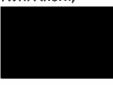
ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Avril Ahern,



Reference Number:	DED 826
Application Received:	9 th January, 2025
Name of Applicant:	Avril Ahern
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the change of use from a dwelling house to a community dwelling house at Donard, Knockroe, Castlerea, Co. Roscommon, F45 RW72, 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) Class 14 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

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed change of use from a dwelling house to a community dwelling house as described in this case is an exempted development.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 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 for the change of use from a dwelling house to a community dwelling house at Donard, Castlerea, Co. Roscommon, F45 RW72, 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: 6th March, 2025

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: Cc: Subject: Attachments: Carmel Curley Tuesday 11 March 2025 09:46 James Lohan jack@jlce.ie DED 826 - Avril Ahern DED 826 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 826.

Regards,

Carmel

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



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

tion for a Declaration under Section 5 of the Planning & pment Act, 2000, as amended, regarding Exempted Development change of use from a dwelling house to a community dwelling
change of use from a dwelling house to a community dwelling
nern
, Knockroe, Castlerea, Co. Roscommon (F45 RW72)
u

WHEREAS a question has arisen as to whether the following works; for the change of use from a dwelling house to a community dwelling house 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 14 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 site is a detached part two-story part single story house with an attached garage on one side, a garden area to the front and rear of the property located in Donard, Knockroe, Castlerea, Co. Roscommon. The property is accessed from the R377 with the house situated on top of the hill with a driveway leading up. The property is in zoned land (Local Area Plan Zoning: Existing Residential). The proposed development consists of the change of use from a dwelling house to a community dwelling house, with no proposed works to the property. It is stated within the application that the HSE intends to lease the premise for the purposes of providing child services.

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 Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 3.6km to the east, Corliskea/Trien/Cloonfelliv Bog PNHA/SAC (Site Code

002110) which is located circa 4.2km to the south and Bellanagare Bog PNHA/SAC/SPA (Site Code 000592/004105) which is located circa 4.6km to the north 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. Therefore, exclude the need for further Appropriate Assessment.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history have been traced relating to the subject site and are as follows.

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) of the Act states the following in respect of 'development':

"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. Essentially, Section 4 (2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

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,

Class 14 of Part 1 of Schedule 2: Exempted development – General

Description of Development	Conditions and Limitations
Change of use	
CLASS 14	
Development consisting of a change of use—	
(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.	The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

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 development consists of the change of use from a dwelling house to a community dwelling house, with no proposed works to the property, with regard to the compliance with the conditions and limitations of Class 14 (f) of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Following FI response the proposed change of use is to care for vulnerable children and or children with special needs, it's to accommodate 3 children and 1 carer.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a driveway to the side and rear of the existing dwelling as described in this case is considered an exempted 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 the change of use from a dwelling house to a community dwelling house in Donard, Knockroe, Castlerea, 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) Class 14 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

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed change of use from a dwelling house to a community dwelling house as described in this case is an 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 to the change of use from a dwelling house to a community dwelling house in Donard, Knockroe, Castlerea, Co. Roscommon is <u>an exempted</u> <u>development</u>. I recommend that a declaration to that effect should be issued to the applicant.

San Murray

Date: 6th March 2025

Signed:

Civil Technician

J.S.

Signed:

Date: 6th March 2025

Senior Executive Planner



Planning Dept, Roscommon County Council Aras an Chontae, Roscommon, Co. Roscommon

Further Information Ref: DED 826

The proposal involves change of use from dwelling to community dwelling house. The HSE Intends to lease the premises for the purposes of providing child services i.e. vulnerable children and or children with special needs. There will be 3 rooms available for 3 children and one room for a carer.

Kind Regards, Jack Keegan James Lohan Consulting Engineer Ltd, Unit 6, Ballypheason House, Circular Road Roscommon





Comhairle Contae Ros Comáin Roscommon County Council



Avril Ahern,



Date:	5 th February, 2025
Reference:	DED 826
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000
	(as amended), regarding Exempted Development.
Development:	WHEREAS a question has arisen as to whether the change of use from a dwelling house to a community dwelling house at Donard, Knockroe, Castlerea, Co. Roscommon,
	F45RW72, is or is not development and is or is not exempted development.
*****	***********

A Chara,

Further to your application received on the 9th January, 2025 and in order for the Planning Authority to determine as to whether the change of use from a dwelling house to a community dwelling house at the above address is or is not development and is or is not exempted development, you are requested to submit the following further information:

- 1. Please elaborate on the term 'providing child services'.
- 2. Please confirm the number of occupants proposed for the community dwelling house (both children and carers)

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 826**

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell, Senior Executive Planner, Planning.

cc agent via email:

James Lohan Consulting Engineers Ltd. james@jlce.ie





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

Reference Number:	DED 826
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the change of use from a dwelling house to a community dwelling house.
Name of Applicant:	Avril Ahern
Location of Development:	Donard, Knockroe, Castlerea, Co. Roscommon (F45 RW72)
Site Inspection:	30 th January 2025

WHEREAS a question has arisen as to whether the following works; for the change of use from a dwelling house to a community dwelling house 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 site is a detached part two-story part single story house with an attached garage on one side, a garden area to the front and rear of the property located in Donard, Knockroe, Castlerea, Co. Roscommon. The property is accessed from the R377 with the house situated on top of the hill with a driveway leading up. The property is in zoned land (Local Area Plan Zoning: Existing Residential). The proposed development consists of the change of use from a dwelling house to a community dwelling house, with no proposed works to the property. It is stated within the application that the HSE intends to lease the premise for the purposes of providing child services.

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 Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 3.6km to the east, Corliskea/Trien/Cloonfelliv Bog PNHA/SAC (Site Code 002110) which is located circa 4.2km to the south and Bellanagare Bog PNHA/SAC/SPA (Site Code 000592/004105) which is located circa 4.6km to the north 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. Therefore, exclude the need for further Appropriate Assessment.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history have been traced relating to the subject site and are as follows.

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) of the Act states the following in respect of 'development':

"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. Essentially, Section 4 (2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

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,

Initial Planning Assessment:

. . .

It is unclear from the documentation submitted what the precise proposed use of the structure will be, i.e. elaborate on the term 'providing child services' and number of occupants proposed for the community dwelling. In the interests of transparency and in order to make a fully informed decision, it is deemed prudent to establish this information and have it on file.

Accordingly, a further Information request will be made in this regard.

Recommendation:

Please provide a detailed response to each point set out below:

- Please elaborate on the term 'providing child services'.
- Please confirm the number of occupants proposed for the community dwelling house (both children and carers)

Signed:

San Murray

Date: 4th February 2025

Civil Technician

for a

Signed:

Senior Executive Planner

Date: 4th February 2025



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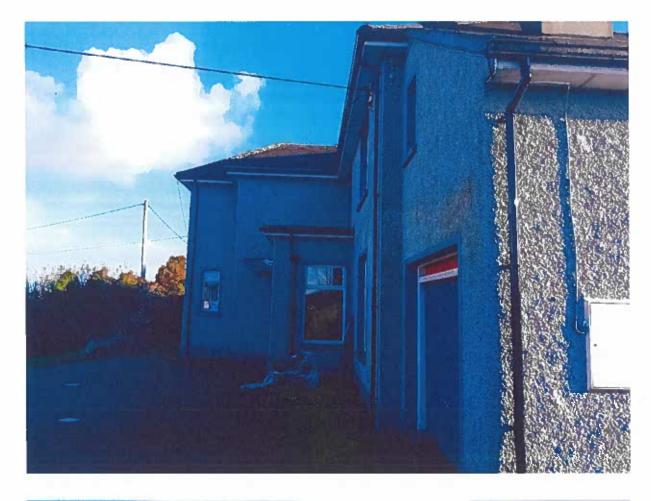
















Comhairle Contae Ros Comáin Roscommon County Council



Avril Ahern,



 Date:
 14th January 2025

 Planning Reference:
 DED 826

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

 Development:
 Permission for the change of use from a dwelling house to a community dwelling house under the Planning & Development Act (Exempt Development) Regulations 2018 at Donard, Knockroe, Castlerea, Co. Roscommon, F45RW72.

4.20

A Chara,

I wish to acknowledge receipt of your application which was received on the 9th January 2025, 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. **L01/0/232399** dated 9th January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 826 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 Engineers Ltd james@jlce.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

09/01/2025 14:57 22

Receipt No :: L01/0/232399

AVRIL AHREN C/O JAMES LOHAN CONSULTING ENGINEERS LTD BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 826

Total :

80 00 EUR

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Issued By - Bernadine Duignan From : Central Cash Office

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Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: planning@roscommoncoco.ie 21

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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)	Avril Ahren ROSCOMMON COUNT
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Change of use from dwelling to community dwelling house, situated at: Donard, Knockroe, Castlerea, Co. Roscommon, F45RW72
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Donard, Knockroe, Castlerea, Co. Roscommon, F45RW72 O.S No. 2219-05 & 2220-01 XY: 568243, 779600 Townland Knockroe
Floor Area:	· · · · · · · · · · · · · · · · · · ·
a) Existing Structure b) Proposed Structure	a) <u>252.81 Sqm</u> b) <u>0 Sqm extension</u>
Height above ground level:	Floor level- between 300mm – 350 mm above ground level (Ridge height existing 8320mm above ground level)
Total area of private open space remaining after completion of this development	0.0769 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing pebble dash
Is proposed works located at front/rear/side of existing house.	No proposed works
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	Community dwelling house
Distance of proposed building line from edge of roadway	Existing -51.2m 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 public sewer

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

Signature:

Date:

. * ;

06/01/20

JACK KEELAN (AGENT)

Note: This application must be accompanied by: -

9 JAN 2025 PLANNING SECTION

- (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



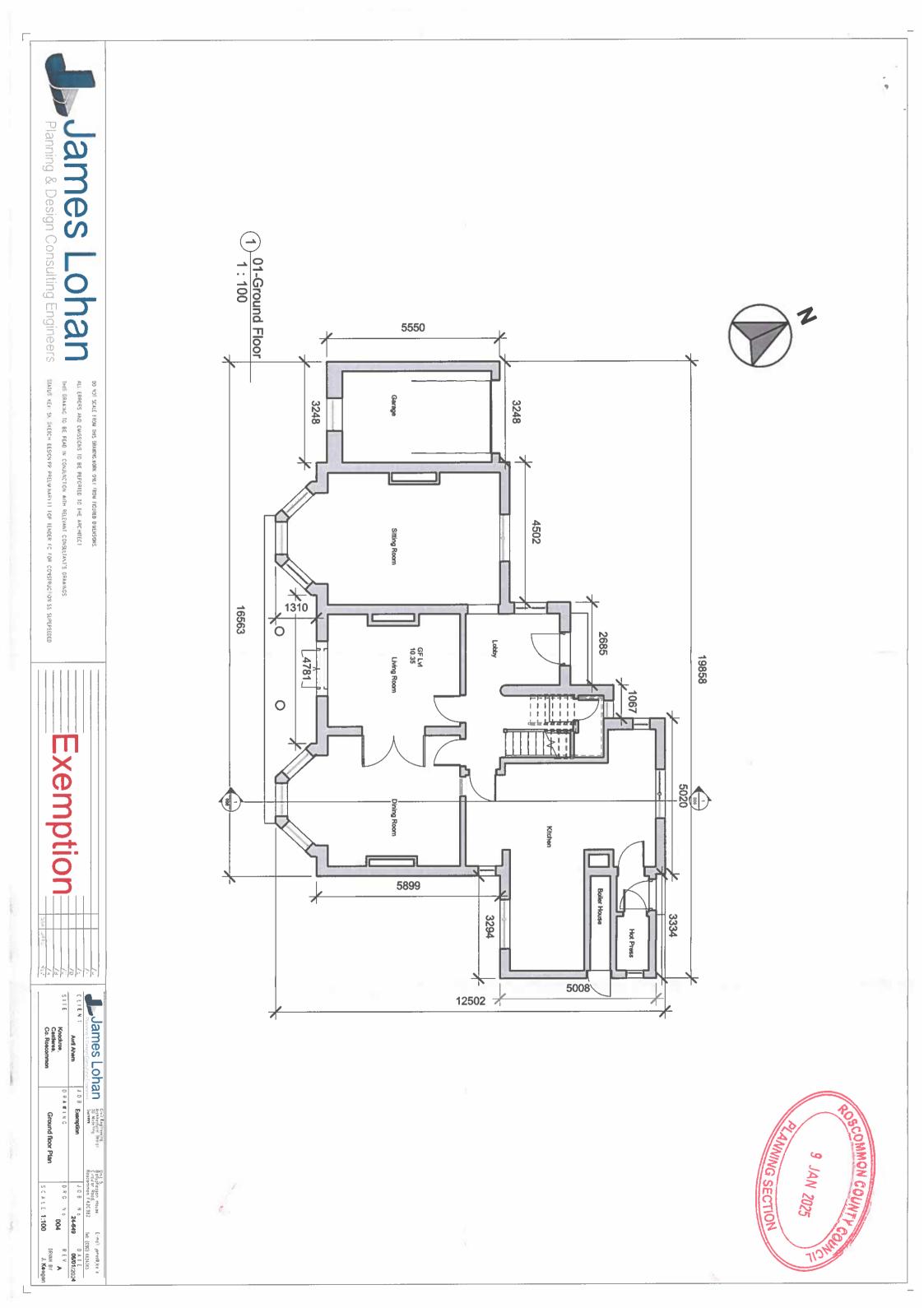
Planning Dept, Roscommon County Council Aras an Chontae, Roscommon, Co. Roscommon

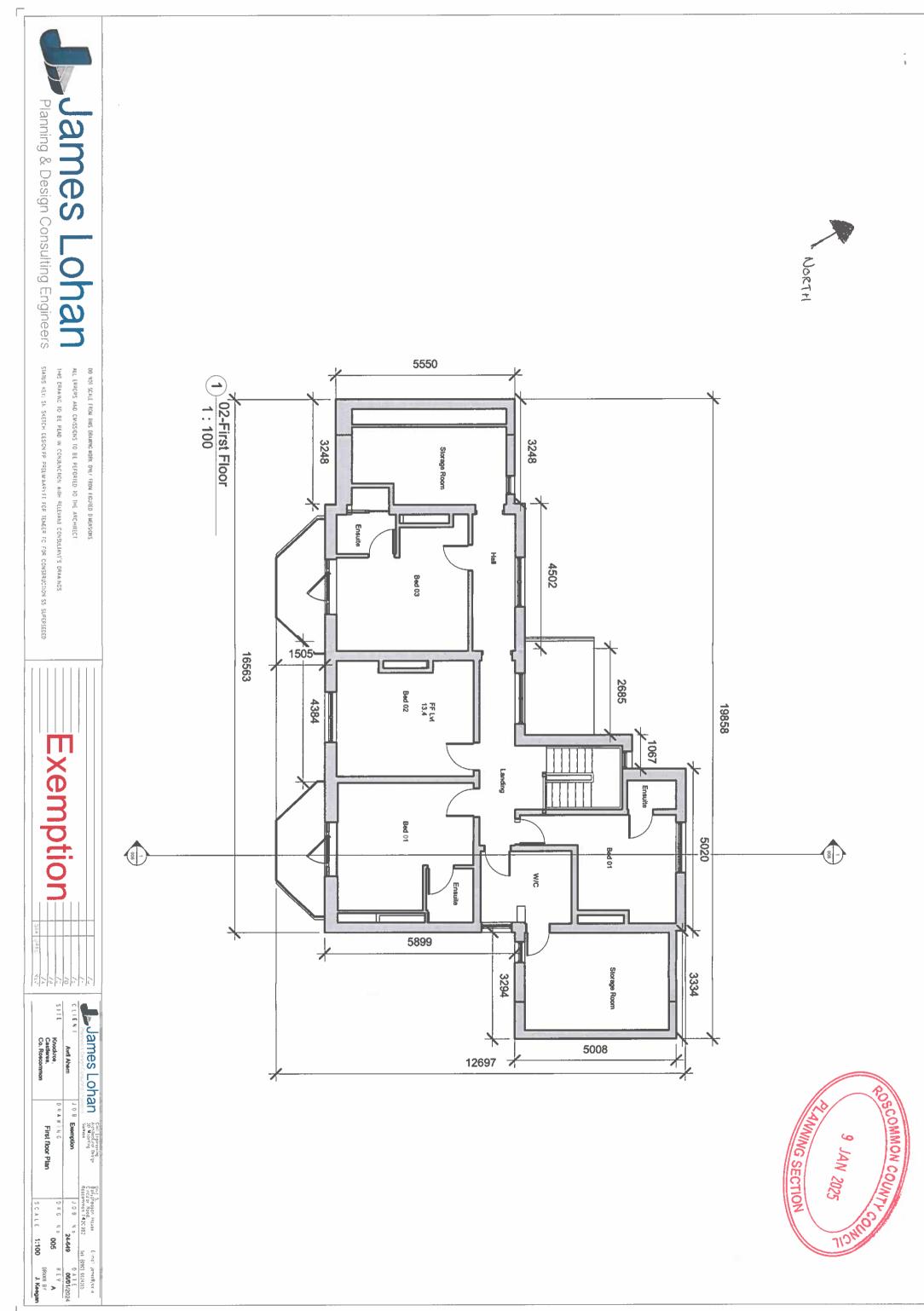
Specification of the Development Proposed Ref: Avril Ahern for Property at Donard, Knockroe, Castlerea, Co. Roscommon, F45RW72

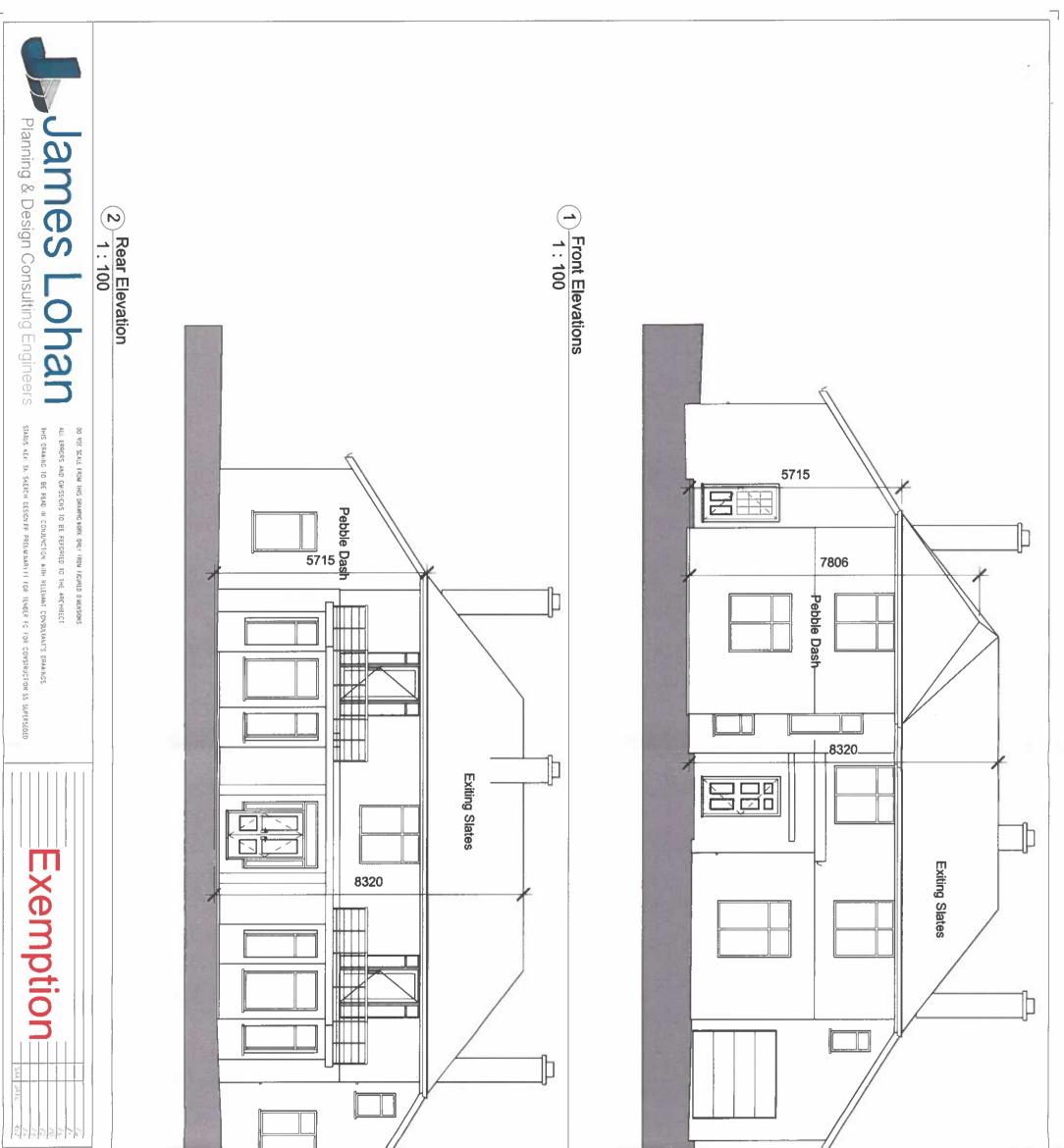
The proposal involves change of use from dwelling to community dwelling house. The HSE Intends to lease the premises for the purposes of providing child services.

Kind Regards, Jack Keegan James Lohan Consulting Engineer Ltd, Unit 6, Ballypheason House, Circular Road Roscommon









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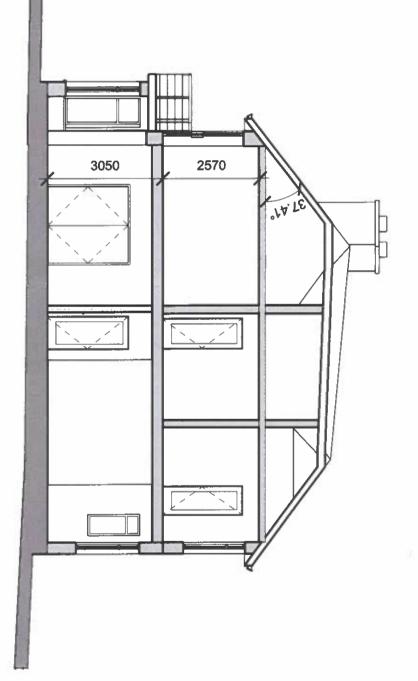
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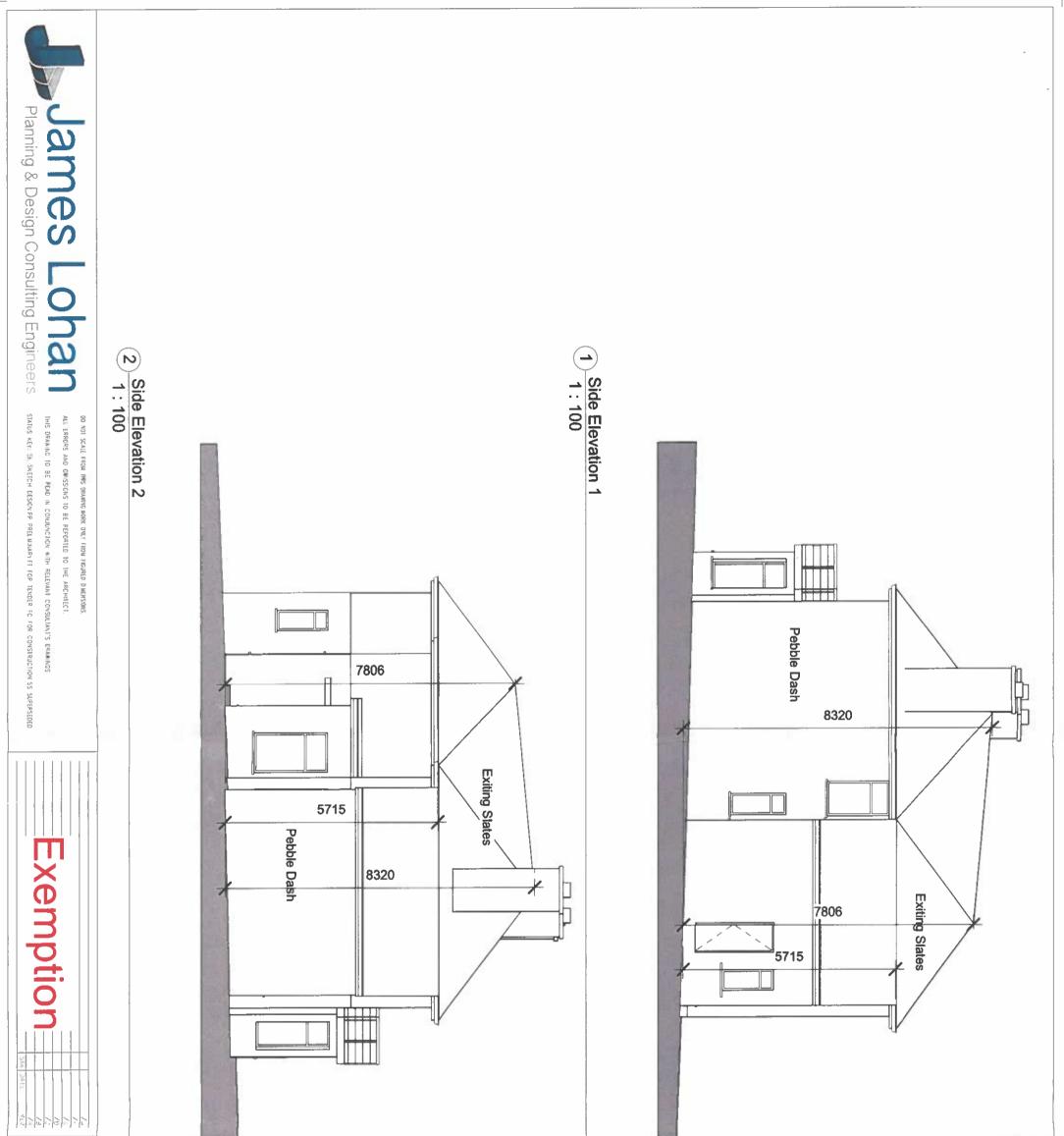


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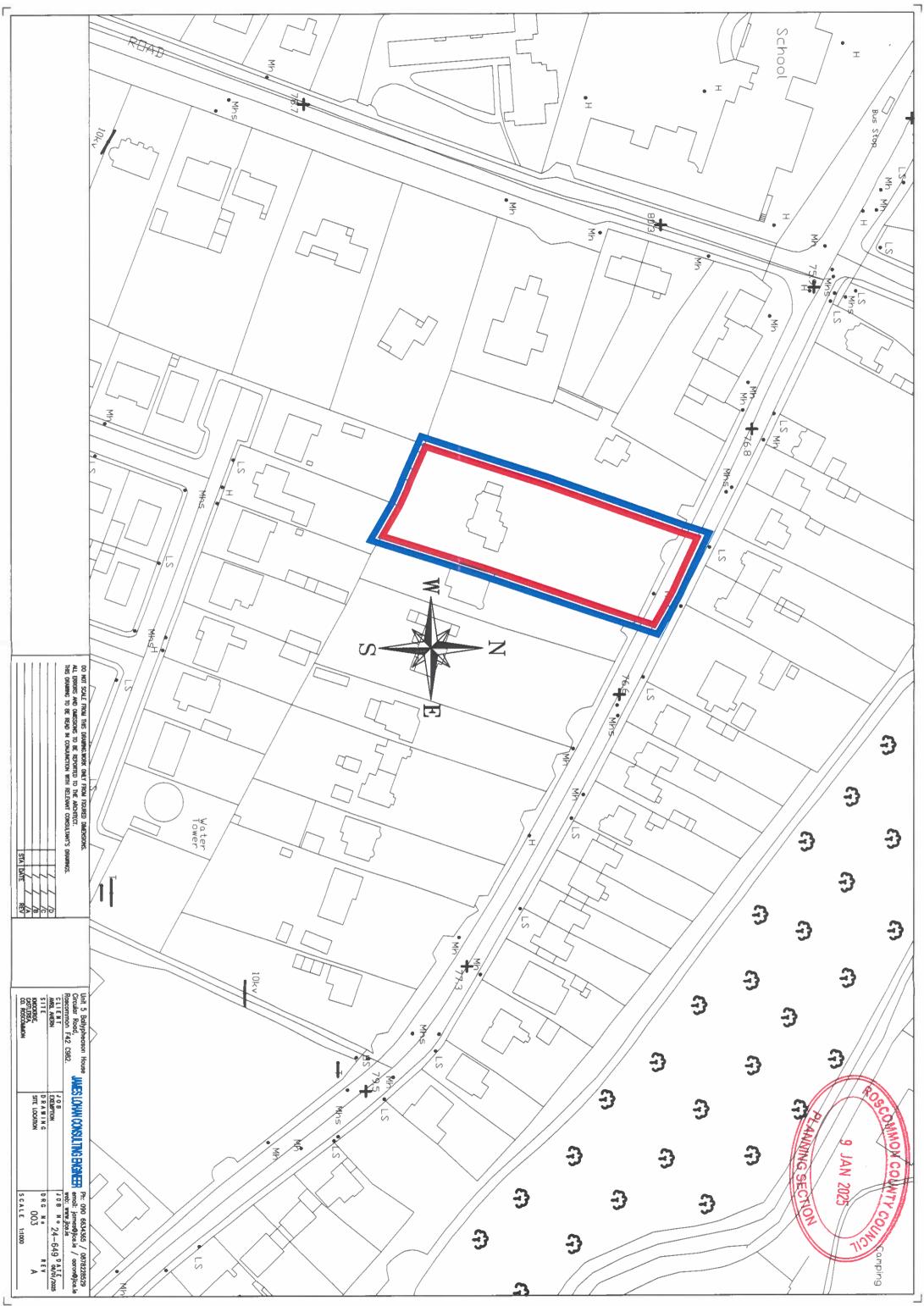


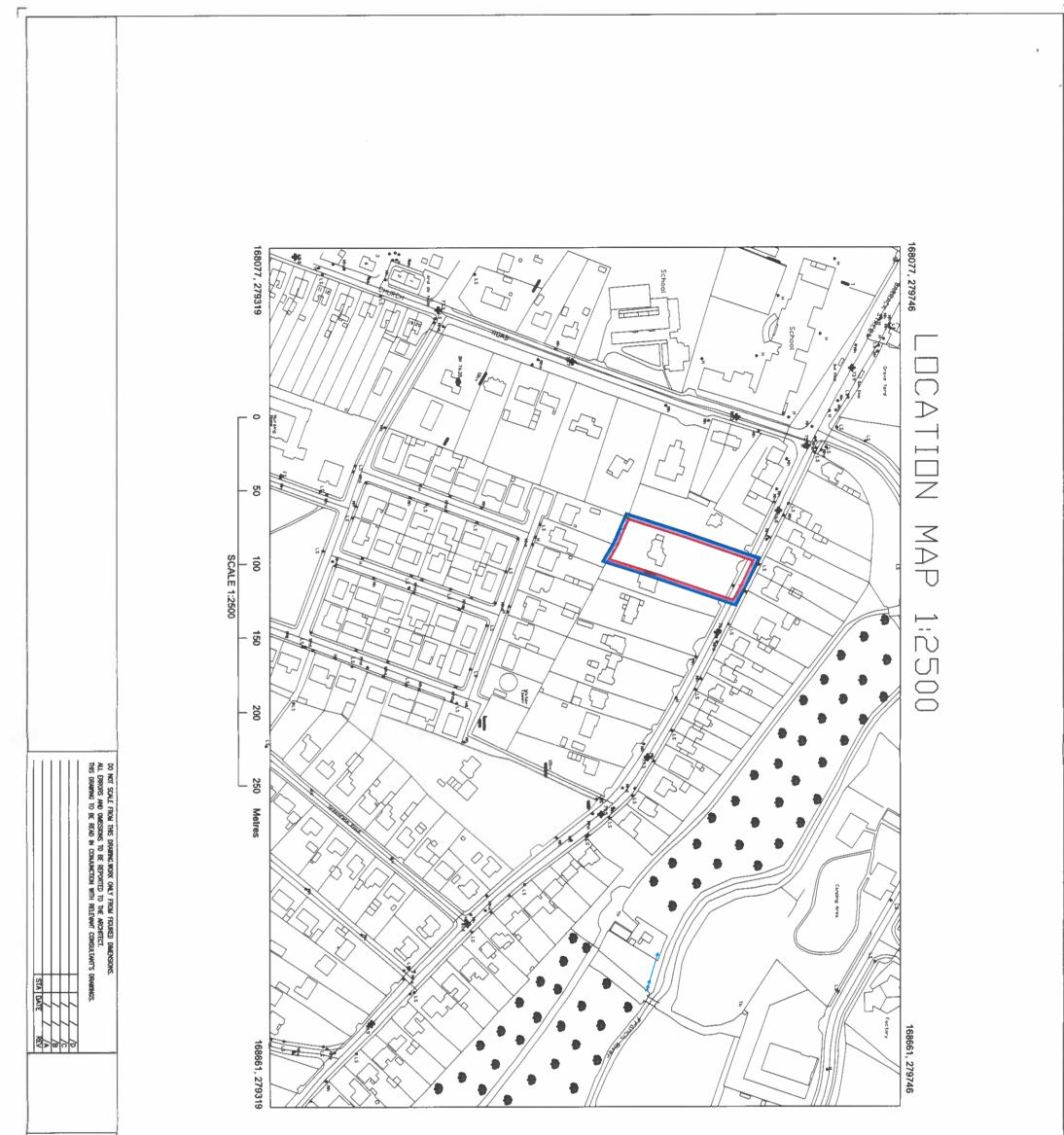
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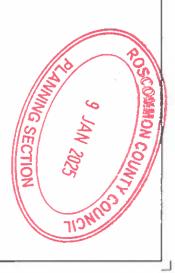
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SITE ADDRESS: DONARD, KNOCKROE, CASTLEREA, CO. ROSCOMMON

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LAND HOLDING OUTLINED IN BLUE
OS ND.
RN 2219-05 & 2220-01
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Ph: 030 6634365 / emdi: james@jice.ie web: www.jice.ie J 0 8 N • 24-64 D R 6 N • 0 0 2 S C A L E 1:2500	-		SITE LOCATION	DRAWING	J 0 B EXEMPTION	WES LOHAN CONSULTING ENGINEER
		SCALE 1:2500	002	DRG No	JOB Nº 24-64	Ph: 090 6634365 / email: james@jice.ie web: www.jice.ie

