

Total : 80.00 EUR

Tendered  
Postal Order 80.00  
127686

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

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)	JANE FLANAGAN DAVID NARD
Name of Agent	N/A
Nature of Proposed Works	Plumbing of stoves, sanitary ware and heating system upgrade. Sanitary ware / Bathroom fittings installation. Electrical works / upgrades external front and rear doors replacement. Painting and decorating. Tiling to wet areas. Flooring. Internal doors, architraves, skirtings, ironmongery. Handrail Balustrades to stairs.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	FEIGH USACUL CASTLEREA CO. ROSCOMMON F45 A899
Floor Area: a) Existing Structure b) Proposed Structure	a) 248.26m <sup>2</sup> b) N/A
Height above ground level:	
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	REPLACEMENT OF FRONT AND REAR EXTERNAL DOORS
Has an application been made previously for this site	
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	DWELLING HOUSE
Proposed use of land or structure	DWELLING HOUSE
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	CONNECTED TO PUBLIC SYSTEM.
Does the proposed development involve the provision of sanitary facilities	YES

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

Signature:



Date:

05/04/2021

**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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**Tailte  
Éireann**

Clárúchán, Luacháil,  
Suirbhéireacht  
Registration, Valuation,  
Surveying

## **Tailte Éireann Special Registration Map**

jane flanagan



**This page forms part of the official document. Do not detach.**

**Application Number: S2024LR005514H**

**Your Reference: map 1:500**

Special Registration Maps can be ordered and printed at a selection of standard metric scales up to and including 1/500 scale.

Properties on this extract of the Tailte Éireann Registration map that are not highlighted in colour appear to form part of unregistered land.

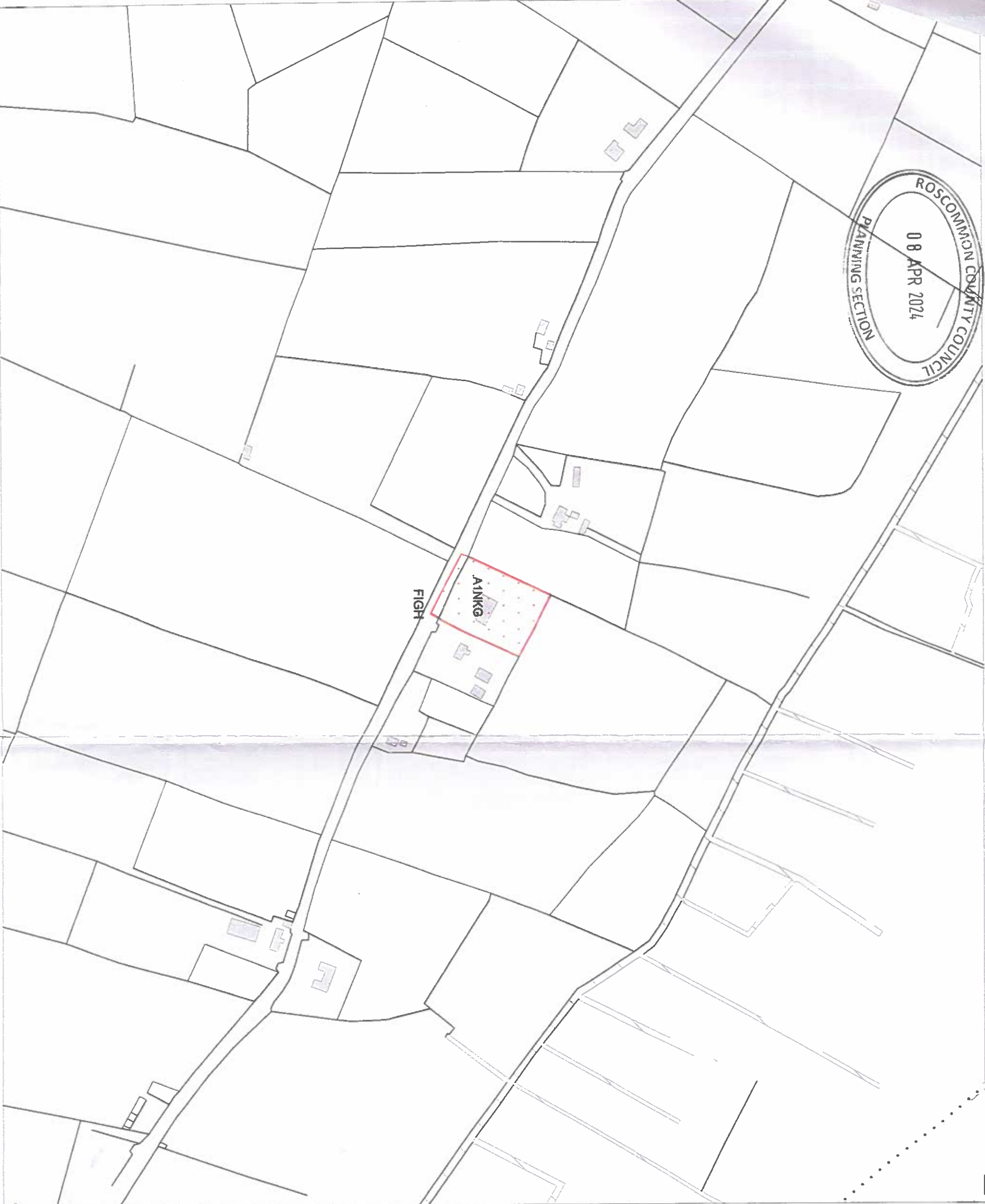
Hard copy ITM maps which have been enlarged from the original Tailte Éireann Surveying published scale for the area cannot be expected to give a higher degree of accuracy than that of the original scale.

1/5,000 and 1/10,000 scale maps may not be acceptable for registration purposes in hard copy form unless the new property is entirely bounded by Tailte Éireann Surveying detail.

An officer duly authorised by Tailte Éireann



561450 mE, 789080 mN



**The Property  
Registration Authority**  
An tÚdarás  
Clárúcháin Maoiné  
Folio: RN20879F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see [www.prl.ie](http://www.prl.ie).

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.



- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- Subleasehold

- Burdens (may not all be represented on map)
- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at:  
[www.landdirect.ie](http://www.landdirect.ie)

**The registry operates a non-conclusive boundary system.**  
The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



561130 mE, 788820 mN



**Tailte Éireann**  
Clárúcháin, Lucháil,  
Suirbhíreacht,  
Registraithe, Valúation,  
Suirbhíreacht

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to Land Registry maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TÉ Surveying map data under a licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)



**Tailte Éireann Registration operates a non-conclusive boundary system.**

**The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.** (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



560970 mE, 788690 mN

Creation Date: 03 April 2024 08:16:49

Application Number: S2024LR005514H

1:500

