

ROSCOMMON COUNTY COUNCIL

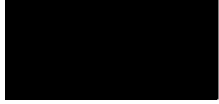
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Michael Beirne,



Reference Number: DED 714
Application Received: 27th May 2024
Name of Applicant: Michael Beirne
Agent: Michael Conlon, Ardkeenagh, Tulsk, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the replacement of laths, felt & slates to a roof of a dwelling house at Ballincool, Ballinagare, 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.
- (c) Under the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- (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 replace laths, felt & slates to a roof of a dwelling house at Ballincool, Ballinagare, 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:

A handwritten signature in black ink, appearing to be 'Alan O'Connell', written over a horizontal line.

Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 27th June 2024

ADVICE NOTE:

The works are considered exempted development, provided that the new roof slates are replaced on a like-for-like basis and that the rendered concrete barges are repaired and reinstated according to the existing detail. This ensures that the external appearance of the cottage, which is of vernacular rural architectural style and quality, remains unchanged.

cc agent via email: Michael Conlon
mickconlon36@gmail.com

Carmel Curley

From: Carmel Curley
Sent: Tuesday 2 July 2024 11:10
To: mickconlon36@gmail.com
Subject: DED714 - Michael Beirne
Attachments: DED 714 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 714 for Michael Beirne. A hard copy has been issued to the applicant.

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 | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number:	DED 714
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Michael Beirne
Location of Development:	Ballinacool, Ballinagare, Castlerea, Co. Roscommon, F45 CC66
Site Visit:	25/06/2024

WHEREAS a question has arisen as to whether the following works; "Permission to replace laths, felt & slates to roof of dwelling house under the Planning & Development Act (Exempted Development) Regulations 2018 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

Site Location:

The subject site is situated to the east extent of a local road (Road Number: L-12211) at *Ballinacool, Ballinagare, Castlerea, Co. Roscommon, F45 CC66*, and is located in the townland of Ballinacool, North Roscommon, circa 1.7km from Bellanagare village.

Development Description:

A site visit was conducted on the 25th of June, 2024; as per the Site Layout Plan, the western extent of the site is bounded by a dry stone wall, with pillars either side of an open-access vehicular drive. The site is further bounded by native species trees and hedgerow.

The dwelling is a vernacular-style, single-storey, detached-dwelling, with a pitched slated roof, penetrated by two separate chimneys with rendered concrete barges to both gable-ends and painted plaster quoins to the side elevations. A mono-pitch extension was added in later years, which sits to the mid-rear of the property, this addition is under 40sq.m

Proposed Development Description:

The proposed development works comprise the followings: "*replace laths, felt and slates to roof of dwelling house*". The applicant further includes a detailed outline of the proposed works, comprising the following specification:

1. Scaffold house front and back
2. Remove existing slates, lathes and felt
3. Make good ends of rafters where existing ones are bad and rotten
4. Rafters to be checked on both gables and replaced if decayed
5. Both chimneys to be cleaned down and two coats of plaster applied
6. Fix new lead to chimneys code 4LB
7. Rafters to be extended on both sides to carry fascia

8. Red deal fascia to be used
9. Roof to be battened with 12x15, on breathable Corotop 180gsm felt
10. Three slate vents to be fitted on flat roof side
11. Slate using 50 x 38 Cupa Pizarras blue black smooth natural slate.
12. Struga gutters and downpipes to be fitted.
 - a. 9x12 to be fixed to barges for extra height to accommodate 4lb lead soakers and 5lb for barge capping
13. Concrete ridge tiles to be set and pointed

GIS Review:

European Sites

As per a review of Roscommon County Council's Geographic Information Systems (GIS), there are no European designated sites in, or adjoining the site, the closest European site is located circa 1km from the subject site (see 'Appropriate Assessment' below).

Heritage Related Sites/Structures

As per a review of Roscommon County Council's GIS, there are no known heritage related sites/structures in proximity to the subject site.

Appropriate Assessment

The closest designated sites is situated less than 1km (circa 0.9km) east from Bellanagare Bog, which is a Special Protection Area (SPA) (Site Code: 004105) and a Special Area of Conservation (SAC) (Site Code: 000592).

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Archaeological and Cultural Heritage

There are no protected structures or structures listed in the National Inventory of Architectural Heritage in the likely zone of influence of the proposed development. The subject site is outside the 'Archaeological Zone of Notification' to a ringfort (SMR: RO015-043001-) situated 0.5km to the north-west extent of the site and a historical burial ground (SMR: RO015-062---) located 0.4km north of the site.

Planning History

As per Roscommon County Council's Planning Registry, there is no planning history affiliated with the subject site; a review of the historical maps (25-inch Historic & 6-inch Historic) indicate that the structure has been on site since the early/mid 1900's, or thereabouts, and as such was built prior to the Planning & Development Act 1963, accordingly it holds the benefit of exempted development owing to its established status.

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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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)

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

- (a) If the carrying out of such work would-
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
 - (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.
 - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 3(1) "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 comprise the carrying out of works. Under section 2(1) of the Act, "works" include "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 for the "permission to replace laths, felt & slates to roof of dwelling house" under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located in "Ballinacool, Ballinagare, Castlerea, Co. Roscommon, F45 CC66".

These works have been 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.

After reviewing the details of the proposed works specification (as outlined under “Proposed Development Description”) the works are considered exempted development, provided the new roof slates are replaced on a like-for-like basis and that the rendered concrete barges are repaired and reinstated according to the existing detail. This ensures the external appearance of the cottage, which is of vernacular rural architectural style and quality, remains unchanged.

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.

On review of the plans and particulars submitted as part of this section 5 referral and having regard to the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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 Article 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; comprising the “*permission to replace laths, felt & slates to roof of dwelling house*” under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located in “*Ballinacool, Ballinagare, Castlerea, Co. Roscommon, F45 CC66*” 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.
- Under the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- 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 comprising “*permission to replace laths, felt & slates to roof of dwelling house*” at the site located in Ballinacool, Ballinagare, Castlerea, Co. Roscommon, F45 CC66, under the Planning & Development Act (Exempted Development) Regulations 2018, constitutes exempted development and that a declaration to that effect should be issued to the applicant.

ADVICE NOTE:

The works are considered exempted development, provided that the new roof slates are replaced on a like-for-like basis and that the rendered concrete barges are repaired and reinstated according to the existing detail. This ensures that the external appearance of the cottage, which is of vernacular rural architectural style and quality, remains unchanged.


Signed:



Date: 26th June 2024

Blaithín Kinsella
Assistant Planner

Signed:



Date: 26th June 2024

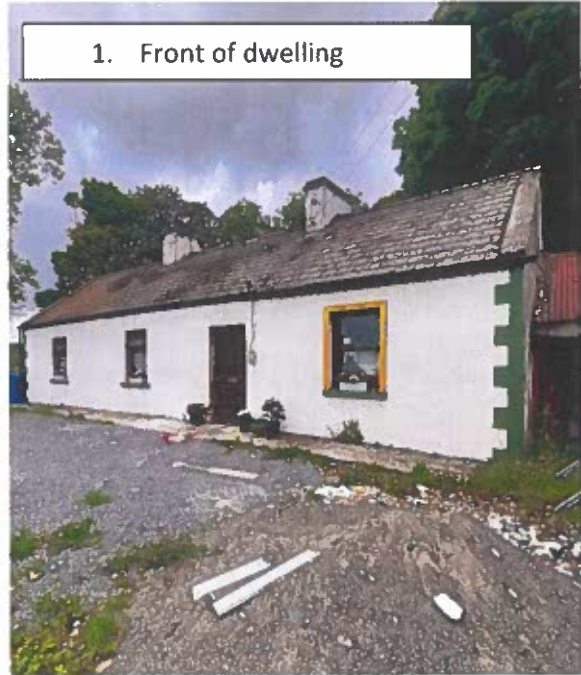
Alan O'Connell
Senior Executive Planner

Appendix – Site Photos

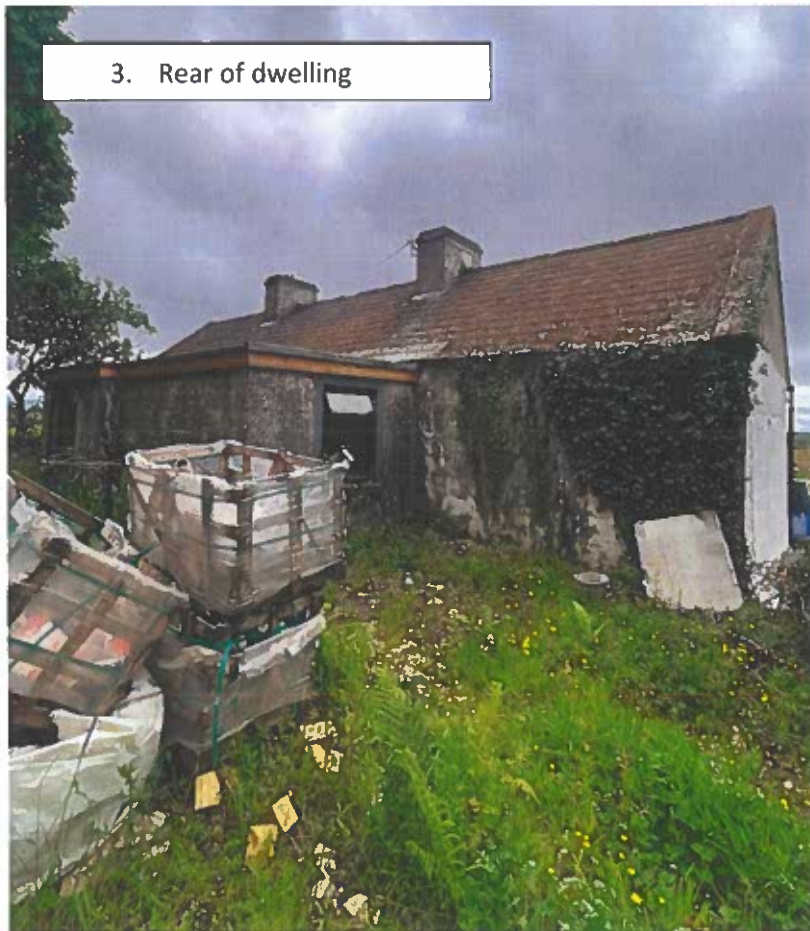
2. On approach to dwelling



1. Front of dwelling



3. Rear of dwelling



ENDS.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Michael Beirne,



Date: 28th May 2024
Planning Reference: DED 714

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to replace laths, felt & slates to roof of dwelling house under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballincool, Ballinagare, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 27th 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. **L01/0/228784** dated 27th 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.

Note: Please note your Planning Reference No. is **DED 714**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Brian Farragher,
Senior Executive Planner,
Planning Department.

cc agent: Michael Conlon,
Ardkennagh,
Tulsk,
Castlerea,
Co. Roscommon.

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

27/05/2024 14:13:12

Receipt No. 1.01/0/228784

MICHAEL BEIRNE
C/O MICHAEL CONLONARDKEENAGH
TULSK
CO. ROSCOMMON
F45 R682

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 714	

Total	80.00 EUR
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Tendered	
Cheque	80.00
000462	

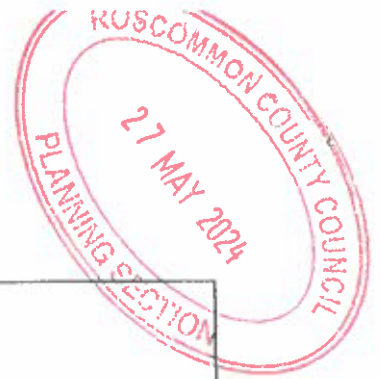
Change	0.00
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Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

DED
714



Áras an Chontae,
Roscommon,
Co. Roscommon.

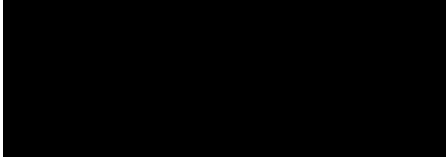
Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	
Name of Agent MICHAEL CONLO	ARDKEENALH TULSK CO ROSCOMMON F45 R682
Nature of Proposed Works	REPLACE LATHS, FELT AND SLATES TO ROOF OF DWELLINGHOUSE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLINCOOL BALLINAGARE EASTERA CO ROSCOMMON F45 CC66
Floor Area: a) Existing Structure b) Proposed Structure	a) 70 SQM b) NA
Height above ground level:	300 M
Total area of private open space remaining after completion of this development	0.30 HA
Roofing Material (Slates, Tiles, other) (Specify)	SLATES

Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NA
Is proposed works located at front/rear/side of existing house.	NA
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	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	NA
Does the proposed development involve the provision of a piped water supply	EXISTING SUPPLY
Does the proposed development involve the provision of sanitary facilities	EXISTING

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

Signature:

A handwritten signature in black ink, appearing to be "M. J. O'Connell", written over a horizontal line.

Date:

27/5/2024

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

Land Registry Compliant Map

SITE LOCATION MAP

Scale 1:2500

O.S. Nos as shown

Ballincool Td.

Site outlined in red

Prepared by M. Conlon B.E.



CENTRE COORDINATES:
ITM 573813.786995

PUBLISHED: 09/10/2023 ORDER NO.: 50361693_1

MAP SERIES: 1:5,000 2038
1:2,500 2038-D

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
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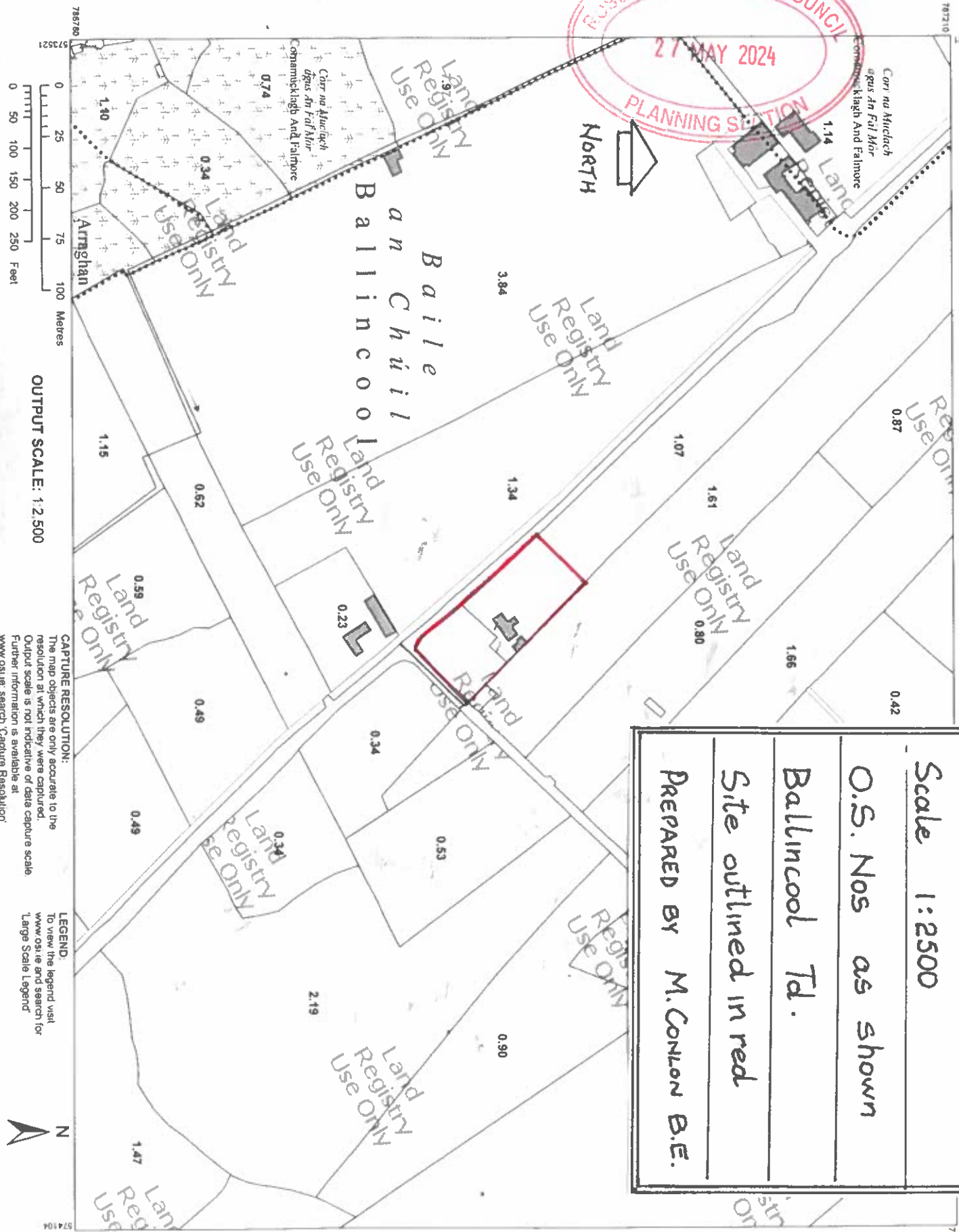
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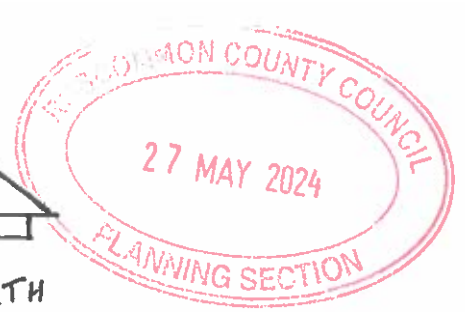
OUTPUT SCALE: 1:2 500

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Output scale is not indicative of data capture scale.
Further information is available at www.osire.ie search 'Capture Resolution'

LEGEND:
To view the legend visit www.osire.ie and search for 'Large Scale Legend'



NORTH



← SITE OUTLINED IN RED

EXISTING SEPTIC TANK
AND PERCOLATION AREA

← SHEDS

HOUSE ↗

← STONE WALL

SITE LAYOUT PLAN

SCALE 1:500



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

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

Specification

1. Scaffold house front and back.
2. Remove existing slates, lathes and felt.
3. Make good ends of rafters where existing ones are bad and rotten.
4. Rafters to be checked on both gables and replaced if decayed.
5. Both chimneys to be cleaned down and two coats of plaster applied.
6. Fix new lead to chimneys code 4 LB.
7. Rafters to be extended on both sides to carry fascia.
8. Red deal fascia to be used.
9. Roof to be battened with 2 x 1.5, on breathable Corotop 180gsm felt.
10. Three slate vents to be fitted on flat roof side.
11. Slate using 50 x 38 Cupa Pizarras blue black smooth natural slate.
12. Struga gutters and downpipes to be fitted.
9 x 2 to be fixed to barges for extra height to accommodate 4lb lead
soakers and 5lb for barge capping.
13. Concrete ridge tiles to be set and pointed.



Michael Conlon

Dated 23/5/2024