# **ROSCOMMON COUNTY COUNCIL**

# PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

# SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

# **NOTIFICATION OF DECISION**

# REGISTERED POST

Brendan Finnegan,



Reference Number:	DED 751
Application Received:	14 <sup>th</sup> August 2024
Name of Applicants:	Brendan Finnegan
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house and change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon, F45 RK28, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 of Part 1 of Schedule 2 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 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 proposed change of use from a garage to a living room to the side of a dwelling house as described in this case is an exempted development.
- (c) The proposed refurbishment of the derelict house as above 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;

(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 – 2024 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 refurbish a derelict house and change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon, F45 RK28, is development that is <u>exempted development</u> 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: 19th September 2024

cc agent via email:

James Lohan Consulting Engineers Ltd james@jlce.ie

#### **ADVICE NOTE**

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

# **Carmel Curley**

From: Sent: To: Subject: Attachments: Carmel Curley Friday 20 September 2024 10:52 James Lohan DED751 - Notification of Decision DED751 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 751. Please note that a hard copy will be issued.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2 : (090) 6637100 2 : planning@roscommoncoco.ie | @ www.roscommoncoco.ie MAP LOCATION Reference MAP LOCATION

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

Reference Number:	DED 751
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish derelict house and change of use from a garage to a living room.
Name of Applicant:	Brendan Finnegan
Location of Development:	Buckill, Frenchpark, Co. Roscommon (F45 RK28)
Site Visit:	18/09/2024

WHEREAS a question has arisen as to whether the following works; regarding exempted development to refurbish derelict house and change of use from a garage to a living room 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) Class 1 of Part 1 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 Acts 2000 as amended.
- (e) The planning history of the site

## Site Location & Development Description

The subject site is located Buckill, Frenchpark, Co. Roscommon. The subject site contains a bungalow dwelling house with what seems to be a single story, flat roof extension to the rear. Along with the dwelling house, there is an attached domestic garage in which this application is in relation to the change of use of said garage to additional living space. As well as the change of use the application proposes the refurbishment of the existing dwelling, the works proposed are

- Strip out of walls, floors and ceilings.
- Install ceiling joist, internal stud work, plasterboard and skim.
- Re-slate the roof.
- Second fix carpentry, paint and decorate internally.
- Upgrade plumbing/heating system and electrical system.

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 development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the development.

#### **Appropriate Assessment**

The closest European sites to the site of the development are Lough Glinn PNHA (Site Code 001644) which is located circa 2.7km to the southwest and Bellanagare Bog SPA/PNHA (Site Codes 004105/000592) which is located circa 4.8km to the southeast 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 has been traced relating to the subject site.

## **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

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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,

# Class 1 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
Development within the curtilage of a	1. (a) Where the house has not been extended previously, the floor area of
nouse	any such extension shall not exceed 40 square metres.
	(b) Subject to paragraph (a), where the house is terraced or semi-detached,
CLASS 1	the floor area of any extension above ground level shall not exceed 12 square metres.
The extension of a house, by the	(c) Subject to paragraph (a), where the house is detached, the floor area of
construction or erection of an extension including a conservatory) to the rear of	any extension above ground level shall not exceed 20 square metres.
the house or by the conversion for use as	2. (a) Where the house has been extended previously, the floor area of any
part of the house of any garage, store,	such extension, taken together with the floor area of any previous extension
shed or other similar structure attached	or extensions constructed or erected after 1 October 1964, including those for
to the rear or to the side of the house.	which planning permission has been obtained, shall not exceed 40 square metres.
	(b) Subject to paragraph (a), where the house is terraced or semi-detached
	and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or
	extensions above ground level constructed or erected after 1 October 1964,
	including those for which planning permission has been obtained, shall not exceed 12 square metres.
	(c) Subject to paragraph (a), where the house is detached and has been
	extended previously, the floor area of any extension above ground level,
	taken together with the floor area of any previous extension or extensions
	above ground level constructed or erected after 1 October 1964, including
	those for which planning permission has been obtained, shall not exceed 20
	square metres.
	3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
	4. (a) Where the rear wall of the house does not include a gable, the height of
	the walls of any such extension shall not exceed the height of the rear wall of the house.
	(b) Where the rear wall of the house includes a gable, the height of the walls
	of any such extension shall not exceed the height of the side walls of the house.
	(c) The height of the highest part of the roof of any such extension shall not
	exceed, in the case of a flat roofed extension, the height of the eaves or
	parapet, as may be appropriate, or, in any other case, shall not exceed the
	height of the highest part of the roof of the dwelling.
	5. The construction or erection of any such extension to the rear of the hour
	shall not reduce the area of private open space, reserved exclusively for the
	use of the occupants of the house, to the rear of the house to less than 25 square metres.
	6. (a) Any window proposed at ground level in any such extension shall not less than 1 metre from the boundary it faces.
	(b) Any window proposed above ground level in any such extension shall no be less than 11 metres from the boundary it faces. 388 (c) Where the house
	detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be les
	than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

# Assessment:

The proposed development of the change of use from a garage to a living room to the side of a dwelling house which, it is stated as having floor space of 31.9m<sup>2</sup>.

From reviewing the drawings provided the existing extension has an area of 7.6m<sup>2</sup>.

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

- 1. House has a previous extension to the rear therefore N/A.
- 2. a. House has previous extension of 7.6m<sup>2</sup>. Proposed work is stated as 31.9m<sup>2</sup>, total area of all extensions to the dwelling is 39.5m<sup>2</sup>.
  - b. House is detached, therefore N/A.
  - c. Proposed area is only on ground floor level.
- 3. Proposed area is only on ground floor level.
- 4. a. Rear wall does not exceed this height.b. Rear wall does not exceed this height.c. Roof height of extension is not higher than the existing house.
  - c. Root neight of extension is not nigher than the existing house
- 5. Extension does not reduce the open space to less than 25m<sup>2</sup>
- 6. a. Window is greater than 1m from the boundary it faces.b. Proposed work is only on ground floor level.c. Proposed work is only on ground floor level.
- 7. Existing house is a bungalow type house therefore can not be used as such.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the change of use from a garage to a living room as described in this case is considered an exempted development.

The proposal includes the refurbishment of the derelict house. 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 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 refurbish derelict house and change of use from a garage to a living room in Buckill, Frenchpark, 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 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 Act, 2000, as amended
- (e) The planning history of the site

# AND WHEREAS I have concluded that

- a) The works are development.
- b) The proposed change of use from a garage to a living room to the side of a dwelling house as described in this case is an exempted development.
- c) The proposed refurbishment of the derelict house as above 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;

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.

San Murray

Date: 19th September 2024

**Civil Technician** 

K.S.

Signed:

Signed:

Date: 19th September 2024

Senior Executive Planner







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# DED 751



Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u>

# **Roscommon County Council**

# Application for a Declaration under Section 5 of the

# Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Brendan Finnegan
, and the second s	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
в <sub></sub> .	Refurbish derelict house and Change the use from a garage to a living room in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
to include, Eircode (where applicable), Townland &	BUCKILL FRENCHPARK CO. ROSCOMMON F45 RK 28 OS.No 2036 XY: 560754, 776324 Townland BUCKILL
Floor Area: a) Existing Structure b) Proposed Structure	<ul> <li>a) Ground floor area: 78.2Sqm –Garage 31.9Sqm</li> <li>b) Ground Floor area : 110.1Sqm</li> </ul>
Height above ground level:	Floor level- between 150mm - 260mm above ground level (Ridge height existing ground floor 5.26m above ground level & Ridge height existing garage 2.85 above ground level )
Total area of private open space remaining after completion of this development	0.155 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof and Flat Roof membrane over garage area.

# **Roscommon County Council**

# Application for a Declaration under Section 5 of the

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Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Change of use of domestic garage into kitchen / living room with a floor area of 31.9sq.m located a side 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)	N/A
Existing use of land or structure	Existing Dwelling House with adjoining garage.
Proposed use of land or structure	Additional Living space
Distance of proposed building line from edge of roadway	Existing -11.648 from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area
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# Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

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Date:

01-05-2024

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

Roscommon County Council Aras an Chontae Roscommon 09086 37100

14/08/2024 15 20 37

Receipt No L01/0/230062

BRENDAN FINNEGAN C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5 BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 751

Total

80.00 EUR

Tendered <sup>-</sup> Cash Cheque 500359

Change

671.00

0.00 751.00

Issued By : Bernadine Duignan From : Central Cash Office

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Planning Dept,

Roscommon Co.Co.

Aras An Chontae,

Roscommon.

# **Detailed Specification Of The Development Proposed**

<u>Ref: Brendan Finnegan for Property at BUCKILL, FRENCHPARK, CO. ROSCOMMON, F45 RK 28</u> <u>We need to include the fact the house is being refurbished as part of the exempt development application for the Croi Conaithe Grant – the Planning authority have already granted a cert of exemption for the converting of the gargage but in the interests of clarity we will do it all under one new application.</u>



WHEREAS a question has arisen as to whether the change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon., is or is not development and is or is not exempted development:

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a two-bed dwelling house. Additionally, Change of use of domestic garage into kitchen / living room with a floor area of 31.9sq.m located at side of house. The works involved are as follows:

- 1. Strip out walls, floors, and ceilings.
- 2. Install new ceiling joists and internal stud work, plasterboard, and skim.
- 3. Re-slate the roof.
- 4. Second fix carpentry and paint and decorate internally.
- 5. Renovate and convert the domestic garage into a new kitchen and living room with a floor area of 31.9 sq.m, including all necessary internal finishes and installations.
- 6. Upgrade plumbing/heating system.
- 7. Upgrade electrical systems.



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8. Install new floors.

Kind Regards

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Camila Zen James Lohan Consulting Engineer Ltd, Unit 5, Ballypheason House, Circular Road Roscommon F42 C982

## **ROSCOMMON COUNTY COUNCIL**

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

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

## **NOTIFICATION OF DECISION**

REGISTERED POST	and the second
Brendan Finnegan,	
Reference Number:	DED 703
Application Received:	2 <sup>nd</sup> May 2024
Name of Applicants:	Brendan Finnegan
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon., 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 of Part 1 of Schedule 2 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 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 proposed change of use from a garage to a living room to the side of a dwelling house as described in this case is an exempted development.
- (c) The proposed change of use from a garage to a living room to the side of a dwelling house as above 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;

(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 for the change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon., is development that is <u>exempted</u> <u>development</u> 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.

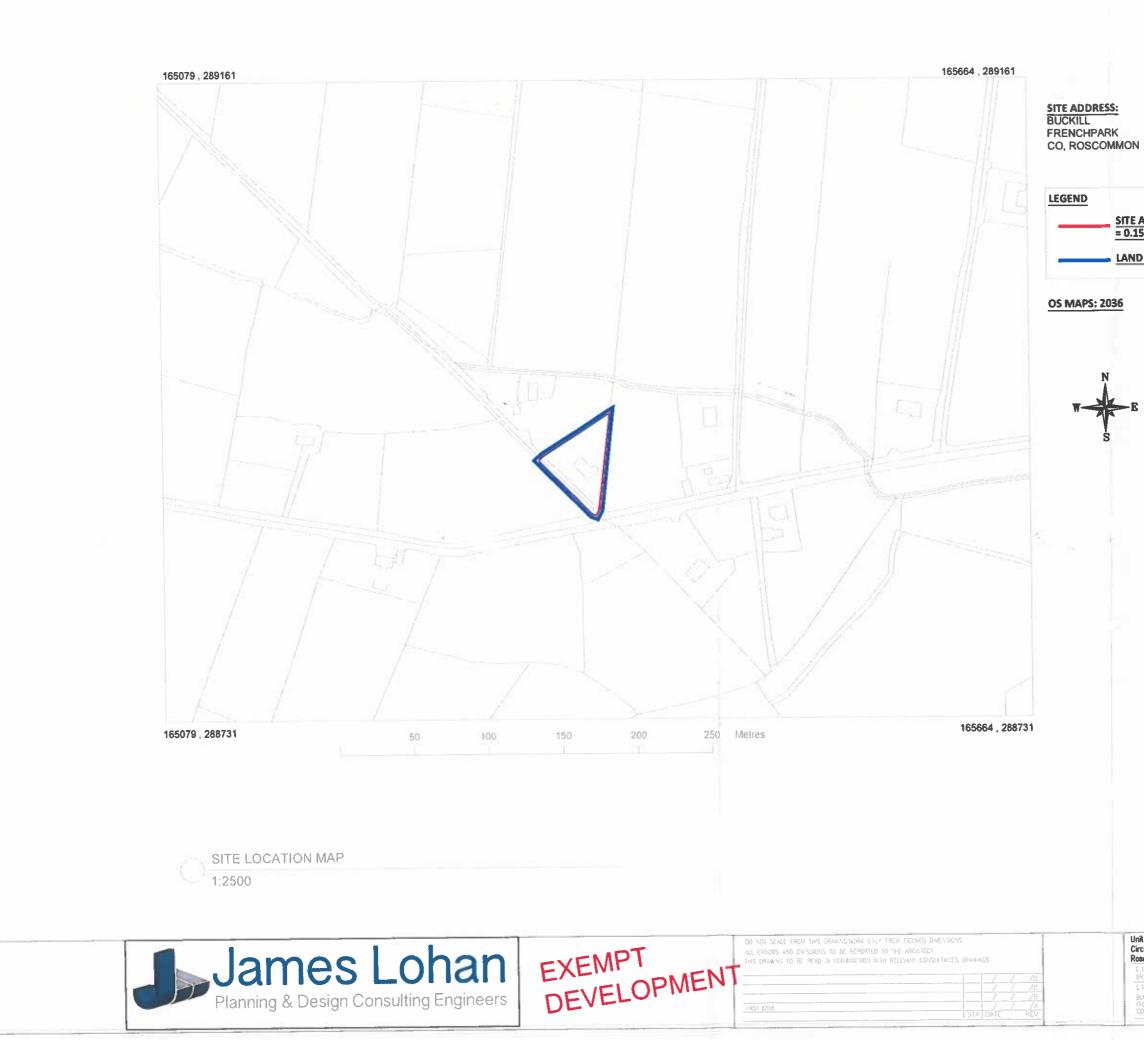
Date: 17<sup>th</sup> June 2024

cc agent via email:

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•2.

James Lohan Consulting Engineers Ltd james@jlce.ie

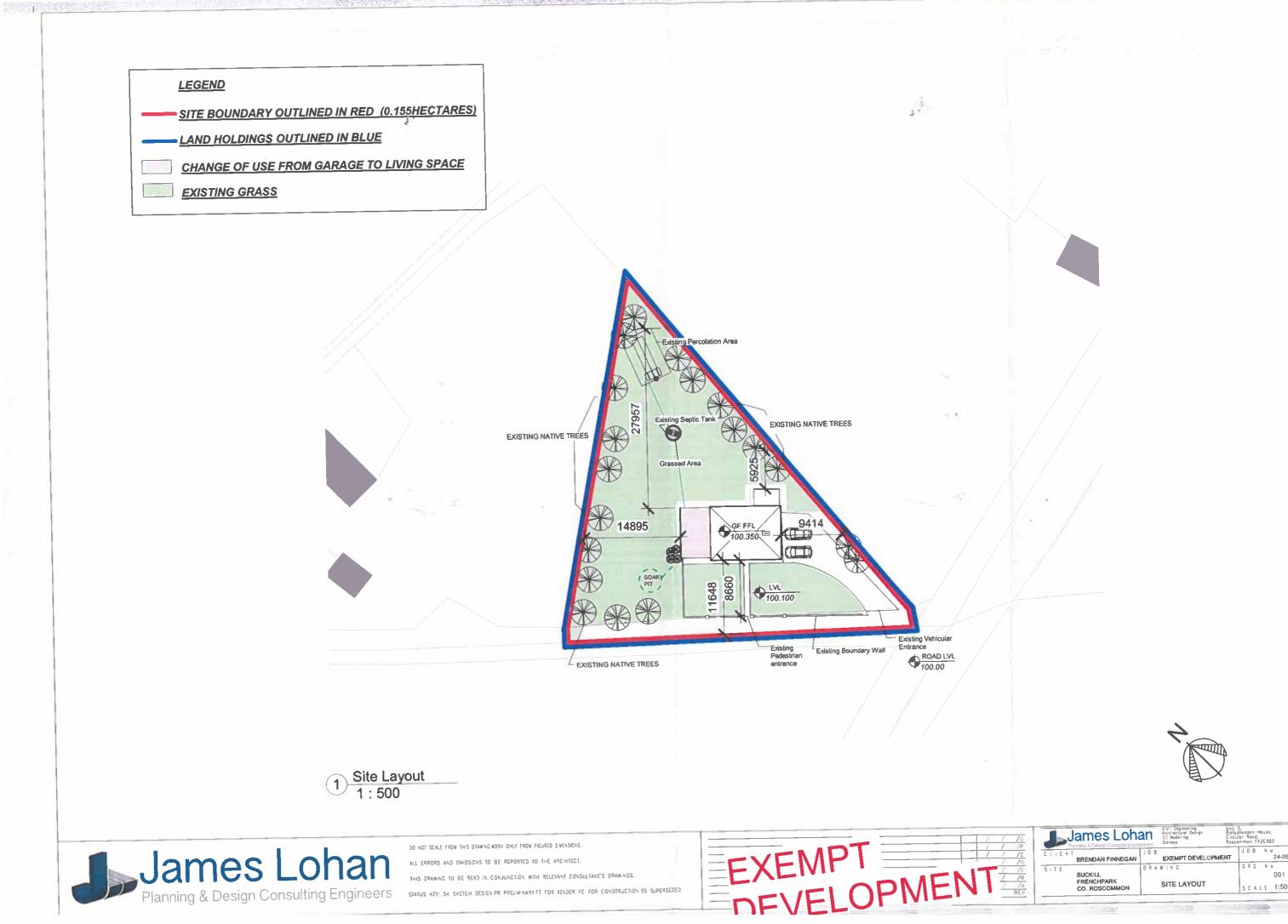


# SITE AREA OUTLINED IN RED = 0.155 HECTARES

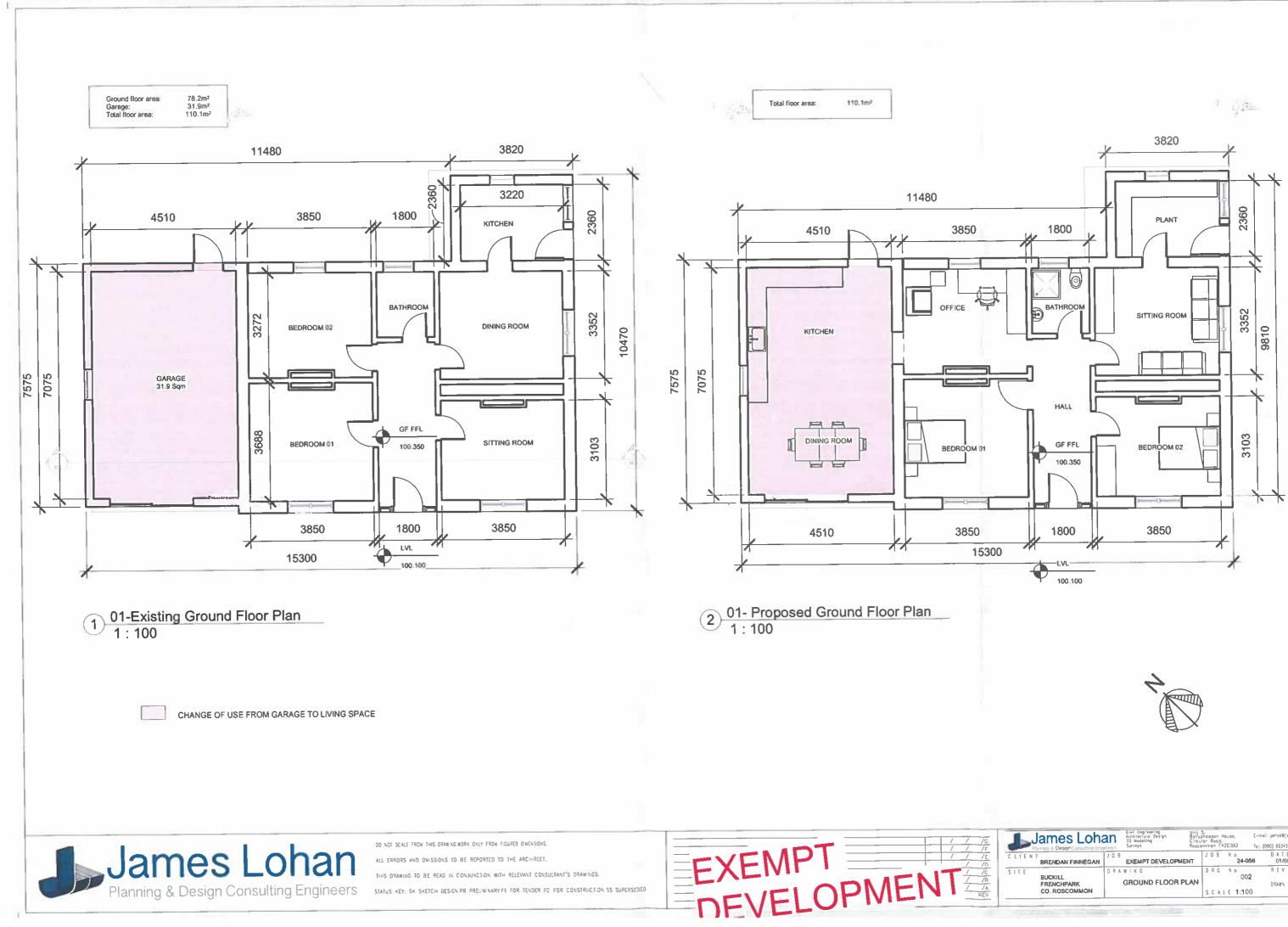
LAND HOLDING OUTLINED IN BLUE



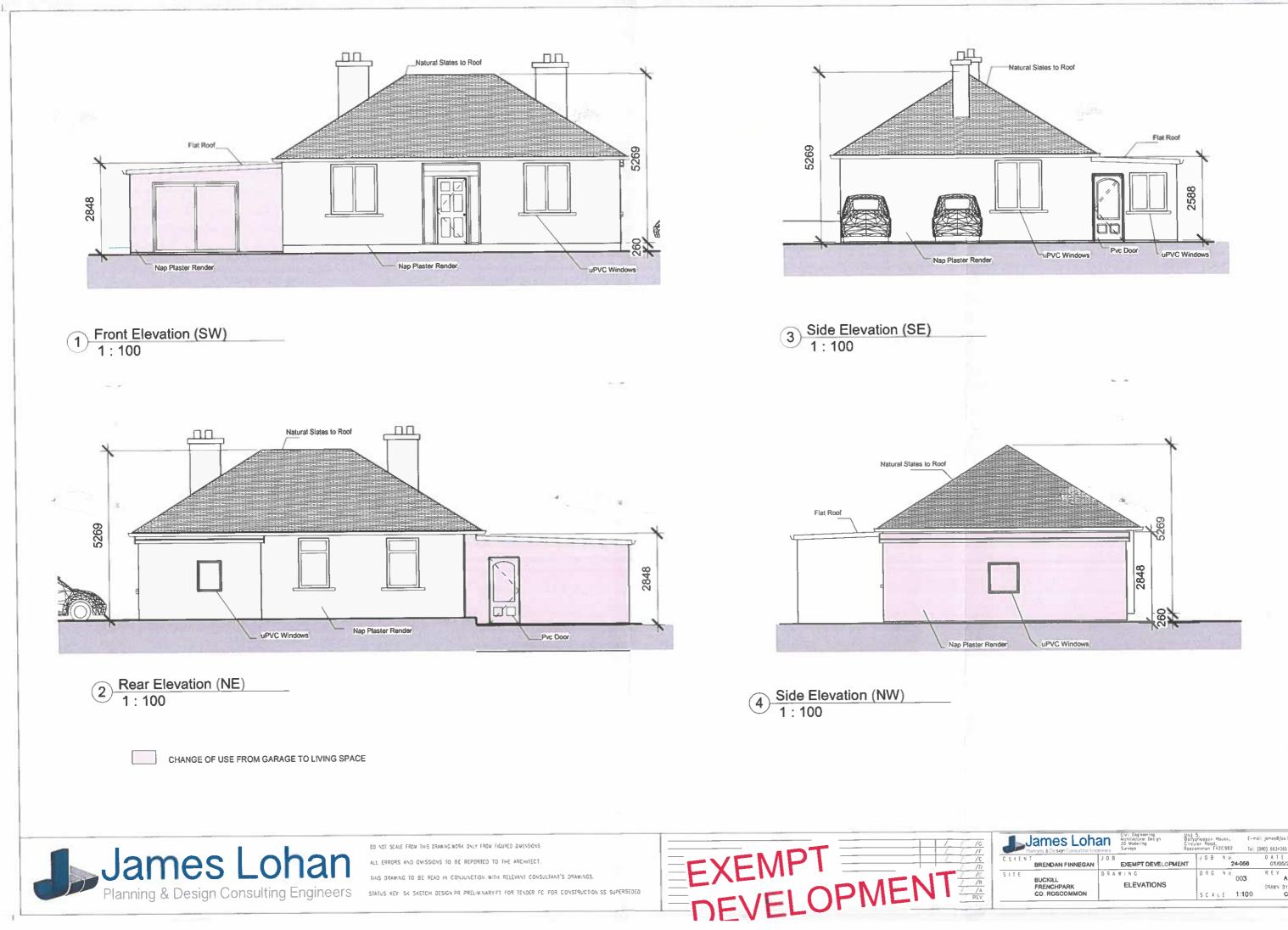
Unit 5 Ballypheason House Circular Road, Roscommon F42 C982.	James Lohan	
C L FE N T BRENDAM, FINNEGAM	3 0 8 EXEMPTION APPLICATION OVELLING HOUSE	308 Nº 24-056 12-04-2024
STTE BUCKUL FRENCHPARK ID: ROSCONVOX	D R A M I N Ô SETE LOCATION MAF	D R.G. N.Ø. R.E.V. 005 S C.A.L.E. 1:2500



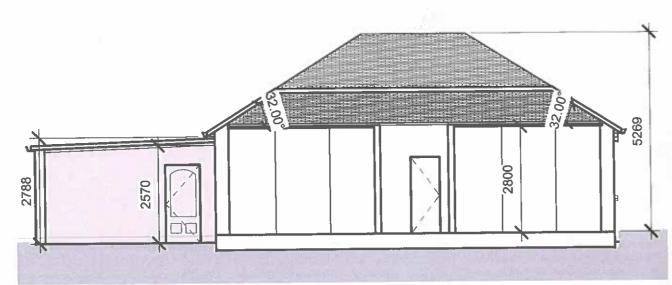
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	FRENCHPARK CO. ROSCOMMON		SITE LAYOUT		5	Ċ A	LE		001 1:500	D	RAWN BY C.



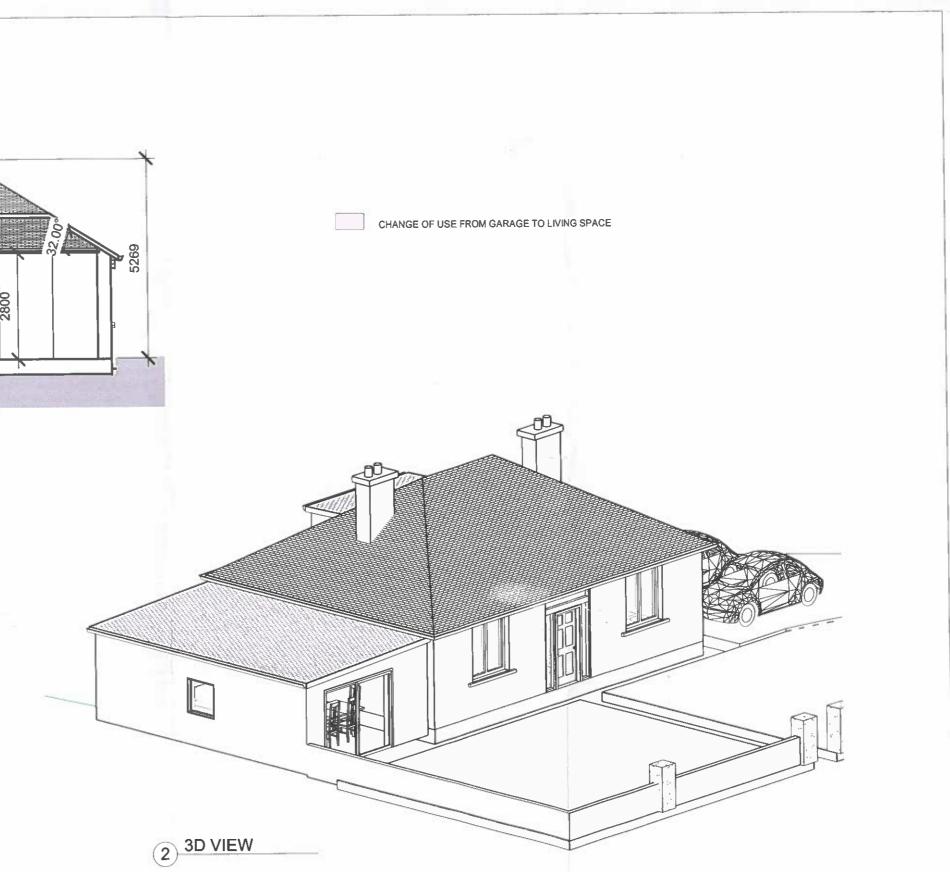
James Loha		n Balypheason Circular Road Roscommon F		moi: jomes@jicelie (090) 6634365
BRENDAN FINNEGAN	JOB EXEMPT DEV	LOPMENT	N 0 24-056	D A T E 01/05/2024
BUCKILL FRENCHPARK CO. ROSCOMMON	DRAWING GROUND FL		N 0 002	BEV A DRAWN BY C.Ze



James Loha		Bellypheosen House, Circular Road, Roscommon F42E982	E-mol jomesØjce.ie Tel (090) 6634365
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SITE	DRAWING	DRG N . O	REV
BUCKILL FRENCHPARK	ELEVATIONS		DRAWN BY
CO. ROSCOMMON		SCALE 1:	100 C.Ze



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	J	James Loha	an	Cici Engineering Uclt Architecturol Design Bully 35 Modelling Circ, Sarseys Rosc	5. or Road, common Fi	louse, +2C 982	E-mail james@?ce.ie Tet (090) 6634365
= <b>EXEMP</b>	CLEEN SETE	BRENDAN FINNEGAN	J O B D R A	EXEMPT DEVELOPMENT	J C B D R G	N 0 244	REV
		BUCKILL FRENCHPARK CO. ROSCOMMON		SECTION & 3D VIEW	S C A		DRAWN BY
DEVELOT							