

**ROSCOMMON COUNTY COUNCIL**

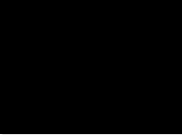
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Padraig & Breege McNeill,



Reference Number: DED 759

Application Received: 3<sup>rd</sup> September 2024

Name of Applicants: Padraig & Breege McNeill

Agent: N/A

WHEREAS a question has arisen as to whether the following works 1) re-plastering exterior of dwelling house with lime plaster; 2) repairing & replacing damaged slate roof to the rear of the house & 3) install two skylights at Laragh House, Laragh, Ballinutbber, Co. Roscommon, F45 NC89, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed re-plastering the exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights as described in this case is an exempted development.
- (c) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:  
*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*
- (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 1) re-plaster exterior of dwelling house with lime plaster; 2) repair & replace damaged slate roof to the rear of the house & 3) install two skylights at Laragh House, Laragh, Ballinutbber, Co. Roscommon, F45 NC89, 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:



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Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 20<sup>th</sup> September 2024

**ADVICE NOTE**

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

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

<b>Reference Number:</b>	DED 759
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to re-plaster exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights.
<b>Name of Applicant:</b>	Padraig & Breege McNeill
<b>Location of Development:</b>	Laragh House, Laragh, Ballintubber, Co. Roscommon (F45 NC89)
<b>Site Visit:</b>	18/09/2024

**WHEREAS a question has arisen as to whether the following works; to re-plaster exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights at the above address is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

**Site Location & Development Description**

The property is a large 3 story country dwelling with a two story extension to the rear and 2no. single story lean to style outbuildings attached to the rear of the house called Laragh House, Laragh, Ballintubber, Co. Roscommon. The property is accessed off the R-367 road, there is a long private laneway approx. 500m. along which are a couple of agricultural gateway and a farm yard on the left close to the house. The proposed development consists of the re-plastering the exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights.

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 Corliskea/Trien/Cloonfelliv Bog PNHA/SAC (Site Code 002110) which is located circa 3km to the west and Kilsallagh Bog PNHA/SAC (Site Code 000285) which is located circa 5.7km to the southwest 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 traced to the 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

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

**Assessment**

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes re-plastering the exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

## Recommendation

**WHEREAS** a question has arisen as to whether a proposed development; to re-plaster exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights as outlined above in Laragh House, Laragh, Ballintubber, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

### **AND WHEREAS I have concluded that**

- The works outlined above are development.
- The proposed re-plastering the exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights as described in this case is an exempted development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**AND WHEREAS** I have concluded that the said development to re-plaster exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights as outlined above in Laragh House, Laragh, Ballintubber, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 19<sup>th</sup> September 2024

Civil Technician



Signed:

Date: 19<sup>th</sup> September 2024

Senior Executive Planner

















Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Padraig & Breege McNeill,

Date: 3<sup>rd</sup> September 2024  
Planning Reference: DED 759

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to re-plaster exterior of dwelling house with lime plaster and repair & replace damaged slate roof to the rear of the house and put in two skylights of under the Planning & Development Act (Exempt Development) Regulations 2018 at Laragh House, Laragh, Ballintubber, Co. Roscommon., F45 NC89.

\*\*\*\*\*  
A Chara,

I wish to acknowledge receipt of your application which was received on the 3<sup>rd</sup> September 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. L01/0/230351 dated 3<sup>rd</sup> September 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

**Note:** Please note your Planning Reference No. is **DED 759**.  
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  
09086 37100

03/09/2024 12:54:54

Receipt No. : L01/0/230351

BREEGE & PADRAIG MCNEILL



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 759	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
002679

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office

2<sup>nd</sup> September 2024



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

Re: Maintenance and repair to Laragh House, Laragh Ballintubber F45NC89

Dear Sir/Madam,

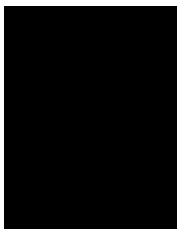
I attach herewith:

1. Completed Section 5 Declaration of Exemption Form.
2. Drawing showing, elevations, section of roof to be repaired and position and dimensions of roof lights.
3. Site location map
4. Site layout plan
5. Cheque in the sum of €80.

The proposed works involve replastering the exterior walls of the house, and repairing damaged section of slate roof by replacing with slates and inserting two skylights.

Please acknowledge receipt of notification. Let me know if you need anything further.

Padraig and Breege McNeill,







Comhairle Contae  
Ros Comáin  
Roscommon  
County Council




Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

### Roscommon County Council

#### Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Name:	Breege & Pádraig McNeill
Address:	
Name & Address of Agent:	N/A
Nature of Proposed Works	See attached
Location (Townland & O.S No.)	Laragh & Ross
Floor Area	4,000 square ft
Height above ground level	3 story
Total area of private open space remaining after completion of this development	Private open space will <sup>the proposal/works</sup> not be affected by <del>this development</del>
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	lime Plaster
Is proposed works located at front/rear/side of existing house.	No new development or extension to existing house proposed



## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

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	Vacant Property.
Proposed use of land or structure	Rental Property.
Distance of proposed building line from edge of roadway	No new building Proposed
Does the proposed development involve the provision of a piped water supply	No.
Does the proposed development involve the provision of sanitary facilities	No.

Signature: Breage McNeill Patrick McNeill

Date: 02/9/2024

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 ✓

## Nature of proposed works

- 1 Replaster exterior of dwellinghouse with lime plaster.
- 2 Repair and replace damaged slate roof to the rear of the house and put in two skylights

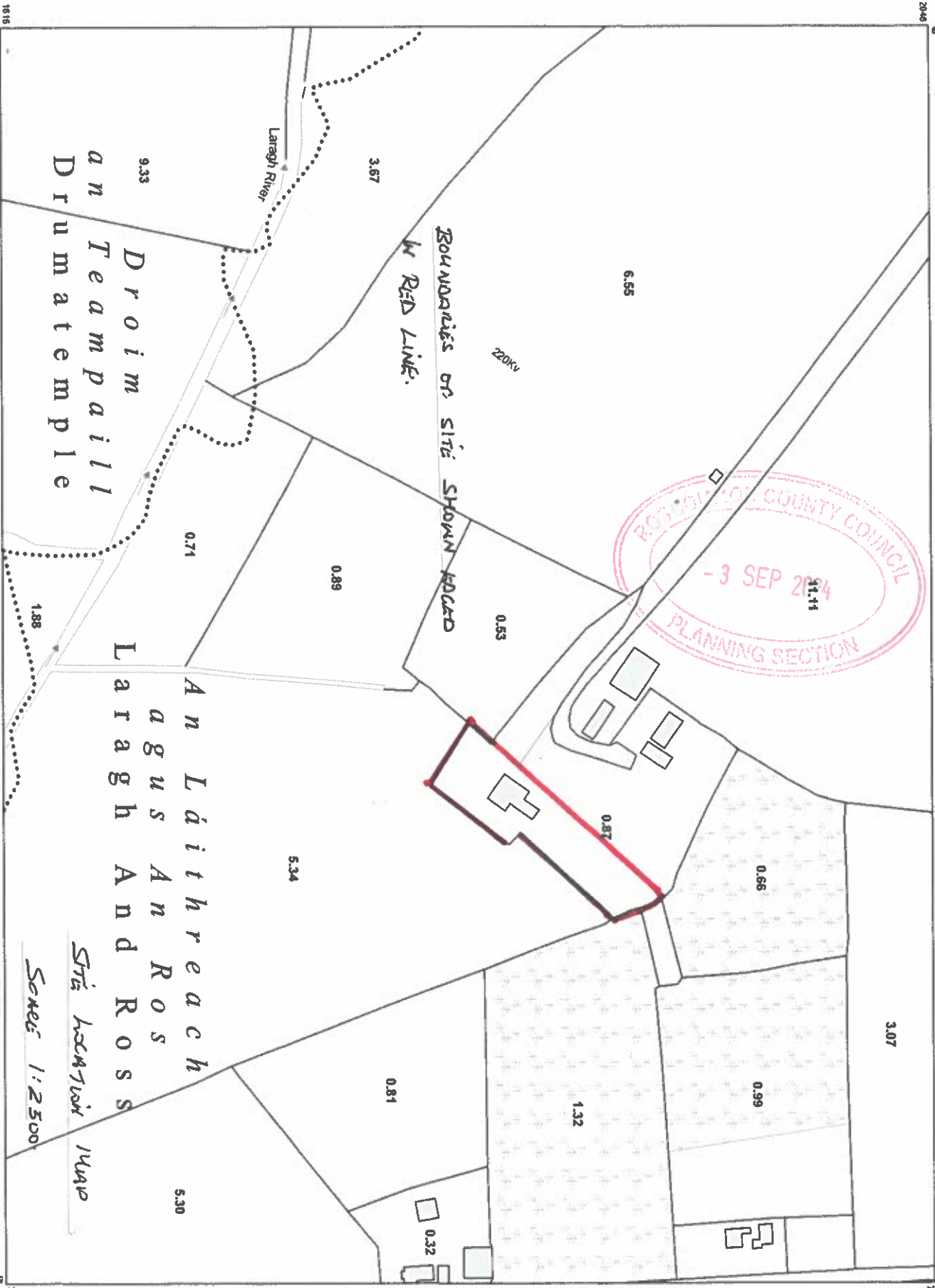
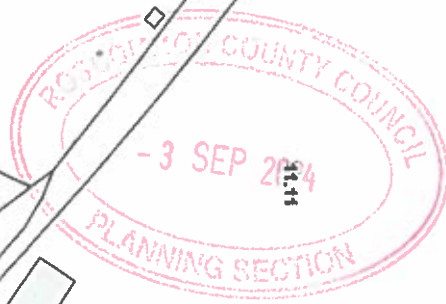
(drawings attached showing dimensions, elevations and position of roof lights)



# Planning Pack Map



571639 2046 572242 772046



1616 571639 0 25 50 75 100 Metres 0 50 100 150 200 250 Feet

**CENTRE COORDINATES:**  
ITM 571951,771831

**PUBLISHED:** 06/08/2024  
**ORDER NO.:** 50414768\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 2347 2348

**COMPILED AND PUBLISHED BY:**  
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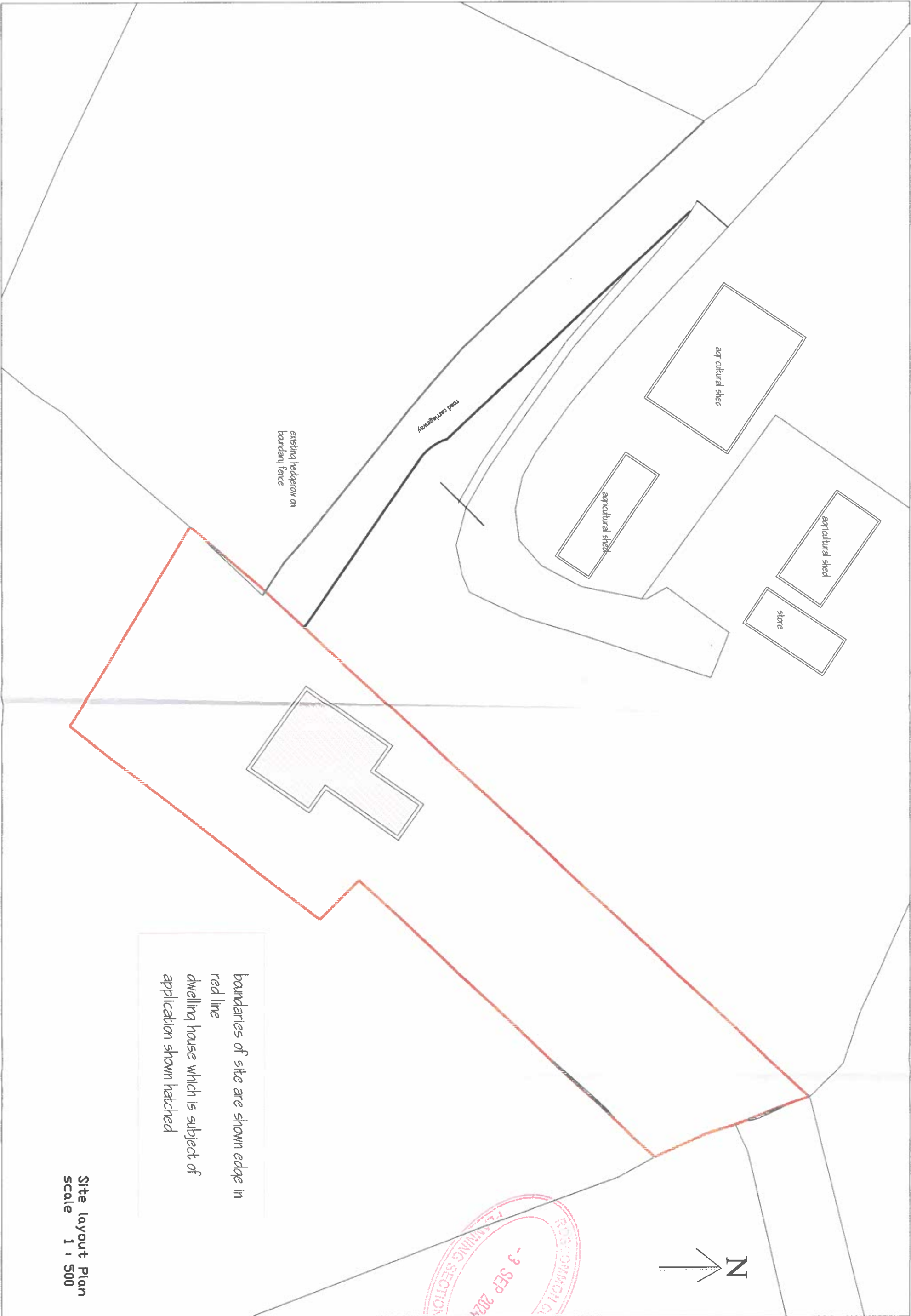
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OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

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'Large Scale Legend'

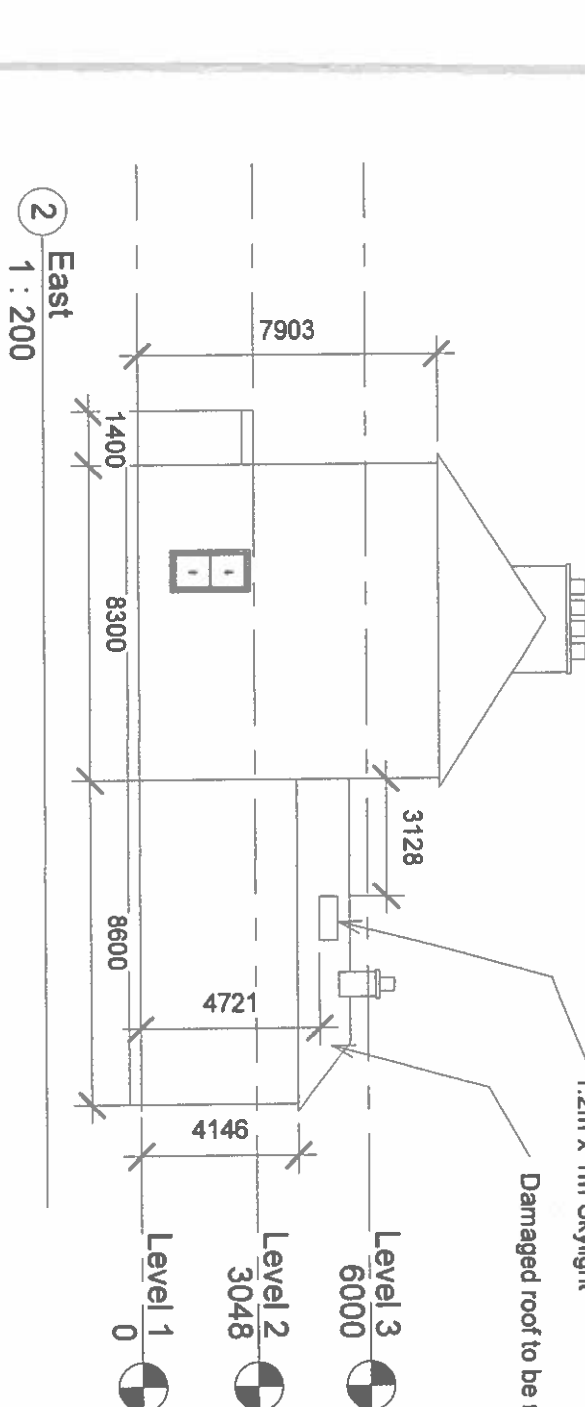
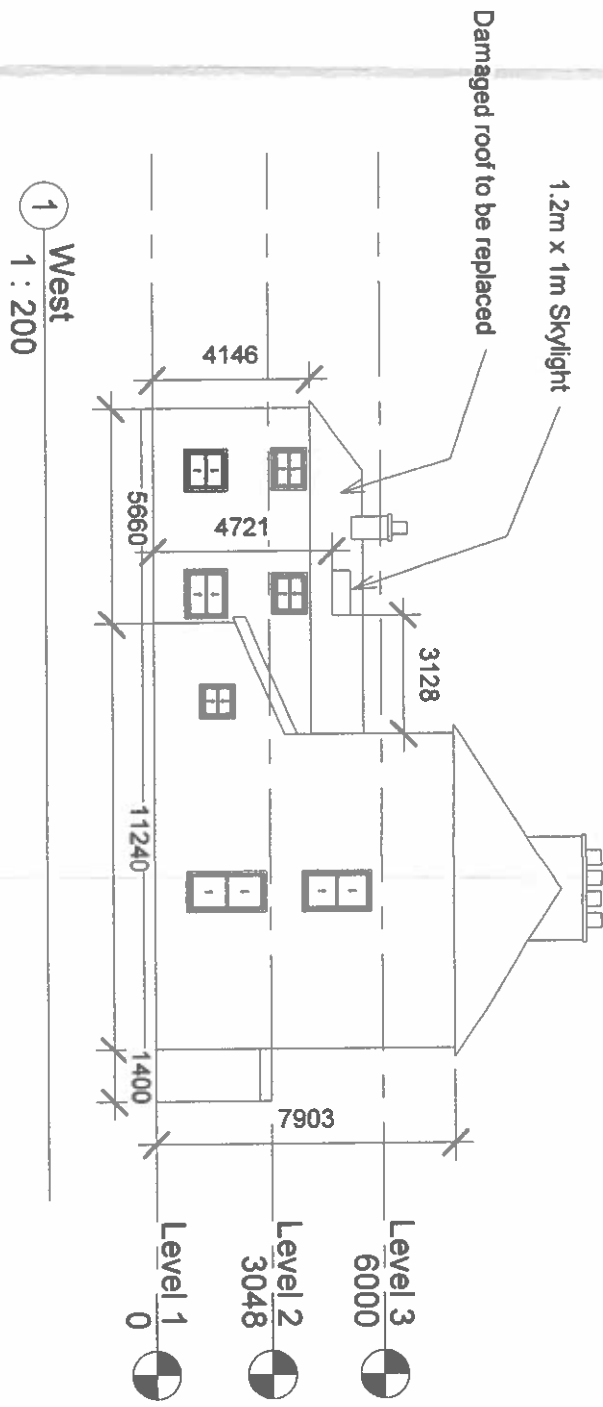
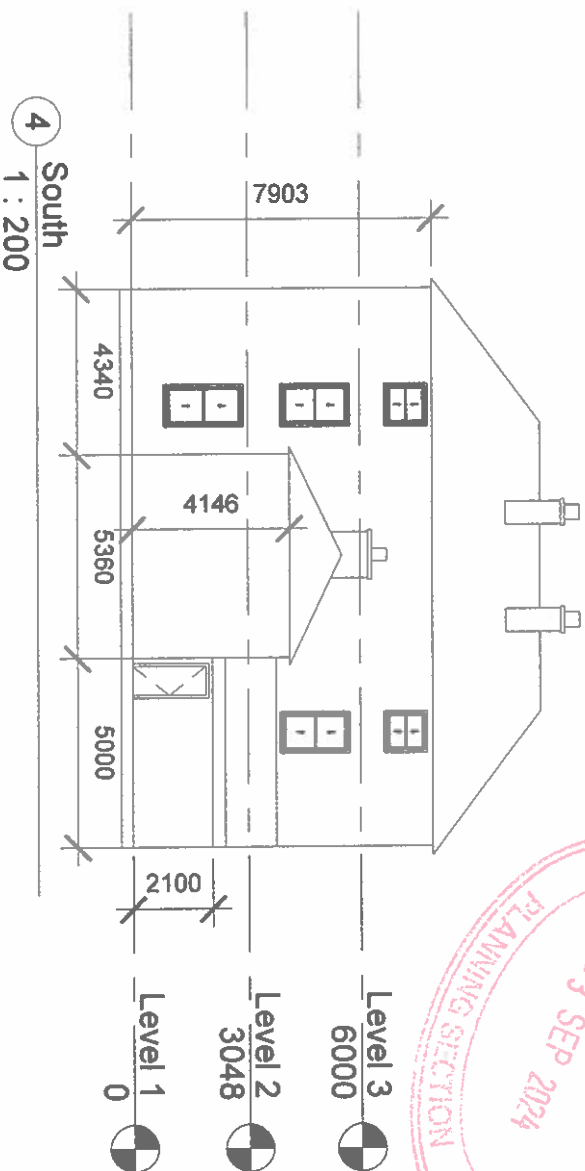
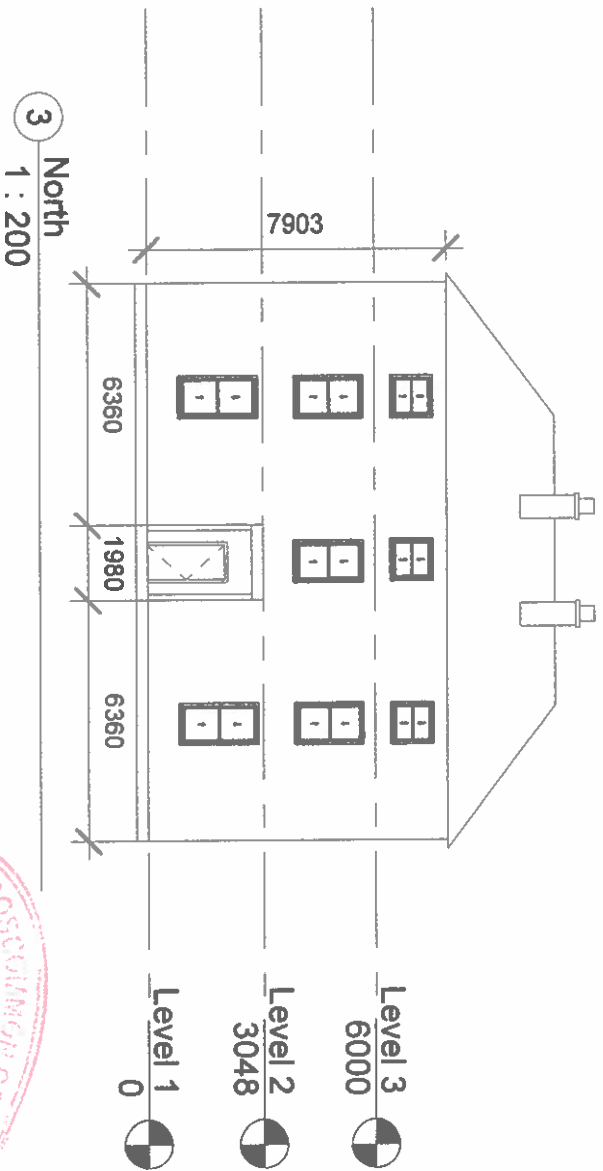




boundaries of site are shown edge in red line dwelling house which is subject of application shown hatched

Site layout Plan  
scale 1 : 500





www.autodesk.com/revit

Breege McNeill  
Laragh House

No.	Description	Date
1	Sheet created	30/08/2024

Elevations	
Project number	001
Date	30/08/2024
Drawn by	Sean McNeill
Checked by	N/A
Scale	1 : 200

001