

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

David Ansboro,  


Reference Number: DED 728  
Application Received: 25<sup>th</sup> July, 2024  
Name of Applicant: David Ansboro  
Agent: N/A

WHEREAS a question has arisen as to whether a proposed development to energy retrofit an existing dwelling at Gorteenbrack, Fuerty, Co. Roscommon, F42 C965, 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 **energy retrofit an existing dwelling, which includes new windows & doors, re-roofing the house, installing fascia, soffits & gutters, removing a chimney and various internal works at Gorteenbrack, Fuerty, Co. Roscommon, F42 C965, 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: 13 August, 2024

**ADVICE NOTE**

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

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

<b>Reference Number:</b>	DED 728
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to energy retrofit an existing dwelling.
<b>Name of Applicant:</b>	David Ansboro
<b>Location of Development:</b>	Gorteenbrack, Fuerty, Co. Roscommon (F42 C965)
<b>Site Visit:</b>	07/08/2024

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

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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 single story house with 3no. dormer windows and a flat roof section/area to the rear in Gorteenbrack, Fuerty, Co. Roscommon. The property is access via a private lane/drive off the L-7118 road. The proposed development consists of the energy retrofit an existing dwelling, which includes new windows & doors, re-roofing the house, installing fascia, soffits & gutters, removing a chimney and various 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 Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 2km to the west and Ballinturly Turlough PNHA/SAC (Site Code 000588) which is located circa 1.3km to the 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 energy retrofit an existing dwelling, which includes new windows & doors, re-roofing the house, installing fascia, soffits & gutters, removing a chimney and various internal works. 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 energy retrofit an existing dwelling as outlined above in Gorteenbrack, Fuerty, 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 energy retrofit an existing dwelling as outlined above in Gorteenbrack, Fuerty, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 8<sup>th</sup> August 2024

Civil Technician



Signed:

Date: 8<sup>th</sup> August 2024

Senior Executive Planner













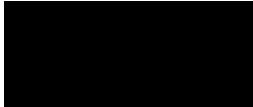




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



David Ansboro,



Date: 27<sup>th</sup> June 2024  
Planning Reference: DED 728

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

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 25<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. L01/0/229306 dated 26<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 728**.  
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  
09068 37100

4 \*\*\*\*\*

28/08/2024 12:24:32

Receipt No. : L01/0/229306

DAVID ANSBORO



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED728	

Total : 80.00 EUR

Tendered :	
Cash	80.00

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



## Carmel Curley

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**From:** David Ansboro  
**Sent:** Tuesday 18 June 2024 16:25  
**To:** Carmel Curley  
**Cc:** Alan O'Connell  
**Subject:** RE: Declaration of exempted development

Carmel, Alan

I got onto my Contractor and have answered the questions below.

I will drop in Plans of house in post showing 'Chimney' on a side elevation and 'Section' of house showing makeup of materials used including 'fascia, soffits and gutters'.

If you need additional information, let me know.

Regards

David

**From:** Carmel Curley <CCurley@roscommoncoco.ie>  
**Sent:** Tuesday 18 June 2024 14:54  
**To:** David Ansboro [REDACTED]  
**Subject:** RE: Declaration of exempted development

Hi David,

On the scope of works details, we are looking for clarification on the following;

1. Energy upgrade: new windows & doors – are they in the existing openings or new ones? **YES, in existing openings**
2. Remove chimney – we require images/plans depicting same **I have plans showing the chimney on a side elevation – I will drop it in post this evening**
3. Remove and replace laths, felt and slate on entire roof – what replacement slates are being used? Do they differ from what is originally there? **Black Slates, same as originally there, details on plans**
4. Replace fascia, soffit and gutters – what is being used as replacement – do they differ from what is originally there? **Black plastic fascia, soffit and gutters and yes they differ from what is originally there, details of originals on 'Section' of house**

Regards,

Carmel

[REDACTED]



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)	DAVID ANSBORO
Name of Agent	N/A
Nature of Proposed Works	DEEP RETROFIT ENERGY UPGRADE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	GORTÉENBRACK, FEARTY, ROSCOMMON, F42 C965
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>116 Sq. Meters</u> b) <u>N/A</u>
Height above ground level:	200 MM
Total area of private open space remaining after completion of this development	1900 M <sup>2</sup>
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)	EXISTING PLASTER NAP FINISH & BRICK
Is proposed works located at front/rear/side of existing house.	ALL EXISTING SIDES 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	DWELLINGHOUSE
Proposed use of land or structure	DWELLINGHOUSE
Distance of proposed building line from edge of roadway	115 METERS
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:

*David Anthony*

Date:

*12/06/2024*

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



583480 mE, 761940 mN



Tailte  
Éireann

Clárachán, Luacháil,  
Suirbhéireacht  
Registration, Valuation,  
Surveying

Folio: RN7306

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 TÉ Registration maps, see [www.tailte.ie](http://www.tailte.ie).

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(centre-line of parcel(s) edged)

Freehold

Leasehold

Subleasehold



Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

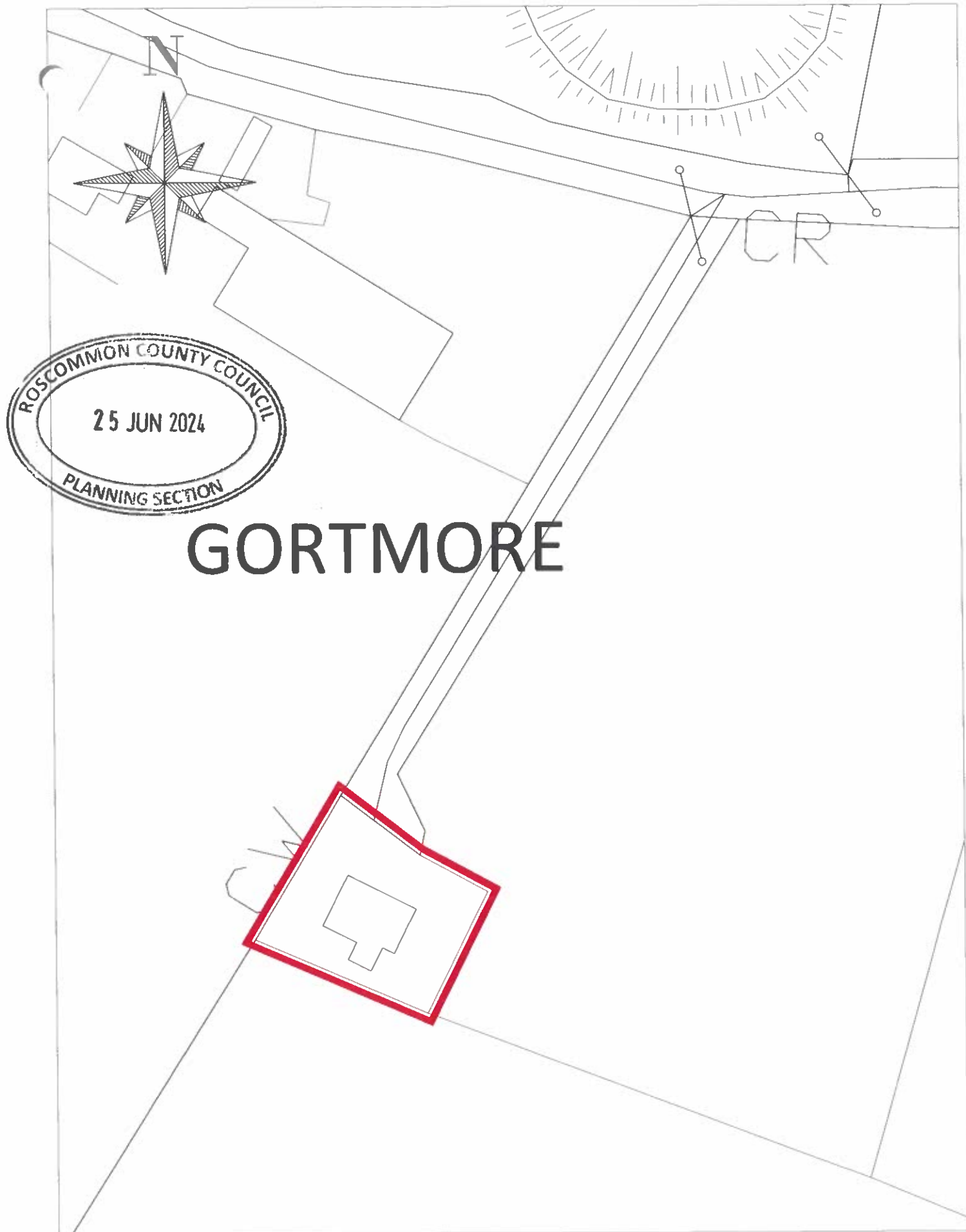
A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

**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.







**Site Plan**

OSI No: Roscommon OS No.2617  
Scale 1 : 500

# Dermot Gately Carpentry and Construction

Lissacarrow  
Fuerty  
County Roscommon  
F42ED66  
087.979.1518  
[dgatelyltd@gmail.com](mailto:dgatelyltd@gmail.com)

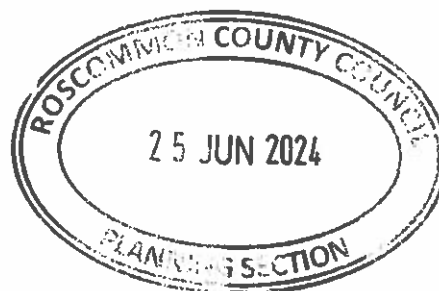
## SCOPE OF WORKS

10 June 2024

David Ansboro  
Gurteenbrack  
Fuerty  
County Roscommon  
F42 C965

Job Location: Gurteenbrack, Fuerty, Co Roscommon F42 C965

- Energy upgrade: new windows & doors - *in existing OFFS?*
- Heatpump with underfloor heating downstairs and radiators upstairs
- Upgrade floor, wall and roof insulation
- Remove chimney - *IMAGES / PLANS*
- Remove and replace laths, felt and slates on entire roof. - *REPLACE SLATES?*
- Replace fascia, soffit, and gutters - *LINE FOR LINE*
- New kitchen and bathroom
- New doors, skirting and floor finishes
- Paint interior and exterior of the house



Carmel,

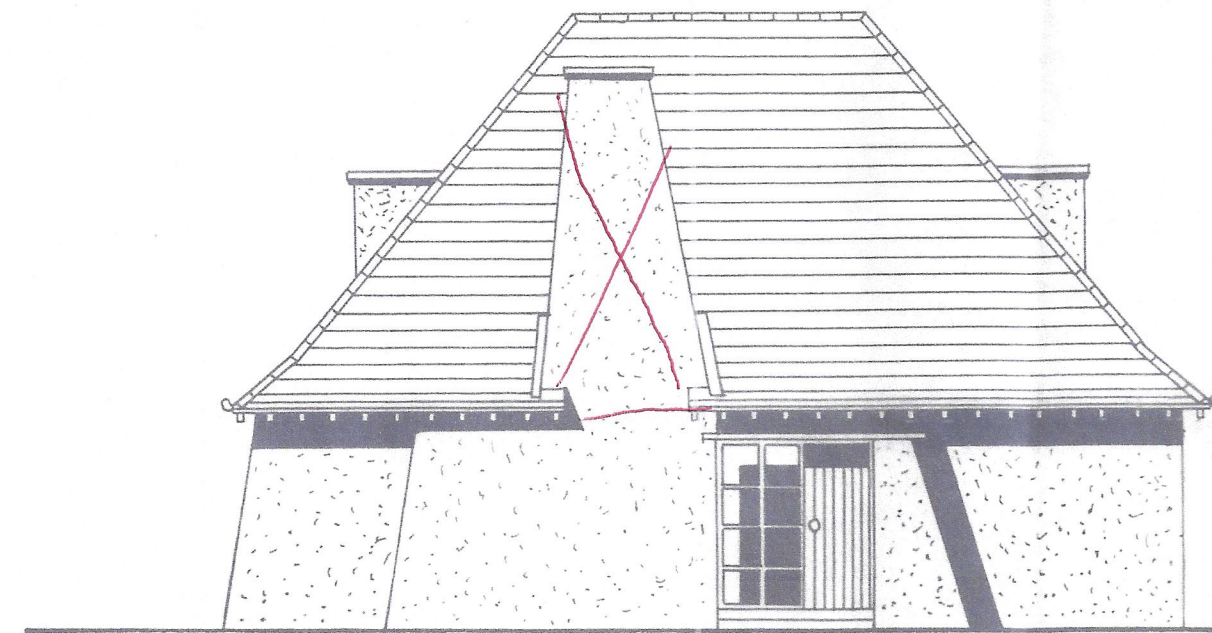
Enclosed plans of house  
showing side elevation of chimney  
and section showing materials  
used in fascia, soffit and gutters  
Let me know if you require  
anything else.

Regards

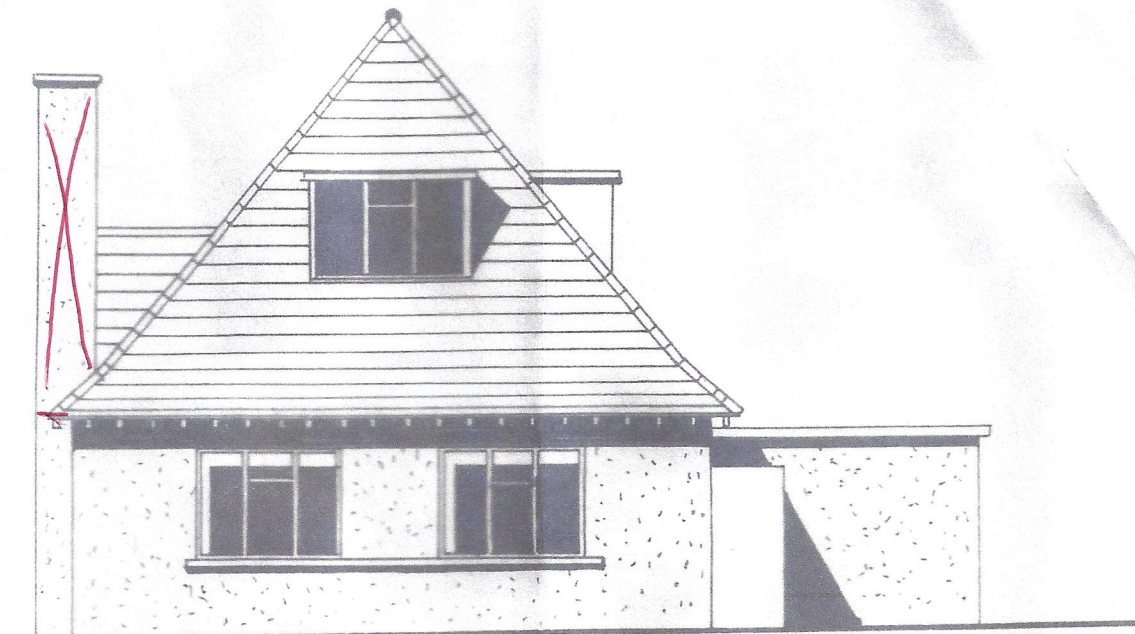
David Ambrose



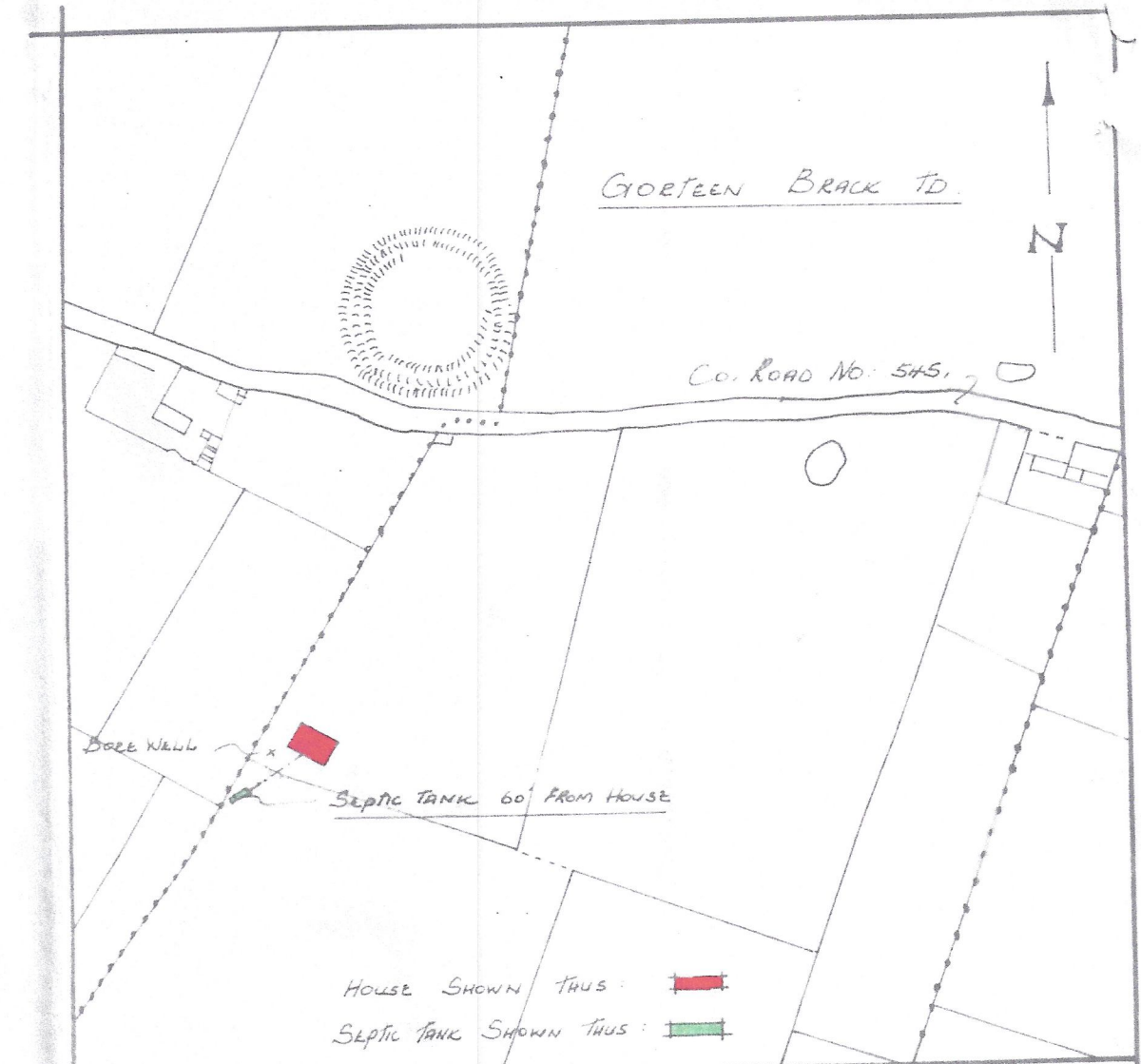




Elevation.



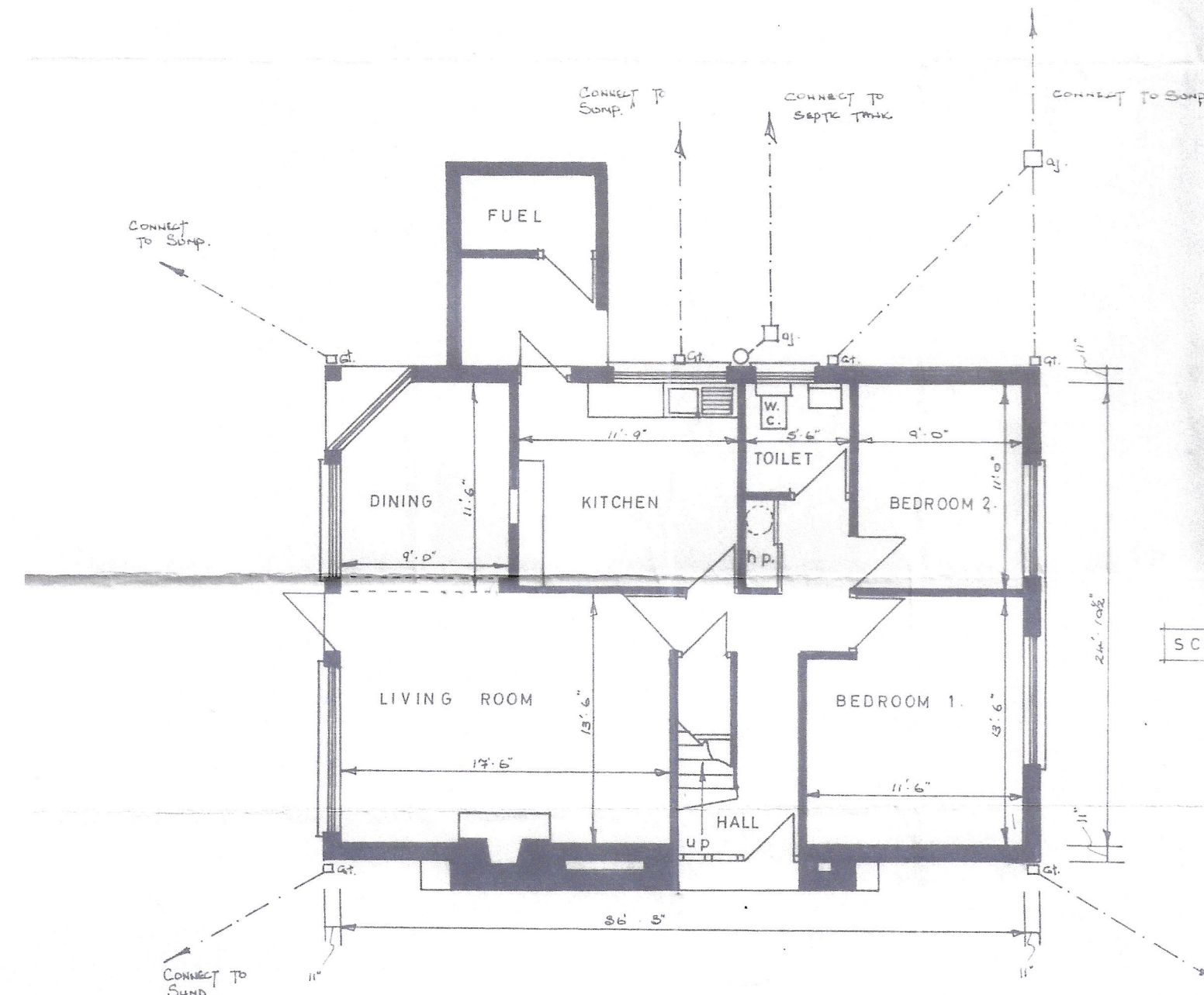
Side Elevation.



Scale: 25" = 1 Mile. O.S. Sheet: - Roscommon Sheet 39: 14.

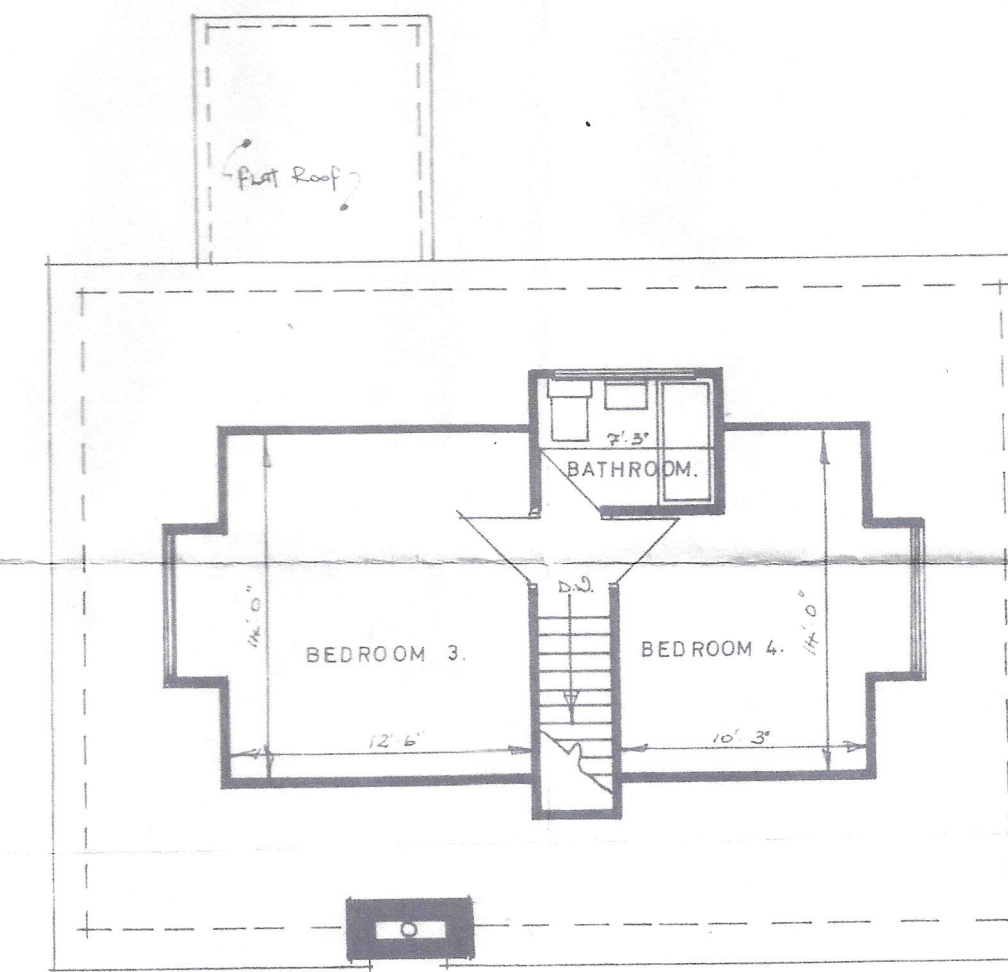
SITE PLAN.

JOB: Proposed Dwelling for:  
MR WILLIAM ANSBOD,  
GORTEN BRACK TD,  
ROSCOMMON.

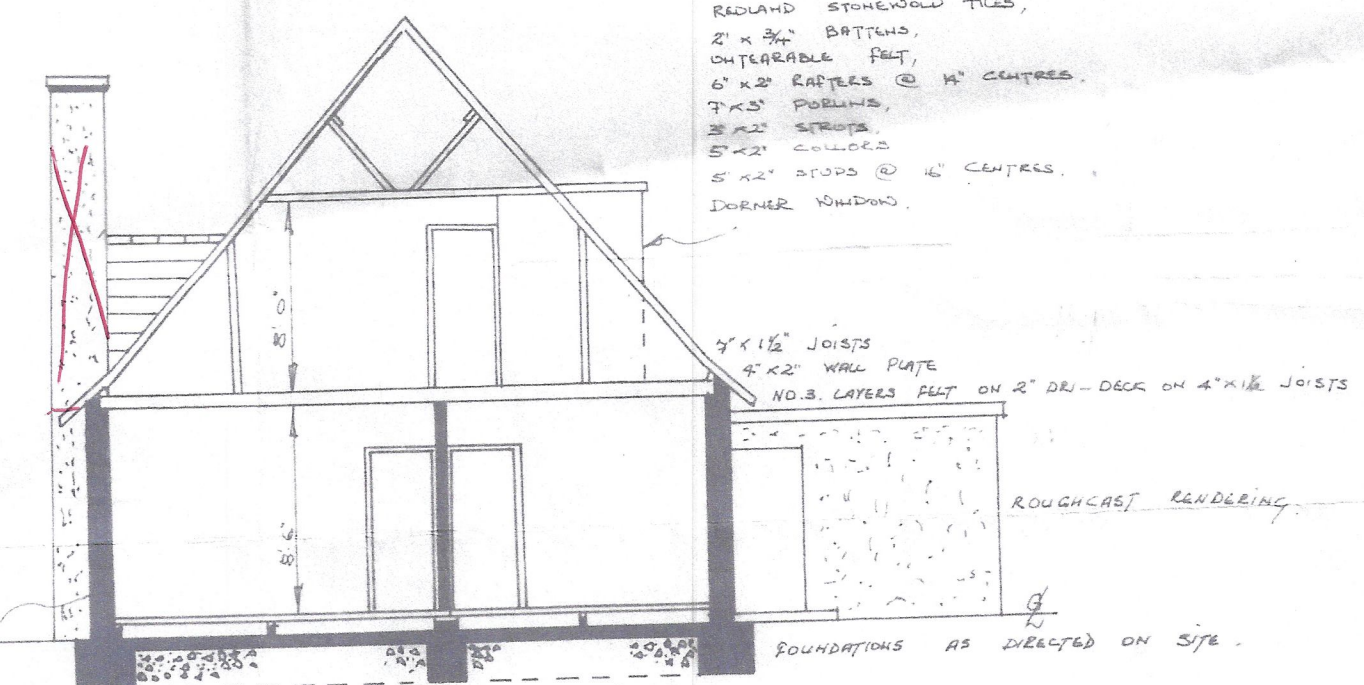


Ground Floor.

FLOOR AREA: 1245 Sq Ft.



First Floor.



Section.

Roof: ~  
11' x 1" Ridge Piece  
RADIAN STONEWALL TILES,  
2" x 3/4" BUTTINS,  
6" x 2" RAFTERS @ 16" CENTRES,  
7' x 3" PURLINS @ 16" CENTRES,  
3" x 2" STRIPS,  
5" x 2" SILLING,  
5" x 2" STUDS @ 16" CENTRES,  
DORMER WINDOWS.

6" x 1" T&G FLOORING,  
4" x 1 1/2" JOISTS,  
4" x 2" WALL PLATE,  
6" CONCRETE SUB FLOOR,  
VISQUEL 1000' MEMBRANE,  
BLINDING ON HIREDORE,

4" x 1 1/2" JOISTS  
4" x 2" WALL PLATE  
NO. 8 LATHES FLAT ON 2" DECK ON 4" x 1 1/2" JOISTS

ROUGHCAST RANDBLING

FOUNDATIONS AS DIRECTED ON SITE