ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Tom Rogers,



Reference Number:

DED 885

Application Received:

30th April, 2025

Name of Applicant:

Tom Rogers

Agent:

James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a vacant house with works including; 1) install new windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical system & 5) install new floors at Galey, Knockcroghery, 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 refurbishment of the existing 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 a vacant house with works including; 1) install new windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical system & 5) install new floors at Galey, Knockcroghery, 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, A/Senior Planner,

Planning.

Date: 24th June, 2025

cc agent via email:

James Lohan Consulting Engineers Ltd

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

From: Carmel Curley

Sent: Wednesday 25 June 2025 12:54

To: James Lohan
Cc: Hannah Moylan

Subject: DED 885 - Tom Rogers

Attachments: DED 885 - Notification of Decision.pdf

Hi James,

Please find attached Notification of Decision for the Section 5 Declaration of Exempted Development Application (DED 885) submitted for Tom Rogers.

Regards,

Carmel

Carmel Curley, Staff Officer,

Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100

MAP LOCATION



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

Reference Number:

DED 885

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to the refurbishment of a vacant house with works including; 1) install new windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical

system & 5) install new floors

Name of Applicant:

Tom Rogers

Location of Development:

Galey, Knockcroghery, Co. Roscommon

Site Visit:

19/06/2025

WHEREAS a question has arisen as to whether the following works; the refurbishment of a vacant house with works including; 1) install new windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical system & 5) 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 single story T-shaped dwelling house with a pitched roof porch to the front. There is a stoned area to the front and garden to the rear of the property in Galey, Knockcroghery, Co. Roscommon. The property is accessed off the L-1824 road. The proposed development consists of the refurbishment of the existing dwelling with works including the installation of new windows/doors as well as varies other internal works.

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 proposed development are Lough Ree PNHA/SAC/SPA (Site Code 000440/004064) which is located circa 1.1km to the west and Lough Funshinagh PNHA/SAC (Site Code 000611) which is located circa 5.3km to the south 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.

06/1508 - Permission to demolish existing dwelling and to construct 1 no. single storey dwelling with
associated site works including septic tank and percolation area, front boundary wall and access on
to public road (Application made for Permission to demolish existing dwelling and to construct 2 new
dwellings composed of 1 no. single storey and 1 no. dormer style dwelling with associated site works
including septic tanks and percolation areas, front boundary wall and access on to public road) 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.

The proposal includes the refurbishment of the existing dwelling with works including the installation of new windows/doors as well as varies other internal works. 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 neighboring 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 the refurbishment of a vacant house with works including; 1) installnew windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical system & 5) install new floors in Galey, Knockcroghery, 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 the existing 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 the refurbishment of a vacant house with works including; 1) install new windows & doors; 2) second fix carpentry and paint and decorate internally; 3) upgrade plumbing/heating system; 4) upgrade electrical system & 5) install new floors in Galey, Knockcroghery, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

San Murray

Date: 23rd June 2025

Civil Technician

Signed:

Date: 23rd June 2025

Senior Executive Planner



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Comhairle Contae Ros Comáin Roscommon County Council



Tom Rogers,



Date:

6th May, 2025

Planning Reference:

DED 885

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 a vacant house with works including; 1) install new windows & doors; 2)second fix carpentry and paint and decorate internally; 3)upgrade plumbing/heating system; 4)upgrade electrical system & 5)install new floors under the Planning & Development Act (Exempted Development) regulations 2018 at Galey,

Knockcroghery, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 30th 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/01/0/234471 dated 2nd May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 885

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell, Senior Executive Planner, Planning Department.

cc agent via email:

James Lohan Consulting Engineers Ltd

james@jlce.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

02/05/2025 09:17:14

Receipt No.: L01/0/234471

TOM ROGERS C/O JAMES LOHAN CONSULTING ENGINEERS LTD BALLYPHEASON HOUSE CIRCULAR RD ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-valable DED885

60.00

Total .

80:00 EUR

Tendered Cheque 500403

80.00

Change:

0.00

Issued By Louis Carroll From Central Cash Office



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)	Tom Rogers
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	REFURBISH VACANT HOUSE AS PER ATTACHED SPEC
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Galey, Knockcroghery, Co. Roscommon. O.S No. 2689 XY: 594593, 758064 Townland Galey F42 X802
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>95.19Sqm</u> b) <u>N/A</u>
Height above ground level:	Floor level- between 150mm – 200 mm above ground level (Ridge height existing 5331mm above ground level)
Total area of private open space remaining after completion of this development	0.083 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing Napped Plaster
Is proposed works located at front/rear/side of existing house.	General Refurbish
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	Dwelling House
Distance of proposed building line from edge of roadway	Existing 4.03m 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:

30-04-2025

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
 - (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: Tom Rogers for Property at Galey, Knockcroghery, Co. Roscommon F42 X802

The property will be refurbished and put back into use as it was originally a two-bed dwelling house. The works involved are as follows:

- 1. Install new windows and doors.
- 2. Second fix carpentry and paint and decorate internally.
- 3. Upgrade plumbing/heating system.
- 4. Upgrade electrical systems.
- 5. Install new floors.

Kind Regards,

Hannah Moylan,

James Lohan Consulting Engineer Ltd,

Unit 6, Ballypheason House, Circular Road

Roscommon F42 T384











