

**ROSCOMMON COUNTY COUNCIL**

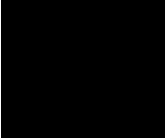
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Anne Kennedy,



Reference Number: DED 894  
Application Received: 15<sup>th</sup> May, 2025  
Name of Applicant: Anne Kenndy  
Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster at Apt 4, 21 Corran Riada, Monksland, Athlone, 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 renovate an apartment with works including 1) new patio door; 2) painting throughout; 3) built in wardrobes; 4) re-fit bathroom; 5) new kitchen; 6) installation of gas boiler & water softener; 7) move radiator & 8) re-plaster at Apt 4, 21 Corran Riada, Monksland, Athlone, Co. Roscommon., 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: 24<sup>th</sup> June, 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

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**From:** Carmel Curley  
**Sent:** Wednesday 25 June 2025 12:59  
**To:** Anne Kennedy  
**Subject:** DED 894 - Notification of Decision  
**Attachments:** DED 894 - Notification of Decision.pdf

Hi Anne,

Please find attached Notification of Decision for your Section 5 Exempted Development Application DED 894.

Regards,

Carmel

Carmel Curley, Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

☎: (090) 6637100

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

MAP LOCATION



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

<b>Reference Number:</b>	DED 894
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to the renovation of an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster
<b>Name of Applicant:</b>	Anne Kennedy
<b>Location of Development:</b>	Apt 4, 21 Corran Riada, Monksland, Athlone, Co. Roscommon
<b>Site Visit:</b>	19/06/2025

**WHEREAS a question has arisen as to whether the following works;** the renovation of an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster **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 the ground floor apartment with a small garden area to the rear of the property in 21 Corran Riada, Monksland, Athlone, Co. Roscommon. The property is accessed via the road network of the housing estate accessed off the R-362 road. The proposed development consists of the renovation of an apartment with works including the replacement of a patio door onto the private rear garden as well as various 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 2.8km to the west and Castlesampson Esker PNHA/SAC (Site Code 001625) which is located circa 4.6km to the 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, recent planning history traced to the site.

- 05/146 - For a mixed use scheme (residential, childcare facility and associated works, including 149 no. surface car parking spaces) ranging in height from one storey to three storey with a total gross floor space of 8,874 sq m, approximately – Conditional
- 06/1245 - to retain and complete blocks D and E with the following amendments to original permission ref no. PD/05/146 namely (a) House Types S1 reduced from 3 storey to 2 storey on sites 15 to 20 (Block D) and 23 to 28 (Block E) and (b) elimination of 4 no. 2nd storey apartments Type S2 on site No's 14 and 21 (Block D) and 22 and 29 (Block E) - 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 renovation of an apartment with works including the replacement of a patio door onto the private rear garden as well as various other internal works. 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 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 renovation of an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster in Apt 4, 21 Corran Riada, Monksland, Athlone, 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 renovation of an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster in Apt 4, 21 Corran Riada, Monksland, Athlone, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 23<sup>rd</sup> June 2025

Civil Technician

Signed:



Date: 23<sup>rd</sup> June 2025

Senior Executive Planner





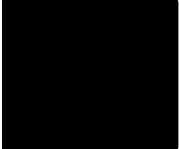




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Anne Kennedy,



Date: 20<sup>th</sup> May, 2025  
Planning Reference: DED 894

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

Development: Permission to renovate an apartment with works including 1)new patio door; 2)painting throughout; 3)built in wardrobes; 4)re-fit bathroom; 5)new kitchen; 6)installation of gas boiler & water softener; 7)move radiator & 8)re-plaster floor under the Planning & Development Act (Exempted Development) regulations 2018 at Apt 4, 21 Corran Riada, Monksland, Athlone, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of the application which was received on the 15<sup>th</sup> May, 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/01/0/234722 dated 15<sup>th</sup> May, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 894**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

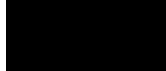
Alan O'Connell,  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

15/05/2025 15.36.12

Receipt No. : L01/0/234722

ANN KENNEDY



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED894

Total 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
4312

Change 0.00

Issued By : Louis Carroll  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

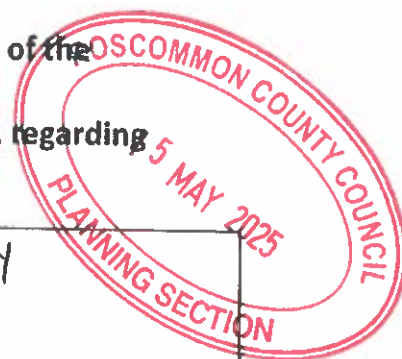
Áras an Chontae,  
Roscommon,  
Co. Roscommon.

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)	ANNE KENNEDY
Name of Agent	N/A
Nature of Proposed Works	ALL WORKS ARE INTERNAL THE ONLY EXTERNAL WORK IS REPLACEMENT OF PATIO DOOR
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	APT 4, 21 CORAN RIADA, MONKSLANK, ATHLONE, CO. ROSCOMMON, N37 NH39
Floor Area: a) Existing Structure b) Proposed Structure	a) 59 sqm <sup>2</sup> b) N/A
Height above ground level:	NO CHANGE
Total area of private open space remaining after completion of this development	NO CHANGE
Roofing Material (Slates, Tiles, other) (Specify)	NO CHANGE

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	PATIO DOOR AT REAR.
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	RESIDENTIAL
Proposed use of land or structure	NO CHANGE
Distance of proposed building line from edge of roadway	NO CHANGE
Does the proposed development involve the provision of a piped water supply	N/A - NO DEVELOPMENT CURRENTLY ON MAINS
Does the proposed development involve the provision of sanitary facilities	N/A - NO DEVELOPMENT

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

Signature:

Aime Kennedy

Date:

14 May 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







14 May 2025

Re: Apt 4, 21 Gaevar Riada,

Markslund, Athlone, Co. Roscommon, N37 NH39

Dear Sir/Madam,

I wish to apply for the vacant property grant and the work I am hoping to get done is as follows:-

- New patio door to the rear
- Painting throughout
- Built-in Wardrobes
- Re-fit bathroom → Removal of Sanitary Units, and tiles, repair/replace floors, tiling, plumbing and fit new bathroom
- Whiteware purchase and installation - kitchen
- Installation of new gas boiler and water softener
- Move 1 radiator and re-plaster floor

All work is indoors and there is no structural charges. The fitting of the patio door is the only item on the outside.

Many thanks,

Aime Kennedy.



Client: Oyster Homes Ltd

Location: Monkland, Athlone,  
Co. Roscommon.

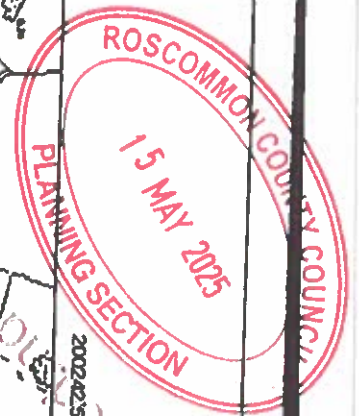
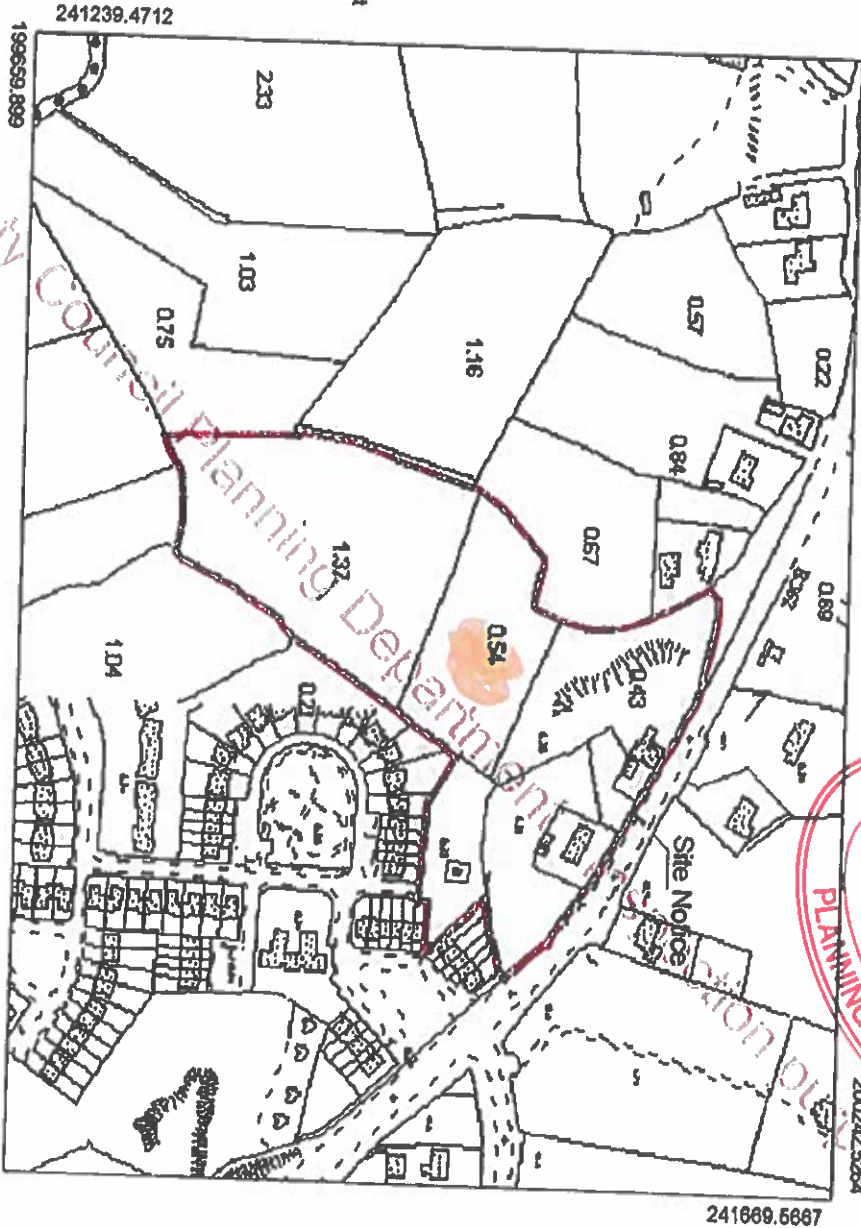
Scale: 1:2500

Area: 3.4Ha (8.4 Acres)

Water Supply: Public Water Mains

SITE OUTLINED RED

Ordnance Survey Ireland Licence No  
EN 0013006  
Ordnance Survey Ireland Government  
of Ireland



1245  
173





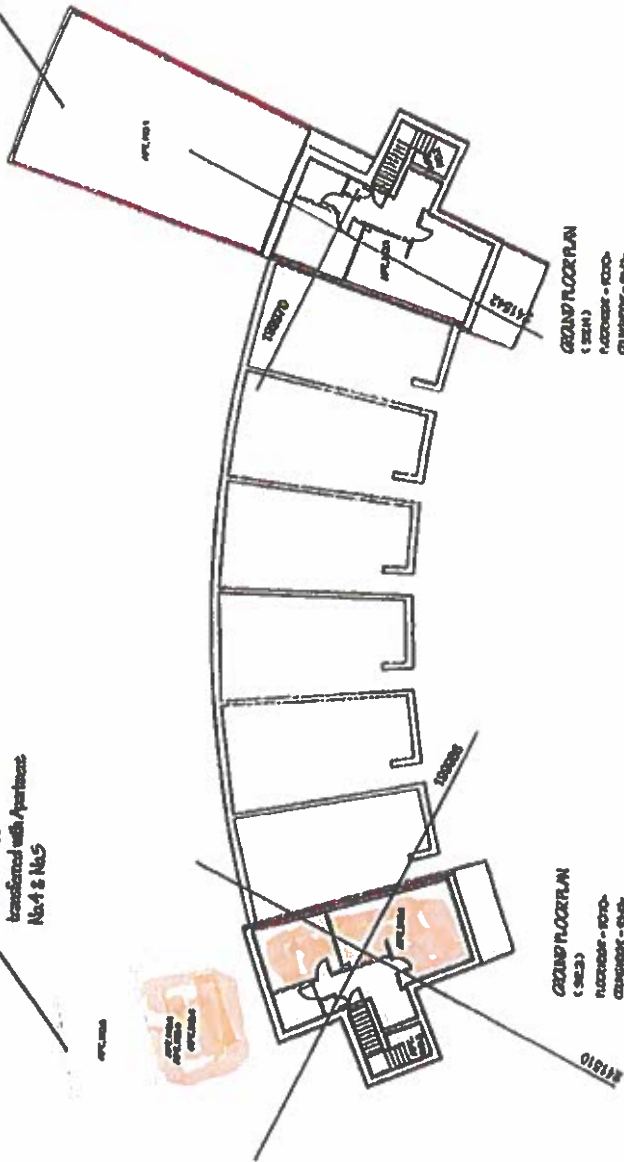


Folio Number: R146225P

Application Number: P2024/R146225P

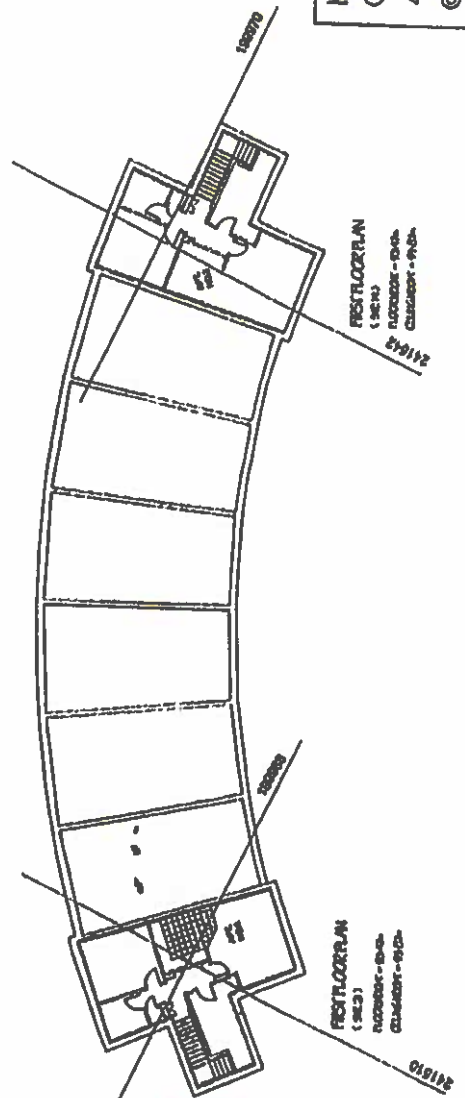
Area lined with  
Solid Line to be  
transferred with Apartment  
No.1

Area lined with  
Solid Line to be  
transferred with Apartments  
Nos 4 & 5



GROUND FLOOR PLAN  
(1:500)  
FLOOR AREA - 1070.00  
CURTAIN AREA - 1070.00

GROUND FLOOR PLAN  
(1:500)  
FLOOR AREA - 1070.00  
CURTAIN AREA - 1070.00



FIRST FLOOR PLAN  
(1:500)  
FLOOR AREA - 1070.00  
CURTAIN AREA - 1070.00

FIRST FLOOR PLAN  
(1:500)  
FLOOR AREA - 1070.00  
CURTAIN AREA - 1070.00



Multi-storey registration Revision F  
Oyster Homes Ltd  
4 No. Apartments - Block D  
© Coran Riada, Monksland, Athlone  
Scale 1/250

Date Printed: 27/11/2024