

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Barry Keenan,

Reference Number: DED 739
Application Received: 15th July, 2024
Name of Applicant: Barry Keenan
Agent: Murtagh Building & Engineering Ltd, Corraun, Tarmonbarry, Whitehall, Co. Roscommon

WHEREAS a question has arisen as to whether to renovate an existing building at The Lodge, Ballytoohey Townland, Tarmonbarry, County Roscommon N39 T252, 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 are development.
- b) Internal renovations and alterations within the existing building is exempted development.
- c) Replacement of the window and door units within the existing openings is exempted development.
- d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development **to renovate an existing building at The Lodge, Ballytoohey Townland, Tarmonbarry, County Roscommon N39 T252, 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: 29 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.

c.c.: Agent via email:

**Murtagh Building & Engineering Ltd, Corraun, Tarmonbarry,
Whitehall, Co. Roscommon**

**Planner's Report on application under Section 5 of the
Planning and Development Acts as amended**

Reference Number: DED 739

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate an existing building at The Lodge, Ballytoohey Townland, Tarmonbarry, County Roscommon

Applicant(s): Barry Keenan

Date: 28th August 2024

WHEREAS a question has arisen as to whether to renovate an existing building at The Lodge, Ballytoohey Townland, Tarmonbarry, County 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 and 9 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 subject existing building is located at The Lodge, Ballytoohey Townland, Tarmonbarry, County Roscommon. Accessed off the N5 National Primary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated sites are the Lough Forbes Complex SAC (Site Code: 001818) and the Ballykenny-Fisherstown Bog SPA (Site Code: 004101), which are approximately 1.1km from the subject site. As per the Roscommon County Council GIS, there are no known heritage related sites/structures in very close proximity to the subject site. The proposed works include internal renovations and alterations within the existing building and the replacement of the window and door units within the existing openings.

Planning History

PD 16 239 – Permission granted to construct new shop front and signage to existing premises "The Lodge".

Relevant Legislation

Planning and Development Act, 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 4(1)(h): The following shall be exempted developments for the purposes of this Act—*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*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—

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 proposed works include internal renovations and alterations within the existing building and the replacement of the window and door units within the existing openings. These works are considered exempted development 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, 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 to renovate an existing building at The Lodge, Ballytoohey Townland, Tarmonbarry, County 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 and 9 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

- (a) The works are development.
- (b) internal renovations and alterations within the existing building is exempted development.
- (c) replacement of the window and door units within the existing openings is exempted development.
- (d) 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: 
Assistant Planner

Date: 28th August 2024

Signed: 
Senior Executive Planner

Date: 28-08-2024

DED 739





Comhairle Contae
Ros Comáin
Roscommon
County Council



Barry Keenan,



Date: 16th July 2024
Planning Reference: DED 739
Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to renovate an existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at The Lodge, Ballytoohey Td, Tarmonbarry, Co. Roscommon, N39 T252.

A Chara,

I wish to acknowledge receipt of your application which was received on the 15th 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. L01/0/229615 dated 15th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 739**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

cc agent via email: Murtagh Building & Engineering Ltd
info@mbeprojects.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

15/07/2024 12:28.24

Receipt No L01/0/229615

MURTAGH BUILDING & ENGINEERING
TARMONBARRY
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 739	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
4908

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)	Barry Keenan
Name of Agent	Murtagh Building & Engineering Ltd
Nature of Proposed Works	Proposed internal renovations and alterations within an existing building together with the replacement of window and door units within existing openings
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	The Lodge, Ballytoohey Townland, Tarmonbarry, Co. Roscommon, N39 T252.
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>401 sqm</u> b) <u>401 sqm</u>
Height above ground level:	7.050m overall height
Total area of private open space remaining after completion of this development	726sqm (open space to the the rear / side of the existing building remains the same)
Roofing Material (Slates, Tiles, other) (Specify)	Existing slated pitched roofs and metal flat roofs to remain

Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Rendered walls to remain
Is proposed works located at front/rear/side of existing house.	Proposed internal renovations and alterations within an existing building together with the replacement of window and door units within existing openings
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	Existing premises use is a Bar / Restaurant & Guesthouse
Proposed use of land or structure	Proposed premises use is a Bar / Restaurant & Guesthouse
Distance of proposed building line from edge of roadway	10.5m
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	Yes

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

Signature:

John Murtagh

Date:

09/07/2024

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 ✓

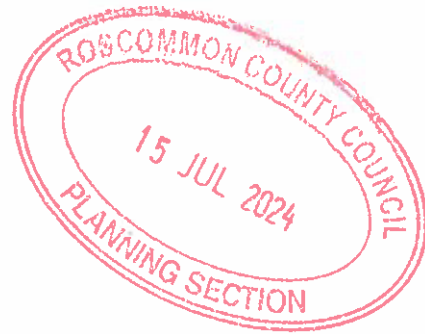
Our ref: 22.007

Friday, 12th July 2024

Section 5 Fee

Please contact the Agents for card payment details on the contact below;

Robert – [REDACTED] or Murtagh Office – 043 335 9888



Our ref: 22.007

Planning Department
Roscommon County Council,
Áras an Chontae,
Roscommon,
Co. Roscommon.

Tuesday, 9th July 2024

Dear Sir /Madam,




On behalf of our client, Barry Keenan, please find enclosed the following documents in support of a Section 5 Application;

- ◆ Application Form.
- ◆ Appropriate fee of €80.
- ◆ 1 no. copy of Design drawings as scheduled here after and in Drawing Register:

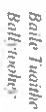
22-007_150	-	OSI Rural Place Map	-	1:10,560 @A4
22-007_151	-	OSI Site Location Map	-	1:2,500 @A4
22-007_152	-	Site Layout Plan	-	1:500 @A3
22-007_153	-	Existing Ground Floor Plan	-	1:100 @A3
22-007_154	-	Existing First Floor Plan	-	1:100 @A3
22-007_155	-	Existing Front & Side Elevations	-	1:100 @A3
22-007_156	-	Existing Rear & Side Elevations	-	1:100 @A3
22-007_157	-	Existing Cross Sections	-	1:100 @A3
22-007_158	-	Proposed Ground Floor Plan	-	1:100 @A3
22-007_159	-	Proposed First Floor Plan	-	1:100 @A3
22-007_160	-	Proposed Front & Side Elevations	-	1:100 @A3
22-007_161	-	Proposed Rear & Side Elevations	-	1:100 @A3
22-007_162	-	Proposed Cross Sections	-	1:100 @A3

We trust that this is to your satisfaction, but should you have any queries, please do not hesitate to contact us.

Yours Sincerely,



John Murtagh B Eng (Hons) C Eng MIEI
Chartered Engineer
For Murtagh Building & Engineering Ltd.



SITE LOCATION MAP
SCALE: 1:2,500

Site Outlined in Red
Land Ownership in Blue



BARRY KEENAN

LEAD 60 / 617 0000

- Abstract**

.....

Data Source / Reference

100

Autodesk AutoCAD (DWG_11201)

4. 2010年10月1日起，凡在中华人民共和国境内销售货物或者提供加工、修理修配劳务以及进口货物的单位和个人，均应按照《中华人民共和国增值税暂行条例》及实施细则缴纳增值税。

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

(1.8.2017 • 66503) 1.1672.776761.2070

UNIT 187 • 605A.M. 1472, 777191, 2075

1. *Staphylococcus aureus* (100%)

Centre Point Coordinates:

 $\chi^2_{\text{Y}} = 605344.6472, 716976.2078$ [illegible]

12,500	2279C
12,500	2279C

Abstract

Source Data Address

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Version= 1.4

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standing / frequency

PRODUCED BY

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SECTION 5 SUBMISSION

Page 1 of 1

Measure	Year	Percent
...

DATE	PRICE
06 07 2004	1.3500000

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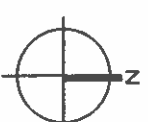
PROJECT
SECTION 5 APPLICATION AT:
BALLYTOOHEY TOWNLAND,
TARMONBARRY, CO ROSCOMMON

CLIENT
BARRY KEENAN

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LEGEND / KEY PLAN



REV	DATE	DESCRIPTION	BY

PRODUCED BY



STATUS

SECTION 5 SUBMISSION

SHEET TITLE

EXISTING SITE LAYOUT PLAN

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	BY
09.07.2024	1:500@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	152	

PLANNING SYMBOLS LEGEND:

EXISTING BUILDINGS INDICATED THUS:

LANDOWNERSHIP INDICATED THUS:

SITE BOUNDARY:

POSITION OF SITE NOTICE:

SITE AREA: 2,995m²
0.30 Ha
0.74 Acres

EXISTING LEVELS INDICATED THUS:

90,000

EXISTING SITE LAYOUT PLAN
SCALE: 1:500 @A3

PROJECT
SECTION 5 APPLICATION AT;
CLOONSLANOR TOWNLAND,
STROKESTOWN, CO ROSCOMMON
CLIENT
BARRY KEENAN

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LEGEND / KEY PLAN



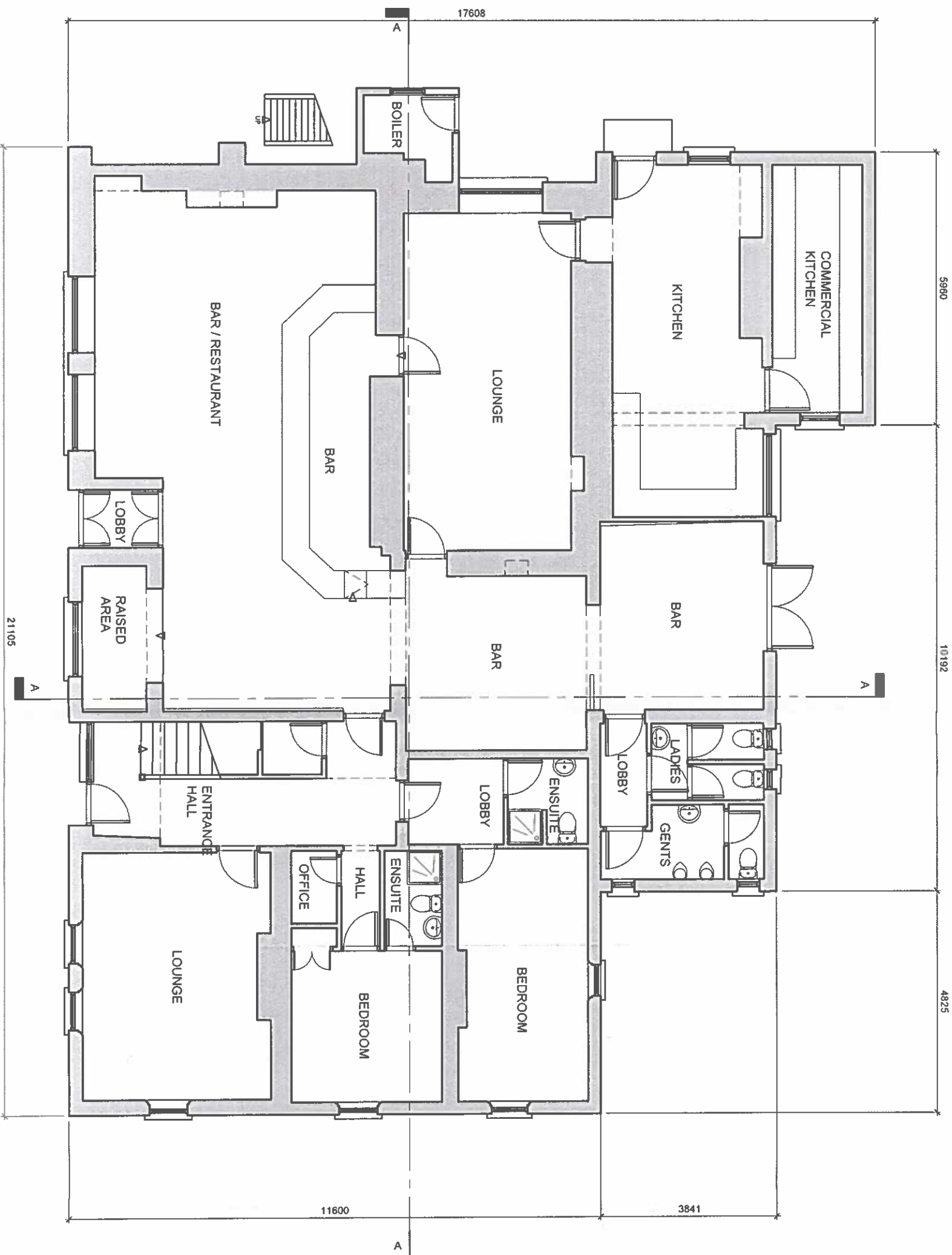
REV	DATE	DESCRIPTION	BY
-			
ISSUE / REVISION			

PRODUCED BY



STATUS
SECTION 5 SUBMISSION
SHEET TITLE
EXISTING GROUND FLOOR PLAN

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	153	

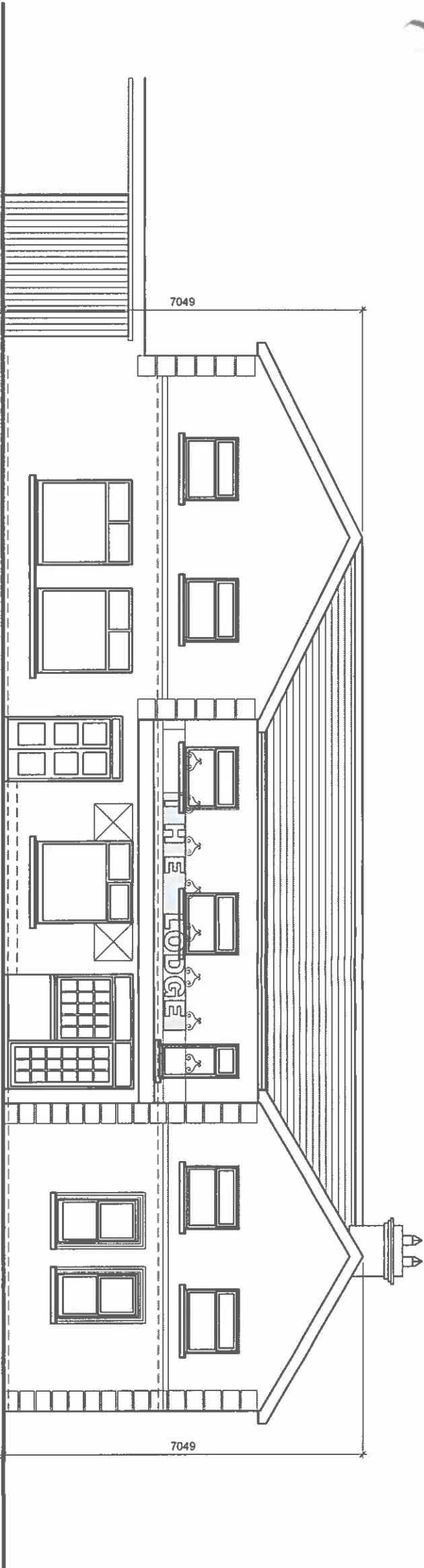


EXISTING GROUND FLOOR PLAN
SCALE: 1:100@ A3

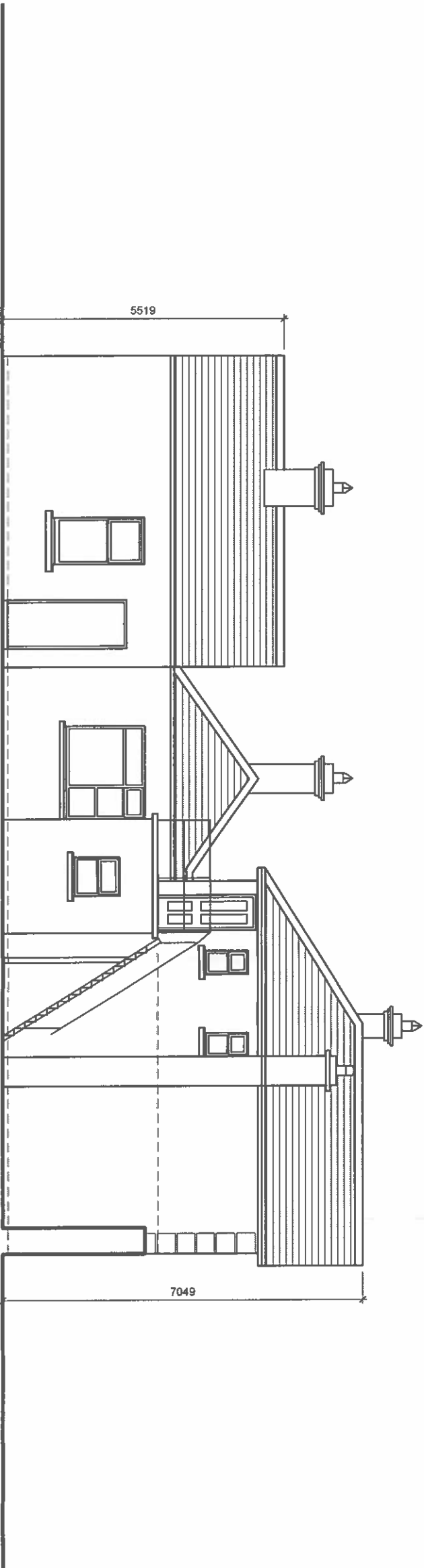
AREAS
EXISTING GROUND FLOOR PLAN
EXISTING FIRST FLOOR PLAN

284m²
117m²
401m² / 4,316ft²

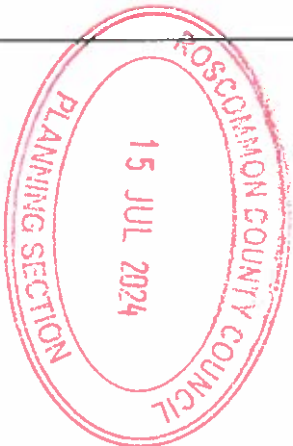




EXISTING FRONT ELEVATION (SOUTH)
SCALE: 1:100@ A3



EXISTING SIDE ELEVATION (WEST)
SCALE: 1:100@ A3



REV	DATE	DESCRIPTION	BY
-			

PRODUCED BY



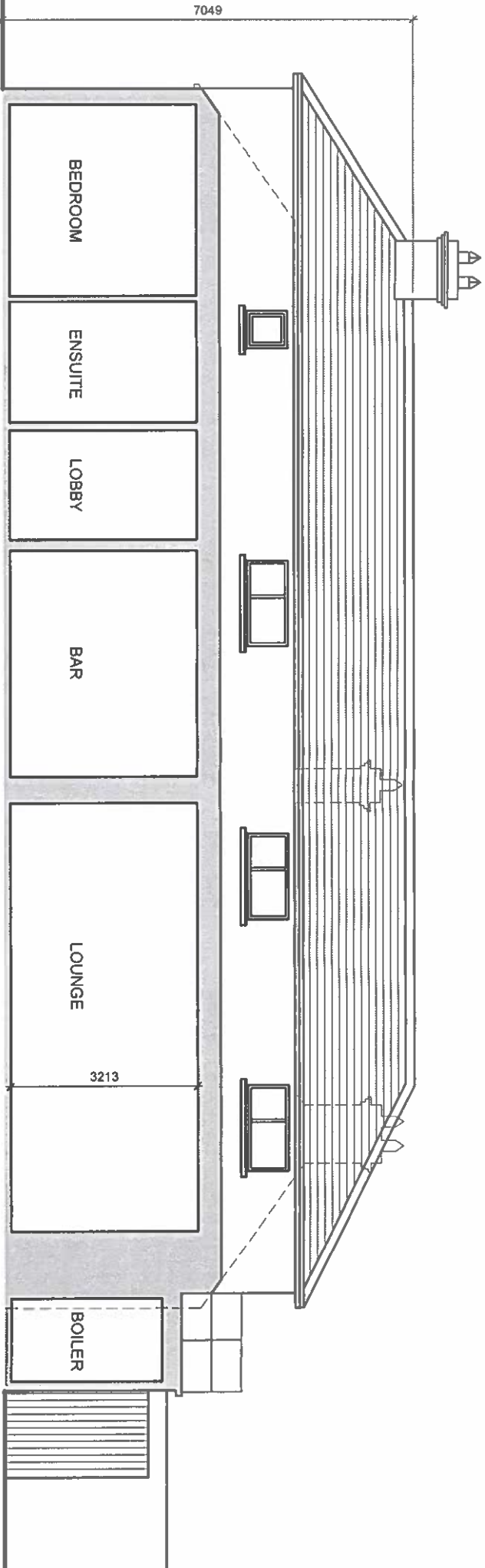
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SECTION 5 SUBMISSION

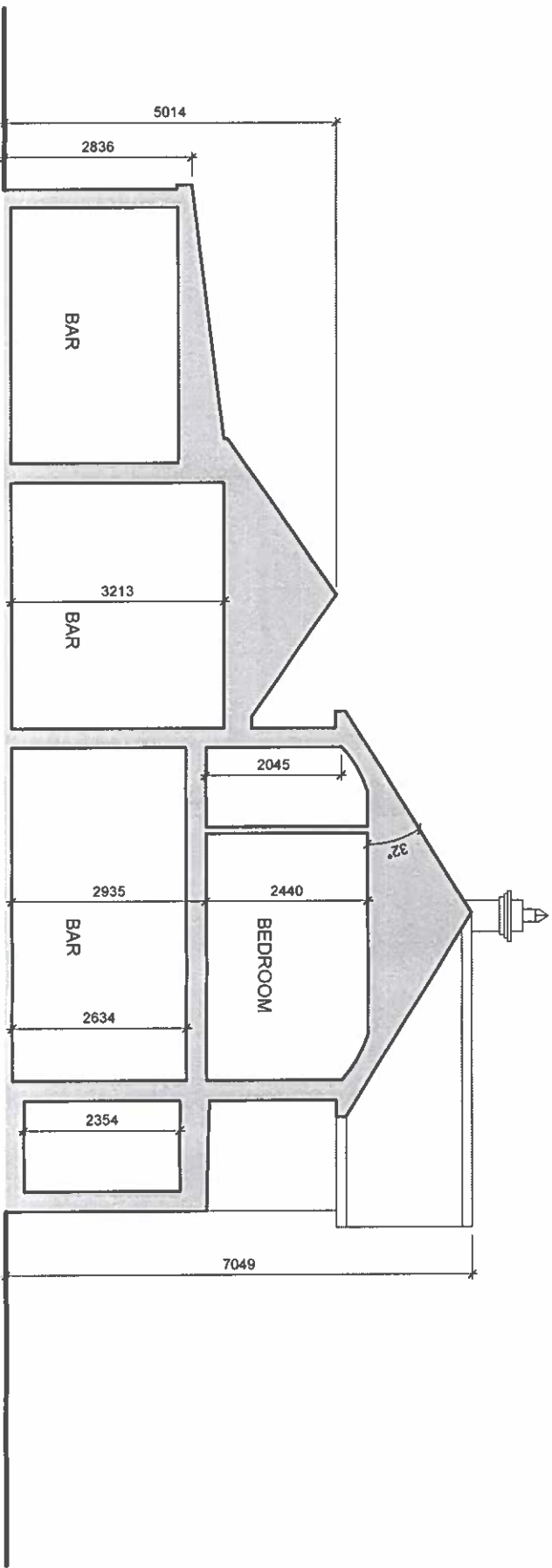
SHEET TITLE

EXISTING FRONT ELEVATION
& SIDE ELEVATION

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	155	



EXISTING CROSS SECTION B-B / SECTIONAL ELEVATION
SCALE: 1:100 @ A3



EXISTING CROSS SECTION A-A
SCALE: 1:100 @ A3

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LEGEND / KEY PLAN



REV	DATE	DESCRIPTION	BY
-			
ISSUE / REVISION			

PRODUCED BY



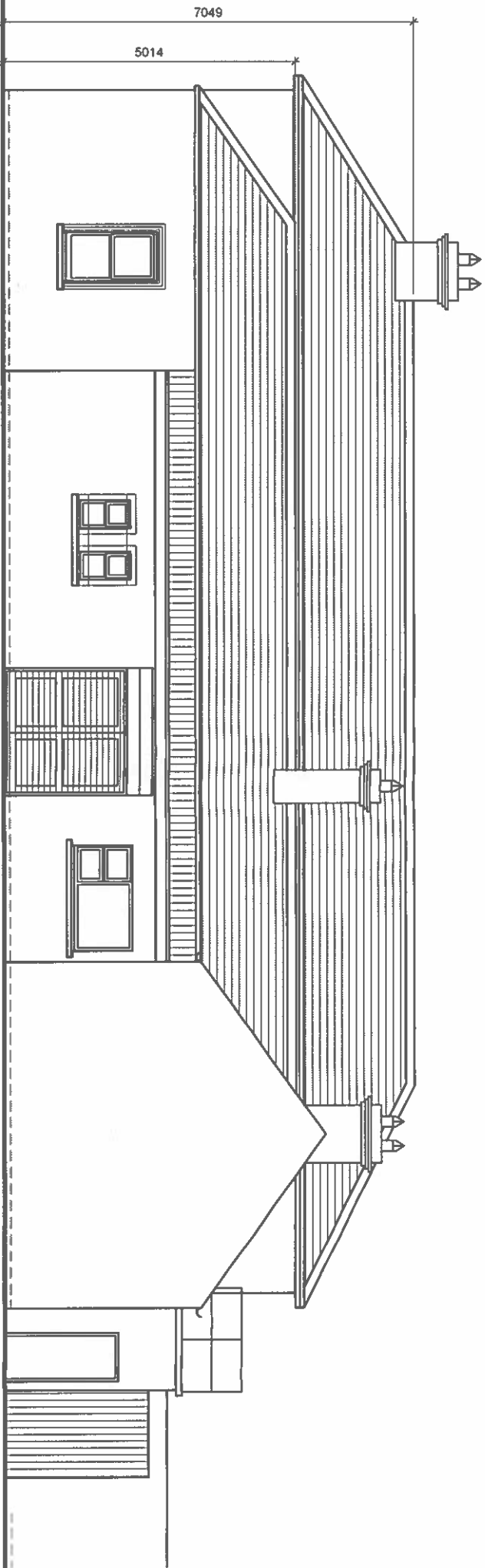
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SECTION 5 SUBMISSION

SHEET TITLE

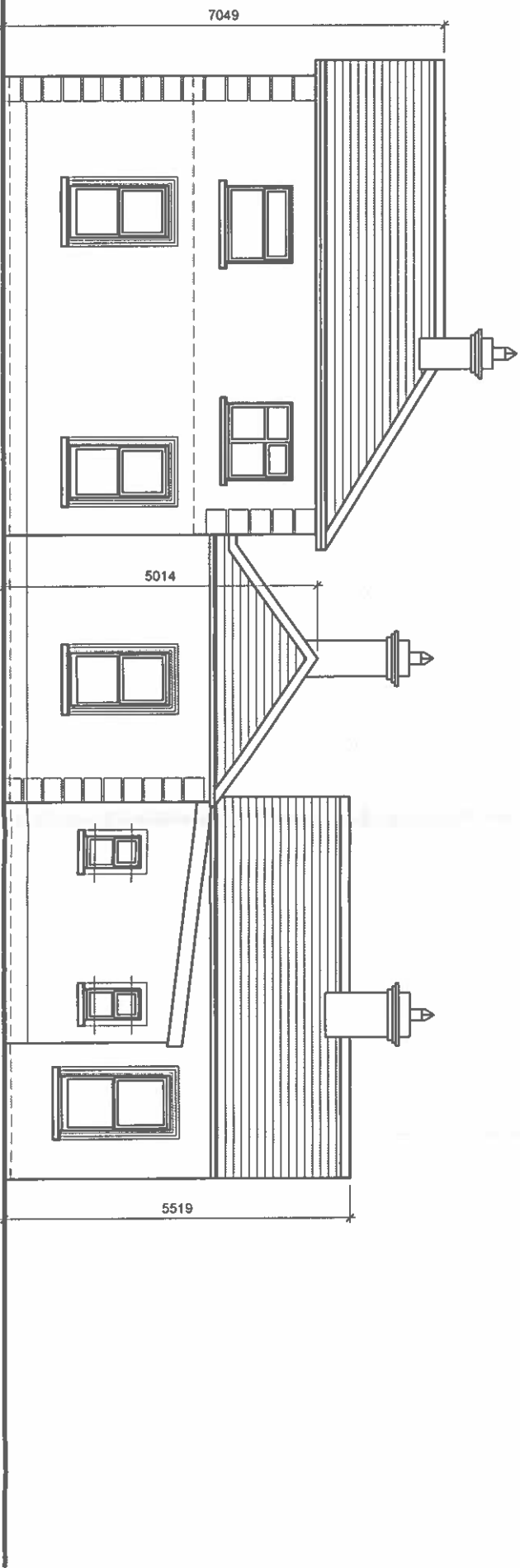
EXISTING SECTIONAL ELEVATION
& CROSS SECTION

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	157	



EXISTING REAR ELEVATION (NORTH)

SCALE: 1:100@ A3



EXISTING SIDE ELEVATION (EAST)

SCALE: 1:100@ A3

REV	DATE	DESCRIPTION	BY
-			

PRODUCED BY

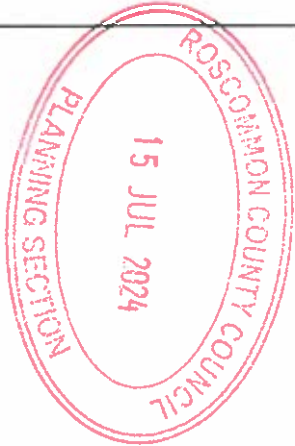
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DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	156	

PROJECT
SECTION 5 APPLICATION AT;
CLOONSLANOR TOWNLAND,
STROKESTOWN, CO ROSCOMMON

CLIENT
BARRY KEENAN

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LEGEND / KEY PLAN



REV	DATE	DESCRIPTION	BY
-			
ISSUE / REVISION			

PRODUCED BY



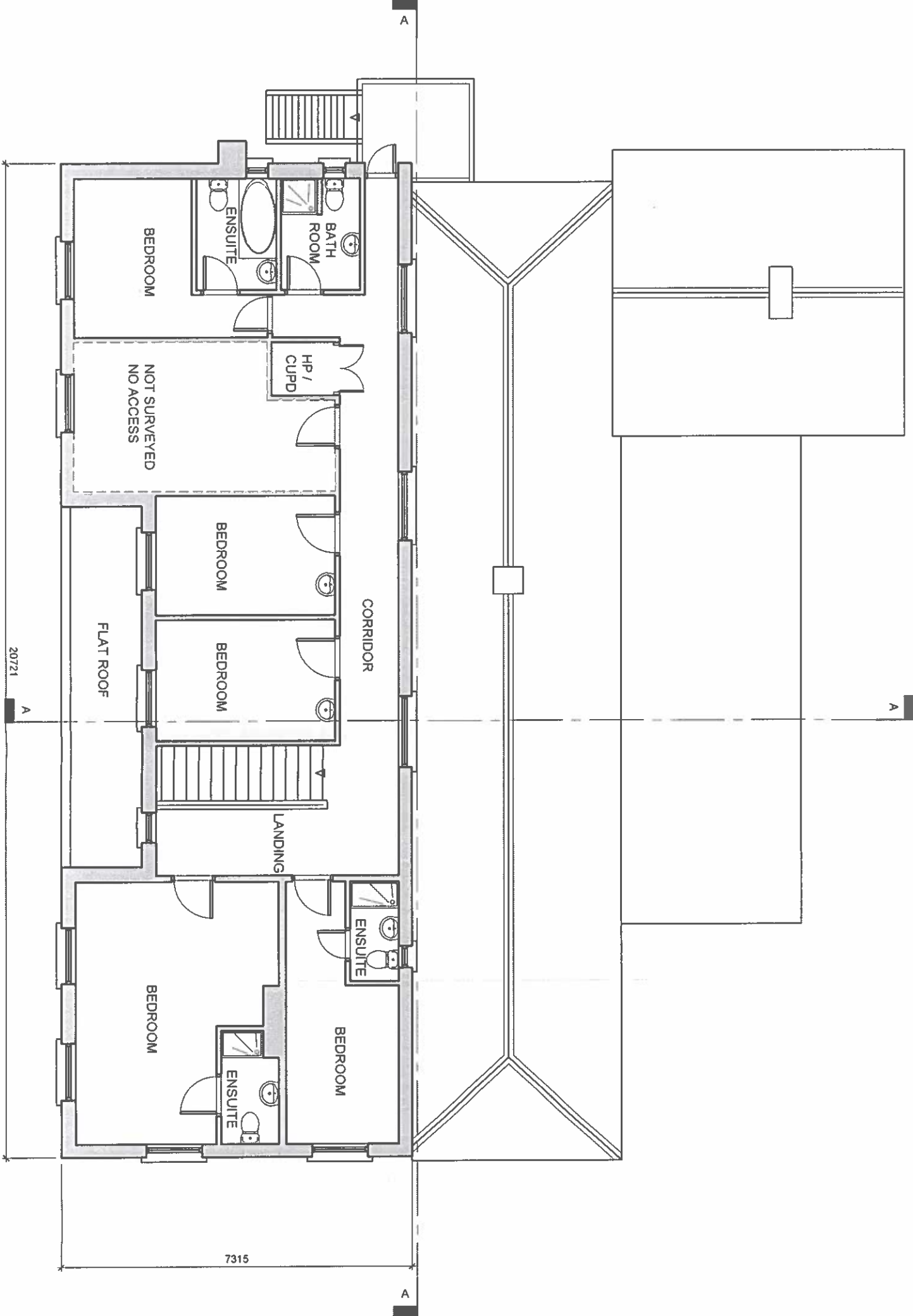
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SECTION 5 SUBMISSION

SHEET TITLE

EXISTING FIRST FLOOR PLAN

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	154	



EXISTING FIRST FLOOR PLAN
SCALE: 1:100@ A3

AREAS
EXISTING GROUND FLOOR PLAN
EXISTING FIRST FLOOR PLAN

284m²
117m²
401m² / 4,316ft²

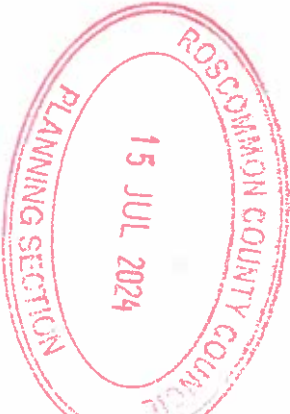


PROJECT
SECTION 5 APPLICATION AT:
CLOONSLANOR TOWNLAND,
STROKESTOWN, CO ROSCOMMON

CLIENT
BARRY KEENAN

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LEGEND / KEY PLAN



REV	DATE	DESCRIPTION	BY
-			
ISSUE / REVISION			

PRODUCED BY



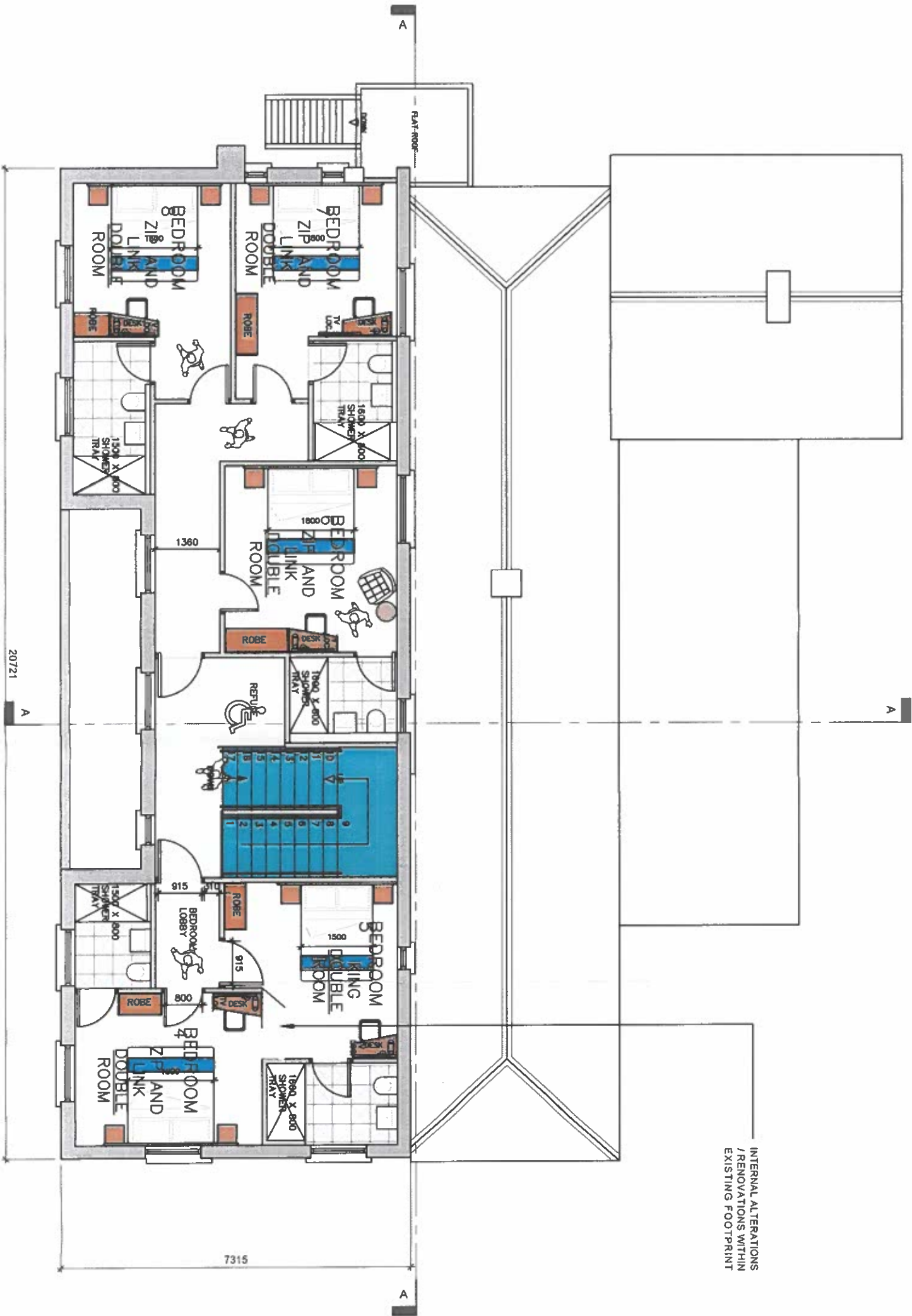
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SECTION 5 SUBMISSION

SHEET TITLE

PROPOSED FIRST FLOOR PLAN

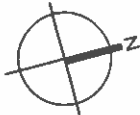
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JM	JM	
DATE	SCALE	
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PROJECT NUMBER	DRAWING NUMBER	
22.007	159	



PROPOSED FIRST FLOOR PLAN
SCALE: 1:100@ A3

AREAS
EXISTING GROUND FLOOR PLAN
EXISTING FIRST FLOOR PLAN

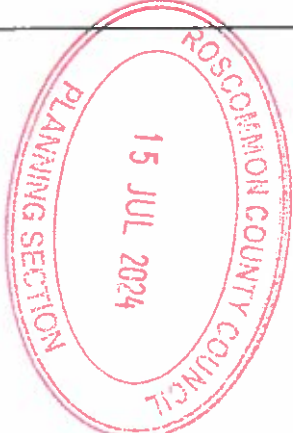
284m²
117m²
401m² / 4,316ft²



PROJECT
SECTION 5 APPLICATION AT:
CLOONSLANOR TOWNLAND,
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LEGEND / KEY PLAN



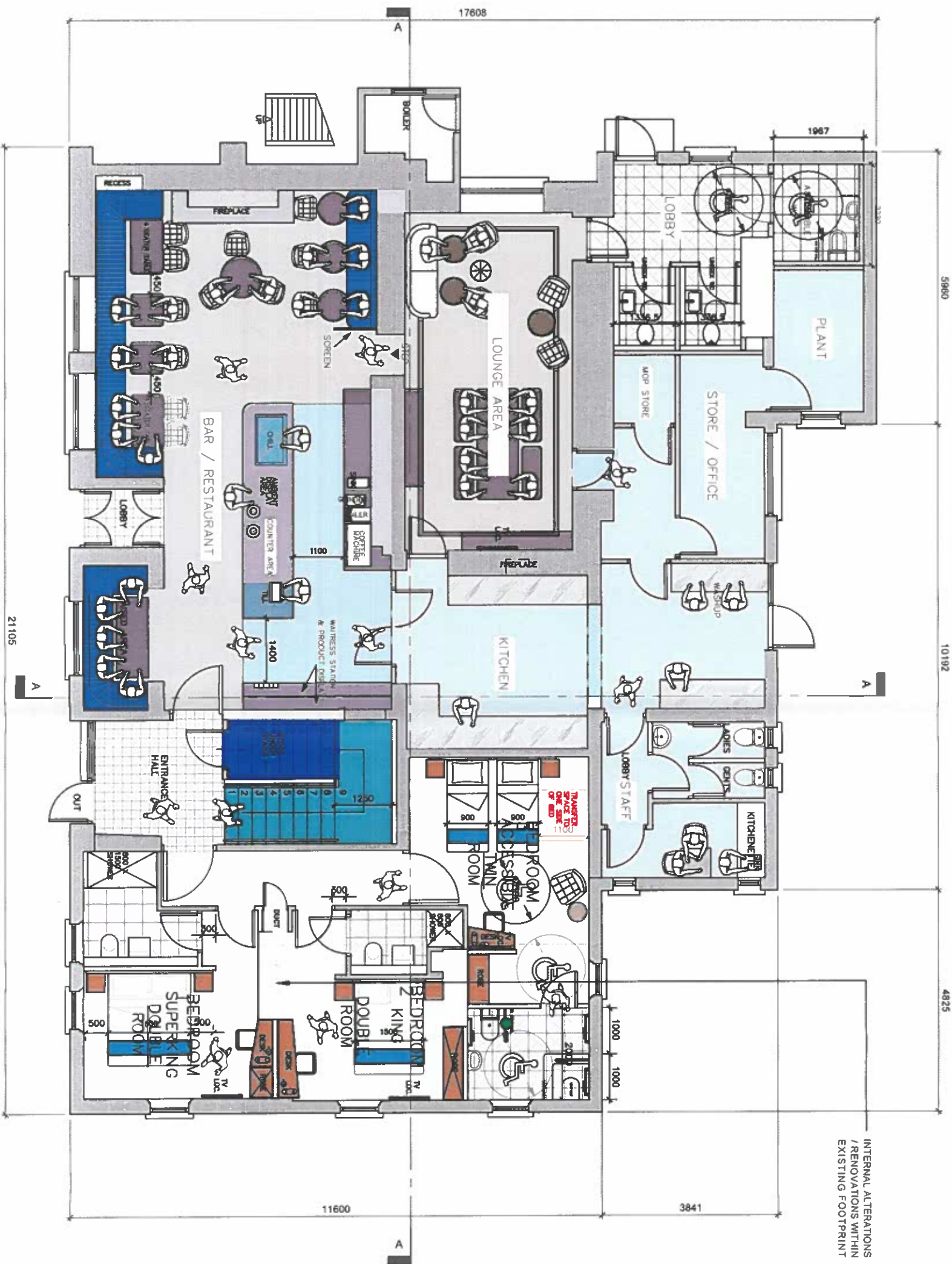
REV	DATE	DESCRIPTION	BY
-			
ISSUE / REVISION			

PRODUCED BY



STATUS
SECTION 5 SUBMISSION
SHEET TITLE
PROPOSED GROUND FLOOR PLA

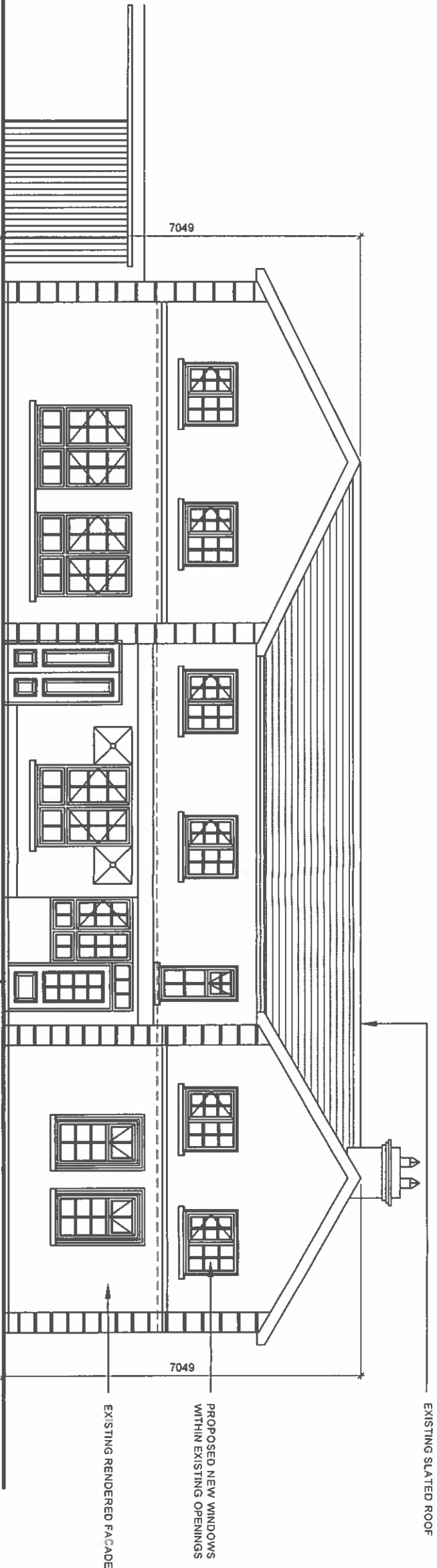
DRAWN	CHK	REVISION
JMI	JMI	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	158	



PROPOSED GROUND FLOOR PLAN
SCALE: 1:100@ A3

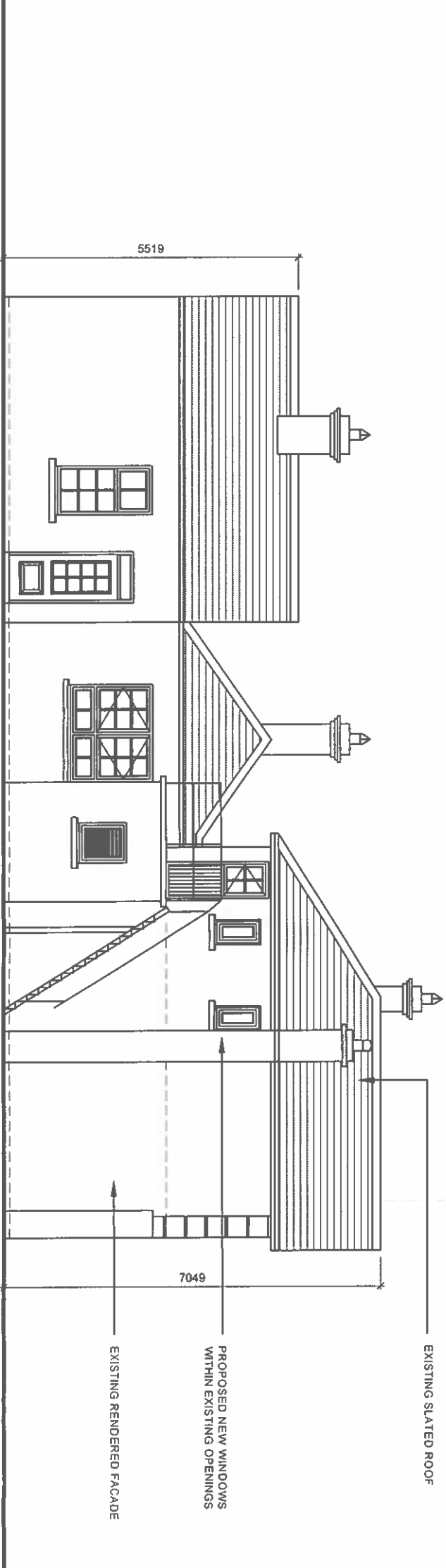
AREAS
PROPOSED GROUND FLOOR PLAN
PROPOSED FIRST FLOOR PLAN

284m²
117m²
401 m² / 4,316ft²



PROPOSED FRONT ELEVATION (SOUTH)

SCALE: 1:100@ A3



PROPOSED SIDE ELEVATION (WEST)

SCALE: 1:100@ A3

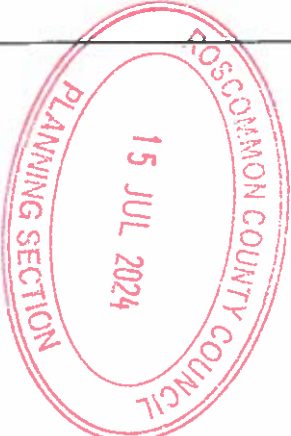


Corran
Tarronbarry
Co Roscommon
john@mbprojects.com
www.mbprojects.com
+353 86 349 0965

PROJECT
SECTION 5 APPLICATION AT:
CLOONSLANOR TOWNLAND,
STROKESTOWN, CO ROSCOMMON
CLIENT
BARRY KEENAN

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LEGEND / KEY PLAN



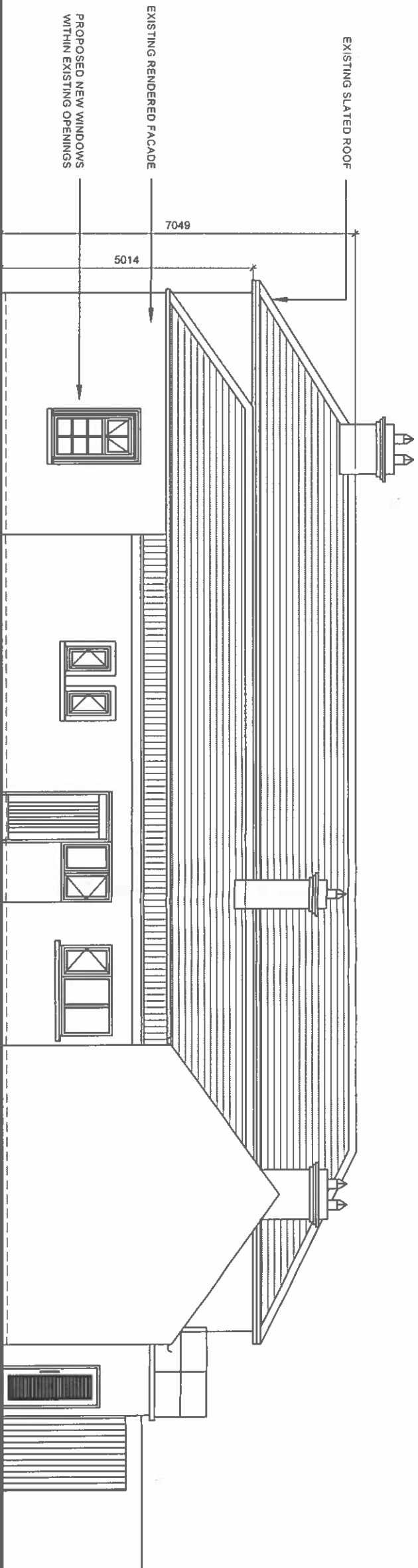
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-			
ISSUE / REVISION			

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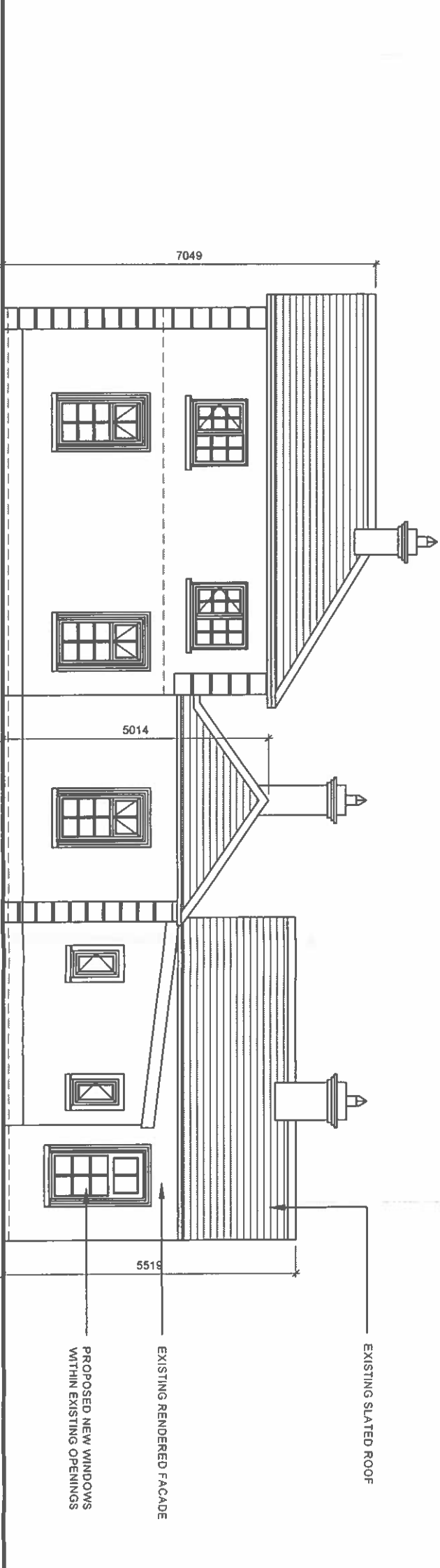
BUILDING & ENGINEERING LTD

STATUS
SECTION 5 SUBMISSION
SHEET TITLE
PROPOSED FRONT ELEVATION
& SIDE ELEVATION

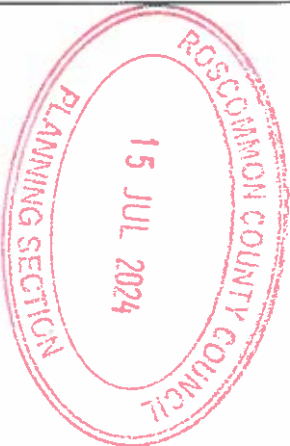
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JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	160	



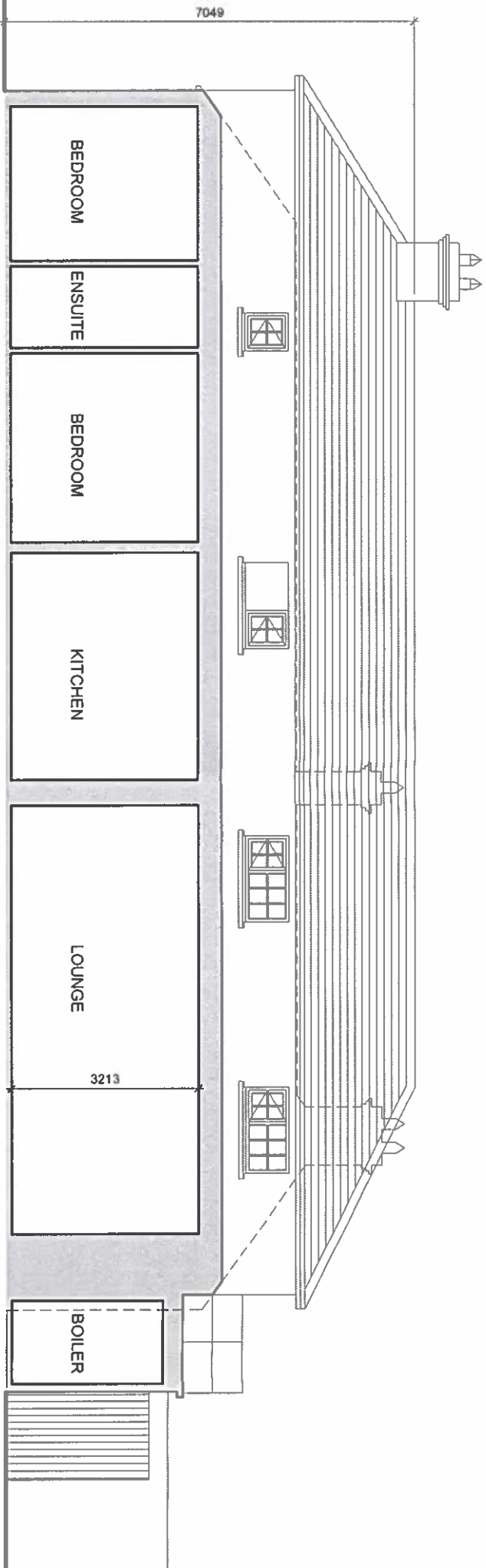
PROPOSED REAR ELEVATION (NORTH)
SCALE: 1:100@ A3



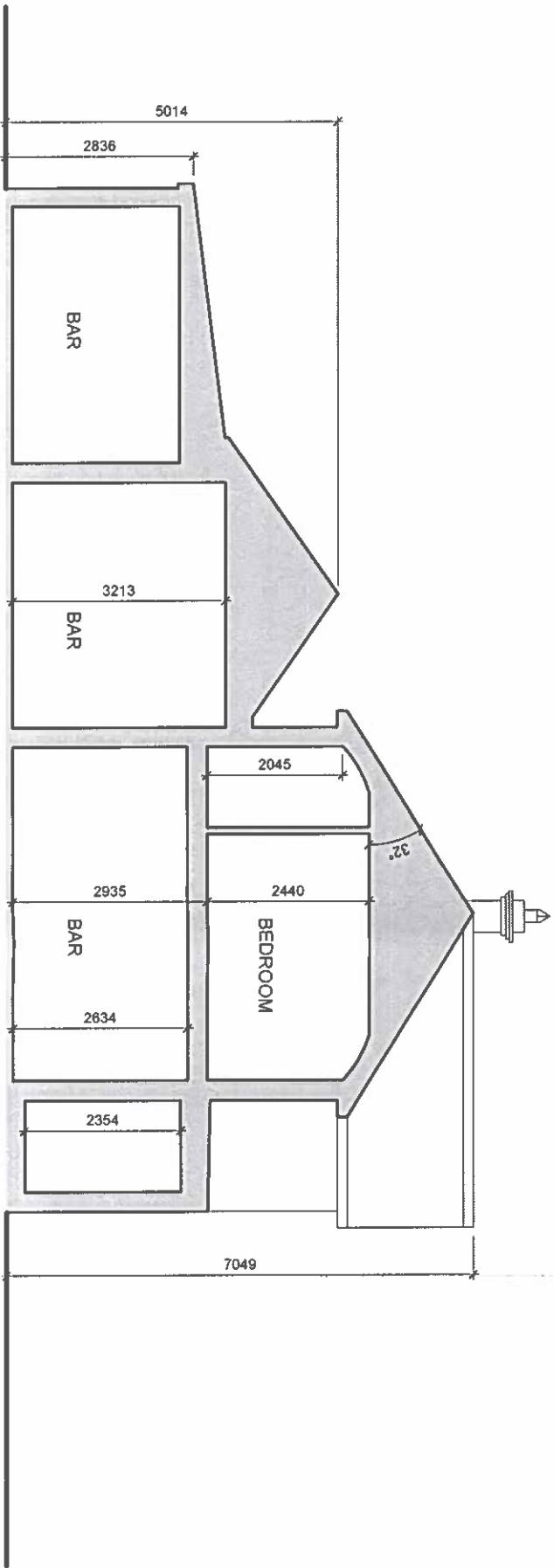
PROPOSED SIDE ELEVATION (EAST)
SCALE: 1:100@ A3



REV	DATE	DESCRIPTION	BY
-			
ISSUE /REVISION			



PROPOSED CROSS SECTION B-B / SECTIONAL ELEVATION
SCALE: 1:100@ A3



PROPOSED SIDE ELEVATION (EAST)
SCALE: 1:100@ A3

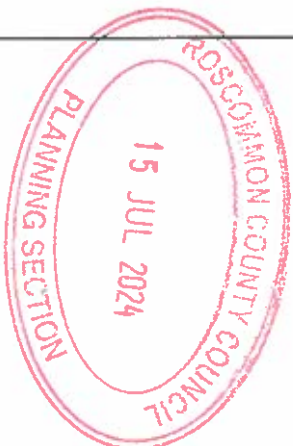
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LEGEND / KEY PLAN



REV	DATE	DESCRIPTION	BY
-			

PRODUCED BY



STATUS

SECTION 5 SUBMISSION

SHEET TITLE

PROPOSED REAR ELEVATION
& SIDE ELEVATION

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
09.07.2024	1:100@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.007	162	