

ROSCOMMON COUNTY COUNCIL

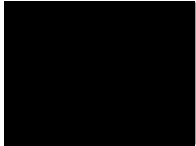
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Éadaoin Murray,



Reference Number: DED 903

Application Received: 29th May, 2025

Name of Applicant: Éadaoin Murray

Agent: N/A

WHEREAS a question has arisen as to whether the following works including 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation to attic space & 8) all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) at Moyne, Ballaghaderreen, Co. Roscommon, F45 A977, 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) 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) and
- (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 a dwelling 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; for the refurbishment of a dwelling, with works including 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation to attic space & 8) all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) under the Planning & Development Act (Exempt Development) Regulations 2018, at Moyne, Ballaghaderreen, Co. Roscommon, F45 A977, 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,
Senior Executive Planner,
Planning.

Date: 27 August, 2025

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

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

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

Reference Number:	DED 903
Re:	Permission to refurbish a dwelling, with works including 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation to attic space & 8) all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Éadaoin Murray
Location of Development:	Moyne, Ballaghderreen, Co. Roscommon, F45 A977.
Site Visit:	18 th July 2025

WHEREAS a question has arisen as to whether the following works including 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation to attic space & 8) all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) 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) 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 site consists of a south facing bungalow accessed off the L-55662 Local Tertiary Road. The site is situated c. 2.5km northeast of the village of Loughglinn and c. 7.5km southeast of the town of Ballaghaderreen. The proposed development consists of 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation

to attic space & 8) all other works to be carried out is cosmetic (painting(internally & externally), blinds, curtains & install kitchen).

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 to the proposed development is Bellanagare Bog SAC (Site Code 000592) and Bellanagare Bog SPA (Site Code 004105) both located c. 4.6km from the subject site.

Other designations include Lough Glinn PNHA (Site Code 001644) located c. 1.5km from 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 can, therefore, be excluded.

Planning History

PD/04/1238

Development Description: To erect a dwelling house with septic tank and percolation area

Applicant: Gerry Cafferkey

Decision: Granted subject to conditions

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 6, Schedule 2, Part 1, Class 2 (a):

The provision as part of a heating system of a house of a chimney or flue, boiler house or fuel storage tank or structure.

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, 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.

Extent of Works:

- Replace all water supply pipework within the house
- Install new heating system. Gas tank to be installed at back left of site – marked on site map
- Lay new flooring – most of the old flooring has been removed
- Update main bathroom & ensuite
- Upgrade front & back doors – no change to openings
- Repair broken windows & replace seals on all other windows
- Add additional insulation to attic
- All other work to be carried out is cosmetic, painting inside and out, blinds/curtains, kitchen units.
- No changes to the structure of the house.

The proposed gas tank has been considered in the context of the provisions of Article 6, Schedule 2, Part 1, Class 2 (a) and does not appear to exceed the only limitation which appears to apply to gas storage tanks (2. (a). 8).

These works have also 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 works fall under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

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 a dwelling, with works including 1) re-plumbing; 2) install new heating system & gas tank; 3) new flooring; 4) update main bathroom & ensuite; 5) upgrade front & back door in existing openings; 6) repair broken windows & replace seals on all others; 7) add additional insulation to attic space & 8) all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) as outlined above at Moyne, Ballaghderreen, Co. Roscommon, F45 A977, 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) 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 a dwelling falls 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 a dwelling as outlined above at Moyne, Ballaghderreen, Co. Roscommon, F45 A977, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 26th August 2025

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes.

Signed:

Senior Executive Planner

Date: 26th August 2025









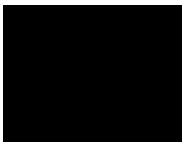




Comhairle Contae
Ros Comáin
Roscommon
County Council



Éadaoin Murray,



Date: 29th May, 2025

Planning Reference: DED 903

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

Development: Permission to refurbish a dwelling, with works including 1)re-plumbing; 2)install new heating system & gas tank; 3)new flooring; 4)update main bathroom & ensuite; 5)upgrade front & back door in existing openings; 6)repair broken windows & replace seals in all others; 7)add additional insulation to attic space & 8)all other works to be carried out is cosmetic (painting (internally & externally), blinds, curtains & install kitchen) under the Planning & Development Act (Exempted Development) regulations 2018 at Moyne, Ballaghaderreen, Co. Roscommon, F45 A977.

A Chara,

I wish to acknowledge receipt of the application which was received on the 29th 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/01/0/234953 dated 29th May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 903**
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

29/05/2025 10:56:05

Receipt No L01/0/234953

EADAON MURRAY

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED903

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
7918

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)	EADAON MURRAY
Name of Agent	
Nature of Proposed Works	MAKING THE DWELLING HABITABLE AGAIN. - INSTALLING HEATING / PLUMBING
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	MOYNE, BALLAGHADREEN, CO. ROSCOMMON, F45 A977.
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>113.93 m²</u> b) <u>113.93 m²</u>
Height above ground level:	FLOOR TO PITCH - NO CHANGE
Total area of private open space remaining after completion of this development	NO CHANGE
Roofing Material (Slates, Tiles, other) (Specify)	TILES

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NO CHANGE - PLASTER
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	NOT BY APPLICANT + NONE SHE IS AWARE OF.
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	A DWELLING
Proposed use of land or structure	PRIMARY RESIDANCE OF APPLICANT.
Distance of proposed building line from edge of roadway	40000
Does the proposed development involve the provision of a piped water supply	NO CHANGE
Does the proposed development involve the provision of sanitary facilities	NO CHANGE.

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

Signature:

E. Murrell

Date:

29 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



Proposed works to be carried out:

mine, Ballaghadeen, Co. Roscommon F45 A977

- Replumb all water supply pipe work within the house - Evidence of some issue previously.
- Install new heating system. Gas tank to be installed back left of site - marked on site map.
- Lay new flooring - most of ~~the~~ old floors have been removed.
- Up date main bathroom + ensuite.
- Up grade front + back doors - no change to openings.
- Repair broken windows + replace seals in all others.
- Add additional insulation to attic space.
- All other work to be carried out is cosmetic, painting inside and out, blinds/curtains, kitchen units.

No changes to be made to the structure of this house -



E. Murray

29 May 2025 -



Official Tailte Éireann Registration Map
This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

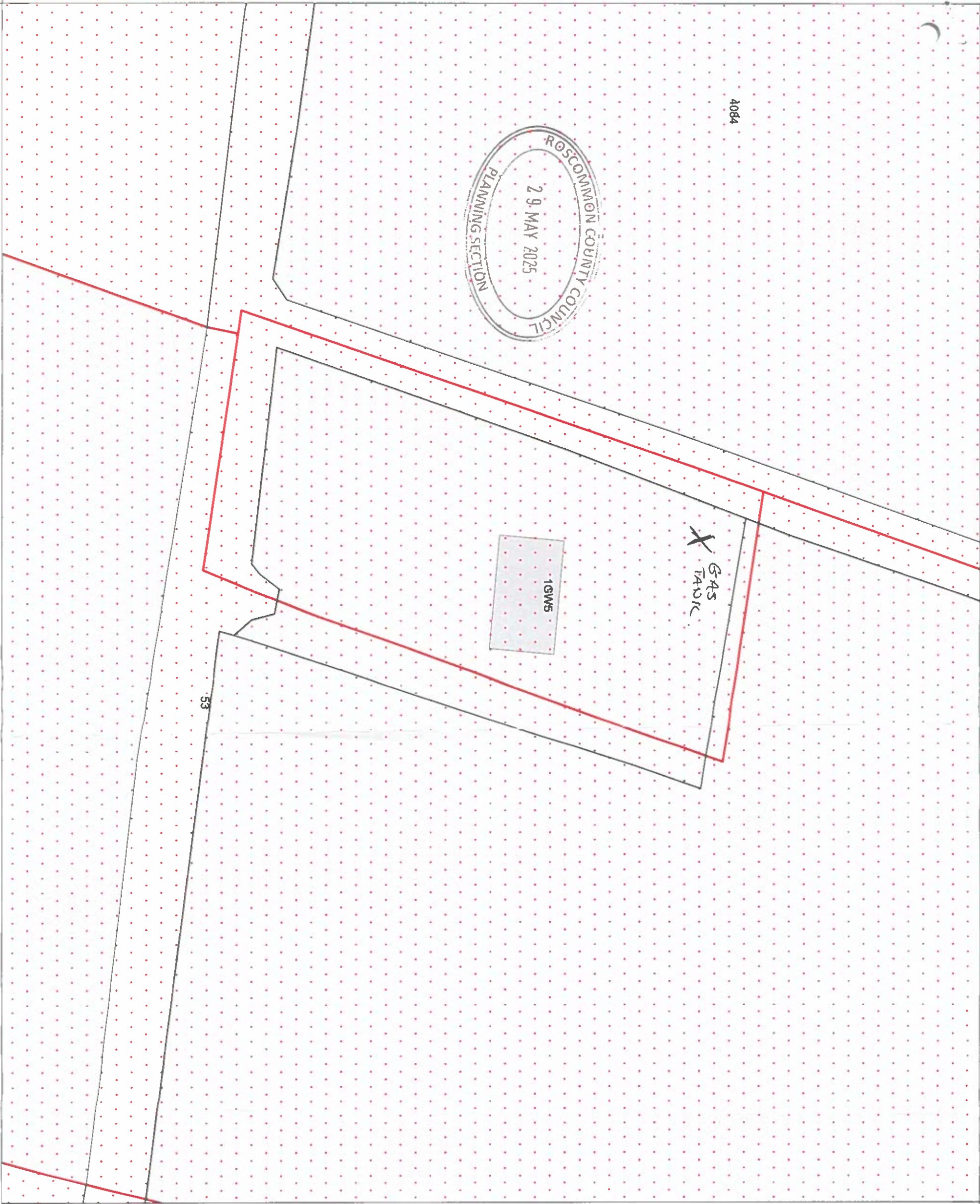
(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Wall
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



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(centre-line of parcel(s) edged)

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Application Number: S2025LR007314W

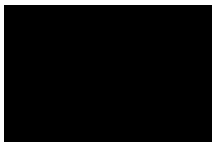


**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Tailte Éireann Special Registration Map

Eadaoin Murray



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Application Number:

Your Reference

Special Registration Maps can be ordered and printed at a selection of standard metric scales up to and including 1/500 scale.

Properties on this extract of the Tailte Éireann Registration map that are not highlighted in colour appear to form part of unregistered land.

Hard copy ITM maps which have been enlarged from the original Tailte Éireann Surveying published scale for the area cannot be expected to give a higher degree of accuracy than that of the original scale.

1/5,000 and 1/10,000 scale maps may not be acceptable for registration purposes in hard copy form unless the new property is entirely bounded by Tailte Éireann Surveying detail.


An officer duly authorised by Tailte Éireann



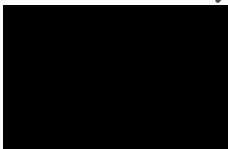


**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Tailte Éireann Special Registration Map

Eadaoin Murray



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Application Number: [REDACTED]

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