ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Kathleen Harney,

Reference Number:

DED 869

Application Received:

27th March, 2025

Name of Applicant:

Kathleen Harney

Agent:

Jack Keegan

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors at Cloonrollagh, Bealnamulla, Athlone, Co. Roscommon, N37 H340, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development 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 of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors 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
 - 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:

irtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to refurbish an existing dwelling, with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors at Cloonrollagh, Bealnamulla, Athlone, Co. Roscommon, N37 H340, 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, A/Senior Planner,

Planning.

Date: 25th June, 2025

cc agent via email:

Jack Keegan

jackkeeganber@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 869		
Re:	Permission for the refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors under the Planning & Development Act (Exempt Development) Regulations 2018		
Name of Applicant:	Kathleen Harney		
Location of Development:	Cloonrollagh, Bealnamulla, Athlone, County Roscommon N37 H340.		
Site Visit:	6 th June 2025		

WHEREAS a question has arisen as to whether the following works for the refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development 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 of the site

Site Location & Development Description

The site consists of a west facing single storey bungalow located in the townland of Cloonrollagh, Bealnamulla, Athlone, County Roscommon. The site is accessed off the L2026 local primary road with a speed limit of 60km/h. The subject site is c. 3.2km southwest of the village of Bealnamulla and is situated c. 0.5km from the M6 motorway. The proposed development consists of 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors

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 in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site is Castlesampson Esker SAC (Site Code 001625) located c. 1.7km from the proposed development. Middle Shannon Callows SPA (Site Code 004096) and River Shannon Callows SAC (Site Code 000216) are both located c. 5.9km from the subject site.

Planning History

As per Roscommon County Council's Planning Registry, there is no known planning history associated to this 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,

PART 1 - Article 6 - Exempted Development - General

Development within the curtilage of a house

Column 1 Description of Development

CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Column 2 Conditions and Limitations

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning

permission has been obtained, shall not exceed 40 square metres.

- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment

In accordance with the Planning and Development Act, 2000, as amended 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.

Proposed works include:

- strip out walls, floors & ceilings;
- install new ceiling joists, internal studwork, plasterboard & skim;
- · re-wire the entire property;
- re-plumb the existing property;
- install new UPVC windows & doors;
- re-slate the roof;
- second fix carpentry and internal painting & decoration;
- remove the recess at the front door and moving the door to be in line with the front wall;
- · upgrade plumbing/heating system
- upgrade electrical system;
- install new floors

These works have been considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The stated proposed works fall under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

construct a 11sqm extension for a new kitchen & dining room;

The floor area of the proposed extension to the subject dwelling is 11 sq.m. This does not exceed the conditions and limitations of Class 1 Part 1 1(a) of the Planning and Development Regulations 2001, as amended where the floor area of any such extension shall not exceed 40 square metres.

The subject dwelling does not appear to have been extended previously so Class 1 (2) (a), (b) and (c) are not applicable to the proposed development.

The proposed extension is a single storey extension to the rear; therefore Class 1 (3) is not applicable.

The proposed plans and elevations show that the proposed development will not exceed the current height of the existing dwelling and is subordinate to the existing dwelling therefore, align with Class 1 (4)(c) where the height of the highest part of the roof of any such extension shall not exceed the height of the highest part of the roof of the dwelling.

The proposed extension in accordance with Class 1 (5), does not reduce the area of private open space to less than 25 square metres.

The window at the rear of the proposed dwelling is in accordance with Class 1 (6)(a), any window proposed at ground level in any such extension is more than 1 metre from the boundary it faces.

The proposed roof according to drawings submitted is not a flat roof therefore, Class 1 (7) is not applicable.

Further Information was sought to clarify whether it was intended to retain the chimney on the existing dwelling following its omittance from the plans and particulars submitted. It was confirmed that the chimney would be kept on the existing dwelling for the proposed new development.

Environmental Considerations

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), 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 Article 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; for the refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and

internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors as outlined above at Cloonrollagh, Bealnamulla, Athlone, County Roscommon N37 H340, 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development 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 of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors 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 for the refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6) re-slate the roof; 7) second fix carpentry and internal painting & decoration; 8) construct a 11sqm extension for a new kitchen & dining room; 9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors, is exempt development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: Keith Byle

Date:

Planner

Signed: Senior Executive Planner

Date: 24/06/25

Poining Dept,
Roscommon Co.Co.
Aras An Chontae,

Roscommon.



FI Response

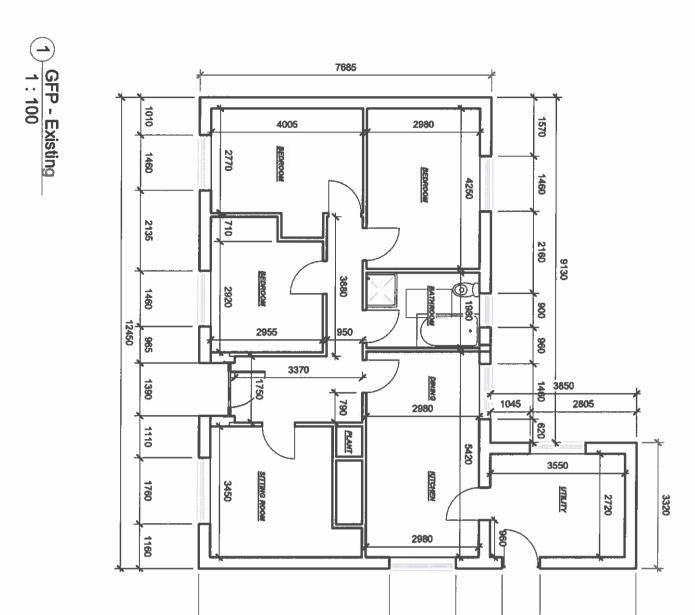
Ref: DED 869 Kathleen Harney for Property at Cloonrollagh, Bealnamulla, Athlone, Co. Roscommon N37H340

To whom it may concern,

See enclosed revised drawings which include the existing chimney. The existing chimney will remain in place as part of the proposed development.

Kind Regards

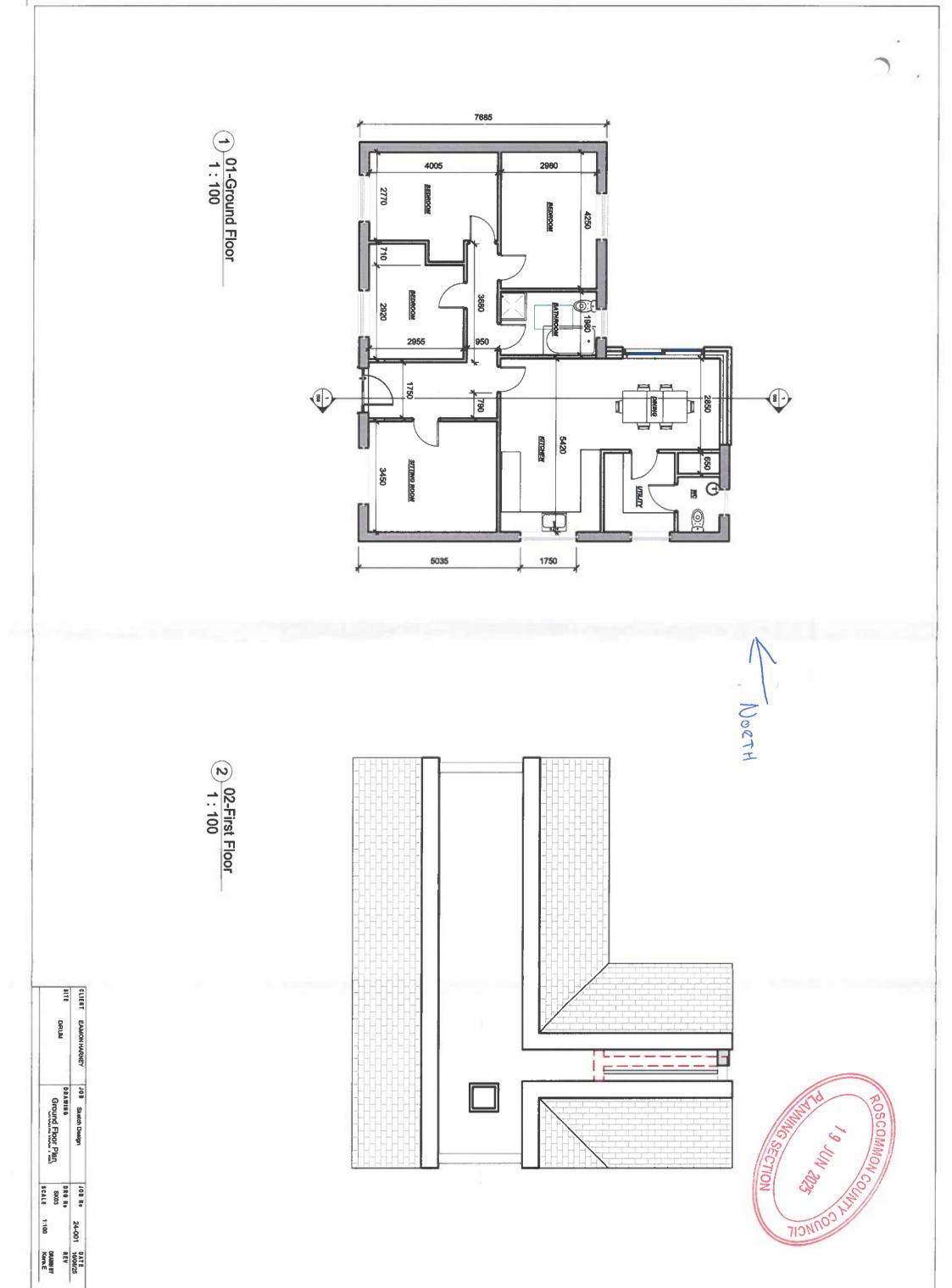
Jack Keegan

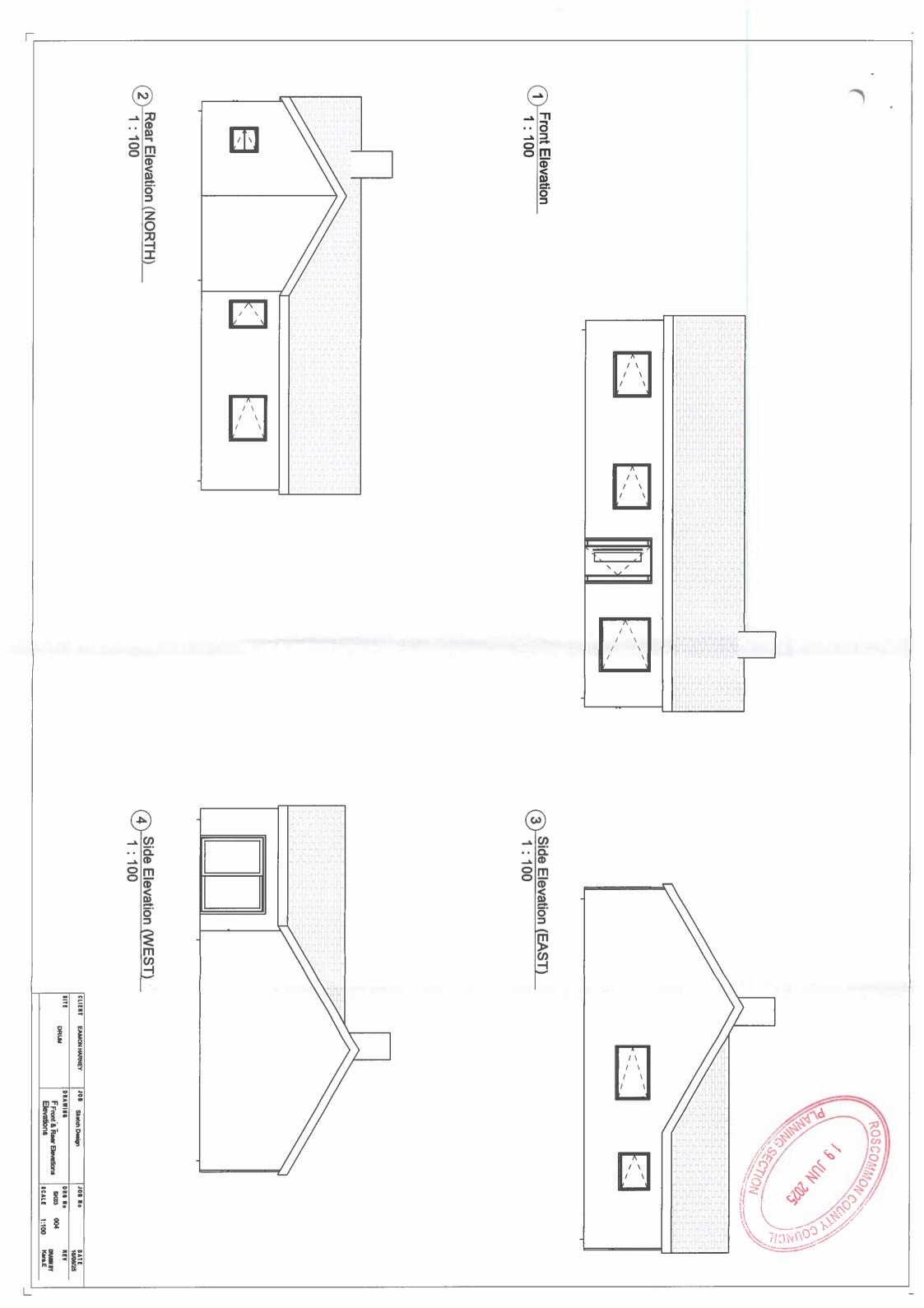


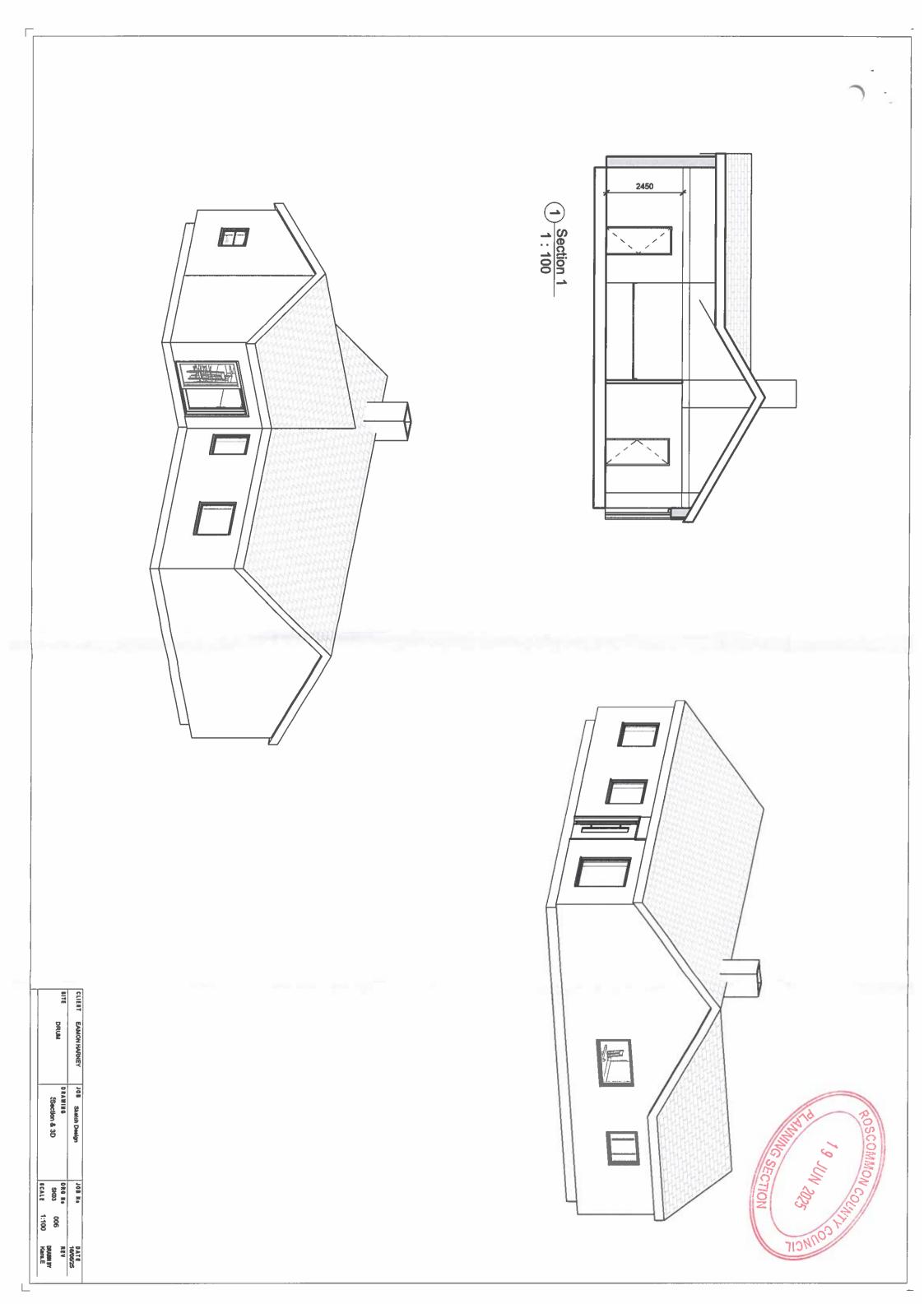
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Comhairle Contae Ros Comáin Roscommon County Council



Kathleen Harney,

Date:

2nd April, 2025

Planning Reference:

DED 869

Re:

Application for a Declaration under Section 5 of the Planning & Development Act 2000

(as amended), regarding Exempted Development.

Development:

Permission for the refurbishment of existing dwelling with works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the existing property; 5) install new UPVC windows & doors; 6)re-slate the roof; 7) second fix carpentry and internal painting

& decoration; 8) construct a 11sqm extension for a new kitchen & dining room;

9) remove the recess at the front door and moving the door to be in line with the front wall; 10) upgrade plumbing/heating system; 11) upgrade electrical system & 12) install new floors under the Planning & Development Act (Exempt Development) Regulations

2018 at Cloonrollagh, Bealnamulla, Athlone, Co. Roscommon, N37 H340.

A Chara,

1 wish to acknowledge receipt of the application which was received on the 27th April, 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/01/0/233972 dated 1st April, 2025, receipt enclosed herewith.

Please note your Planning Reference No. is DED 869

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Walsh,

Administrative Officer, Planning Department.





Roscommon County Council Aras an Chontae Roscommon 09066 37100

01/04/2025 15:36.43

Receipt No.: L01/0/233972

KATHLEEN HARNEY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 869

80.00

Total:

80.00 EUR

Tendered:

Cheque 504709

80,00

Change !

0.00

Issued By Louis Carroll From : Central Cash Office Planning Dept,

Roscommon Co.Co.

Aras An Chontae,

Roscommon.

Detailed Specification Of The Development Proposed

Ref: Kathleen Harney for Property at Cloonrollagh, Bealnamulla, Athlone, Co. Roscommon N37H340

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a three-bed dwelling house. Additionally, an 11sqm extension will be added to include a kitchen and dining room, and the recess at the front door will be removed, moving the front door in line with the front wall. The works involved are as follows:

- 1. Strip out walls, floors, and ceilings.
- 2. Install new ceiling joists and internal stud work, plasterboard, and skim.
- 3. Re-wire the entire property.
- 4. Re-plumb the entire property.
- 5. Install new UPVC windows (white) and doors.
- 6. Re-slate the roof.
- 7. Second fix carpentry and paint and decorate internally.
- 8. Construct a 11sqm extension for a new kitchen and dining room.
- 9. Remove the recess at the front door and moving the door to be in line with the front wall.
- 10. Upgrade plumbing/heating system.
- 11. Upgrade electrical systems.
- 12. Install new floors.

Kind Regards

Jack Keegan





Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100

Email: 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)	Kathleen Harney
Name of Agent	Jack Keegan, Rathmore, Fourmilehouse, Co. Roscommon, F42YP80
Nature of Proposed Works	Refurbish vacant house and add a small extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOONROLLAGH, BEALNAMULLA, ATHLONE, CO. ROSCOMMON N37H340
	O.S No. 3102 XY: 596793, 739381 Townland CLOONROLLAGH
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>105.11 Sqm</u> b) <u>11 Sqm extension</u>
Height above ground level:	Floor level- between 150mm – 200 mm above ground level (Ridge height existing 4872mm above ground level)
Total area of private open space remaining after completion of this development	0.065 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	New Blue/Black slates to roof Proposed new pitched roof (11 sqm) at the rear of the building, with new blue/black slates.

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Refurbish House to be lived in by applicants
Distance of proposed building line from edge of roadway	Existing -18.5m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:

Date:

19/03/2025

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



