

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Cathal Brady,



Reference Number: DED 700

Application Received: 22<sup>nd</sup> April 2024

Name of Applicant: Cathal Brady

Agent: Michael Conlon, Ardkeenagh, Tulsk, Co. Roscommon.

**WHEREAS** a question has arisen as to whether the refurbishment of a 2 storey residential building, completing internal works and the replacement of external joinery at Main Street, Elphin, 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 internal 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 replacement of the external joinery is deemed not an exempt development as it is located within an Architectural Conservation Area and planning permission is required for this work.
- (d) 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 refurbishment of a 2 storey residential building, completing internal works and the replacement of external joinery at Main Street, Elphin, Co. Roscommon, is a split decision and having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works; **1. internal works are exempted development** and **2. the replacement of the external joinery is deemed not exempted development.**

Signed on behalf of the Council:



Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 11<sup>th</sup> June 2024

cc agent via email: Michael Conlon  
[mickconlon36@gmail.com](mailto:mickconlon36@gmail.com)

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Wednesday 12 June 2024 09:18  
**To:** mickconlon36@gmail.com  
**Subject:** DED700  
**Attachments:** DED700 - Notification of Decision.pdf

Dear Mick,

Please find attached Notification of Decision for DED Application 700 for Cathal Brady. A hard copy will issue to the applicant today.

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



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

<b>Reference Number:</b>	DED 700
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish a 2 storey residential building, completing internal works and the replacement of external joinery.
<b>Name of Applicant:</b>	Cathal Brady
<b>Location of Development:</b>	Main Street, Elphin, Co. Roscommon (F45 CT82)
<b>Site Visit:</b>	07/06/2024

**WHEREAS a question has arisen as to whether the following works; to refurbish a 2 storey residential building, completing internal works and the replacement of external joinery, 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 an attached two-story townhouse on Main Street, Elphin, Co. Roscommon. The property is in the Elphin ACA and is zoned land (Roscommon County Development Plan 2022-2028 – Town Core). The proposed development consists of the refurbishment of the townhouse including the replacement of external joinery and 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 Annaghmore Lough PNHA (Site Code 001626) which is located circa 0.7km 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 applications are

- 08/7 – Change of use from commercial retail to a betting office

## **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 refurbishment of a 2 storey residential building, completing internal works and the replacement of external joinery. 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 to have a split decision with the internal works deemed an exempt development and the replacement of the external joinery is deemed not an exempt development as it is located within an Architectural Conservation Area and planning permission is required.

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 refurbish a 2 storey residential building, completing internal works and the replacement of external joinery as outlined above at Main Street, Elphin, 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 internal 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 replacement of the external joinery is deemed not an exempt development as it is located within an Architectural Conservation Area and planning permission is required for this work.
- 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 refurbish a 2 storey residential building, completing internal works and the replacement of external joinery as outlined above at Main Street, Elphin, Co. Roscommon, is a split opinion with the internal works an exempt development but the replacement of the external joinery is deemed not an exempt development. I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**



**Date:** 10<sup>th</sup> June 2024

Civil Technician



**Signed:**

**Date:** 10<sup>th</sup> June 2024

Senior Executive Planner







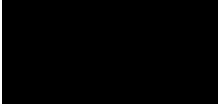




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Cathal Brady,



Date: 25<sup>th</sup> April 2024  
Planning Reference: DED 700

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish 2 storey residential building, completing internal works and the replacement of external joinery under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Elphin, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 22<sup>nd</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. L01/0/228160 dated 23<sup>rd</sup> April 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

We sincerely apologise for any inconvenience caused. Once resumed all applications will be processed in chronological order.

**Note:** Please note your Planning Reference No. is **DED 700**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner,  
Planning Department.

cc agent via email: Michael Conlon  
[mickconlon36@gmail.com](mailto:mickconlon36@gmail.com)



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

23/04/2024 15:11:39

Receipt No : L01/0/228180

CATHAL BRADY



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED700	

Total :	80.00 EUR
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Tendered :	
Cheque	80.00
000004	

Change :	0.00
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Issued By : Aine McDermott  
From : Central Cash Office



DED 700



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)	CATHAL BRADY
Name of Agent	MICHAEL CONLON
Nature of Proposed Works	REFURBISHMENT OF 2 STOREY RESIDENTIAL BUILDING INTERNAL WORKS AND REPLACEMENT OF EXTERNAL JOINERY
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	MAIN ST ELPHIN Co. ROSCOMMON F45 CT82
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>185 m<sup>2</sup></u> b) <u>NIL</u>
Height above ground level:	NA
Total area of private open space remaining after completion of this development	150 m <sup>2</sup>
Roofing Material (Slates, Tiles, other) (Specify)	SLATES (EXISTING)

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTER AS EXISTING & EXTERNAL PAINTING
Is proposed works located at front/rear/side of existing house.	REPLACE EXTERNAL JOINERY INTERNAL WORKS ONLY
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	DIRELICT
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	2.5 M
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING

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

Signature: 

Date: 2/4/2024

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





NORTH

MAIN STREET

SITE OUTLINED IN RED

SHED

SHED

SITE LAYOUT PLAN

SCALE 1:500  
PREPARED BY M. CONLON BE



**MICHAEL CONLON, B.E., M.I.E.I.,  
ARDKEENAGH,  
TULSK,  
CO. ROSCOMMON**



Ph: (087) 2487949 email: [mickconlon36@gmail.com](mailto:mickconlon36@gmail.com)

### **SPECIFICATION**

Hereunder schedule of works to be carried out to property at Main Street, Elphin,  
Co. Roscommon the property of Mr. Cathal Brady.

**1. Substructure:**

Grub up existing floor slab, excavate to reduced level and dispose off site.  
Provide and compact hardcore filling to make up levels under floor slab – level and compact.  
Provide 50mm sand blinding.  
Install services under floor slab.  
Provide radon barrier complete with sump and pipework, DPC and airtightness membrane.  
Install 100mm xtratherm floor insulation and A142 mesh.  
Provide 150mm thick concrete slab – powerfloat finish and 60mm floor screed.

**2. Internal Walls:**

Install stud partitions as required with 12.5mm plasterboard – form door opes.  
Provide 92.5mm insulated plasterboard on 50mm battens including vapour barrier to external walls. Complete with 3mm skim finish.

**3. First Floor:**

Replace first floor joists and floorboards as necessary.

**4. Ceiling Finishes**

Provide 12.5mm plasterboard to ceilings ground floor and first floor and finish with 3mm skim. Provide airtightness membrane.



5. **Roof:**

Repair roof as required – check plasterwork and flashing to chimney. Replace rainwater goods- hopper, downpipes, shoes as required in Upvc.

6. **Internal Wall Completions:**

Supply and fit internal doors with softwood frames.  
Provide 120mm deal architrave, 150mm deal skirting.  
Fit window boards.

7. **External Joinery:**

Replace external joinery provide DPC to back of reveals.

8. **Electrical Installation:**

Supply and installation of electrical services.


9. **Mechanical Installations:**

Supply and fit plumbing and heating installations.  
Fit sanitary ware.

10. **Decoration:**

Painting to internal walls, ceilings, doors, architraves, skirtings, balustrades, and bannister, external walls.

Signed:

  
Michael Conlon B.E., M.I.E.I.

Date:

18<sup>th</sup> April 2024.



# 1d Registry Compliant Map

Site Location Map



Tailte  
Éireann

587430  
788556

**CENTRE**  
**COORDINATES:**  
ITM 587314,788470  
**ORDER NO.:**  
50393046\_1  
**PUBLISHED:**  
08/04/2024  
**MAP SERIES:**  
2041-B  
**MAP SHEETS:**  
2041-B

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

www.tailte.ie

22 APR 2024

PLANNING SECTION

ELPHIN TOWNLAND

SITE OUTLINED IN RED

SCALE 1:1000

PREPARED BY M. CONLON B.E

DATE 15/4/2024

587430



**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
Large Scale Legend

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured  
Output scale is not indicative of data capture scale  
Further information is available at  
[www.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

