

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Board of Management,
Ballyfeeney National School,
Scramogue,
Co. Roscommon,
F42 WV63.

Reference Number: DED 731

Application Received: 27th June 2024

Name of Applicants: Board of Management, Ballyfeeney National School

Agent: N/A

WHEREAS a question has arisen as to whether additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking at Ballyfeeney National School, Scramogue, Co. Roscommon, F42 WV63 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) Part 1, Article 6 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General) (as amended)
- d) 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)
- e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- a) The works are development.
- b) The 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*; However, the additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking is not an exempt 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 said development of **additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking at Ballyfeeney National School, Scramogue, Co. Roscommon, F42 WV63 is development that is not 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: 26th 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)**

Reference Number:	DED 731
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking.
Name of Applicant:	Board of Management, Ballyfeeney National School
Location of Development:	Ballyfeeney National School, Scramogue, Co. Roscommon
Site Visit:	13/08/2024

WHEREAS a question has arisen as to whether the following works; for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking **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) Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (d) 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.
- (e) The planning history of the site

Site Location & Development Description

The proposed site is between Ballyfeeney National School and an existing dwelling house in Scramogue, Co. Roscommon, and is accessed off the R-371 regional road. The proposed development consists of the clearing of existing vegetation and the creating of a hardstanding area to be used as a temporary carpark serving the existing school. The proposed site has a considerable level difference between existing and the existing school requiring considerable fill/stone to bring the proposed carpark up to a level to be accessed. 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 Kilglass And Grange Loughs PNHA (Site Code 000608) which is located circa 1.3km to the north and Annaghmore Lough PNHA/SAC (Site Code 001626), which is approximately 5.6km west 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. Therefore, exclude the need for further Appropriate Assessment.

Planning History

As per the Roscommon County Council's Planning Registry, recent planning history has been traced relating to the subject site as follows

- 18/134 - proposed demolition of existing water tower, proposed extension to the front, side and rear of existing school building to include construction of 1 No. classroom, ancillary room/WC, entrance area, staff area with changes to existing pedestrian access to front, drainage and all ancillary site works - Granted
- 08/584 - To erect a portacabin to accommodate classes – Incomplete application
- 08/811 - To erect a portacabin to accommodate classes - Granted
- 00/120 - Construct new extension consisting of 2 No. classrooms, general purpose room and ancillary accommodation with external hard surface play area - Granted
- DED 262 - Installation of an Astro Turf Playing Surface - Exempt

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 for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking. 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 not however exempted, as there is no class in Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended and articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended that the change of use from a school to a dwelling is an exempt development. Therefore, for the above reason the proposed works is deemed not 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 for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking as outlined above at Ballyfeeney National School, Scramogue, 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) Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (d) 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.
- (e) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, 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;

However, the additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking is not an exempt development.

- 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 for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking as outlined above at Ballyfeeney National School, Scramogue, Co. Roscommon is not an exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 22nd August 2024

Civil Technician



Signed:

Date: 22nd August 2024

Senior Executive Planner









Comhairle Contae
Ros Comáin
Roscommon
County Council



Board of Management,
Ballyfeeney National School,
Scramogue,
Co. Roscommon.

Date: 2nd July 2024
Planning Reference: DED 731

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for additional temporary car parking, clearing vegetation and creating hardstanding area for staff parking under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballyfeeney National School, Scramogue, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 28th 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. L01/0/229362 dated 28th June 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 731**.
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
09088 37100

28/06/2024 10:42:43

Receipt No : L01/0/229362

BALLYFEENEY N.S
BALLYFEENEY
CO ROSCOMMON

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 731	

Total :	80.00 EUR
---------	-----------

Tendered :	
Credit/Debit Card	80 00
2164	

Change :	0 00
----------	------

Issued By : Louis Carroll
From : Central Cash Office

DED 731



Con hárle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie



Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	BOARD OF MANAGEMENT BALLYFEENEY N.S. SCRAMOGUE, Co. Roscommon
Name of Agent	[REDACTED] PRINCIPAL
Nature of Proposed Works	Additional temporary parking - clearing vegetation and creating hardstanding area for staff parking
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLYFEENEY N.S. SCRAMOGUE, CO. ROSCOMMON F42 WV63
Floor Area: a) Existing Structure b) Proposed Structure	a) _____ b) _____
Height above ground level:	N/A
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	Side of existing school
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	Scrub land
Proposed use of land or structure	temporary hard standing carpark *
Distance of proposed building line from edge of roadway	N/A
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:

Date:

28/6/24

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

* for staff parking to improve safety at the front of school.

Bishop of Elphin

St. Mary's, Temple Street, Sligo, Ireland, F91 KTX2

Tel: +353 71 9150106



28th March 2024

The Planning Department
Roscommon County Council
Aras an Chontae
Roscommon

Re: Ballyfeeney National School – Folio Number RN17913

Proposed application to Roscommon County Council for a Declaration of Exempted Development under section 5 of the Planning and Development Act, 2000 (as amended).

To whom it concerns,

As the patron and registered owner of the property known as Ballyfeeney National School, Scramogue, Co. Roscommon and contained within Folio Number RN17913, I hereby grant consent to the Board of Management and or its agent to apply for a Declaration of Exempted Development under section 5 of the Planning and Development Act, 2000 (as amended) for the proposed works outlined in the said application.

I trust same is in order.

Yours sincerely,

+Kevin Doran
Bishop of Elphin

Picture 1



Picture 1





Property Details

Back

Folio Number

RN17913

Title Level

Freehold

Plan Number

11

Property Number

1

Area of selected plans

0.55 hectares.

Number of Plans on this folio:

1

Address

Ballyfeeny National School, Ballyfeeny, Kilglass, Co. Roscommon, F42 VW63

Add to Basket

Create Alert

Burdens: Lease Burden on Folio RN17913, Property 1

These Easement Registrations Burden the Subject Property are not conclusive. See Section 62(1) of the Land Registration Act 2006 and Section 84 of the Land Registration Act 2006.

View Basket

Print Current View

Help

XY

597379, 781682

Scale

1 : 1000

Townland

Ballyfeeny

Barony

Ballintober North

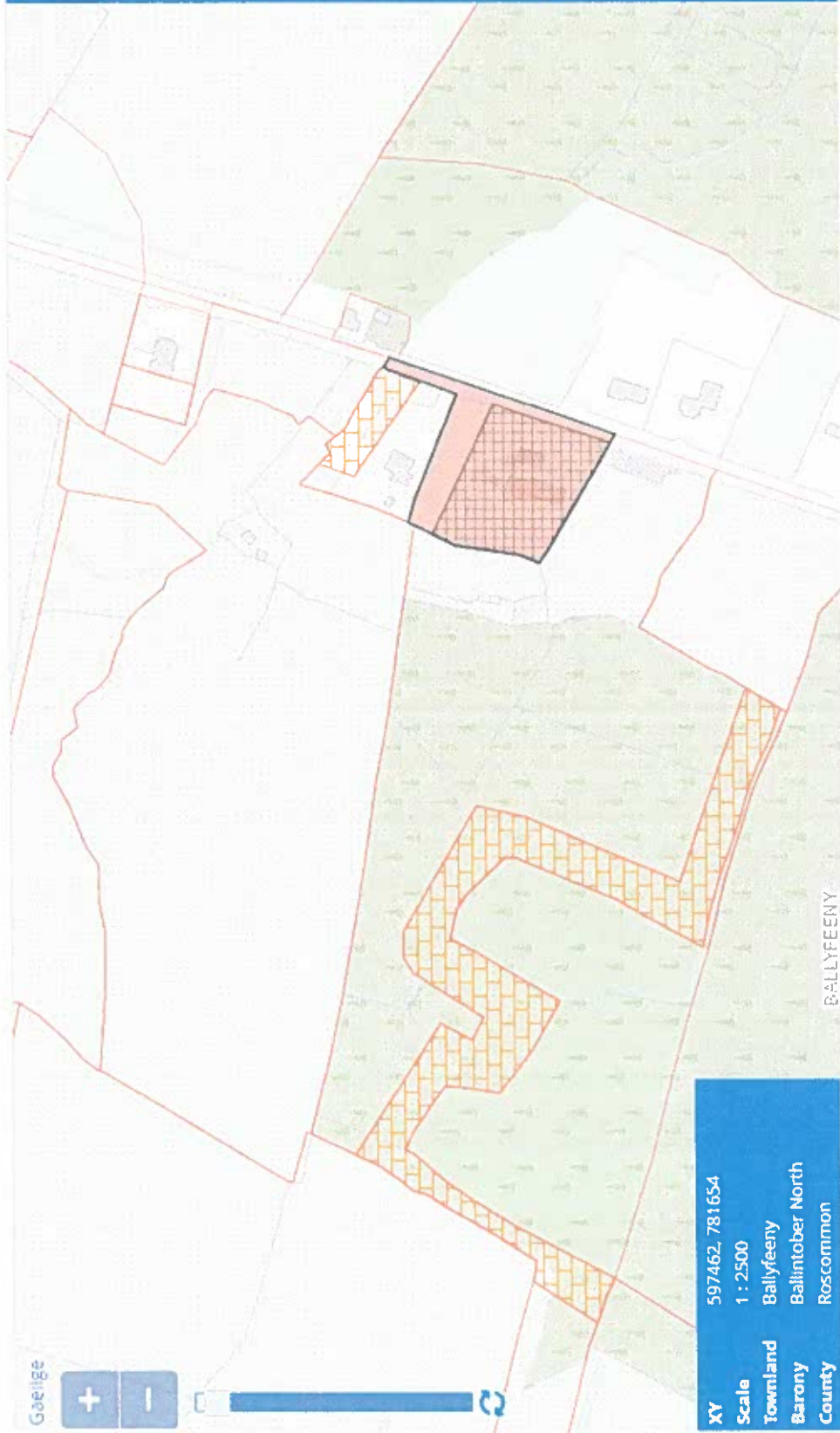
County

Roscommon

Proposed

Handstand ng Area

A red circular ink stamp from Roscommon County Council. The outer ring contains the text "ROSCOMMON COUNTY COUNCIL" at the top and "PLANNING SECTION" at the bottom. In the center, the date "28 JUN 2024" is stamped.



Folio Number	RN17913
Title Level	Freehold
Plan Number	11
Property Number	1
Area of selected	0.55 Hecta

**Number of Plans on
this folio:**

Ballyfeeney National
School, Ballyfeeney, Kilglass,
Co. Roscommon, F42 W63

Add to Basket

Create Alert

Burdens: Lease Burden on Folio EN17913,
Property:

Results are not conclusive

[View Basket](#)[Print Current View](#)

Help

Help

ROSCOMMON COUNTY COUNCIL
28 JUN 2024
PLANNING SECTION

Proposed
Hard Stand
Area

EALYFENY

XY	597462_781654
Scale	1 : 2500
Townland	Ballyfeeny
Barony	Ballintober North
County	Roscommon

Confidential
information
removed

Property Details

> Back

Folio Number
RN17913

Title Level
Freehold

Plan Number
11

Property Number
1

Area of selected plans
0.55 hectares.

Number of Plans on this folio
1

Address
Ballyfeeny National School, Ballyfeeny, Kilglass, Co. Roscommon, F42 W6G3

Add to Basket

Create Alert

*DPA Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

View Basket

Print Current View

Help

XY
597428, 781686

Scale
1 : 1000

Townland
Ballyfeeny

Barony
Ballintober North

County
Roscommon

+

-

Type here to search

Free standing bar park

Area for development.

16:11

ENG

GA

19/06/2023

ROSCOMMON COUNTY COUNCIL
28 JUN 2024
PLANNING SECTION

Property Details

Back

Folio Number

RM17913

Title Level

Freehold

Plan Number

11

Property Number

1

Area of selected plans

0.55 hectares.

Number of Plans on this folio

1

Address

Ballyfeeney National School, Ballyfeeney, Kiglass, Co. Roscommon, F42 WV63

Add to Basket

Create Alert

Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

View Basket

Print Current View

Help

XY

Scale

Townland

Barony

County

597428, 781686

1 : 1000

Ballyfeeney

Ballintober North

Roscommon

+

-

Type here to search

ENG 16:11 GA 19/06/2023

A red circular stamp from Roscommon County Council Planning Section, dated 28 JUN 2024. The text "ROSCOMMON COUNTY COUNCIL" is curved along the top inner edge, "PLANNING SECTION" is curved along the bottom inner edge, and "28 JUN 2024" is in the center.

Property Details

> Back

Folio Number

RN17913

Title Level

Freehold

Plan Number

11

Property Number

1

Area of selected plans

0.55 hectares.

Number of Plans on this folio

1

Address

Ballyfeeny National School, Ballyfeeny, Kilglass, Co. Roscommon, F42 WV63

Add to Basket

Create Alert

*PPA Boundaries and Plan Area are not conclusive. See Section 6(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

View Basket

Print Current View

Help

XY

597428, 781686

Scale

1 : 1000

Townland

Ballyfeeny

Barony

Ballintober North

County

Roscommon

Gaeilge

+

-

Type here to search

Hea...

ENG 16:11

GA 19/06/2023

A red circular ink stamp from Roscommon County Council. The outer ring contains the text "ROSCOMMON COUNTY COUNCIL" at the top and "PLANNING SECTION" at the bottom. In the center, the date "28 JUN 2024" is stamped.