

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Claire Larkin,

Reference Number: DED 724  
Application Received: 17<sup>th</sup> June 2024  
Name of Applicants: Claire Larkin  
Agent: N/A

WHEREAS a question has arisen as to whether 12 external lights installed at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon, F45 K298, 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.
- (c) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The installation of external light installations as described in this case is exempted development.
- (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 **12 external lights installed at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon, F45 K298, 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: 12<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.**

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Monday 15 July 2024 10:25  
**To:** [REDACTED]  
**Subject:** DED724 - Notification of Decision  
**Attachments:** DED724 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your DED Application DED724. A hard copy will follow in the post.

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 Acts 2000 (as amended)**

**Reference Number:** DED 724

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding whether 12 external light installations is Exempted Development under the Planning & Development Act (Exempt Development) Regulations 2018 at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon.

**Applicants:** Clare Larkin

**Date:** 12<sup>th</sup> July 2024

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WHEREAS a question has arisen as whether 12 external light installations at Tarmon National School, Ballinphuill, Castlerea, 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (c) The planning history of the site

**Site Location & Development Description**

The subject site is located in the townland of Ballinphuill, Castlerea, Co. Roscommon and the structure to which this request for an opinion relates is Tarmon National School. The site is accessed via a Local Primary Road L-1616 approximately 190m west of its junction with Regional Road R 377 and approximately 2.5km northeast of the settlement of Castlerea.

The development described consists of 12 external lighting installations affixed to the external walls of Tarmon National School at approximately 2.5m above ground level

**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 are within the likely zone of influence of the proposed development.

## Planning History

As per the Roscommon County Council's Planning Registry, the following recent planning history has been traced:

PD 00-1916: Permission granted to demolish existing front porch, construction of new remedial room, form new front entrance door to front of School with extension to rear, new septic tank and percolation area and associated site works.

PD 07-1415: Permission granted to construct an extension comprising of 1. A new classroom; 2. A staff room; 3. Toilets and a multipurpose room; 4. Gym sports hall; to an existing school, including all other ancillary site works

PD 14-241: Incomplete application

PD 14-256: Permission granted for the construction of an extension to the rear of the existing GP hall comprising of changing rooms, toilets and storage along with connections to all services and all other associated site works.

PD 15-402: Permission granted for (i) the construction of a 4 classroom single store extension to the side (western) elevation of the existing school (ii) the construction of a single storey entrance porch to the front (southern) elevation of the existing GP hall (iii) a new roadside entrance (iv) the provision of additional car parking, hard and soft play areas, sensory garden and astro turf pitch (v) the installation of a new sewerage treatment unit and percolation area, along with connections to all services and all other associated site works.

PD 19-608: Permission granted to retain and complete and Permission for the following; (1) Permission to retain and complete is sought for (I) changes to development previously granted under PD/15/402 including rearrangement of access road, parking, tarmac areas and raised footpath to school perimeter together with elevational changes to window treatment of new school block. (ii) changes to development previously granted under PD/14/256 including changes to the rear block now repurposed from changing rooms/storage to classrooms including elevational changes. (2) Permission is sought for new single storey ASD classroom block to rear of recently completed extension together with connections to services and all other associated site works.

PD 20-230: Incomplete application

PD 20-257: Permission granted for the erection of 2 prefabricated temporary classroom buildings, including connections to all services and all other associated site works.

PD 21-131: Permission granted for the erection of floodlights to existing astro-turf pitch and lighting to illuminate existing running track, walkway and car-park, together with all associated site works. Set aside.

PD 23-38: Incomplete application

PD 23-53: Retention Permission and Permission granted by the local Planning Authority for the following: 1. Permission for Retention is sought for existing Temporary Car Park; 2. Permission is sought for the construction of single storey extension to the rear (north-east) of existing school consisting of 1 Classroom SEN Base, Early Intervention Classroom, Multisensory Room, 3 Mainstream Classrooms, Office, Storage Area & necessary circulation areas, demolition of existing storage areas, provision of additional car parking spaces, upgrading of foul and surface water treatment system, together with all associated site works. Currently the subject of appeal reference ABP-318876-24.

## **Statutory Provisions**

### Planning and Development Act, 2000 (As Amended)

Section 2 (Works) 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) (Development) 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) (Exempted Development) The following shall be exempted developments for the purposes of this Act: (h) 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 (4) (Environmental Impact Assessment or Appropriate Assessment)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

### Planning and Development Regulations, 2001 (as amended)

Article 6 (1) states the following: Subject to Article 9 the development of a Class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with conditions and limitations specified in Column 2 of the Act opposite the mention of that Class in the said Column 1.

Article 9 (1)(a) provides that development to which Article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development 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. (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, (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:

I have examined all the documentation on the file, inspected the site, and have had regard to the legislative provisions set out in both the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended. I consider that the issues relevant to the subject request for an opinion can be assessed under the following headings:

- Whether the installation of the said external lighting is or is not development, or is or is not exempted development.
- Whether the works can be considered exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

#### Is or is not development

'Works' are defined as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

The subject of the request for an opinion consists of '12 external light installations'. I consider the subject light installations to comprise 'works' as their installation includes an act of alteration. In accordance with Section 3(1) of the Planning and Development Act, 2000 as amended, 'works' become development when they are carried out on, in, over or under land and therefore the works which are the subject of this request for an opinion are considered to comprise 'development'.

#### Is or is not exempted development

Section 4 of the Planning and Development Act, 2000, as amended, sets out certain forms of development which shall be exempted development. Additionally, Schedule 2 of the Planning and Development Regulations, 2001, as amended set out forms of development which are exempted development within specific context.

In considering the applicability of Section 4(1)(h) to the proposal it is first necessary to consider whether the proposal comprises 'works for the maintenance, improvement or other alteration of any structure'. Having regard to the nature of the proposal, specifically noting that installing external lighting, would represent an alteration, I consider that in principle, Section 4(1)(h) would confer an exemption for the proposal.

A second relevant consideration in relation to the applicability Section 4 (1) (h) is whether the proposal would 'consist of works which only affect the interior of the structure, or which do not materially affect the appearance of the structure such as to render it inconsistent with itself or with neighbouring structures'. From inspecting the development descriptions, images and particulars submitted with the request for an opinion, based on my site inspection and having regard to the size of each of the light installations individually and in combination in the context of the nature and scale of the structure upon which they have been installed, which has notably highly modeled elevations and signage of considerably larger scale, I do not consider the lighting installations would materially affect the appearance of the structure such as to render it inconsistent with itself or with neighbouring structures.

While it is considered that the external lighting would have a somewhat greater degree of nocturnal visual impact it is considered that the lighting is comparable in design and intensity to domestic security lighting and I do not therefore consider the lighting would materially affect the appearance of the structure such as to render it inconsistent with itself or with neighbouring structures.

### Restrictions on exempted development

I note that the restrictions provided in Article 9 of the Planning and Development Regulations, 2001, as amended, relates to exemptions provided under Article 6 of the Planning and Development Regulations, 2001, as amended. As Section 4(1)(h) of the Planning and Development Act, 2000, as amended, is considered to confer an exemption for the proposal, Article 9 of the Planning and Development Regulations, 2001, as amended, and the restrictions contained therein is not pertinent in this instance.

## Environmental Impact Assessment and Appropriate Assessment

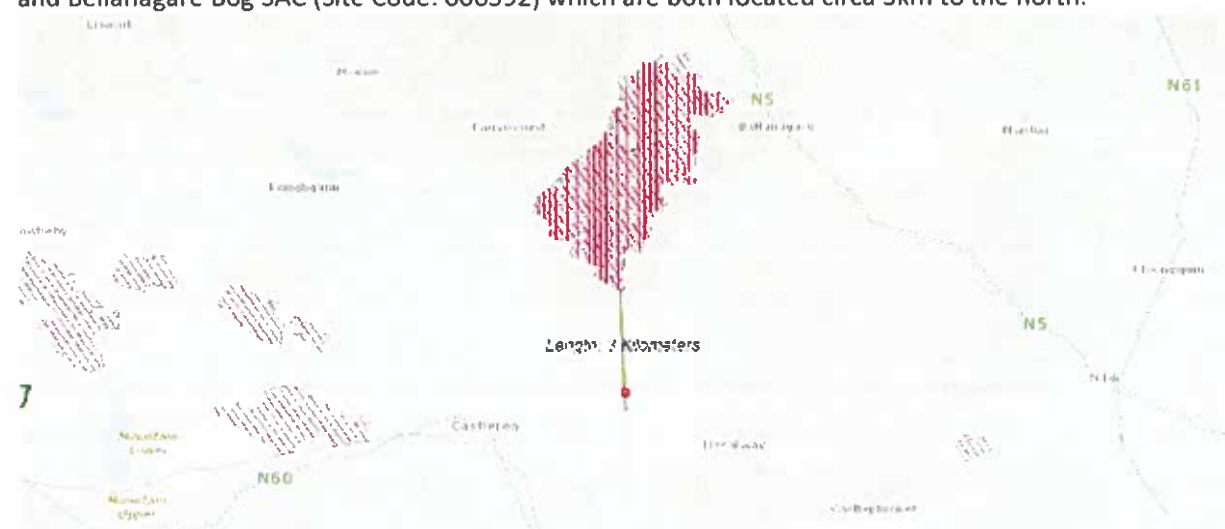
Section 4(4) of the Planning and Development Act sets out that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

## EIA

The development described does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore is not subject to EIA requirements.

## AA Screening

The closest European sites to the site of the development are Bellanagare Bog SPA (Site Code: 004105) and Bellanagare Bog SAC (Site Code: 000592) which are both located circa 3km to the north.



## Bellinagare Bog SAC Conservation Objectives

7110 Active Raised Bogs

To restore the favourable conservation condition of Active raised bogs in Bellanagare Bog SAC

## 7120 Degraded Raised Bogs still capable of natural regeneration



The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Bellanagare Bog SAC

#### **7150 Depressions on Peat Substrates of Rhynchosporion**

Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Bellanagare Bog SAC

### **Bellinagare Bog SPA Conservation Objectives**

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

A395: Greenland White-fronted Goose (*Anser albifrons flavirostris*)

A review of the site synopsis for the European site indicates that:

“At the time this site was designated as a Special Protection Area (SPA) it was known to be utilised by part of an internationally important Greenland White-fronted Goose population. The geese appear to have since abandoned the peatland sites in favour of grassland sites elsewhere”.

It is further indicated in the NPWS Synopsis that “in the past, the bog was used by wintering Greenland White-fronted Goose from the internationally important population that is centred on Lough Gara. However, the geese now feed mainly on intensively managed grassland and have not been recorded at the site in recent years”.

It is considered therefore that in view of the reported low frequency of use or possible abandonment of the site by the said qualifying interest species, and in particular the significant distance between the development and the closest European site as well as the nature of the development being lighting which is of comparable nocturnal intensity to dwelling security lighting and of lower intensity than village street lighting and not of an intensity which could reasonably be argued to cause migratory birds to avoid the site, likely significant impacts including avoidance or displacement of qualifying interest species can reasonably be excluded.

#### **AA Conclusion:**

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the development, 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 can therefore, be excluded.

In this context, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **Recommendation**

**WHEREAS a question has arisen as to whether 12 external light installations at Tarmon National School, Ballinphuill, Castlerea, 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (c) The planning history of the site

### **AND WHEREAS I have concluded that**

- a) The works are development.
- b) The installation of external light installations as described in this case is exempted development.
- 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.

and I recommend that a declaration to that effect should be issued to the applicant.



**Signed:**  
Senior Executive Planner

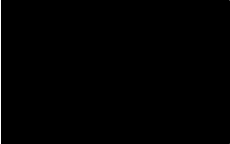
**Date:** 12<sup>th</sup> July 2024



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Claire Larkin,



Date: 18<sup>th</sup> June 2024  
Planning Reference: DED 724

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Clarification sought on 12 external light installations under the Planning & Development Act (Exempt Development) Regulations 2018 at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon, F45 K298.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 17<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. L01/0/229119 dated 17<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 724**.  
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

17/06/2024 14:16:51

Receipt No L01/0/229119

CLAIRE LARKIN

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 724

Total 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
7438

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)	Claire Larkin.
Name of Agent	N/A.
Nature of Proposed Works	Lighting installation. 12 lights fixed on to walls of building
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Tarmon National School Ballinphull, Castlereagh Co. Roscommon F45K298
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A</u> b) <u>N/A</u>
Height above ground level:	4m from ground level.
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	LIGHTING



## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Lighting fixed to all external walls of a school building
Is proposed works located at front/rear/side of existing house.	Front, rear and both sides of building.
Has an application been made previously for this site	Unknown.
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	School building
Proposed use of land or structure	School building
Distance of proposed building line from edge of roadway	7 metres from edge of roadway
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

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

Signature: Clairce Larkin

Date: 14th June 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



DED 724.

Planning Section  
Aras an Chontae  
Roscommon  
Co. Roscommon

16<sup>th</sup> June 2024

**Ref: Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).**

**Planning application Ref: 19/608**

Dear Sir/Madam,

I am writing to request a declaration of exempted development under Section 5 of the Planning and Development Act 2000 (as amended) in respect of 12 lights fixed to the walls of Tarmon national school, Ballinphuill, Castlerea, Co. Roscommon F45K298

**Please see enclosed**

- Detailed specification of the development proposed.
- Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended)
- Site location map
- Site layout plan of the development
- €80 fee

Please do not hesitate to contact me if any further information is required. Your consideration of this matter is very much appreciated.

Yours sincerely

Claire Larkin



Detailed specification of the development proposed.

The development consists of approximately 12 lights fixed to the walls of Tarmon National School on the Northern, Southern, Eastern and Western aspect of the school building.

The lights were not indicated in the planning application 15/402 submitted by Tarmon National School or in the subsequent retention application 19/608. The lights are not cowled or designed to mitigate the impact of light on the surrounding landscape. Consequently, the light is scattered over the adjacent property and road and rural landscape.

The lighting development is situated in the LCA 28 of the Roscommon Development plan, an area where the landscape value of the area has been classified as of exceptional value.

The development is also 3km from the SPA and SAC Bellengare Bog.

As shown in the photographs attached, the lights are placed at the top of the school walls, 6m from ground level on the Western and Southern aspect, around the perimeter of the building.



*Figure 1-Photo showing the school elevated position and prominence in the landscape. The lights on the Western and Southern aspect are highlighted.*







Figure 2-The lights are in place around the building. I have highlighted the lights to the Western and Southern aspect.



Figure 3-Lights fixed to front of school building





*Figure 4- Photo taken from nearby home*



*Figure5- Photo taken from nearby home at 9pm at night.*





*Figure 7- Photo taken from public road 250m from lights*



*Figure 8- Photo taken on public road 110m from lights.*





Figure 6-





[illegible]

17 JUN 2024



**For Planning Purposes Only**

ORDNANCE SURVEY IRELAND LICENCE NO. EN 0085219  
© ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND



PROPOSED ONE-WAY CIRCLE TO MAINTAIN CONTINUOUS FLOW OF TRAFFIC DURING PEAK HOURS

Football Pitch

### POSTAL NOTICE

**NOTES:**

**Area of Site:**

10,545 sqm  
2,608 Acres  
1,0045 Hectares

SITE OUTLINED IN RED

OUTLINED IN BLUE

PROPOSED LEVELS INDICATED THUS

## EXISTING BUILDINGS

PROPOSED EXTENSION FOR WHICH PERMISSION SOUGHT

OUTLINE OF AREA FOR PERMISSION TO RETAIN A COMPLETE

APPLICANT  
INDICATED THAT  
ON FOR WHICH PERMISSION SOUGHT  
PERMISSION TO RETAIN & COMPLETE

Position of Fixed lights indicated by x

Inspection purposes only!

PLANNING & DEVELOPMENT SECTION  
21 NOV 2019 19-6-8  
ROSEMOUNT COUNTY COUNCIL

[illegible]

17 JUN 2024