

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Ballagh House Mens Shed/Ballagh Community Hub,
Strokestown Road,
Ballyleague,
Lanesborough,
Co. Roscommon N39 HE94.

Reference Number: DED 737
Application Received: 8th July, 2024
Name of Applicant: Ballagh House Mens Shed/Ballagh Community Hub
Agent: N/A

WHEREAS a question has arisen as to whether demolish 2 internal shed walls at Ballagh, Kilrooskey, Co. Roscommon, F42 YN61, 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) Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (c) Articles 6 and 9 of the Planning and Development Regulations, 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 Roscommon County Council has concluded that:

- a) The works are development.
- b) The demolition of 2 internal shed walls is deemed an 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 said development **to demolish 2 internal shed walls at Ballagh, Kilrooskey, Co. Roscommon, F42 YN61, 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: 30, 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 737 |
| Re: | Application for a Declaration under Section 5 of the Planning and Development Act 2000, regarding Exempted Development permission to demolish 2 internal shed walls. |
| Name of Applicant: | Ballagh House Mens Shed/Ballagh Community Hub |
| Location of Development: | Ballagh, Kilrooskey, Co. Roscommon, (F42 YN61) |

WHEREAS a question has arisen as to whether the following works; permission to demolish 2 internal shed walls 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 Acts 2000 (as amended);
- (b) Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (c) Article 6 and 9 of the planning and Development Regulations 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 development is located in a shed to the rear of the old parochial house next to the church in Ballagh, Kilrooskey, Co. Roscommon the site is accessed off the L-1830 Local road. The proposed works is the demolition of 2 no. internal non load bearing walls in an old storage shed.

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 Corbo Bog PNHA/SAC (Site Code 000602/ 002349) which is located circa 0.7km to the south, Derrycanan Bog NHA (Site Code 000605) which is located circa 3km to the west, Lough Ree PNHA/SPA/SAC (Site Code 000440/004064) which is located circa 4.3km to the south east of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, recent planning history has been traced to the proposed site.

- 18/576 - for the proposed erection of a 4.5m High Flag Pole with associated banner and all ancillary site - Conditional

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 (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, as amended 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 proposed development is to demolish 2 internal shed walls constitutes development, as defined in Section 3 of the said Act.

The proposal includes the demolition of 2 no. internal non load bearing walls. 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.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement 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 a NIS is required.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to demolish 2 internal shed walls constitutes development, as outlined above at Ballagh, Kilrooskey, 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 Acts 2000 (as amended);
- (b) Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- (c) Article 6 and 9 of the planning and Development Regulations 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:

- a) The works are development.
- b) The demolition of 2 internal shed walls is deemed an 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: 

Date: 29th August 2024

Civil Technician



Signed:

Date: 29th August 2024

Senior Executive Planner











Comhairle Contae
Ros Comáin
Roscommon
County Council



Ballagh House Mens Shed,
Ballagh Community Hub,
Strokestown Road,
Ballyleague,
Lanesborough,
Co. Roscommon.
N39 HE94

Date: 16th July 2024
Planning Reference: DED 737
Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to demolish 2 internal shed walls under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballagh, Kilrooskey, Co. Roscommon, F42 YN61.

A Chara,

I wish to acknowledge receipt of your application which was received on the 8th July 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. **L01/0/229636** dated 16th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 737**.
This should be quoted in all correspondence and telephone queries.

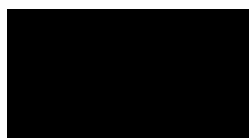
Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

16/07/2024 11:01:48

Receipt No.: L01/0/229636



REF: BALLAGH COMMUNITY HUB

| | |
|---------------------------|-------|
| PLANNING APPLICATION FEES | 80.00 |
| GOODS | 80.00 |
| VAT Exempt/Non-vatable | |
| DED 737 | |

| | |
|-------|-----------|
| Total | 80.00 EUR |
|-------|-----------|

| | |
|-------------------|-------|
| Tendered | |
| Credit/Debit Card | 80.00 |
| 7023 | |

| | |
|--------|------|
| Change | 0.00 |
|--------|------|

Issued By: Bernadine Duignan
From: Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

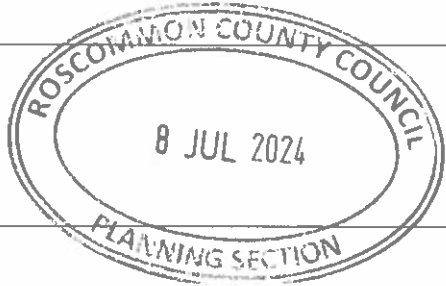
Phone: (090) 6637100

Email: planning@roscommoncoco.ie

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) | Ballagh House Mens Shed / Ballagh Community Hub |
| Name of Agent : Liam Kelly |  |
| Nature of Proposed Works. Demolish 2 internal shed division walls | |
| Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No. | Ballagh, Kilrooskey, Co. Roscommon F42 YN61 |
| Floor Area: a) Existing Structure b) Proposed Structure | a) <u>420 sq ft</u> b) <u>420 sq ft</u> |
| 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) | Slates |

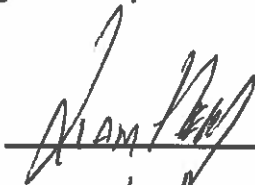
Roscommon County Council

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. | Rear |
| 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 | Storage / Work Sheds |
| Proposed use of land or structure | Storage / Work Sheds |
| Distance of proposed building line 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 |

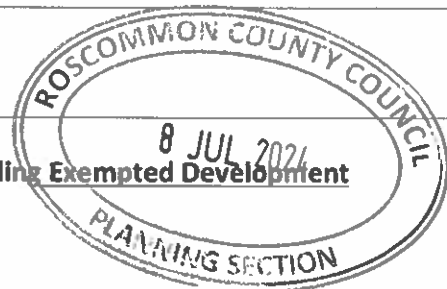
Planning & Development Act 2000 (as amended), regarding **Exempted Development**

Signature:



Date:

24/06/2024



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

Sharon Kelly

From: [REDACTED]
Sent: Monday 8 July 2024 10:30
To: Planning Department
Subject: Planning Department - Re-Application for a Declaration under section 5 -Re -
exempted development - Ballagh Community Hub
Attachments: 2024-07-08_Ballagh community Hub.pdf

Hi there,

Please find attached an application form for planning permission exemption on behalf of Ballagh community hub in regards to making internal modifications to a shed at the rear of the old parochial house , Ballagh, Kilrooskey, Co.roscommon, F42YN61

At present this shed is partitioned to form 3 sheds.

They are looking for exempted development from Roscommon County Council to remove 2 of the internal - non load bearing walls - to form one shed for use as storage and a workshop area by Ballagh House Men's Shed. No other modifications will be made to the external structure.

The company secretary has given me the Application form along with:

- site location Map 1:2500 - clearly identifying the location
- Site layout Plan 1:500 indicating exact location of proposed development

We look forward to hearing from you,

Kind regards,
Jonathon croghan,
[REDACTED]



Ballagh Community Hub



24/06/2024

Ballagh Community Hub / Ballagh House Men's Shed have been allocated a grant from the Roscommon County Council Municipal Fund to make internal modifications to a shed at the rear of the old parochial house.

At present this shed is partitioned to form 3 sheds.

We are looking for exempted development from Roscommon County Council to remove 2 of the internal - non load bearing walls - to form one shed for use as storage and a workshop area by Ballagh House Men's Shed. No other modifications will be made to the external structure.

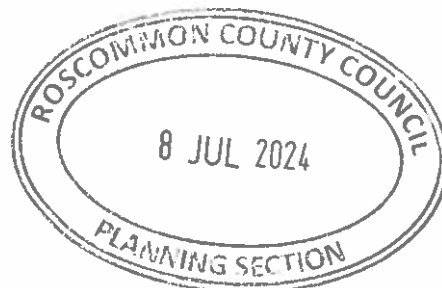
Regards

Liam Kelly



Company Secretary

Ballagh Community Hub CLG

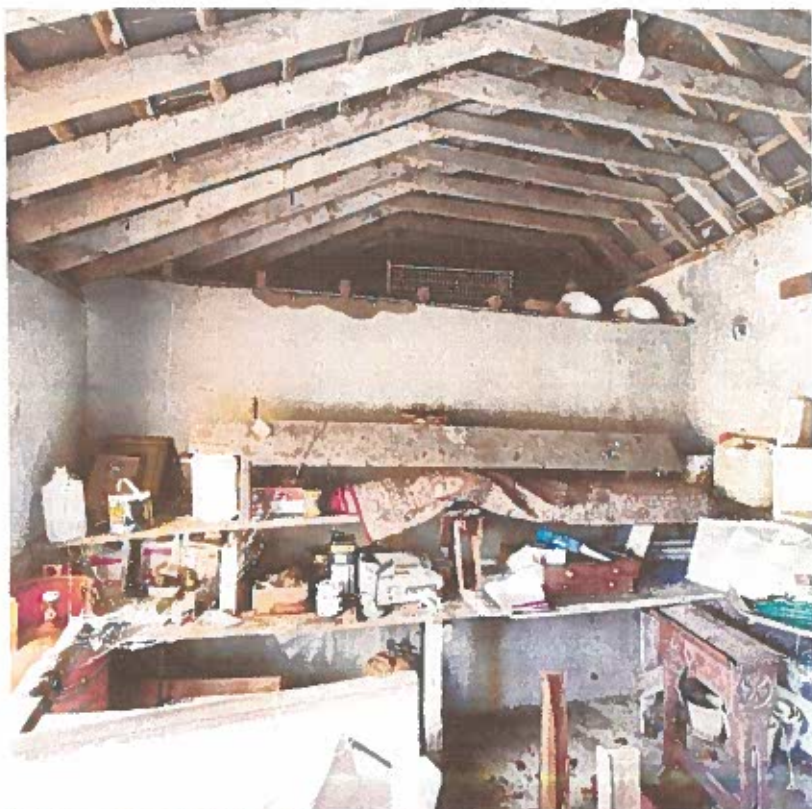


Old Parochial House, Ballagh, Kilrooskey, Co. Roscommon. F42YN61

E: kilgefincommunity@gmail.com. Tel 087 1306553



We propose to demolish 2 internal – non load bearing walls in order to create one shed, rather than 3 individual sheds



Folio Number: RN18204

Application Number: C2022LR007634U

The Property
Registration Authority
An tÚdará
Cláracháin Maoina
Folio: RN18204

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.lrd.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(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.lrd.ie/cqlm

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry 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.

1:2500 Scale



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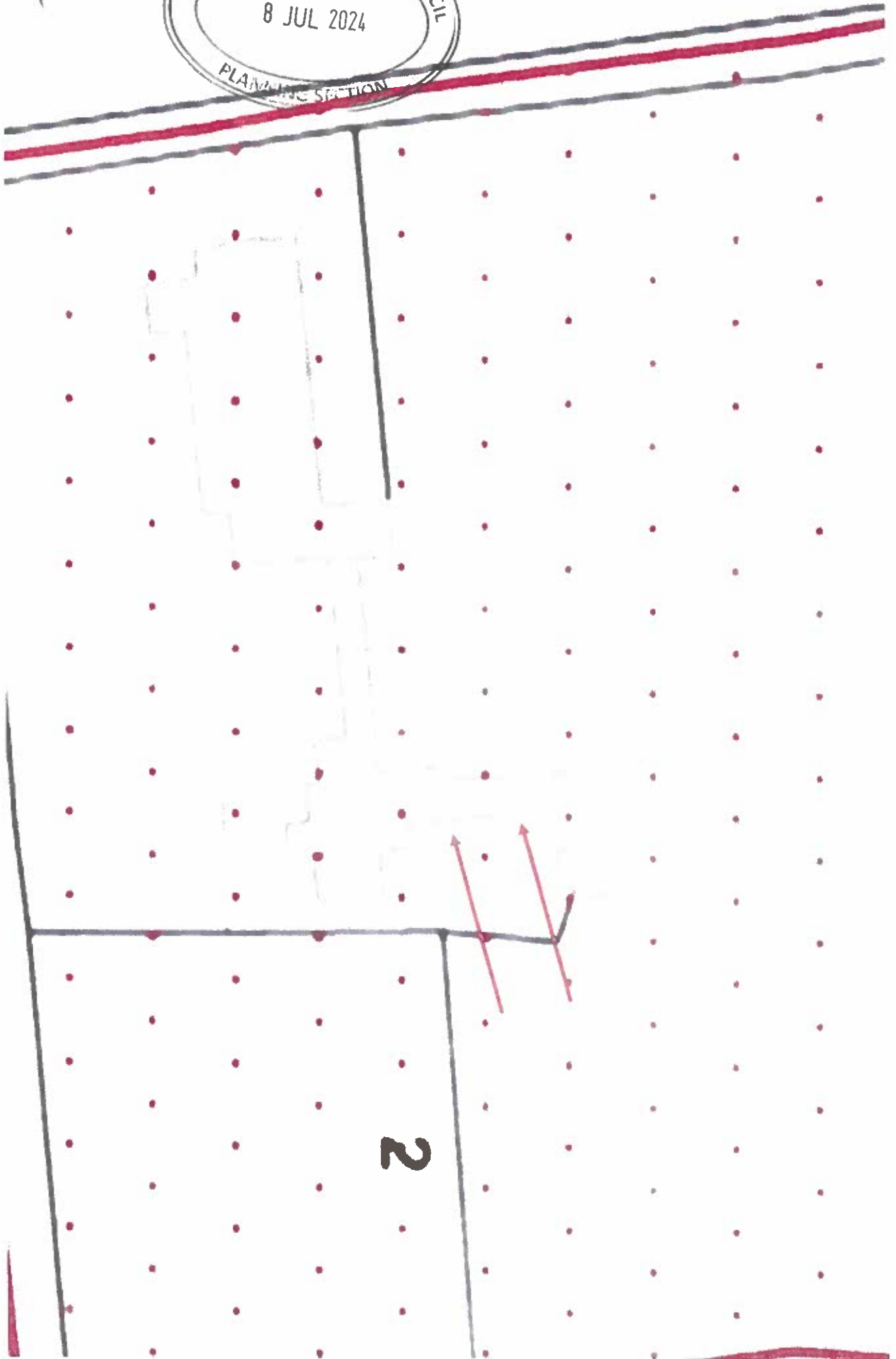


594120 mE, 770220 mN
Date Printed: 22/08/2022

Creation Date: 22 August 2022 07:42:26

Application Number: P2022LR098607C

594920 mE, 770870 mN



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