

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Transboil Ltd,  
Office 4,  
The Rossmore Factory,  
Dublin Rd,  
Monaghan Town,  
Co. Monaghan,  
H18 VX08.

Reference Number:               **DED 848**  
Application Received:           **17<sup>th</sup> February 2025**  
Name of Applicant:               **Transboil Ltd**  
Agent:                               **Joe Beggan**

**WHEREAS** a question has arisen as to whether a 'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon, F45 H289, 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 3, and 4 of the Planning and Development Acts 2000 (as amended).
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended).
- (c) Part 4 of Schedule 2 of the Regulations 2001 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 on site.

**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above is development.
- (b) The proposed works, which are for a 'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289, the existing use of 'Unit 4' as denoted in the DED application plans and documents, contravenes the use specified in a permission under the Act and is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) and does not constitute 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 to emergency provision centre for IPAS accommodation at Cloonshanville, Frenchpark, Co. Roscommon, F45 H289., is development that is **not 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: 7<sup>th</sup> May, 2025

cc agent via email: Joe Beggan  
[igbeggan@gmail.com](mailto:igbeggan@gmail.com)

**ADVICE NOTE**

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

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

**Reference Number:** DED 848

**Name and Address of Applicant:** Transboil Ltd.

**AGENT:** Joe Beggan

WHEREAS a question has arisen as to whether a 'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289 is or is not development and is or is not exempted development:

**1.0 Site Location and Description**

The subject site is located off the R-361 Regional Road in the townland of Cloonshanville and is within the Frenchpark Village Settlement Plan boundary as identified in *Volume II of the Roscommon County Development Plan 2022-2028*.

The application site comprises of existing terraced townhouses known as 'The Old Hall' and a separate single storey dwelling unit to the rear of the site (land folio number RN16970F).

**2.0 Planning History**

**PD/94/365:** Permission granted to renovate and convert 'Old Hall' to 4no. self-contained dwelling units.  
**PD/99/1079:** Convert existing store to use as a dwelling house with ancillary services.

**Development to the rear of site**

**PD/22/564:** Permission granted for the proposed construction of 2 no. two bedroom single storey semi-detached type dwelling houses, boundary fences / walls, upgrading of existing entrance, access road, car parking, landscaping, proposed connections to the existing foul sewer, surface water & watermain networks and all ancillary works

**3.0 Relevant Legislation**

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

- a) Sections 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the Regulations 2001 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 on site.

## Planning and Development Act, 2000 (as amended)

### 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 (2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purposes 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 1 opposite the mention of that class in the said column 1.

- Particular regard is had to Class 20F of Column 1 and the associated Conditions and Limitations set out under Column 2.

### Article 9 (1)

#### Restrictions on exemption

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

(a) if the carrying out of such development 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,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

### Article 10 (1)

#### Changes of use

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2 Article 6 Part 1 *Exempted Development - General*

Description of Development	Conditions and Limitations
<i>Change of use</i> <b>CLASS 14</b> (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other	The number of persons with an intellectual or physical disability or a mental illness living in any such residence

<p>premises or <b>residential institution providing overnight accommodation</b>, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, <b>to use as accommodation for protected persons</b></p> <p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, <b>to use as an emergency reception and orientation centre for protected persons</b>, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>shall not exceed 6 and the number of resident carers shall not exceed 2.</p> <p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
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Description of Development	Conditions and Limitations
<p><i>Temporary structures and uses</i> CLASS 17</p> <p>The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.</p>	<p>Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.</p>

#### 4.0 Observations and Site Inspection

I inspected the site on 14<sup>th</sup> March 2025 and took photographic evidence of what I observed. It was noted during the inspection that a number of cars were parked to the rear of the terraced townhouses 'Units 1-5' and I also observed a number of adults and children entering/exiting the dwelling units including 'Unit 6' during the inspection.

When I examined the rear of the site, I observed 2no. steel portacabin structures located to the rear east of 'Unit 4' as shown on the plans/drawings submitted. One of the structures is being used as an emergency reception/orientation centre for protected persons with 1no. person working inside the structure at the time of the inspection. I did not get access to the second steel structure.

I observed 'Unit 4' which is single storey unit adjoining the 'Old Hall' building to the north comprising of a front door and two PVC window openings to the northern elevation and a newly slatted roof erected on the structure.

Based on the findings from the site inspection, the 6no. units on site, as denoted from the DED application, are used for domestic purposes and are presently inhabited by persons under the International Protection Accommodation Service (IPAS).

## 5.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether 'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289 is or is not development and is or is not exempted development.

I examined the plans/drawings submitted as part of the DED application which illustrates a total of 13no. bedrooms within the 6no. units on site with the total number of persons accommodated not specified on the application.

Having reviewed the application form submitted with the DED application and based on my inspection findings, the existing use of the structures are residential and the proposed use is to accommodate protected persons in a residential setting which is not deemed to be a material change of use and is exempted development in principle.

Notwithstanding the above, it is established that the preceding permitted use under PD/94/365 was 'to renovate and convert 'Old Hall' to 4no. self-contained dwelling units'. The plans and documents submitted for the granted planning permission under PD/94/365 illustrates that Units 1, 2, 3 and 5 as denoted with the DED application are granted permission as habitable dwelling units. The use of 'Unit 4' as illustrated in the plans/drawings under PD/94/365 is noted as 'Store' which is ancillary to the dwellings and not habitable.

The change of use from an ancillary domestic 'store' to habitable accommodation for protected persons does not fall under any specified Classes under Part 4 Article 10 *Exempted development – Classes of use* of the Planning & Development Act 2000 (as amended), are not falling within the same class of use and is therefore deemed to be a material change of use and not exempted development.

As outlined in the 'Observations and Site Inspection' section of the report, two steel portacabin structures were placed to the rear of the site with one of the structures used as emergency reception/orientation centre for the protected persons on site.

The siting of the two portacabin structures on site does not have the benefit of planning permission and therefore does not fall under Class 17 *Temporary structures and uses* of Planning & Development Regulations 2001 (as amended) as it 'pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out'.

Under Article 9(1) *Restrictions on exemption* of Planning & Development Regulations 2001 (as amended) it sets out the following:

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

- (a) if the carrying out of such development 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,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

The siting of the two steel portacabin structures, which were not identified in the DED documents received, are therefore deemed to be unauthorised development and the existing use of 'Unit 4' on site is not in accordance with the last permitted use under PD/94/365 which is an ancillary store.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: **'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289** is or is not development and is or is not exempted development.

## 6.0 Recommendation

**WHEREAS** a question has arisen as to whether a **'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289** 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 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the Regulations 2001 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 on site.

**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above is development.
- (b) The proposed works, which are for a **'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289**, the existing use of 'Unit 4' as denoted in the DED application plans and documents, contravenes the use specified in a permission under the Act and is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) and does not constitute 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 **'change of use to emergency provision centre for IPAS accommodation' at Cloonshanville, Frenchpark, Co. Roscommon F45 H289**, is development that is **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed:

*Shane Winters*

Shane Winters  
Executive Planner

Date: 30<sup>th</sup> April 2025

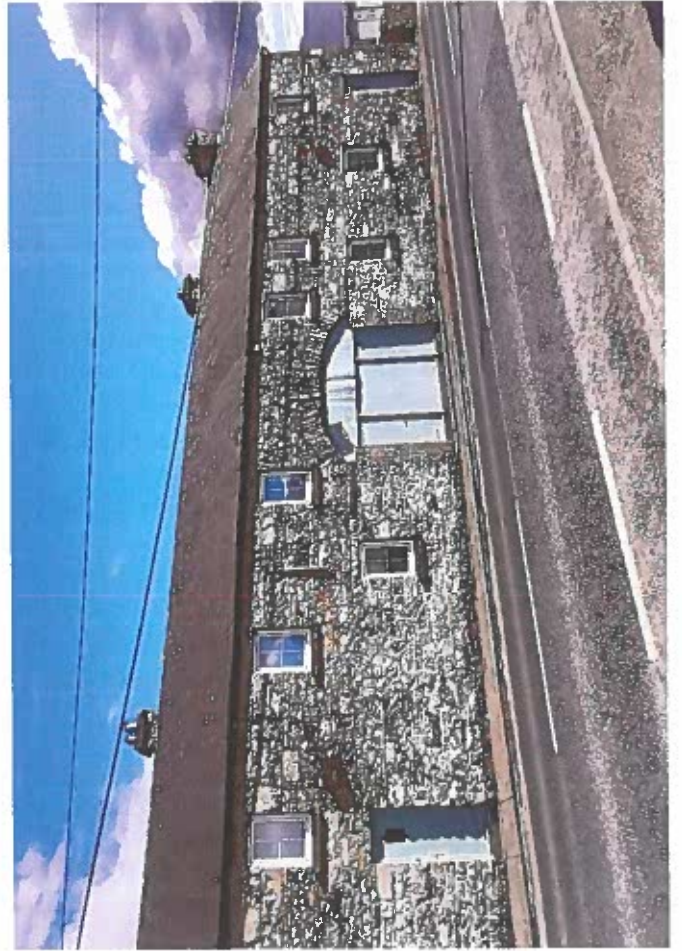
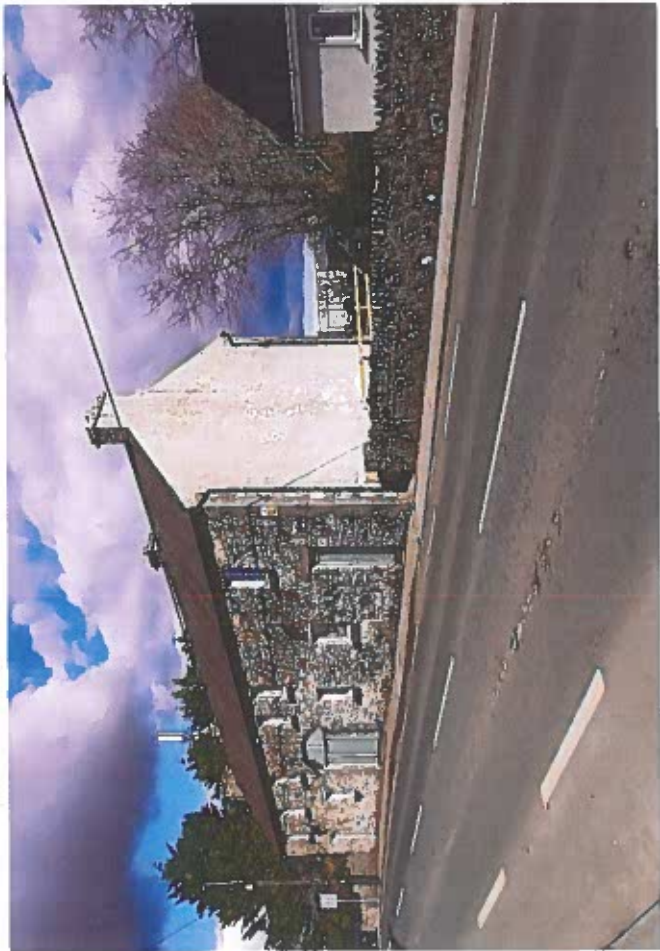
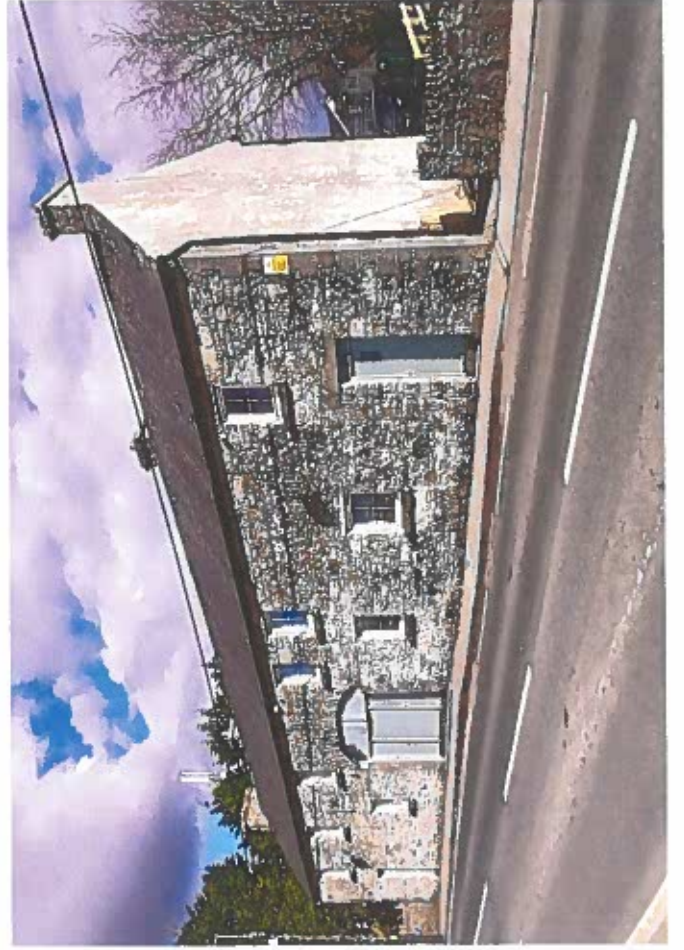
*Alan O'Connell*

Signed: \_\_\_\_\_  
Alan O'Connell  
Senior/Senior Executive Planner.

Date: 30<sup>th</sup> April 2025



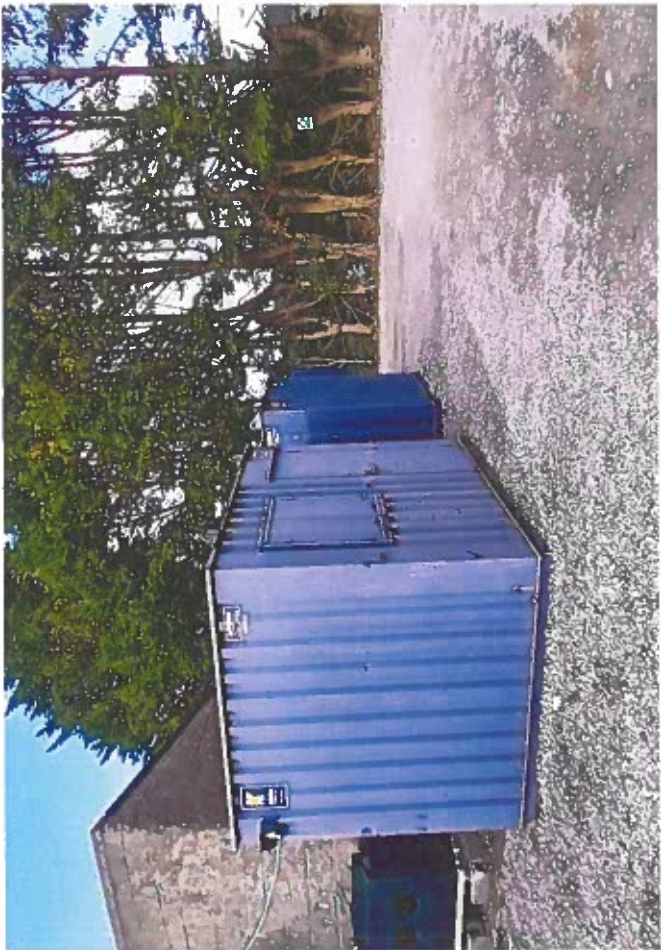
photos taken 14<sup>th</sup> March 2025  
Sine Wicks













Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Transboil Ltd,  
Office 4,  
The Rossmore Factory,  
Dublin Rd,  
Monaghan Town,  
Co. Monaghan,  
H18 VX08.

Date: 19<sup>th</sup> February, 2025  
Planning Reference: DED 848

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 to emergency provision centre for IPAS Accommodation under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonshanville, Frenchpark, Co. Roscommon, F45 H289.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 17<sup>th</sup> February, 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. L/01/0/233166 dated 19<sup>th</sup> February, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 848**  
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: Joe Beggan  
[jbeggan@gmail.com](mailto:jbeggan@gmail.com)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

19/02/2025 10 52.08

Receipt No. L01/0/233188

LYNN HOLLAND  
UNIT 1 ROSMORE FACTORY  
DUBLIN ROAD  
MONAGHAN

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED848	

Total :	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
8744	

Change :	0.00
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Issued By : Bernadine Duignan  
From : Central Cash Office



**Sharon Kelly**

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**From:** Lynn Holland <lynn@transboil.ie>  
**Sent:** Monday 17 February 2025 15:30  
**To:** Planning Department  
**Cc:** Bernard Reilly  
**Subject:** FW: SECTION 5 Application OLDHALL  
**Attachments:** Cloonshanville Frenchpark Section 5 appl.pdf; 23-082-A-D-1000 Existing Buildings Drawings OLD HALL.pdf

Good afternoon,

Please find attached our application to progress a SECTION 5 for the following property:

Oldhall  
Cloonshanville, Frenchpark.  
Co Roscommon  
FA5 H289

I have left a voice message on the Councils Voice answering system to progress payment for this application. Therefore to avoid any delays if someone from the planning department might contact me I will complete the necessary payment over the phone if possible.

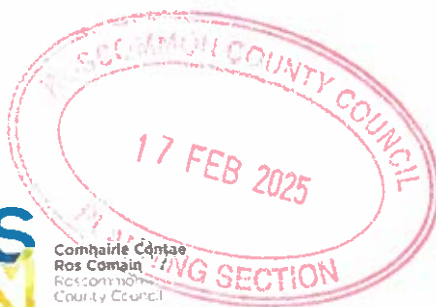
Should you require any further information, please contact me either on this email or happy to take a call at any stage.

Kind regards  
Lynn Holland  
Group Operations Manager  
Transboil Ltd  
Office 4/ Old Rossmore Factory/ Dublin Rd/ Monaghan / H18VX08





Comhairle Contae  
Ros Comain  
Roscommon  
County Council



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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

## Roscommon County Council

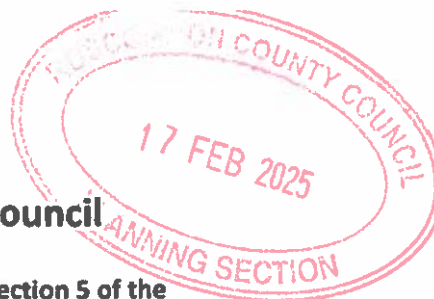
### Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	TRANSBOL LTD, OFFICE 4, THE ROSSMORE FACTORY DUBLIN RD, MALHAM TOWN H18 VXC8
Name of Agent	JOE BEGGAN MODESE, CASTLEBUNNY, CO. MALHAM jybeggan@gmail.com 087-1924047
Nature of Proposed Works	CHANGE OF USE TO EMERGENCY PROXIMITY CENTRE FOR IPAS ACCOMMODATION
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOON SHUNJILL, FRENCH PARK, CO. ROSCOMMON FAS H289 FOLKNO. R416970F
Floor Area: a) Existing Structure b) Proposed Structure	a) 200m <sup>2</sup> b) NO CHANGE
Height above ground level:	CIRCA 6.5m TO RIDGE
Total area of private open space remaining after completion of this development	> 25.0 m <sup>2</sup>
Roofing Material (Slates, Tiles, other) (Specify)	EXISTING NATURAL SLATE

# Roscommon County Council

## Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	STONE - NO CHANGE PROPOSED
Is proposed works located at front/rear/side of existing house.	CHANGE OF USE - NO PHYSICAL WORK REQUIRED
Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	P. 22564
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	1.0m
Does the proposed development involve the provision of a piped water supply	EXISTING MAINS SUPPLY ON SITE
Does the proposed development involve the provision of sanitary facilities	EXISTING FACILITIES ON SITE

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

Signature:

[Signature]

Date:

11/02/2025

**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





Gaige



XY 573764, 791454  
Scale 1:1000  
Townland Cloonshanville  
Barony Frenchpark  
County Roscommon

Property Details

> Back

Folio Number RN16970F  
Title Level Freehold  
Plan Number E7EL  
Property Number 1  
Area of selected plans 0.13 hectares.  
Number of Plans on this folio: 2  
Address Not Available  
Highlight All Plans  
Add to Basket  
Create Asset

The following Applications are Pending on this Folio

D0023LR133652H Mapping

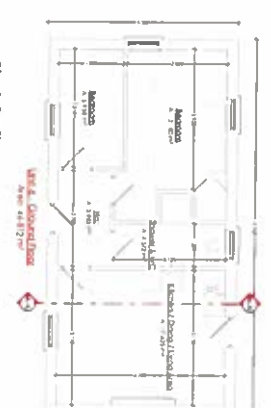
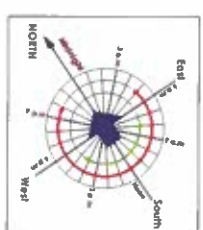
Map to Freehold Registration Boundaries and Plan Areas are not conclusive. See Section 62 of the Registration of Title Act 2006 and Rule 5(2) of the Land Registration Rules 2012

View Basket

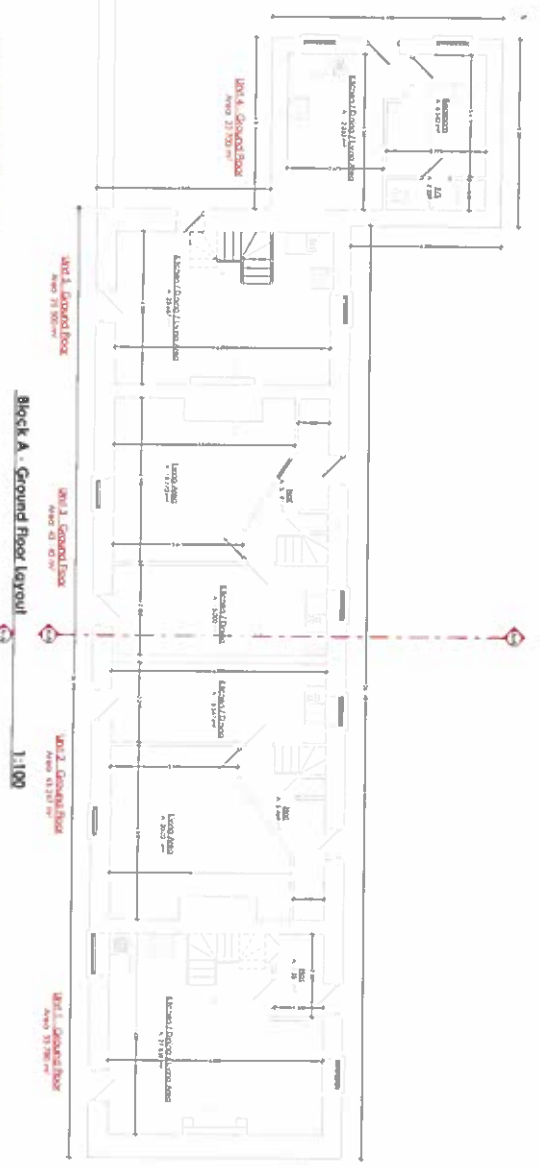
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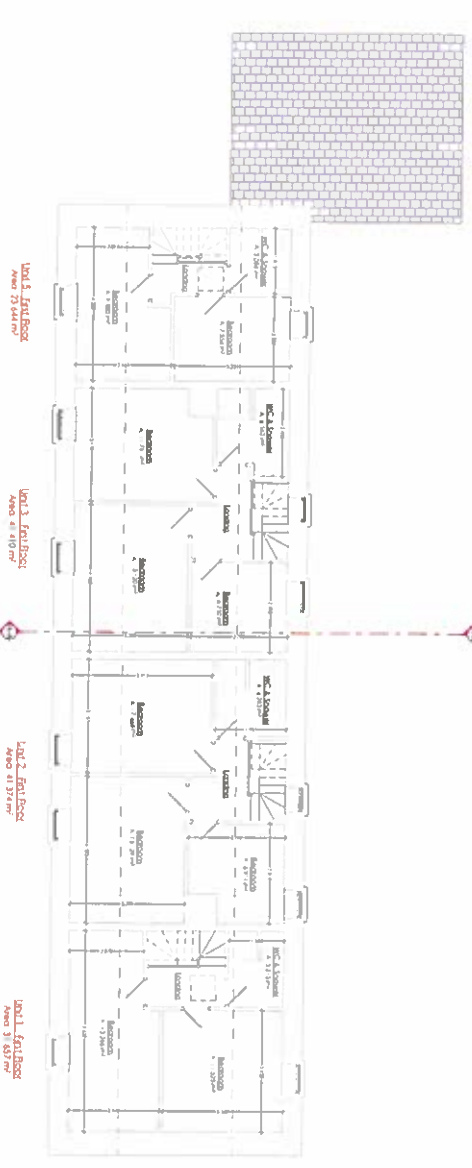
Cloonshanville, Frenchpark, Co. Roscommon F45 H289



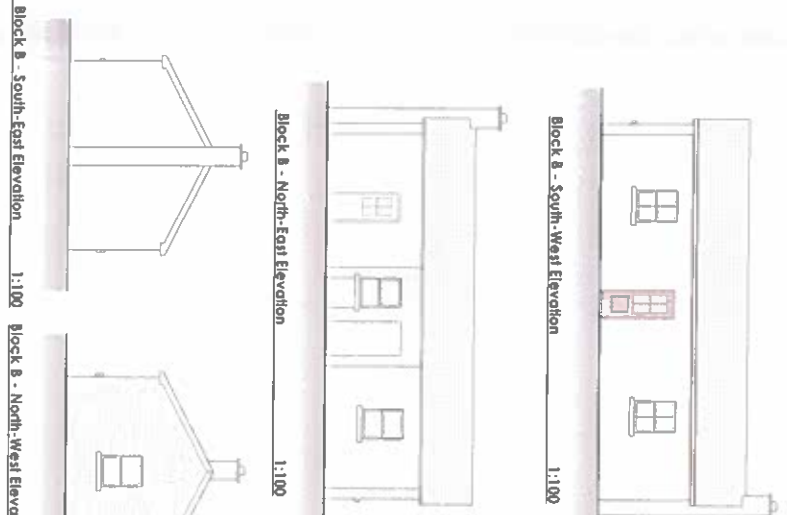
**Block B - Floor Layout** **1:100**



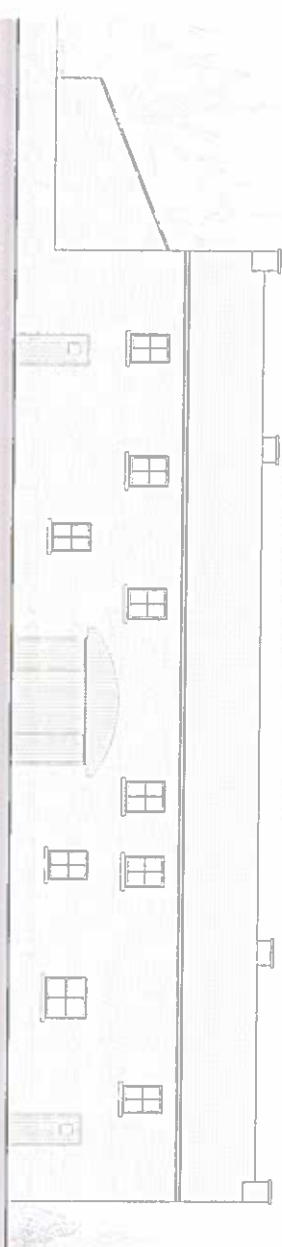
Block A - Ground Floor layout 1:100



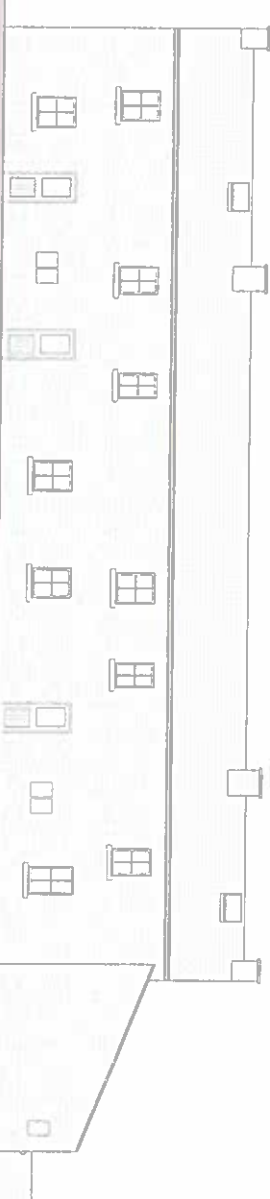
**Block A - First Floor Layout** 1:100



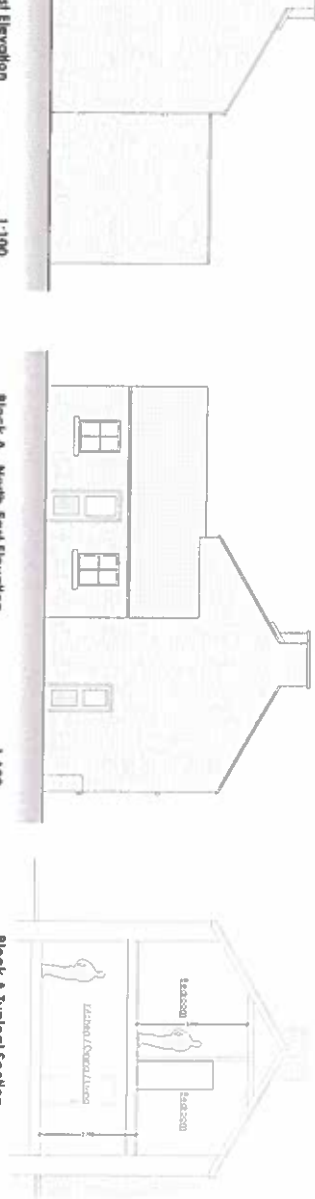
Block B - South-West Elevation 1:100



Block A - North-West Elevation 1:100



Block A - South-East Elevation 7:10



Block A - North-East Elevation 1:100

**Block B - Typical Section** 1:100



Site layout sketch 1:500

<p>23-082-A-D-1000</p> <p>Dr. Young, MD</p>	<p>Residential Development</p>	<p>Boyle Road, Cincinnati, France, Spain, Co. Raccorrom</p>	<p>23-082-A-D-1000</p> <p>Dr. Young, MD</p>
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