

**ROSCOMMON COUNTY COUNCIL**

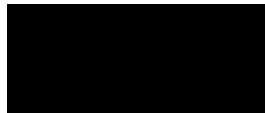
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Niall Lohan,



Reference Number: DED 827  
Application Received: 10<sup>th</sup> January, 2025  
Name of Applicant: Niall Lohan  
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict dwelling, with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6) install new floors at Main Street, Roscommon, Co. Roscommon, F42 FP27, 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 refurbishment of a derelict dwelling, works including 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6) install new floors 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 refurbish a derelict dwelling, with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6) install new floors at Main Street, Roscommon, Co. Roscommon, F42 FP27, 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: 10<sup>th</sup> February, 2025

cc agent via email:

James Lohan Consulting Engineers Ltd  
[james@jlce.ie](mailto: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

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**From:** Carmel Curley  
**Sent:** Monday 10 February 2025 14:43  
**To:** [REDACTED]  
**Cc:** James Lohan; [REDACTED]  
**Subject:** DED827 - Notification of Decision  
**Attachments:** DED827 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 827.

Regards,

Carmel

**Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98  
☎: (090) 6637100**

✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**MAP LOCATION**



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

<b>Reference Number:</b>	DED 827
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors
<b>Name of Applicant:</b>	Niall Lohan
<b>Location of Development:</b>	Main Street, Roscommon Town, Co. Roscommon (F42 FP27)
<b>Site Visit:</b>	04/02/2025

**WHEREAS a question has arisen as to whether the following works; to refurbish derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors 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 terrace three-story building on Main Street, Roscommon Town. The property is in the Roscommon ACA and is zoned land (Roscommon LAP 2014 – 2020 - Core Town Centre). The proposed development consists of the refurbishment of the dwelling which as listed on file doesn't consist of an external works only internal including

- striping out walls, floors and ceilings
- install new ceiling joists and internal stud work, plasterboard & skim
- re-wire the entire property
- re-plumb the entire property
- second fix carpentry and paint & decorate internally
- install new floors

No works are proposed for the ground floor shop unit only for 1<sup>st</sup> and 2<sup>nd</sup> floors.

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**

The proposed development is located within the likely zone of influence (R184453) of various archaeological sites none of which is located on the property or adjoining properties of the proposed development.

The adjoining property to the south of the proposed development is a protected structure (Former Hotel – Registration Number: 03900490) and is listed in the National Inventory of Architectural Heritage (NIAH Registration Number: 31817019).

## **Appropriate Assessment**

The closest European sites to the site of the proposed development are Lough Ree PNHA/SAC (Site Code 000440) which is located circa 3.7km to the west and Ballinturly Turlough PNHA/SAC (Site Code 000588) 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, recent planning history traced to the site.

- 14615/82 – Subdivision of shop on GF to form two shops, change of use from flat to office on 1<sup>st</sup> floor – Conditional
- 98/253 – Retention and completion of timber shop front fitted to Butchers shop – Conditional

## **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.

Following a review of the planning history of the site. The last use for the 1<sup>st</sup> floor of the property appears to have been granted permission under planning reference 14615/82 for the 'change of use from flat to office on 1<sup>st</sup> floor'. There is no correspondence on file to indicate that this development was completed, with that it is taken that the existing use of 1<sup>st</sup> and 2<sup>nd</sup> floor of this property was residential.

The proposal to refurbish derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors. 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 refurbish derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors as outlined above on Main Street, Roscommon Town, 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 refurbishment of a derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors 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 refurbish derelict dwelling, works including 1)strip out walls, floors & ceilings, 2)install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4)re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6)install new floors as outlined above on Main Street, Roscommon Town, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**



**Date:** 04<sup>th</sup> February 2025

Civil Technician

**Signed:**



**Date:** 04<sup>th</sup> February 2025

Senior Executive Planner







Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Niall Lohan,

Date: 14<sup>th</sup> January 2025  
Planning Reference: DED 827

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

Development: Permission to refurbish derelict dwelling, works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) second fix carpentry and paint & decorate internally & 6) install new floors under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Roscommon, F42 FP27.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 10<sup>th</sup> 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. L01/0/232464 dated 14<sup>th</sup> January 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 827**  
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](mailto:james@jlce.ie)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

14/01/2025 11:57:27

Receipt No: L01/0/232484

NIALL LOHAN  
C/O JAMES LOHAN CONSULTING ENGINEERS LTD  
UNIT 6  
BALLYPHEASON HOUSE  
CIRCULAR RD  
ROSCOMMON  
EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED827	

Total :	80.00 EUR
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Tendered :	80.00
Cheque	
500381	

Change :	0.00
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Issued By: Louis Carroll  
From: Central Cash Office



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 (as amended), regarding Exempted Development**

Name of Applicant(s)	NIALL LOHAN
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 6, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house 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.	MAIN STREET, ROSCOMMON.F42 FP27 O.S No. 2550-05/ 2550-10  XY: 587441-764453 Townland Ardnanagh
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>87.5Sqm</u>
Height above ground level:	Floor level- between 150mm – 250 mm above ground level (Ridge height existing 10294mm above ground level)
Total area of private open space remaining after completion of this development	0.0127 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)	Map Plaster to match existing
Is proposed works located at front/rear/side of existing house.	N/A
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 -2.80 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 Sewer Connection

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

Signature:



Date:

08/01/2025

**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: NIALLOHAN for property at Main Street, Roscommon.F42 FP27**

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. 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. Second fix carpentry and paint and decorate internally.
6. Install new floors.

**Note:** The shop on the ground floor will remain unchanged and will not be subject to any alterations.

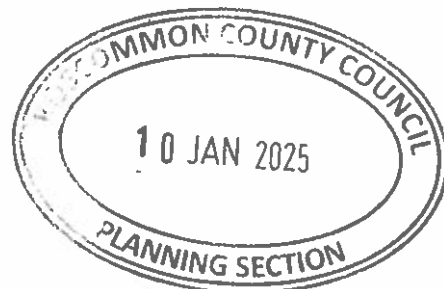
Kind Regards



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Camila Zen  
08/01/2025

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





187624.264506

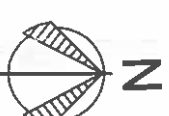
**ADDRESS:**  
MAIN STREET  
ROSCOMMON  
F42 FP27

## LEGEND

**SITE BOUNDARY OUTLINED IN RED (0.0127 HECTARES)**

**LAND HOLDINGS OUTLINED IN BLUE**

**OS MAPS : 2550-05 / 2550-10**



©NATIONAL MAPPING DIVISION OF TAILE ÉRIE  
CYAL50358888  
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## Site Location Plan

1:1000



**James Lohan**  
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM DIMENSIONED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS: KEY & SKETCH DESIGN. PREPARED FOR TENDER. PC FOR CONSTRUCTION. ISS SUPERSEDED.

EXEMPT  
DEVELOPMENT

PROJECT \_\_\_\_\_

		<b>James Lohan</b>		300 E. Longview Ave. 300 Westinghouse Dr. Ste 100 Sparks		800.333.3886 760.333.3886 760.333.3886 760.333.3886		Email: <a href="mailto:jlohan@jlohan.com">jlohan@jlohan.com</a> <a href="http://www.jlohan.com">www.jlohan.com</a>	
TOWN OF MOUNTAIN VIEW 10000 N. 10th St. Suite 100 Phoenix, AZ 85020		JOB STATUS OPEN 10/1/2005		JOB # 24-627 10/1/2005		DATE 06/16/2005		TELEPHONE (602) 663-4143	
MAIN STREET COMMON F42 FP27		DRAINAGE Site Location Plan		SCALE As indicated		DESIGNED BY A3 Evan Hammers			

**SITE BOUNDARY OUTLINED IN RED (0.0127 HECTARES)**

1



DO NOT SCALE FROM THIS DRAWING. REPORT ONLY FROM TYPED QUESTIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS  
STATUS: A/E/C 4 SKETCH DESIGN PRELIMINARY FOR TENDER. NOT FOR CONSTRUCTION. SUPERSEDED

DATE	REV
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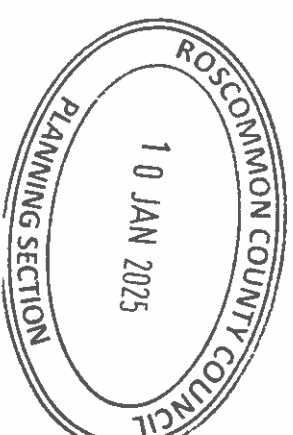


## APARTMENT AREASCHEDULE

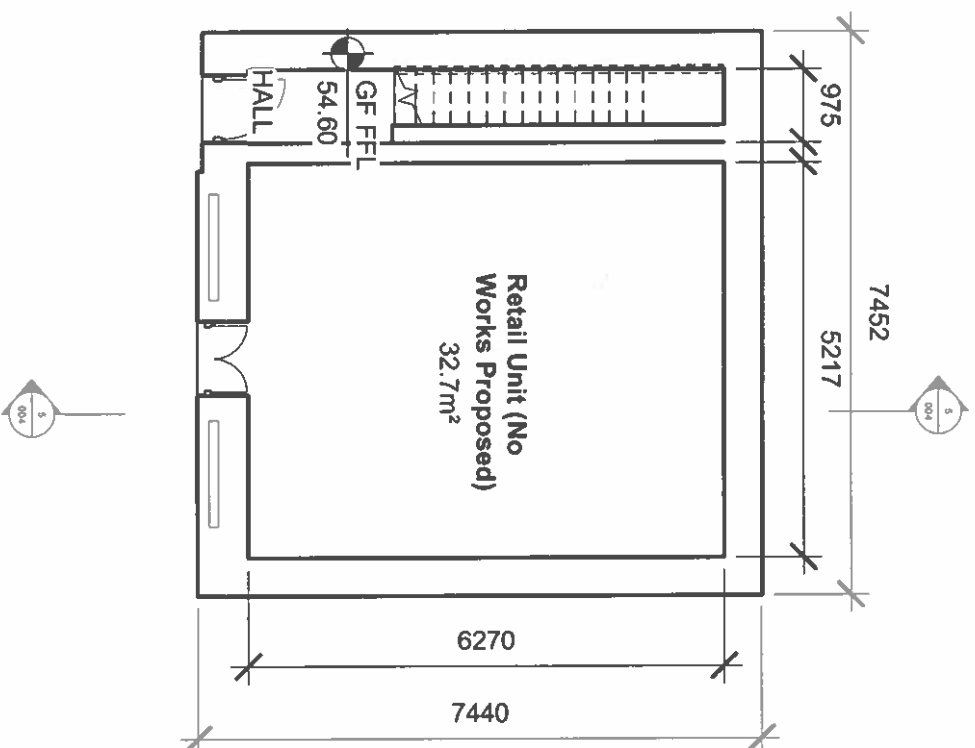
GROUND FLOOR AREA	: 6.0m2
FIRST FLOOR AREA	: 41.5 m2
SECOND FLOOR AREA	: 40.0 m2

**TOTAL AREA : 87.5m2**

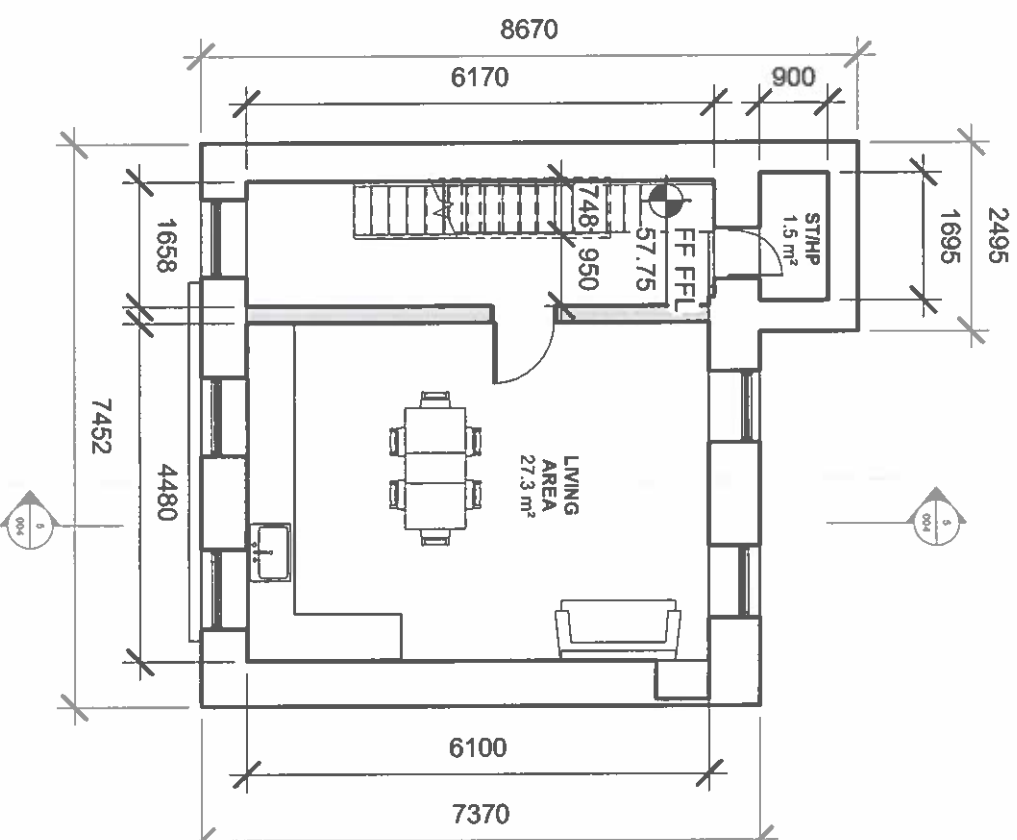
**Note: Areas exclude the Retail Unit :32.7 m<sup>2</sup>**



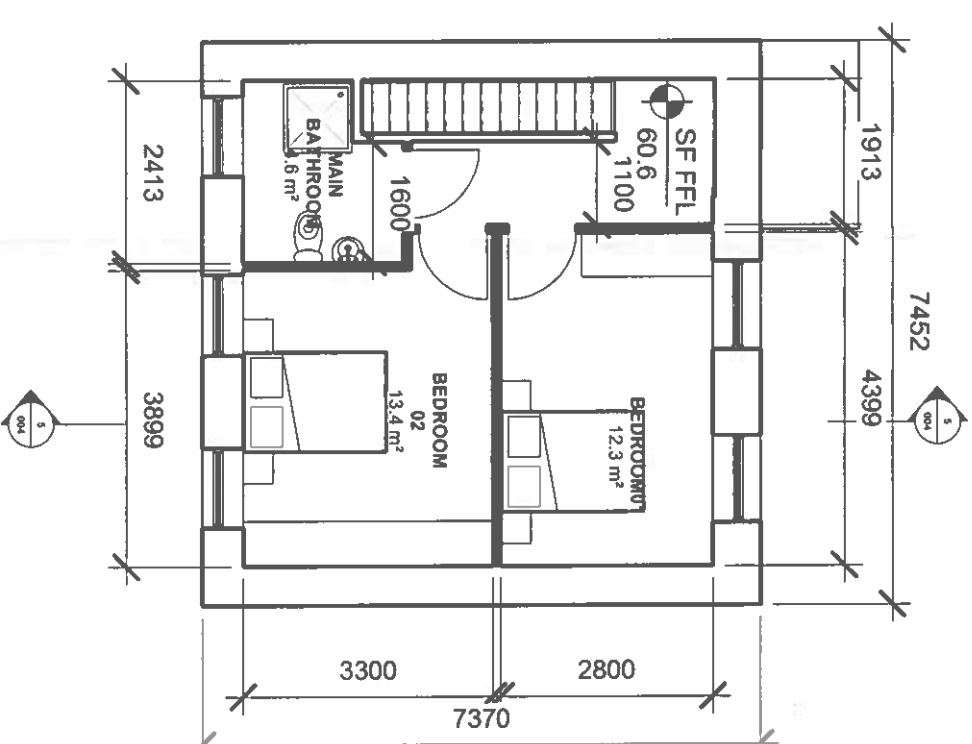
01- Proposed Ground Floor Plan  
1 : 100



1 Proposed First Floor Plan  
1 : 100




2 Proposed Second Floor Plan  
1 : 100



DO NOT SCALE FROM THIS DRAWING. ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STANDARD A/E/C 314 SCHEDULE DESIGN, PROJECT MASTER PLAN, LEADER OF CONSTRUCTION SUPERSEDED

EXEMPT  
DEVELOPMENT

[illegible]

	<b>James Lohan</b>	Civil Engineering 10 Westinghouse Stamps	Rt. 1 Box 100 Hillsdale, N.J. 07642-0100	E-mail: jlohan@verizon.net
GILBERT MULLER LOHAN	JOB Ridge Station	JOB NO # 007	DATE 07/07/2015	REV BY
MAIN STREET F42 FPMZ	Ground Floor Plan Proposed	SHEET NO 003		DE SIGN BY C Zan
		As Indicated @ AS		

