

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Thomas Deehan,

Reference Number: DED 718  
Application Received: 4<sup>th</sup> June 2024  
Name of Applicant: Thomas Deehan  
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house at Slattagh More, Roosky, 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 proposed 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 refurbish a derelict house at Slattagh More, Roosky, 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: 26<sup>th</sup> June 2024

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Thursday 27 June 2024 13:03  
**To:** James Lohan; Camila Zen  
**Subject:** DED718 - Thomas Deehan  
**Attachments:** DED718 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 718 for Thomas Deehan. 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 718
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish derelict house.
<b>Name of Applicant:</b>	Thomas Deehan
<b>Location of Development:</b>	Slattagh More, Roosky, Co. Roscommon
<b>Site Visit:</b>	25/06/2024

**WHEREAS a question has arisen as to whether the following works; to refurbish derelict 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 attached single story house with a large garden to the rear in Slattagh More, Roosky, Co. Roscommon. The property is access via an existing private road off the L-61246 road. The proposed development consists of the refurbishment of a derelict house, which includes reroofing and varies 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 sites to the site of the proposed development are Lough Boderg And Lough Bofin PNHA (Site Code 001642) which is located circa 3.2km to the northeast and Clooneen Bog PNHA/SAC (Site Code 000445/002348) which is located circa 3.8km to the 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, no recent planning history found.

## **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 derelict house. 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 refurbish derelict house as outlined above in in Slattagh More, Roosky, 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 proposed 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 refurbish derelict house as outlined above in Slattagh More, Roosky, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



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

Civil Technician



Signed:

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

Senior Executive Planner





## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Tuesday 11 June 2024 12:36  
**To:** James Lohan; Camila Zen  
**Subject:** DED718 - Thomas Deehan  
**Attachments:** DED718 - Ack Letter & Receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for DED Application 718 for Thomas Deehan.

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](#)

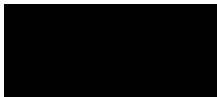




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Thomas Deehan,



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

Planning Reference: DED 718

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish derelict house under the Planning & Development Act (Exempt Development) Regulations 2018 at Slattagh More, Rooskey, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 4<sup>th</sup> June 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. L01/0/228908 dated 5<sup>th</sup> June 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 718**.  
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:

James Lohan Consulting Engineers Ltd

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

05/06/2024 12:35:35

Receipt No. : L01/0/228908

THOMAS DEEHAN  
C/O JAMES LOGAN CONSULTING ENGINEERS LTD  
UNIT 5  
BALLYPHEASON HOUSE  
CIRCULAR ROAD  
ROSCOMMON

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 718	

Total	80 00 EUR
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Tendered	
Cheque	80 00
500347	

Change	0 00
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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)	Thomas Deehan
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house in accordance with the Planning and Development Act ( Exempt Development) Regulations 2018
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Slattagh More Roosky Co. Roscommon O.S. n 2104 XY : 602275, 783649
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>99.3 Sqm</u>
Height above ground level:	Floor level- between 150mm - 220mm above ground level (Ridge height existing 4.86m above ground level)
Total area of private open space remaining after completion of this development	0.175 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	The roof will need to be re-felted and re-tiled to match the original

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	See attached schedule of works
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Refurbish House to be rented
Distance of proposed building line from edge of roadway	Existing -8.62m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:

*Conor M. J.*

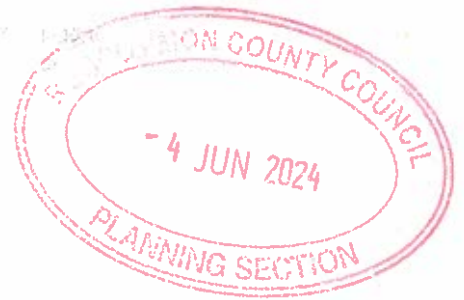
Date:

20/05/2024

**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

Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.



**Detailed Specification Of The Development Proposed**

Exempt Certificate for Property at Slattagh More Rosky Co. Roscommon XP: 602275, 783649 by Thomas Deehan

**Schedule Of Works.**

The property is being stripped out back to its original walls and from there it will be renovated and put back into use as it was originally a three-bed dwelling house. The works involved are as follows:

- 1) Strip out walls, floors, and ceilings.
- 2) Place new ceiling joists and stud work internally and plaster board and skim.
- 3) Re-wire.
- 4) Re-Plumb.
- 5) Re-Slate roof.
- 6) Second fix and paint and decorate internally.

Kind Regards

Camila Zen

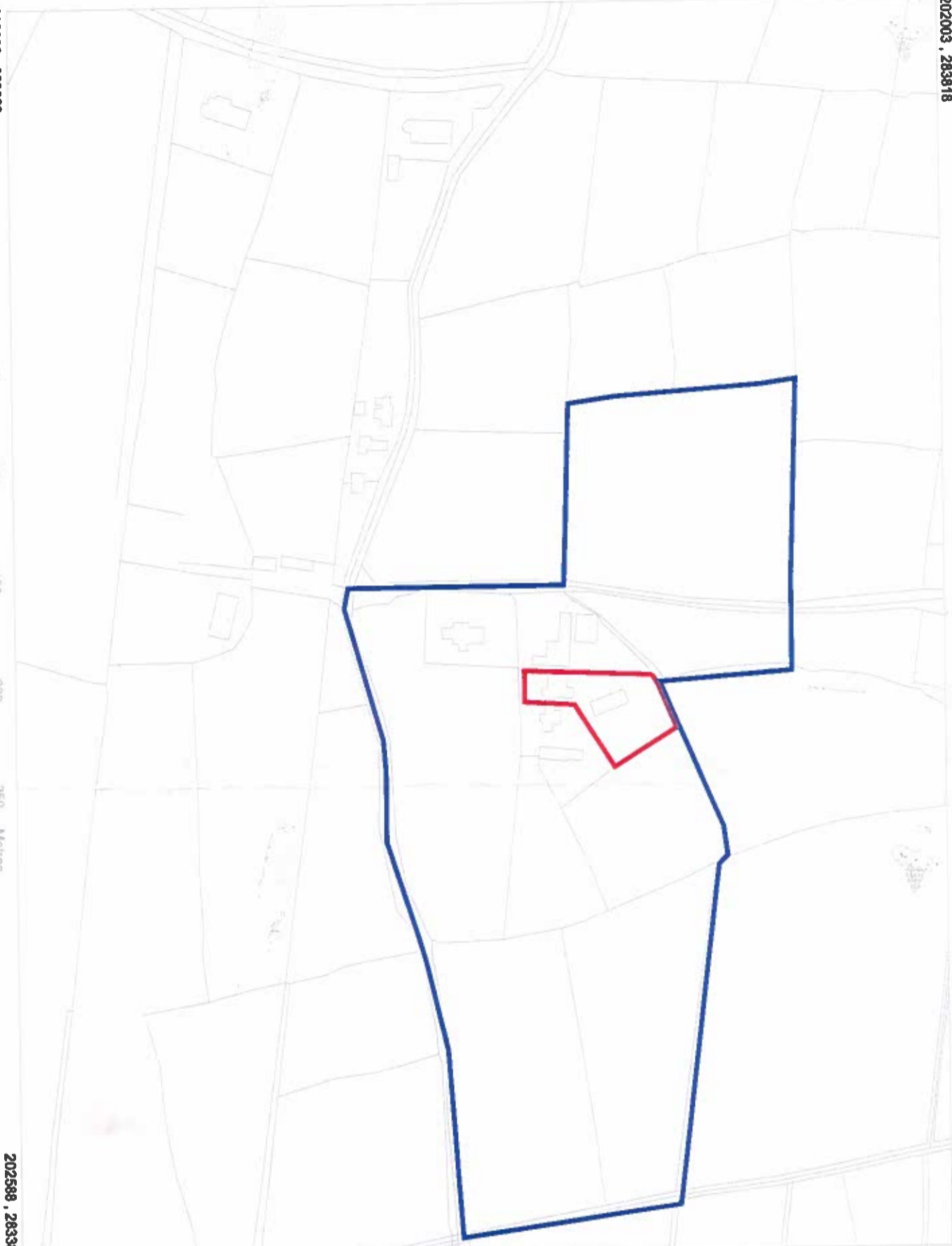
31/05/2024

**James Lohan Consulting Engineer Ltd,  
Unit 5, Ballypheason House, Circular Road  
Roscommon F42 C982**

202003, 283383

202588, 283818

202003, 283383



50

100

150

200

250

Metres

202588, 283383

**SITE ADDRESS:**  
SLATTAMORE,  
KILGLASS,  
CO. ROSCOMMON



**LEGEND**

**SITE AREA OUTLINED IN RED**  
= 0.175 HECTARES

**LAND HOLDING OUTLINED IN BLUE**

**OS MAPS: 2104**



**SITE LOCATION MAP**

1:2500



**James Lohan**  
Planning & Design Consulting Engineers

**EXEMPT  
DEVELOPMENT**

DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

REV	DATE	BY	CHK
1	10/11/2023	AL	AL
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9	10/11/2023	AL	AL
10	10/11/2023	AL	AL

Unit 5 Ballypheen House Crescent Road, Roscommon F12 C982.		James Lohan Planning & Design Consulting Engineers	
CLIENT HOUSE DESIGN	JOB EXEMPT DEVELOPMENT DRAWING HOUSE	DATE 10/11/2023	DATE 09/06/2024
SITE ROSCOMMON CO. ROSCOMMON	SITE LOCATION MAP	SCALE 1:2500	REV

**NATIONAL MAPPING DIVISION OF IRELAND**  
**CYAL50358888**  
COPYRIGHT LICENCE

**LEGEND**

— **SITE BOUNDARY OUTLINED IN RED (0.175 HECTARES)**

— **LAND HOLDINGS OUTLINED IN BLUE**



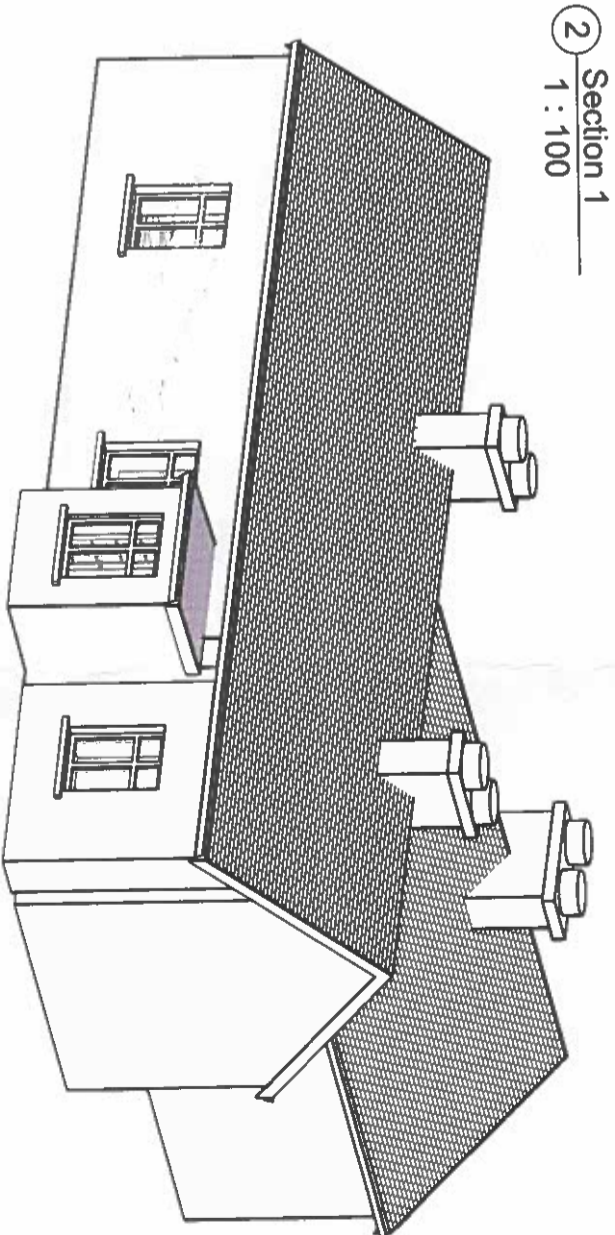
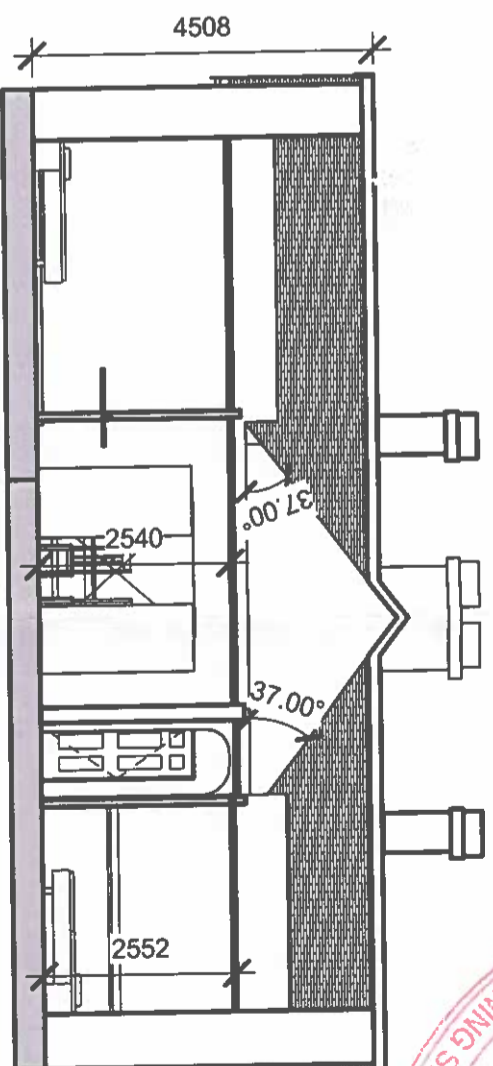
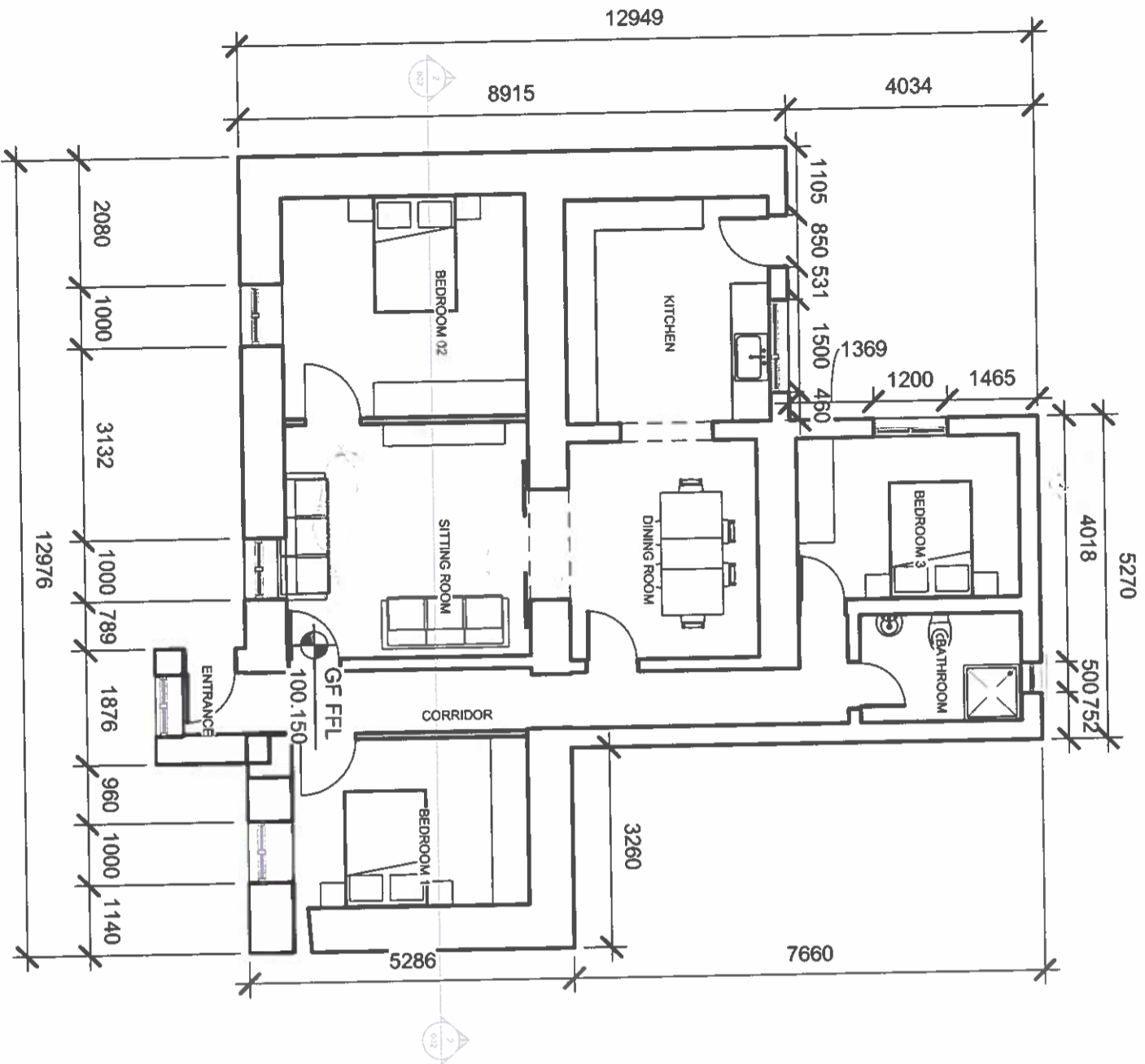
1 Site Layout Plan  
1 : 500

DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS KEY: SK: SKETCH DESIGN PR: PRELIMINARY FT: FOR TENDER FC: FOR CONSTRUCTION SS: SUPERSEDED

DATE	REV	DESCRIPTION
1/1/24	1	ISSUED FOR TENDER
1/1/24	2	REVISED
1/1/24	3	REVISED
1/1/24	4	REVISED
1/1/24	5	REVISED
1/1/24	6	REVISED
1/1/24	7	REVISED
1/1/24	8	REVISED
1/1/24	9	REVISED
1/1/24	10	REVISED

<b>James Lohan</b>		100% Satisfaction Guarantee		100% Satisfaction Guarantee	
Planning & Design Consulting Engineers		100% Satisfaction Guarantee		100% Satisfaction Guarantee	
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TOTAL FLOOR AREA 99.3 Sqm



ROSCOMMON COUNTY COUNCIL  
- 4 JUN 2024  
PLANNING SECTION

REV	DATE	BY	CHK
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