ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Thomas Feeley,

Reference Number:	DED 807
Application Received:	26 th November 2024
Name of Applicant:	Thomas Feeley
Agent:	James Lohan Consulting Engineer Ltd

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling with works including; 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3)rewire the entire property; 4) re-plumb the entire property; 5)install new windows & doors; 6)re-slate the roof; 7) second fix carpentry, paint & decorate internally; 8)construct a 23 sqm extension for a new bedroom and main bathroom & 9)install new floors at Clooneenbaun, Roscommon, 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, 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 works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) The proposed works, which set out "refurbish (a) derelict house and add a small extension under 40sqm in accordance with the Planning & Development Act (Exempted Development) Regulations 2018" fall under Schedule 2 of Part 1; Class 1 development and is considered to constitute '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 – 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 an existing dwelling with works including; 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3)rewire the entire property; 4) re-plumb the entire property; 5)install new windows & doors; 6)re-slate the roof; 7) second fix carpentry, paint & decorate internally; 8)construct a 23 sqm extension for a new bedroom and main bathroom & 9)install new floors at Clooneenbaun, Roscommon, Co. Roscommon., 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: 4th February 2025

cc agent via email:

James Lohan Consulting Engineer Ltd james@jlce.ie

ADVISORY NOTE

A river is located to the western and northern boundary of the site, in immediate proximity to the proposed development works. The waterbody is a receiving water of the Smaghrann_020 and an inputting water to the Suck_070, which are not considered to be "at risk" under the WFD Cycle 3 process. Whilst the applicant has not stated whether connection to the mains is proposed or whether an onsite domestic waste water treatment system (DWWTS) is intended, the applicant is advised that the installation or upgrade of such systems is governed by specific regulations and guidelines and that such works are not planning exempt. Further regard should be had to the following:

- Water Services (Amendment) Act 2012: This Act mandates the registration and inspection of all domestic waste water treatment systems. Owners are required to register their systems with the local authority.
- EPA Guidelines on Proximity to Water Bodies: The Environmental Protection Agency (EPA) has established guidelines to prevent contamination of water bodies from DWWTS. Key recommendations include:
 - *Site Assessment:* A thorough site assessment should be conducted to determine soil suitability, percolation characteristics, and the system's capacity to attenuate contaminants.
 - Minimum Separation Distances: The EPA's 2021 Code of Practice specifies minimum separation distances between the DWWTS and various features, including water bodies. For instance, a minimum distance is required between the percolation area and any watercourse to reduce the risk of surface water and ground water pollution.
 - Design and Installation: Systems should be designed and installed to ensure that treated effluent does not pose a risk to nearby water bodies. This includes proper sizing, location, and maintenance of the percolation area.

The applicant is advised of the foregoing.

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 Wednesday 5 February 2025 10:22 James Lohan; Camila Zen DED807 - Notification of Decision DED807 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 807 submitted on behalf of Thomas Feeley. Please note that a hard copy will be issued to the applicant via registered post.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2 (090) 6637100 3 : planning@roscommoncoco.ie | @ www.roscommoncoco.ie MAP LOCATION



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

Reference Number:	DED 807
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Thomas Feeley
Location of Development:	Cooneenbaun, Roscommon, Co. Roscommon
Site Visit:	20/01/2025

WHEREAS a question has arisen as to whether the following works; "refurbish derelict house and add a small extension under 40sqm in accordance with the Planning & Development Act (Exempted Development) Regulations 2018 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

1. Site Location & Description of Development & Nature of Proposed Development

Site Location:

The subject site is situated in the Planning North area of County Roscommon and is flanked by the N60, which borders the south extent of the site.

Development Description:

- 1. Access: The subject site is positioned north of the N60, which flanks the south extent of the site. There is gated access and the site is substantially overgrown.
- Boundaries: The site is bounded by cement rendered stone walls, which is in varying states of composition. A river is located to the western and northern boundary of the site; this is a receiving water of the Smaghrann-020 and an inputting water to the Suck-070. <u>See Advisory Note.</u>
- 3. Structure: The structure and associated sheds are in a state of substantial dereliction.

Nature of Proposed Works:

The application states the nature of the proposed development/works comprise 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) rewire the entire property; 4) re-plumb the entire property; 5) install new windows and doors; 6) re-slate the roof; 7) second fix carpentry, paint & decorate internally; 8) construct a 23m² extension for a new bedroom and main bathroom & 9) install new floors under the Planning & Development Act (Exempted Development) Regulations 2018 at Clooneenbaun, Co. Roscommon.

2. Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the subject site is located in proximity to a European Site.

<u>Appropriate Assessment</u>

The closest designated sites include; "Lough Ree" *Special Area of Conservation* (SAC) (Site Code: 000440) which is located circa 9.1km east of the subject site and "Lough Ree" SPA (Site Code:

004604) located ca. 15km east of the subject site; "Corbo Bog" SAC (Site Code: 002349) is located 10.6km north-east of the site and "Ballinturly Turlough" SAC (Site Code: 000588) is located 6.8km south of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, the following architectural and/or archaeological heritage sites/structures are in proximity to the subject site or property thereon:

Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Monuments Service includes a 'Mill' (SMR No: RO035-119002-) which is located 0.8km north-east of the subject site, and a Cairn (SMR No.: RO035-119003-) which is also 0.8km north-east of the subject site.

3. Planning History

As per Roscommon County Council's Planning Registry, a planning history assessment of the subject site and property thereon includes the following:

• Established Status: The dwelling structure and the ancillary out buildings are identified on the 6-inch historic maps (1829-1841) and the 25-inch historic maps (1897-1913), being of pre-1963 construction, the structures hold the benefit of established status.

4. Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2 (1)

In this Act, "works" include 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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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 1 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)

Development to which article 6 relates shall not be exempted development for the purposes of the Act -

- (a) If the carrying out of such work would-
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.

5. Planning Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "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 works constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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". It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been 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".

On review of the submission particulars, under the provision of Section 4(1)(h), it is considered that the proposed works, comprising of an extension to the rear of the property (which will necessitate the demolition of an in-situ singe-storey addition to the rear) would not adversely impact the architectural character of the building, or neighbouring structures, and as such, are considered to fall under the provision of section 4(1)(h).

The proposed works, falling under Schedule 2, Part 1, Class 1 of Article 6, subject to Article 9, set out to "refurbish (a) derelict house and add a small extension under 40sqm in accordance with the Planning & Development Act (Exempted Development) Regulations 2018" and accordingly, is considered in principle to constitute 'exempted development', subject to compliance with the relevant conditions and limitations specified for this Class of development in column 2 of the said Part 1 [1-7]. Further, on review of the plans and particulars submitted as part of this section 5 referral and having regard to the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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. 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 Article 9(1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation 6.

WHEREAS a question has arisen as to whether a proposed development; which sets out to "refurbish (a) derelict house and add a small extension under 40sqm in accordance with the Planning & Development Act (Exempted Development) Regulations 2018 at the site located in "Clooneenbaun, Roscommon, 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 works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as • amended.
- The proposed works, which set out "refurbish (a) derelict house and add a small extension under . 40sqm in accordance with the Planning & Development Act (Exempted Development) Regulations 2018" fall under Schedule 2 of Part 1; Class 1 development and is considered to constitute 'exempted development'.
- The proposed development individually and in combination with other plans or projects would not be • likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.
- AND WHEREAS I have concluded that the said development which sets out to "refurbish (a) derelict • house and add a small extension under 40sam in accordance with the Planning & Development Act (Exempted Development) Regulations 2018" fall under Schedule 2 of Part 1; Class 1 development and is considered to constitute 'exempted development' and that a declaration to that effect should be issued to the applicant.

Signed:

Blaithín Kinsella Assistant Planner Date: 21/01/2025

Signed:

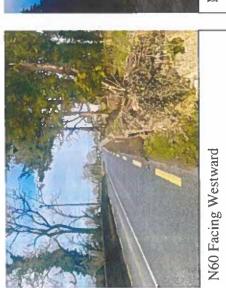
Alan O'Connell **Senior Executive Planner** Date: 21/01/2025

ADVISORY NOTE

A river is located to the western and northern boundary of the site, in immediate proximity to the proposed development works. The waterbody is a receiving water of the Smaghrann_020 and an inputting water to the Suck_070, which are not considered to be "at risk" under the WFD Cycle 3 process. Whilst the applicant has not stated whether connection to the mains is proposed or whether an onsite domestic waste water treatment system (DWWTS) is intended, the applicant is advised that the installation or upgrade of such systems is governed by specific regulations and guidelines and that such works are not planning exempt. Further regard should be had to the following:

- Water Services (Amendment) Act 2012: This Act mandates the registration and inspection
 of all domestic waste water treatment systems. Owners are required to register their systems
 with the local authority.
- EPA Guidelines on Proximity to Water Bodies: The Environmental Protection Agency (EPA) has established guidelines to prevent contamination of water bodies from DWWTS. Key recommendations include:
 - Site Assessment: A thorough site assessment should be conducted to determine soil suitability, percolation characteristics, and the system's capacity to attenuate contaminants.
 - Minimum Separation Distances: The EPA's 2021 Code of Practice specifies minimum separation distances between the DWWTS and various features, including water bodies. For instance, a minimum distance is required between the percolation area and any watercourse to reduce the risk of surface water and ground water pollution.
 - Design and Installation: Systems should be designed and installed to ensure that treated effluent does not pose a risk to nearby water bodies. This includes proper sizing, location, and maintenance of the percolation area.

The applicant is advised of the foregoing.







Subject Site





Structure and shed to western boundary extent







ENDS.



Comhairle Contae Ros Comáin Roscommon County Council



Thomas Feeley,



Date:3rd DecPlanning Reference:DED 80

3rd December 2024 DED 807

Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development:Permission for the refurbishment of an existing dwelling with works including: 1) strip
out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard
& skim; 3)rewire the entire property; 4) re-plumb the entire property; 5)install new
windows & doors; 6)re-slate the roof; 7) second fix carpentry, paint & decorate internally;
8)construct a 23 sqm extension for a new bedroom and main bathroom & 9)install new
floors under the Planning & Development Act (Exempt Development) Regulations 2018
at Clooneenbaun, Roscommon, Co. Roscommon.

A Chara,

Re:

I wish to acknowledge receipt of your application which was received on the 26th November 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. L01/0/231778 dated 28th November 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 807 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: James Lohan Consulting Engineer james@jlce.ie





Roscommon County Council Aras an Chontae Roscommon 09086 37100

28/11/2024 11 38 42

Receipt No.:: L01/0/231778

THOMAS FEELEY 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 807

Total :

80 00 EUR

Tendered Cheque 500369

80.00

0.00

Change -

Issued By Bernadine Duignan From Central Cash Office



Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u> 801

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)	THOMAS FEELEY
Name of Agent	James Lohan Consulting Engineer's Ltd; JNTY COULD Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house and add a small 1999 extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOONEENBAUN, ROSCOMMON CO. ROSCOMMON O.S No. 2480-2412 XY: 581651, 767950 Townland CLOONEENBAUN
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>47 Sqm</u> b) <u>23 Sqm extension</u>
Height above ground level:	Floor level- between 300mm – 350 mm above ground level (Ridge height existing 5950mm above ground level)
Total area of private open space remaining after completion of this development	0.35 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new pitched roof (23 sqm) at the rear of the building, matching the existing extension.

Roscommon County Council

Application for a Declaration under Section 5 of the

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.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
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
Proposed use of land or structure	Refurbish House
Distance of proposed building line from edge of roadway	Existing -19.9 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

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

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26 NOV 2024

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Signature:

Date:

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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



Planning Dept,

Roscommon Co.Co.

Aras An Chontae,

Roscommon.

Detailed Specification Of The Development Proposed

Ref: THOMAS FEELEY for Property at CLOONEENBAUN, CO. ROSCOMMON

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, a 23sqm extension will be added to include bedroom and main bathroom. 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-wire the entire property.
- 4. Re-plumb the entire property.
- 5. Install new windows and doors.
- 6. Re-slate the roof.
- 7. Second fix carpentry and paint and decorate internally.
- 8. Construct a 23sqm extension for a new bedroom and main bathroom .
- 9. Install new floors.

Kind Regards

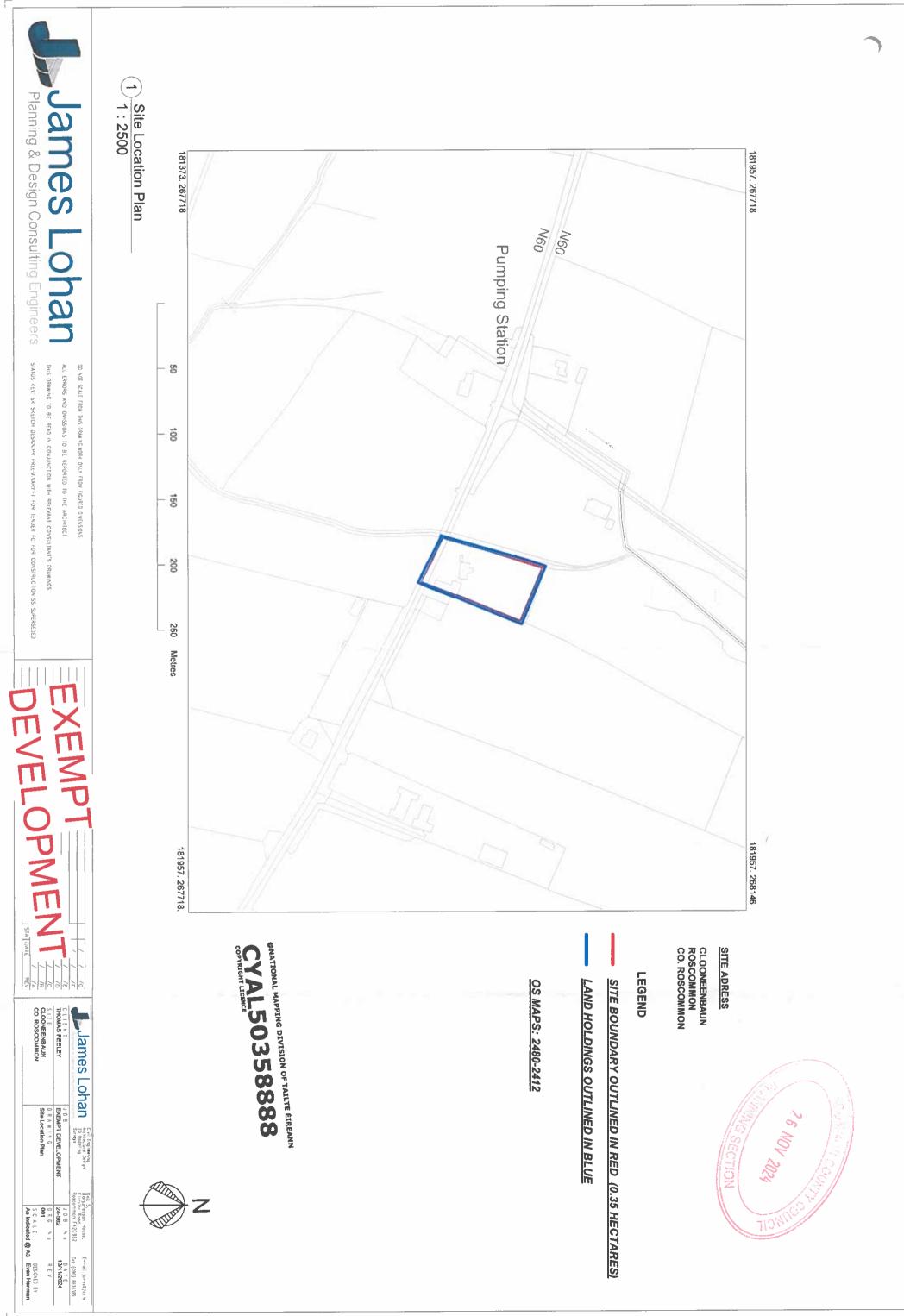
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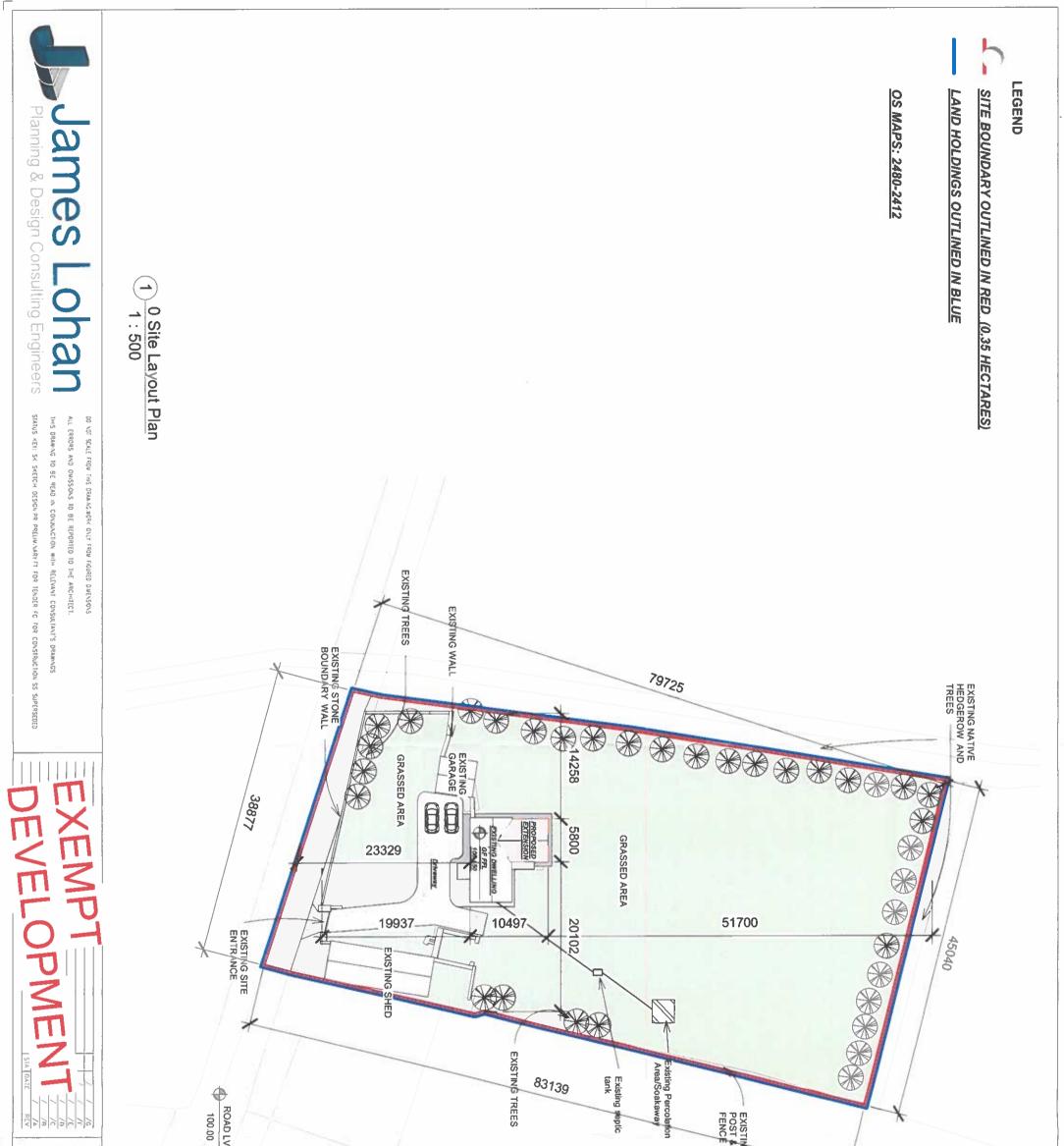
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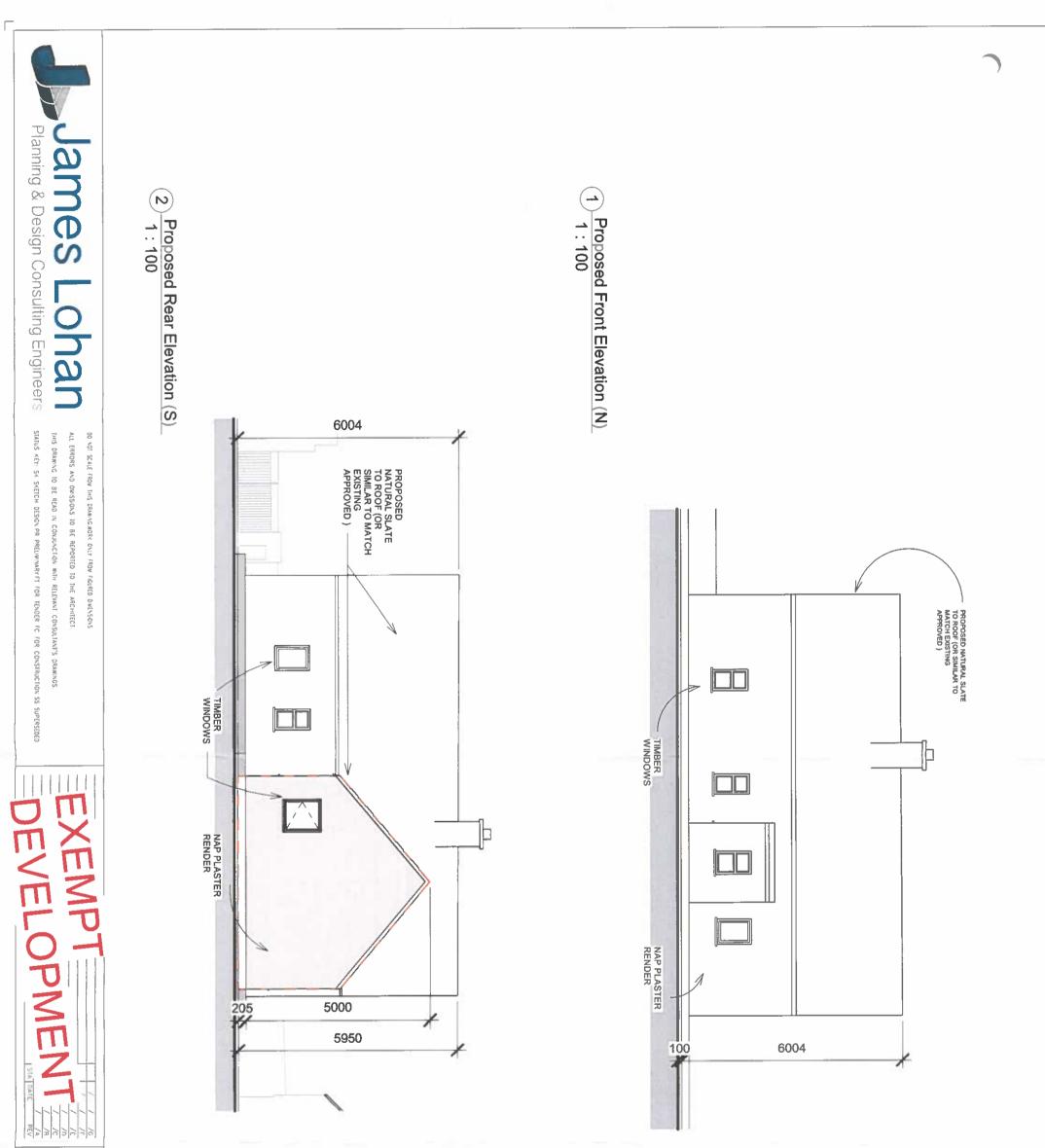
Unit 5, Ballypheason House, Circular Road

Roscommon F42 C982



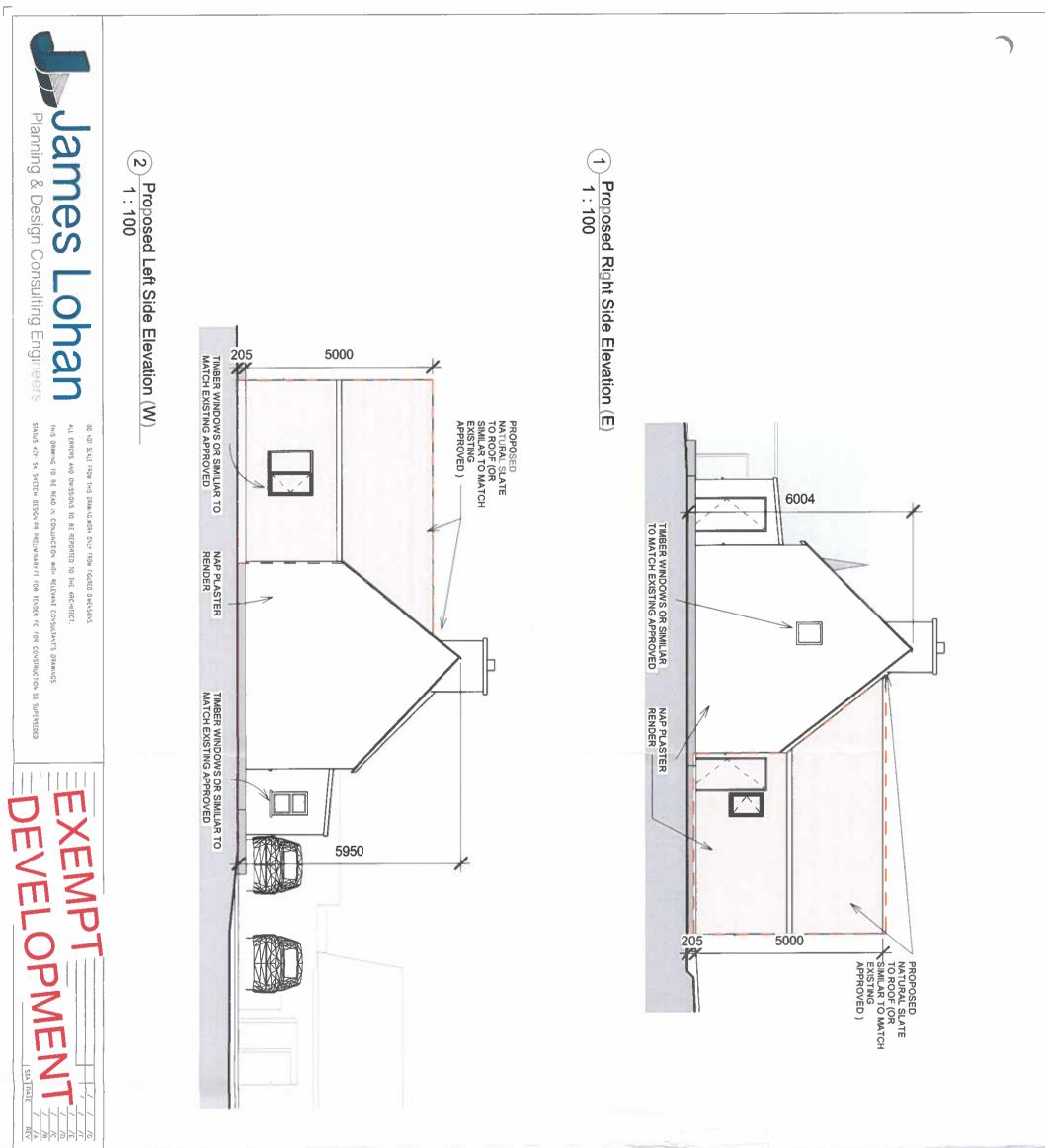


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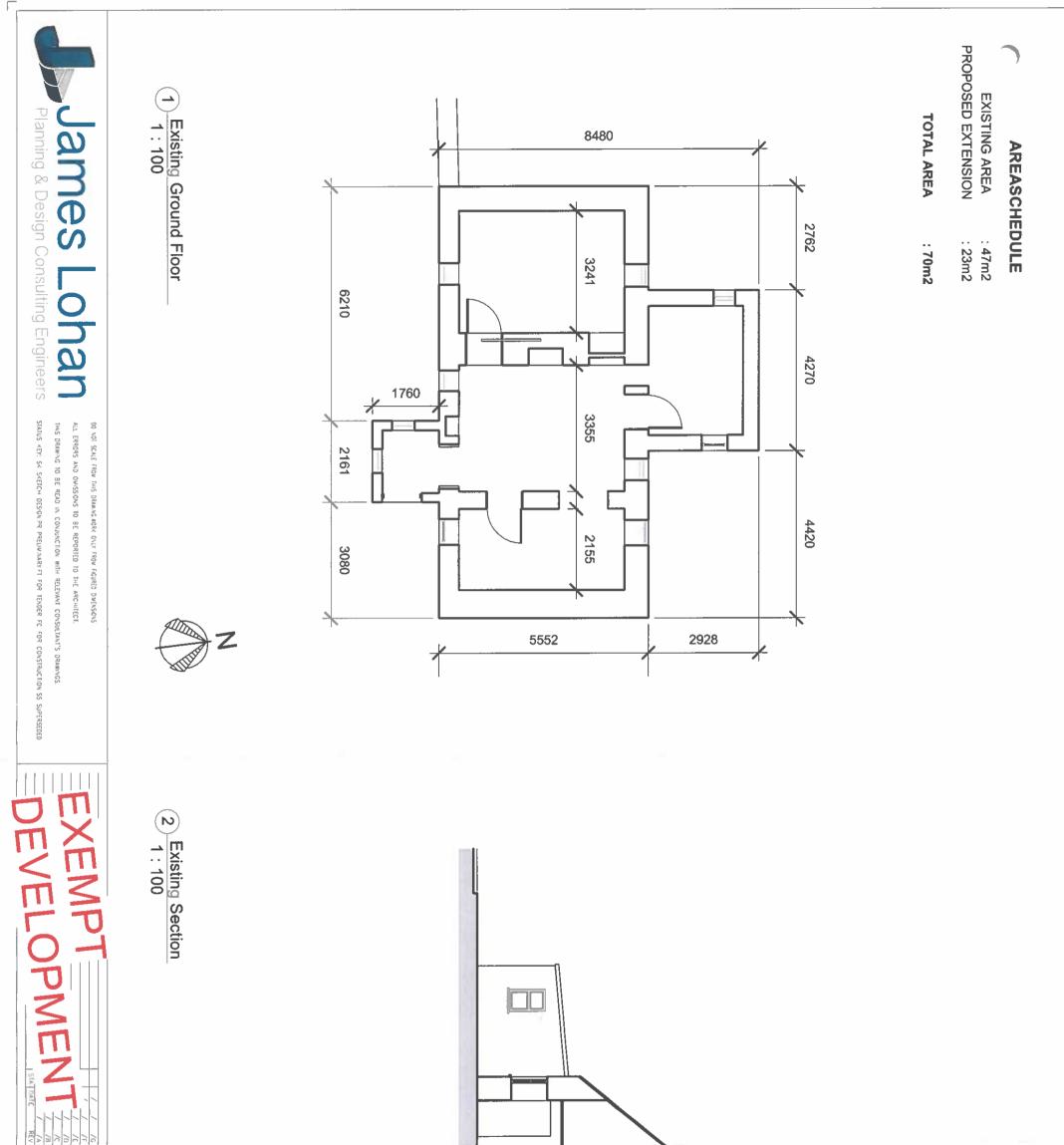
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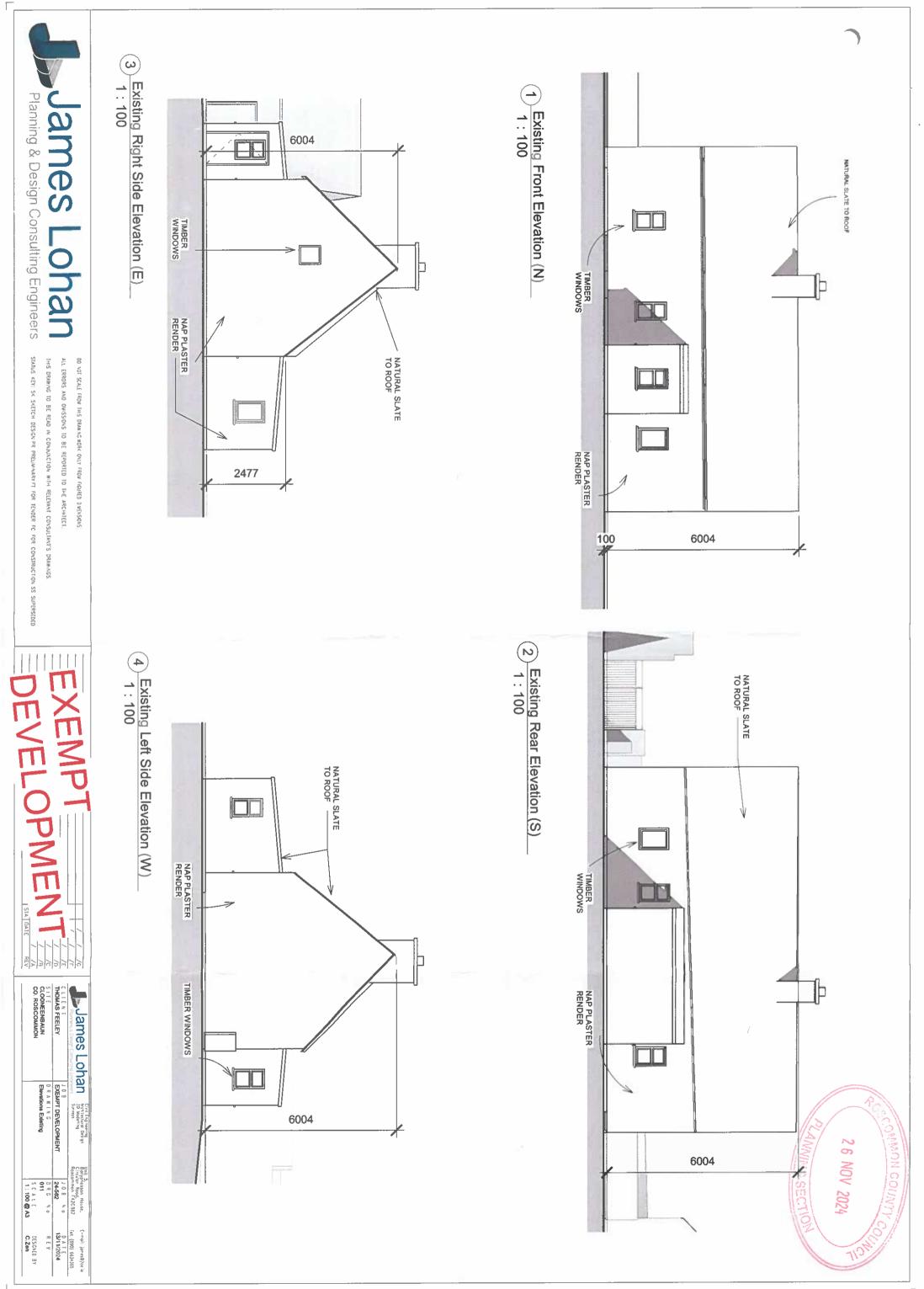


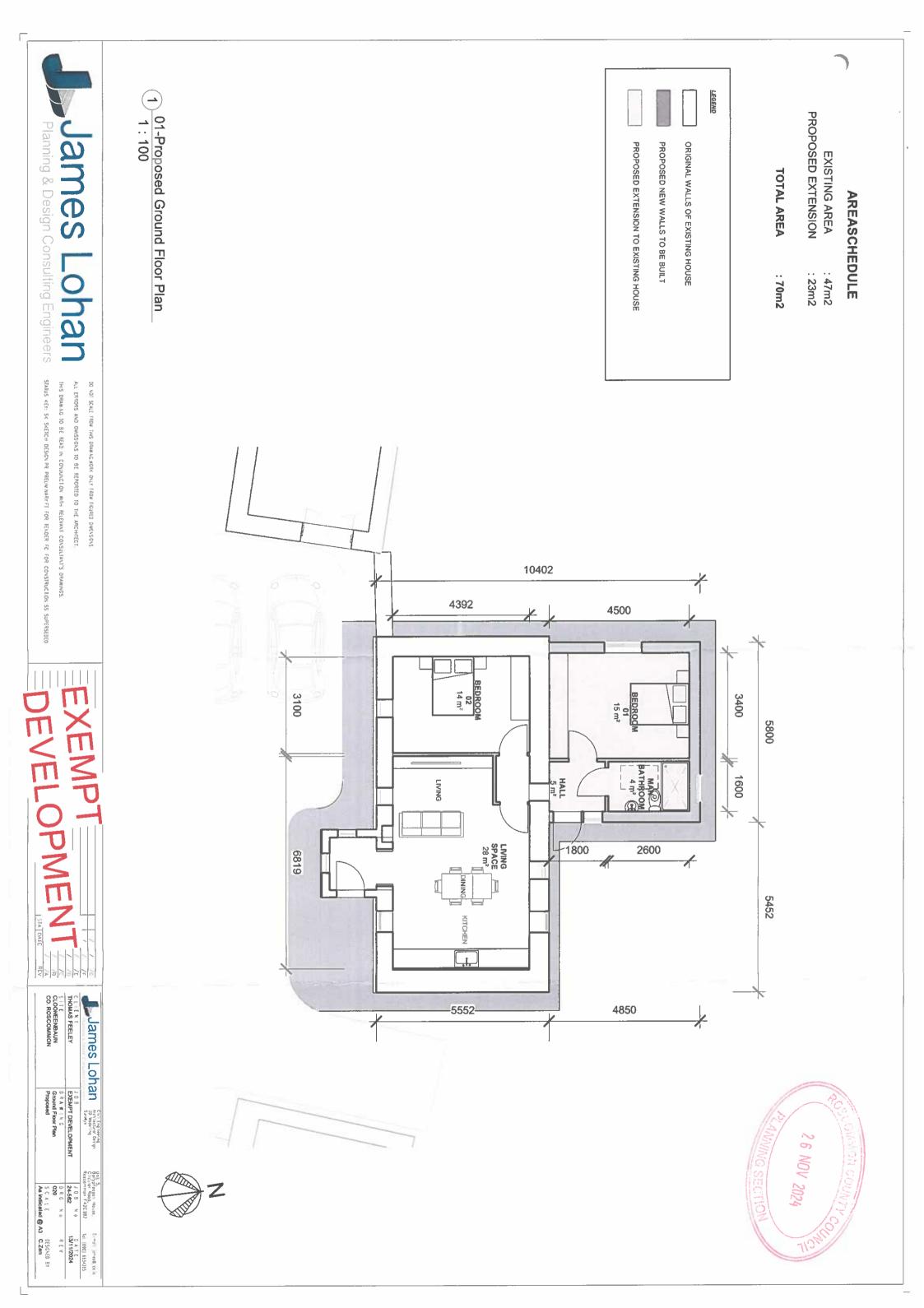
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