

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Aidan Donohoe,



Reference Number: DED 722  
Application Received: 13<sup>th</sup> June 2024  
Name of Applicant: Aidan Donohoe  
Agent: N/A

**WHEREAS** a question has arisen as to whether the renovation of an existing dwelling; works including re-wiring, re-plumbing, removal of oil boiler & chimney and replacement of flat roof at Tobbervaddy, Athleague, 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 renovate an existing dwelling; works including re-wiring, re-plumbing, removal of oil boiler & chimney and replace flat roof at Tobbervaddy, Athleague, 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: 1<sup>st</sup> July 2024**

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

<b>Reference Number:</b>	DED 722
<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 house, including rewiring, replumbing, removal of oil boiler & chimney and replacement of flat roof.
<b>Name of Applicant:</b>	Aidan Donohoe
<b>Location of Development:</b>	Tobbervaddy, Athleague, Co. Roscommon (F42 HN24)
<b>Site Visit:</b>	26/06/2024

**WHEREAS** a question has arisen as to whether the following works; to renovate an existing house at the above address is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

**Site Location & Development Description**

The property is bungalow house in Tobbervaddy, Athleague, Co. Roscommon. The property is access via the R-362 road. The proposed development consists of the renovation of an existing house, which includes rewiring, replumbing, relocating the oil boiler & chimney and replacement of a flat roof.

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 Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.3km to the north and south 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 renovation of an existing house, which includes rewiring, replumbing, relocating the oil boiler & chimney and replacement of a flat roof. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

## Recommendation

**WHEREAS a question has arisen as to whether a proposed development;** to renovate an existing house as outlined above in Tobbervaddy, Athleague, 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 renovate an existing house as outlined above in Tobbervaddy, Athleague, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



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

Civil Technician



Signed:

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

Senior Executive Planner











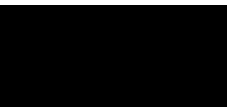




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Aidan Donohoe,



Date: 18<sup>th</sup> June 2024  
Planning Reference: DED 722

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, including rewiring, replumbing, removal of oil boiler & chimney & replacement of flat roof under the Planning & Development Act (Exempt Development) Regulations 2018 at Tobbervaddy, Athleague, Co. Roscommon, F42 HN24.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 13<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. **L01/0/228957** dated 7<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 722**.  
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  
09086 37100  
\*\*\*\*\*

07/08/2011 12:13

Receipt No : L01/0/228957

AIDAN DONOHUE  


PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 722

Total : 80.00 EUR

Tenderer:  
Credit/C Card 80.00  
0408

Change 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



F42 HN 24

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)	Aidan Donohoe
Name of Agent	Aidan Donohoe
Nature of Proposed Works	Re wiring / Replumbing Removing oil Boiler, old chimney in Leaking FLAT Roof new FLAT Roof
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	TOBBERVaddy ATHLEAGUE Roscommon F42 HN24
Floor Area: a) Existing Structure b) Proposed Structure	a) 1898 ft <sup>2</sup> b) _____
Height above ground level:	No Proposed structure
Total area of private open space remaining after completion of this development	1898 ft <sup>2</sup>
Roofing Material (Slates, Tiles, other) (Specify)	FLAT Roof membrane.



## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NO Proposed new build. where removing chimneys, Reblocking of plaster finish.
Is proposed works located at front/rear/side of existing house.	WORKS AS ABOVE, REAR of House
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	dwelling House
Proposed use of land or structure	dwelling House.
Distance of proposed building line from edge of roadway	NO Proposed new build.
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	N/A.

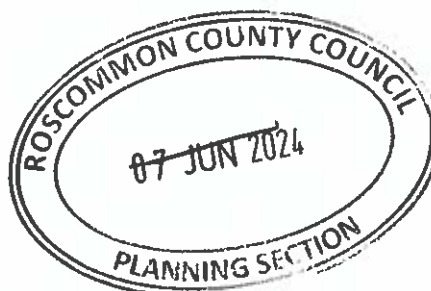
### Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: Aidan Donohoe

Date: 7/6/2024

**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



# Specification of development

Eircode F 42 HN 24

- ① Rewiring of existing House
- ② Replumbing of existing House
- ③ Relocating boiler to ~~rear~~ external of House as per photo "X" and as per marked "X" on site layout plan
- ④ Removing chimney locating in Leaking FLAT Roof at REAR of House as per Photo "Y" and as per marked "Y" on the site layout plan
- ⑤ Replacing ④ above with new FLAT roof.  
Replacing like with like.
- ⑥ House entrance from Public Road per photo "Z" & marked "Z"





PHOTO X  
external relocating of Boiler.  
Rear of House

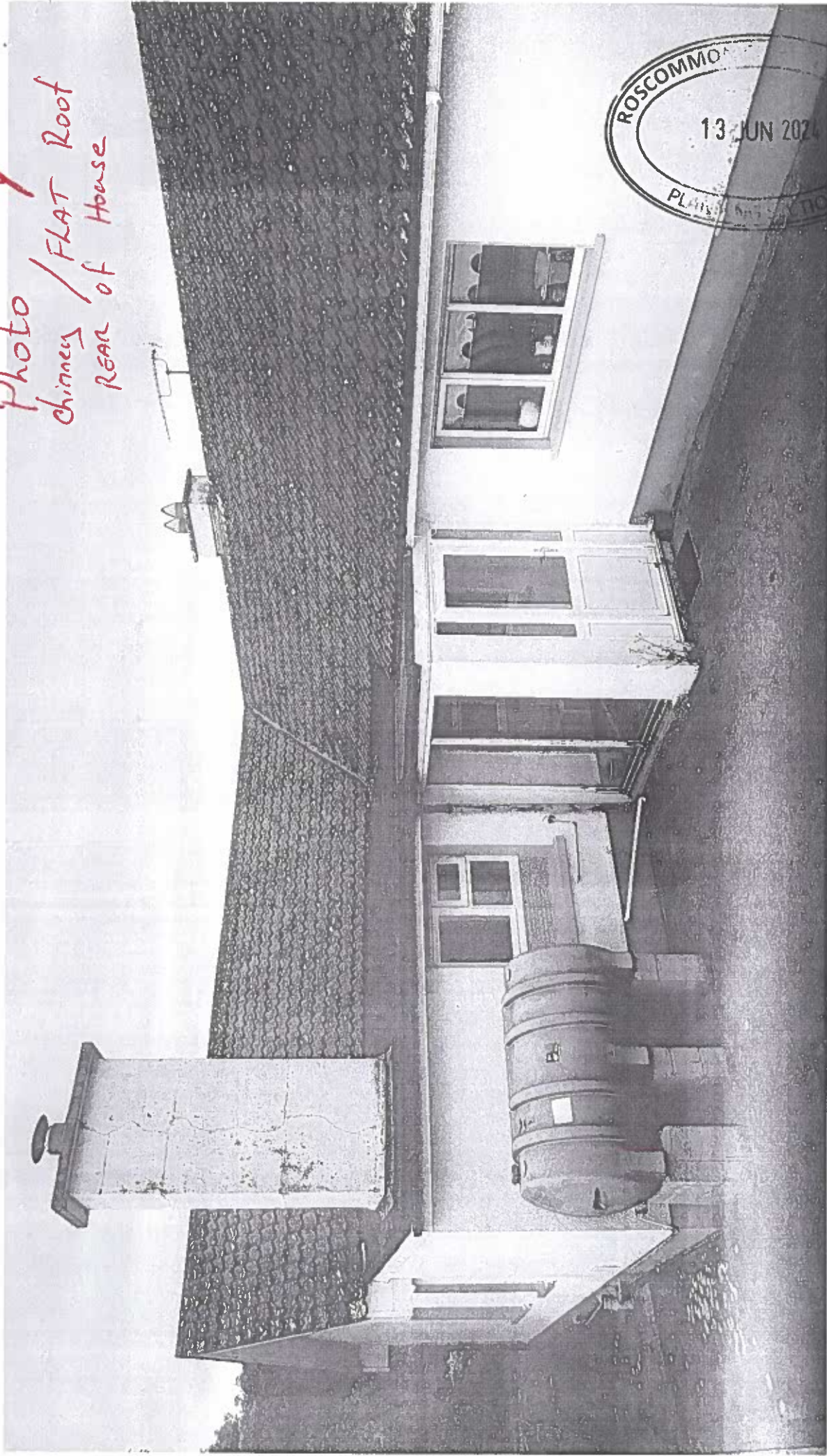


proposed location  
boiler





"Y"  
Photo / Flat Roof  
Chimney / REAR of House

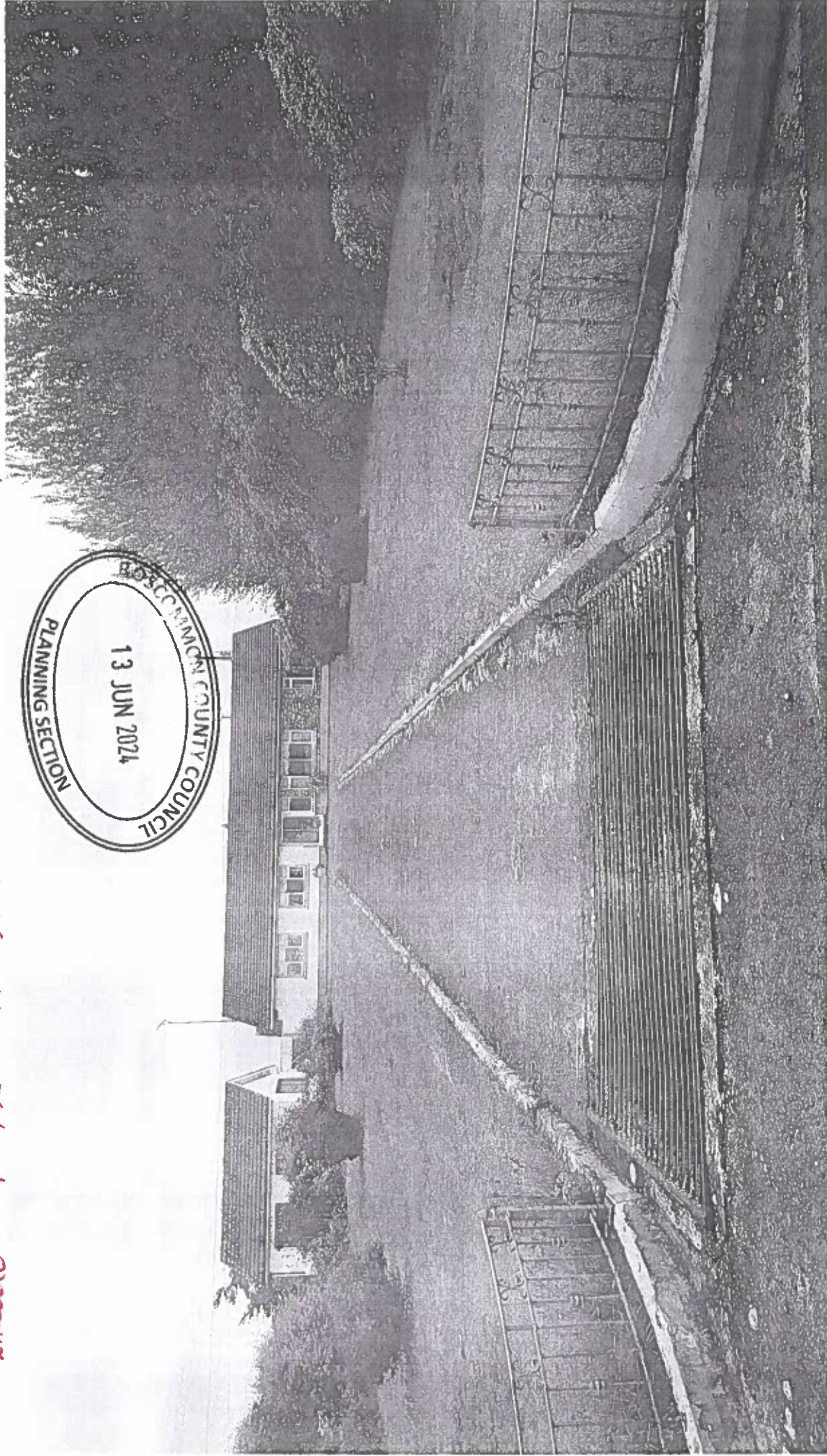




6/12/24, 9:04 PM  
F42 HN 24

20240612\_205330.jpg

PHOTO "Z"



House Entrance Picture  
from public Road.

R 362

← ATHleague 3km

Caoggs. → 5.5 km



Aidan Don Hoë

Clárúchán, Luacháil,  
Suirbhéireacht

ROSCOMMON COUNTY  
13 JUN 2024

A circular stamp from Roscommon County Council Planning Section, dated 07 JUN 2024. The stamp is tilted and has a red diagonal line crossing it.

Location of  
chimney & existing  
flat roof marked  
"Y" and Photo "Y"

FE42 HN 24  
works AT  
existing  
structures

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Aidan Donohoe

Relocating of New  
Boiler. (external)  
marked "X" of  
photo "X"

House entrance  
from Public  
Road marked "Z"  
Photo "Z"



581080 ME, 759910 MN

Field Donohoe

581080 ME, 759910 MN



Official Tailte Éireann Registration Map  
This map should be read in conjunction with the folio.

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

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

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

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

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

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

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

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



580280 ME, 759260 MN

Creation Date: 28 May 2024 08:16:34

Application Number: SZ024LR007906H

