ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Joseph Kelly,

Reference Number:	DED 829
Application Received:	15 th January, 2025
Name of Applicant:	Joseph Kelly
Agent:	Gerard Staunton

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling house at Cloonard, Castlerea, 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 proposed renovate & retrofit an existing 1970's dwelling as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows: development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (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 to refurbish an existing dwelling at Cloonard, Castlerea, 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: 12th February, 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: Subject: Attachments: Carmel Curley Wednesday 12 February 2025 16:35 gerardstaunton10@gmail.com DED829 - Notification of Decision DED829 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 829 for Joseph Kelly.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 Therefore in the state of the stat



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

Reference Number:	DED 829	
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish an existing derelict house.	
Name of Applicant:	Joseph Kelly	
Location of Development:	Cloonard, Castlerea, Co. Roscommon.	
Site Visit:	10/02/2025	

WHEREAS a question has arisen as to whether the following works; to refurbish an existing derelict 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 subject site is located in Cloonard, Castlerea, Co. Roscommon and is accessed of the L-1613 road. The subject site contains a two story dwelling housewith a front porch and a two story flat roof extension and a single story lean to style area to one side. There is existing farmyard buildings and store to the rear of the property.

The proposed works are described as mainly refurbishment along with some upgraded furnishings and no changes/work to walls internally or externally.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European sites to the site of the development are Bellanagare Bog PNHA/SAC/SPA (Site Code 000592/004105) which is located circa 1.5km to the north and Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 5.7km to the south west of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or

other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

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

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

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

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 the refurbishment of an existing derelict house. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, 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 refurbish an existing derelict house in Cloonard, 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) 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 renovate & retrofit an existing 1970's dwelling as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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

• 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 an existing derelict house in Cloonard, Castlerea, Co. Roscommon is <u>an exempted development</u>. Linecommend that a declaration to that effect should be issued to the applicant.

San Murray

Signed:

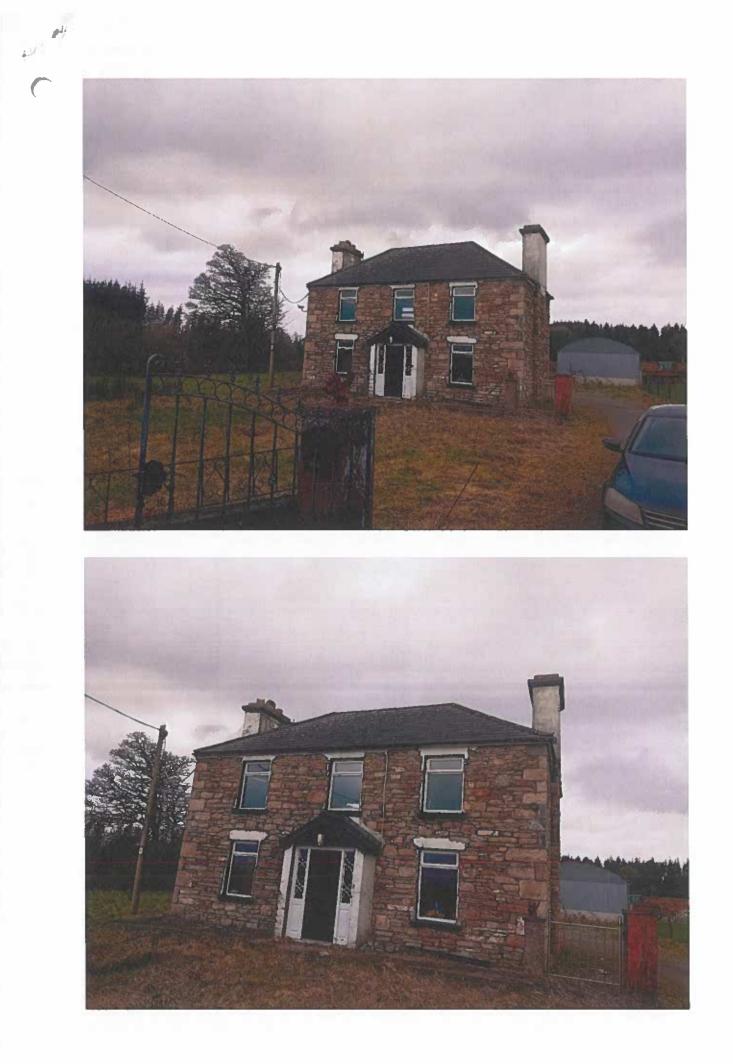
Date: 11th February 2025

Civil Technician

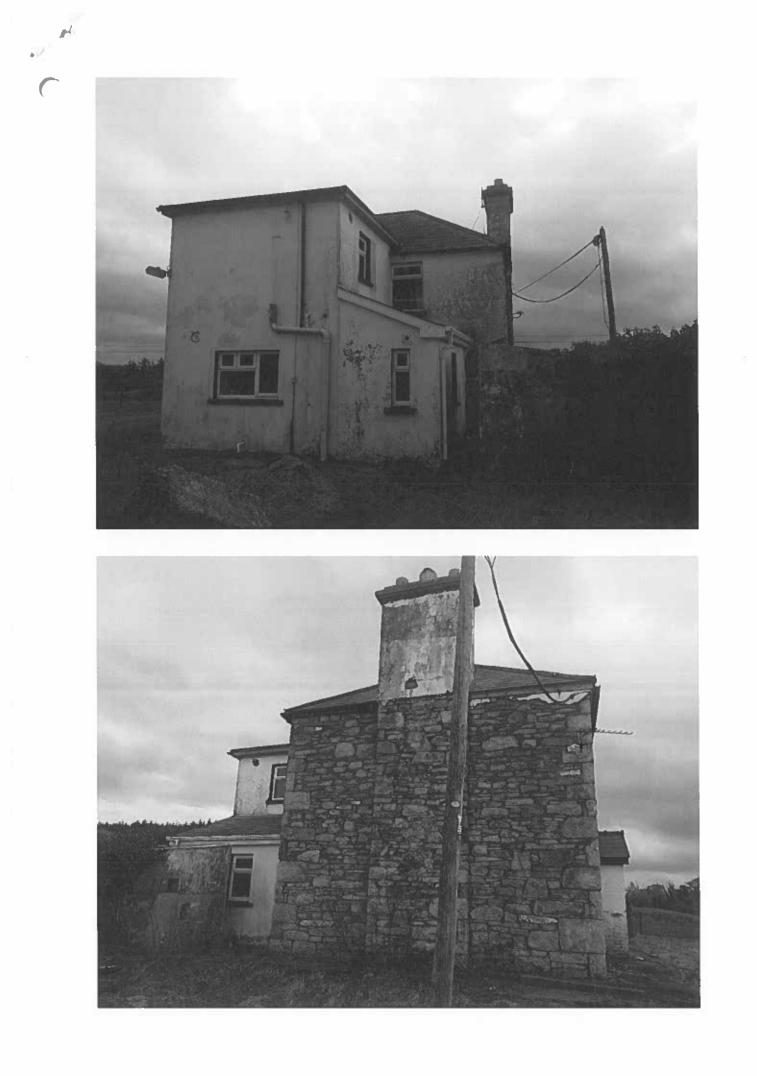
Signed:

Date: 11th February 2025

Senior Executive Planner









Comhairle Contae Ros Comáin Roscommon County Council



Joseph Kelly,



Date: Planning Reference:	15 th January 2025 DED 829
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development:	Permission to refurbish an existing derelict house under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonard, Castlerea, Co. Roscommon.
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A Chara,

I wish to acknowledge receipt of your application which was received on the 15th 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. L01/0/232504 dated 15th January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 829 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:

Gerard Staunton gerardstaunton10@gmail.com







Roscommon County Council Aras an Chontae Roscommon 09086 37100 jø.

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15/01/2025 14:33:25

Receipt No. : 1 01/0/232504

JOSEPH KELLY

AGENT: GERARD STAUNTON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED 829

Total

80.00 EUR

Tendered : Credit/Debit Card 80 00 7004

Change 0.00

Issued By Bernadine Duignan From Central Cash Office

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Áras an Chontae, Roscommon, Co. Roscommon,

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

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	Joseph Helly	
Name of Agent	Gerard Shawnton	
Nature of Proposed Works	ReFrebishment of Existing	
Location & Address of Subject Property to include, Eircode (where applicable), Townland &	Derelict house For Hobibable purposed Choonbard, Castlerea Co Roscommon	
O.S No. Floor Area: a) Existing Structure b) Proposed Structure	570075, 783151 a) 116.7m2 b) 0	
Height above ground level:	Smitoridae beight	
Total area of private open space remaining after completion of this development	Smitoridge beight Duolling site 8-600000	201
Roofing Material (Slates, Tiles, other) (Specify)	SLates 15 JAN	2025
Pa	ge 1	CTION

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework,	Noin Structure Stone
brick or other finish, giving colour}	Rear plasterwork
is proposed works located at front/rear/side of	No Ner Structure Being
existing house.	Built Renovating Existing
Has an application been made previously for this site	No
If yes give ref. number (include full details of	
existing extension, if any)	NIA
Existing use of land or structure	Dwelling Site
Proposed use of land or structure	Dwelling Sibre
Distance of proposed building line from edge of	
roadway	250
Does the proposed development involve the provision of a piped water supply	No already connected
Does the proposed development involve the	yes already in place I Have
provision of sanitary facilities	yes already in place I Have Inspected same + they work
	Satisfactorily

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

SCOMMON

15 JAN 2025

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Signature:

Date:

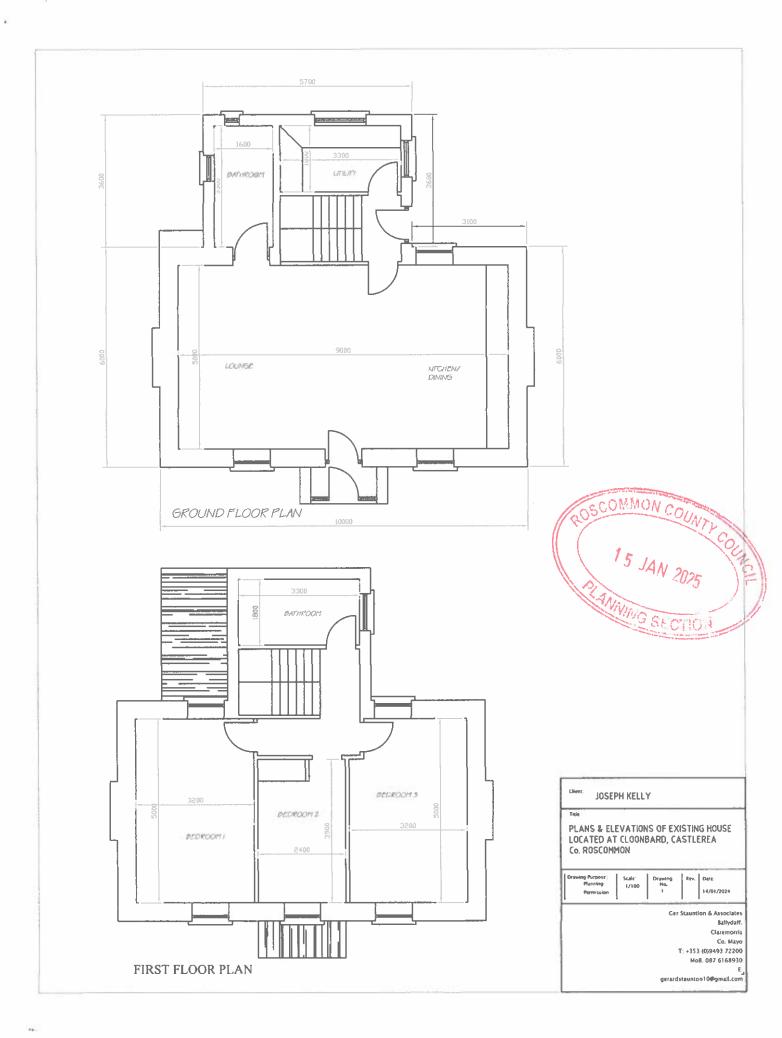
Note: This application must be accompanied by: -

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location

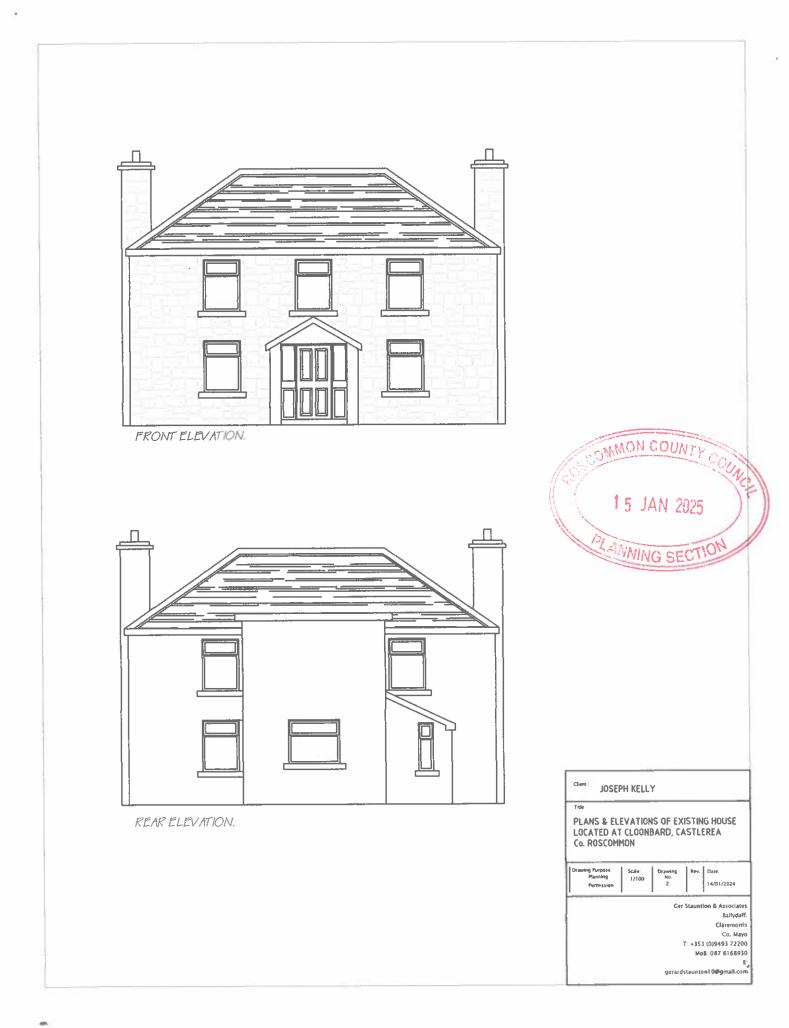
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- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

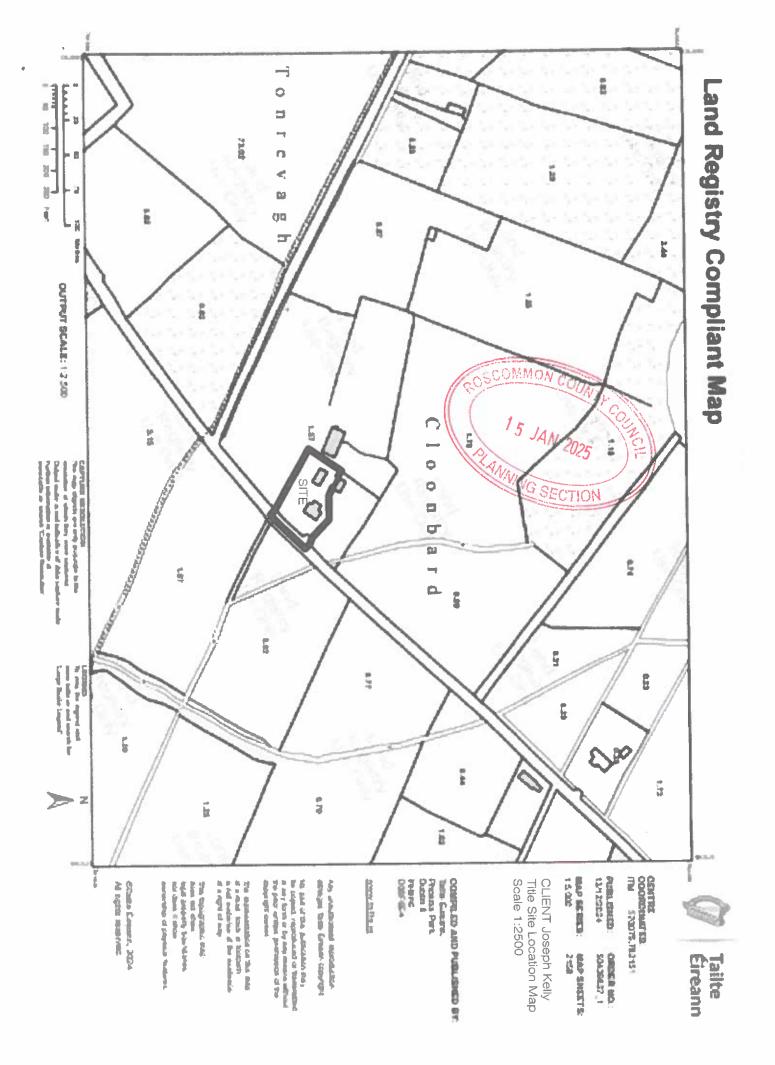
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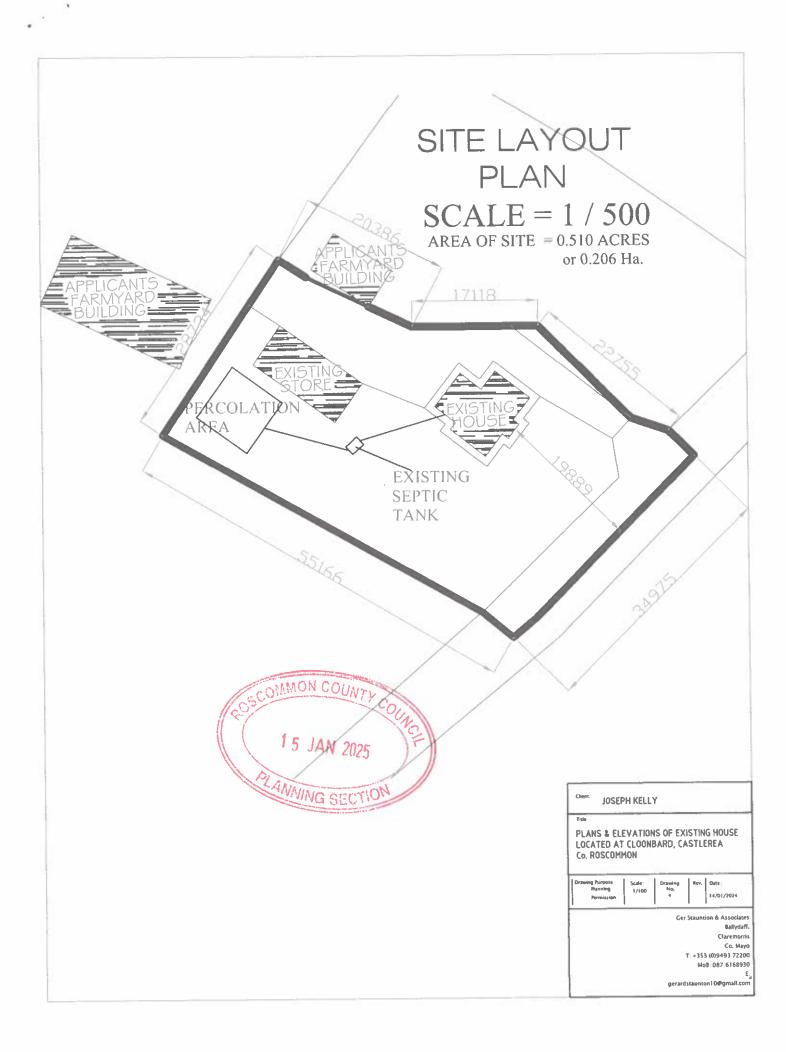


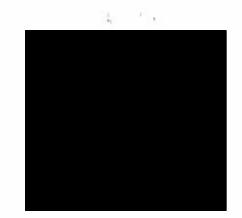
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The inside and outside of the house are to remain the das same. No changes to walls internally of extenally. Mainly a resurbishment along Rostommon con upgraded furnishings. 15 JAN 2025 JOUNCIL VAT NOOLA DEAT 2788V Registered at the second secon han according throughout Europe, North America, South America, Australia and Asia

The company is part of the Rabobank Group.

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