

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Martin Beirne,

Reference Number: DED 702  
Application Received: 1<sup>st</sup> May 2024  
Name of Applicants: Martin Beirne  
Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an existing dwelling at Ballysundrivan, 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) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 outlined above are development.
- (b) The proposed new footpaths around the house and car parking hardstand as described in this case is an exempted development.
- (c) All other 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;*
- (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 said development **to renovate an existing dwelling at Ballysundrivan, Elphin, 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: 24<sup>th</sup> July 2024

**ADVICE NOTE**

**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.**

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

<b>Reference Number:</b>	DED 702
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate an existing dwelling
<b>Name of Applicant:</b>	Martin Beirne
<b>Location of Development:</b>	Ballysundrivan, Elphin, Co. Roscommon.
<b>Site Visit:</b>	12/06/2024

**WHEREAS** a question has arisen as to whether the following works; to renovate an existing dwelling 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) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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**

The property is a bungalow house in Ballysundrivan, Elphin, Co. Roscommon. The site is accessed via the L-1403 and seems to have an existing entrance onto the same road. The proposed development consists of the renovation of the house including the re-roofing, replacing of windows, chimney to be removed and rebuilt, internal works and new footpaths and car parking hardstand.

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 Ardagh Bog PNHA (Site Code 001222) which is located circa 8.9km to the west 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, no recent planning history applications in relation to the site.

## 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,

### Class 6 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<b>CLASS 6</b>  <i>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</i>	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.  Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front

<p><i>(b) Any works within the curtilage of a house for—</i></p> <p><i>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</i></p> <p><i>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</i></p>	<p>building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>
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### **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 proposed development of new footpaths around the house and car parking hardstand, having reviewed the proposed works and the information provided in the context of the Conditions and Limitations associated with Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the new footpaths around the house and car parking hardstand as described in this case is considered an exempted development.

The proposal of renovation of the house including the re-roofing, replacing of windows, chimney to be removed and rebuilt and internal works are 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 to renovate an existing dwelling in Ballysundrivan, 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) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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

- The works outlined above are development.
- The proposed new footpaths around the house and car parking hardstand as described in this case is an exempted development.
- All other 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 an existing dwelling in Ballysundrivan, Elphin, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 23<sup>rd</sup> July 2024

Civil Technician



Signed:

Date: 23<sup>rd</sup> July 2024

Senior Executive Planner

Martin Beirne

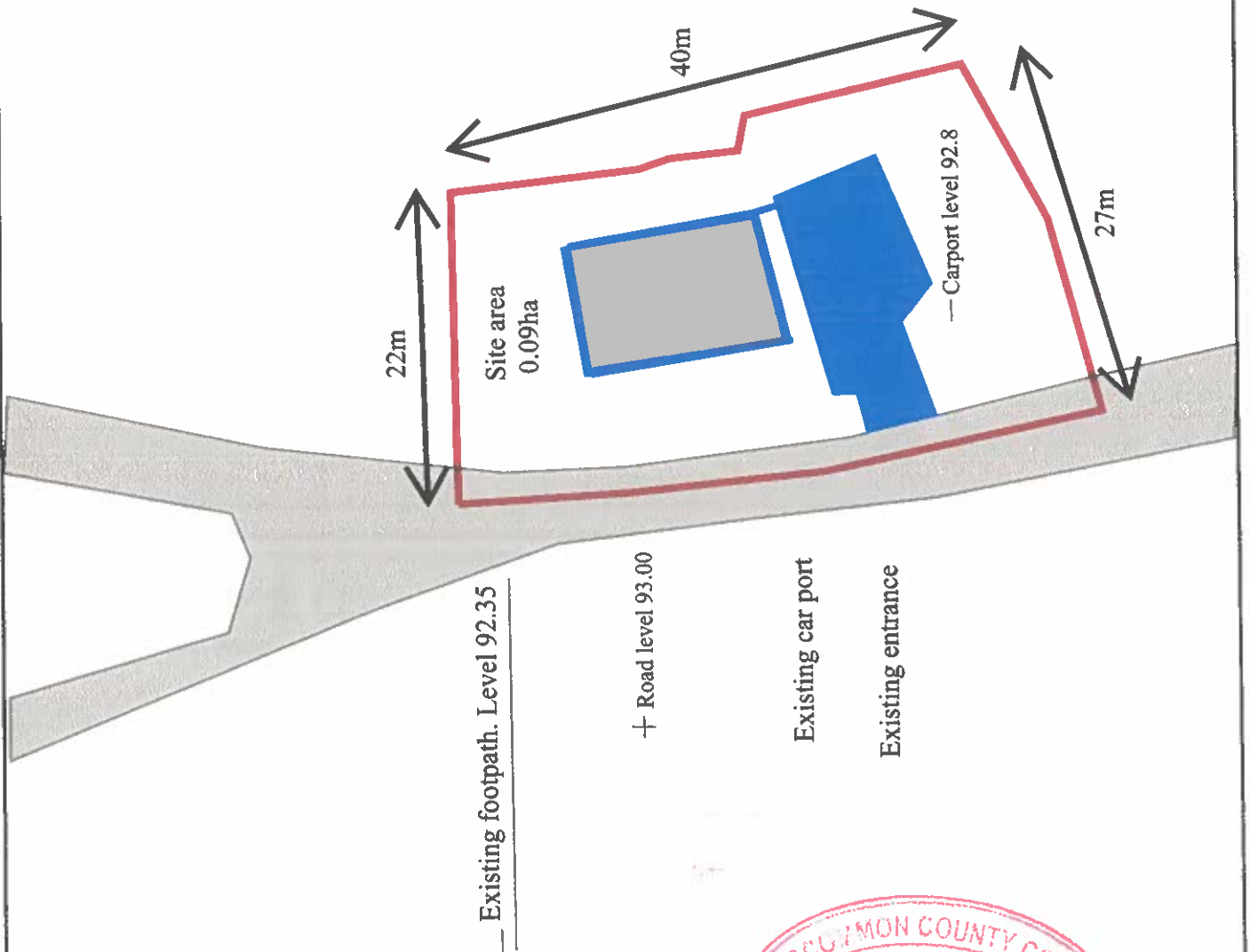


A chara,

Please see enclosed drawing as requested in relation to planning exemption application reference DED702.

Regards,  
Martin.









Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Martin Beirne,

**Date:** 17<sup>th</sup> June 2024  
**Ref:** DED 702  
**Re:** Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
**Development:** WHEREAS a question has arisen as to whether the renovation of an existing dwelling at Ballysundrivan, Elphin, Co. Roscommon. is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 1<sup>st</sup> May 2024 and in order for the Planning Authority to determine as to whether the renovation of an existing dwelling at Ballysundrivan, Elphin, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Site layout to a scale of 1:500 showing the existing and proposed levels on site for the paths and hard standing areas.
2. Indicate on the drawing the areas of both the paths and hard standing area.
3. Indicate on the drawing the extent of the hard standing area and the location i.e the front/side/rear of the existing dwelling.
4. Please indicate the proposed materials for the hard standing area.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 702**.

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

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

<b>Reference Number:</b>	DED 702
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate an existing dwelling
<b>Name of Applicant:</b>	Martin Beirne
<b>Location of Development:</b>	Ballysundrivan, Elphin, Co. Roscommon.
<b>Site Visit:</b>	12/06/2024

**WHEREAS a question has arisen as to whether the following works; to renovate an existing dwelling 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
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- (e) The planning history of the site

**Site Location & Development Description**

The property is a bungalow house in Ballysundrivan, Elphin, Co. Roscommon. The site is accessed via the L-1403 and seems to have an existing entrance onto the same road. The proposed development consists of the renovation of the house including the re-roofing, replacing of windows, chimney to be removed and rebuilt, internal works and new footpaths and car parking hardstand.

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 Ardagh Bog PNHA (Site Code 001222) which is located circa 8.9km to the west 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, no recent planning history applications in relation to the site.

## **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,

### **Initial Planning Assessment:**

It is unclear from the documentation submitted the level (existing/proposed), area, location and material proposed for the car parking hardstand.

Accordingly, a further Information request will be made in this regard.

### **Recommendation:**

It is unclear from the documentation submitted the level (existing/proposed), area, location and material proposed for the car parking hardstand. Please provide the below information:

- Site layout to a scale of 1:500 showing the existing and proposed levels on site for the paths and hard standing areas.
- Indicate on the drawing the areas of both the paths and hard standing area.
- Indicate on the drawing the extent of the hard standing area and the location i.e the front/side/rear of the existing dwelling.
- Please indicate the proposed materials for the hard standing area.

**Signed:**



**Date:** 17<sup>th</sup> June 2024

Civil Technician



**Signed:**

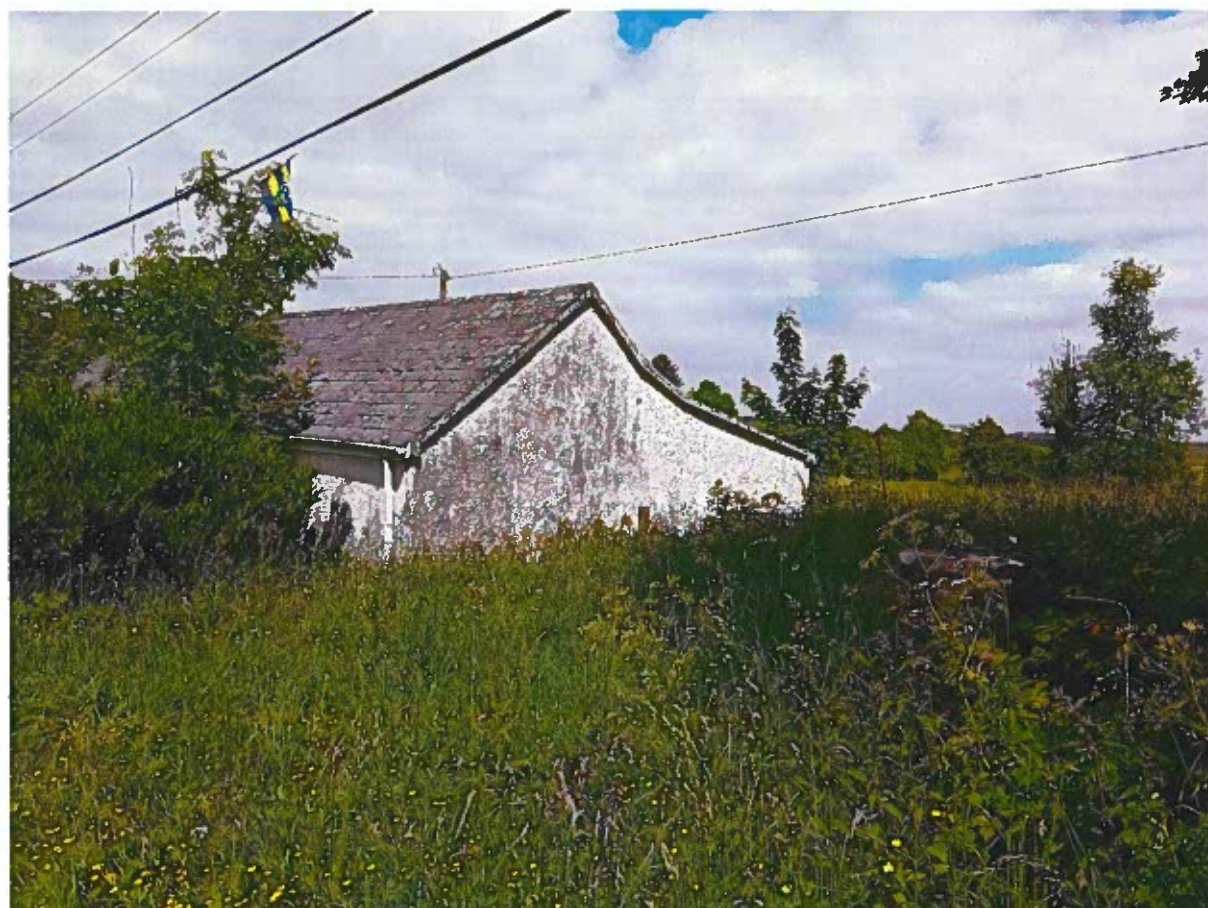
**Date:** 17<sup>th</sup> June 2024

Senior Executive Planner











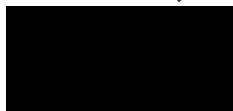




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Martin Beirne,



Date: 2<sup>nd</sup> May 2024  
Planning Reference: DED 702

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to renovate existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballysundrivan, Elphin, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 1<sup>st</sup> May 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. L01/0/228402 dated 2<sup>nd</sup> May 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 702**.  
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

02/05/2024 13:56:56

Receipt No : L01/0/228402

MARTIN BEIRNE

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 702

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
000050

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

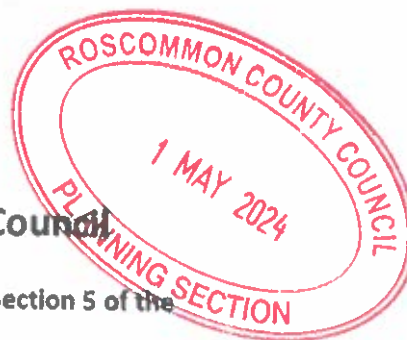
### Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	Martin Beirne
Name of Agent	
Nature of Proposed Works	Complete renovation with no change being made to existing elevations. Re-roofed with blue/black slates to match existing, windows replaced with like. Internal works
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ballysundrivan, Elphin, Co. Roscommon F45 V092
Floor Area: a) Existing Structure b) Proposed Structure	a) 116m2 b) No additional structure
Height above ground level:	200mm- no change
Total area of private open space remaining after completion of this development	0.09ha
Roofing Material (Slates, Tiles, other) (Specify)	Slate

## Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Render, off-white to match existing
Is proposed works located at front/rear/side of existing house.	No additional proposed works
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	Domestic dwelling
Proposed use of land or structure	Domestic dwelling
Distance of proposed building line from edge of roadway	6m
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No- existing septic tank

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

Signature:

Date:

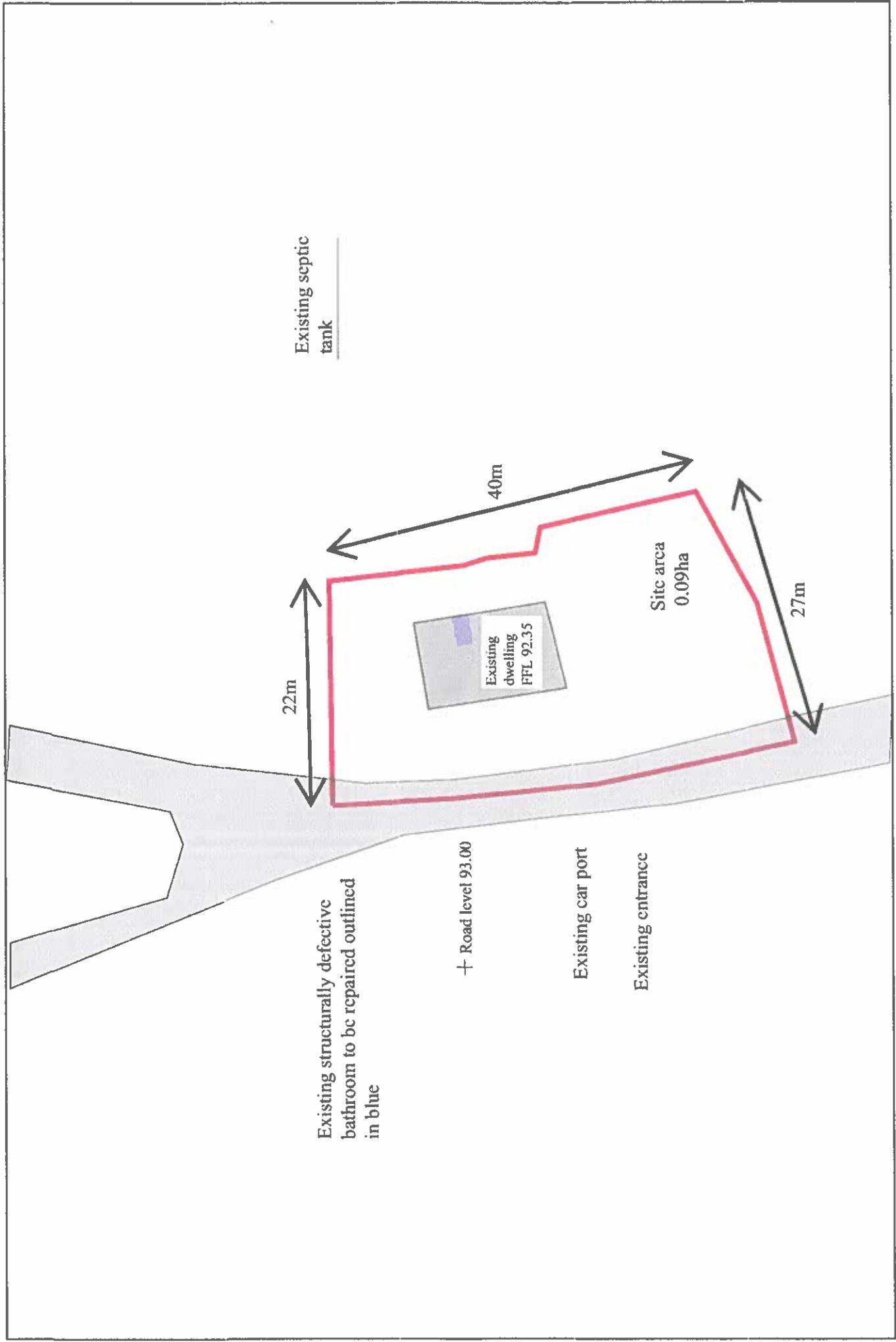
17-4-2024

**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



Scale 1:2500





**Specification of development proposed**

Demolitions/strip-out/Site clearance. Roof felt and slates to be removed

Substructure works. Existing defective chimney and all floors to be removed and reinstalled with damp-proofing. Chimney to be rebuilt to match existing-no change to existing elevation

Superstructure works. Internal bathroom walls and roof structure to be rebuilt, rotted timber of main roof to be removed and replaced

Internal completions. All internal doors, door frames, architraves, ironmongery to be removed and replaced

All existing skirtings to be removed and replaced

Roof completions. New slate roof, PVC fascia and soffit, rainwater goods and downpipes

Tiling/waterproof finished to wet areas

Painting and decorating

Services. Full new plumbing system, full new electrical system, smoke/CO2 detection

New kitchen units

Fittings. New sanitary/bathroom fittings

External works. New footpaths around house and car parking hardstand including pipework

