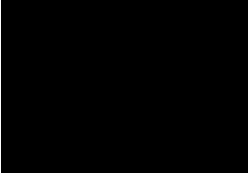


ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

REGISTERED POST

James Cogan,



Reference Number: DED 946

Application Received: 20th August, 2025

Name of Applicant: James Cogan

Agent: N/A

WHEREAS a question has arisen as to whether the repair & refurbishment of an existing cottage, with works including; 1)replacement of doors & windows; 2)rewiring; 3)re-plumbing; 4)new heating system; 5)new kitchen; 6)internal insulation; 7)plastering & replacement of flat roof at Kilcolman,Ballaghaderreen, Co. Roscommon, F45 KX49, 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 repair and refurbishment of an existing cottage 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 repair & refurbish an existing cottage, with works including; 1)replacement of doors & windows; 2)rewiring; 3)re-plumbing; 4)new heating system; 5)new kitchen; 6)internal insulation; 7)plastering & replacement of flat roof at Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49, 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: 3rd September, 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 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.

Carmel Curley

From: Carmel Curley
Sent: Wednesday 3 September 2025 15:15
To: [REDACTED]
Subject: DERD 946 - Section 5 Declaration of Exempted Development Application - Decision
Attachments: DED946 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for the Section 5 Declaration of Exempted Development Application submitted– DED 946. Please note that a hard copy will also be issued via registered post.

Mise le meas,

Carmel

Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number:	DED 946
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the repair and refurbishment of an existing cottage including 1)replacement of door and windows; 2)rewiring; 3)re-plumbing; 4)new heating system; 5)new kitchen; 6)internal insulation; 7)plastering & replacement of flat roof repairs
Name of Applicant:	James Cogan
Location of Development:	Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49
Site Visit:	22/08/2025

WHEREAS a question has arisen as to whether the following works; for repair and refurbishment of an existing cottage 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 site consists of a west facing, single-story dwelling with a garden area surrounding the property located at Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49. The property is accessed off the L-12037 road. The proposed development consists of the repair and refurbishment of an existing cottage with works including the replacement of all doors and windows, the rewiring and re-plumbing of the dwelling, the installation of a new heating system, the installation of a new kitchen, the installation of internal insulation, plastering and the replacement of flat roof repairs to the rear of the property.

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

The subject dwelling is located within the boundaries of the Roscommon County Development Plan 2022-2028, Existing residential zone. No Protected structures or structures listed in the National Inventory of Architectural Heritage are in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the site of the proposed development is Tullaghanrock Bog SAC (Site Codes 002354) which is located circa 1.8km to the east.

Other destinations include Lough Gara PNHA/SPA (Site Code 000587/004048) which are located circa 2.8km/4.5km to the east and Callow Bog SAC (Site Code 000595) which is located circa 2.8km to the east.

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, no recent planning history traced to the 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,

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 repair and refurbishment of an existing cottage with works including the replacement of all doors and windows, the rewiring and re-plumbing of the dwelling, the installation of a new heating system, the installation of a new kitchen, the installation of internal insulation, plastering and the replacement of flat roof repairs to the rear of the property. 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 repair and refurbishment of an existing cottage at Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49 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 repair and refurbishment of an existing cottage 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 for the repair and refurbishment of an existing cottage at Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Seán Tiernan

Signed:

Date: 25th August 2025

Planner



Signed:

Date: 2nd September 2025

Senior Executive Planner





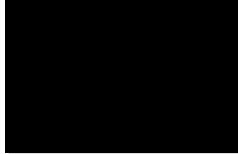








James Cogan,



Date: 22nd August, 2025
Planning Reference: DED 946

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

Development: WHEREAS a question has arisen as to whether the repair and refurbishment of existing cottage including replacement of door and windows, rewiring, re-plumbing, new heating system, new kitchen, internal insulation, plastering and replacement of flat roof repairs at Kilcolman, Ballaghaderreen, Co. Roscommon, F45 KX49, is or is not development and is or is not exempted development.

A Chara,

I wish to acknowledge receipt of the application which was received on the 20th August, 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: L01/0/236295 dated 21st August, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 946**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in blue ink, appearing to be 'Alan O'Connell', written over a horizontal line.

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

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

21/08/2025 09:28:56

Receipt No. : L01/0/236295

JAMES COGAN

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 946	

Total : 80.00 EUR

Tendered :
Cheque 80.00
553

Change : 0.00

Issued By : Geraldine Murren
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Aras an Chontae, Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planninggroscommoncoco.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)	James Cogan
Name & Address of Agent:	No Agent
Nature of Proposed Works	<p>To carry out repair and refurbishment of the existing cottage with the following proposed works;</p> <ul style="list-style-type: none">• Replacement of all external doors and windows• Internal rewiring and full re-plumbing of the property• Provide new heating system• Installation of new kitchen units and sanitary ware• Replacement of interior doors, skirting, and architraves• Application of internal insulation• Internal plastering and painting throughout• Replacement of flat roof repairs to rear of property (no new dimensions) <p>Note: No extension, structural change, or modification to the external elevations, roofline, or building footprint is proposed. Property will remain in residential use and retain connection to public services.</p>
Location (Townland & O.S No.)	Kilcolman, Ballaghaderreen, Co. Roscommon F45 KX49

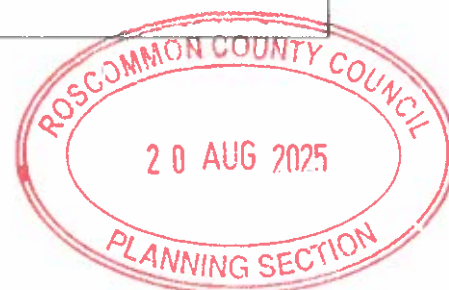
** Required for Vacant Bank approach*

Floor Area	No alterations to existing structure
Height above ground level	No alterations to existing structure
Total area of private open space remaining after completion of this development	No alterations to existing structure
Roofing Material (Slates, Tiles, other) (Specify)	No roofing work proposed
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	<ul style="list-style-type: none"> • Replacement of external doors and windows • Flat roof to be replaced (no roofing dimensions increase being proposed) • Sewerage system upgrades (connected to public sewer) • All works to remain within the existing footprint and height of the structure <p>Note: No extension or structural alteration is proposed. No works will alter the external wall finish or external elevations.</p>
Is proposed works located at front/rear/side of existing house.	No alterations to existing structure

Roscommon County Council

Application for a Declaration under Section 5 of the

Has an application been made previously for this site	No – Pre 1963
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	Residential
Proposed use of land or structure	No change of use
Distance of proposed building line from edge of roadway	No alterations to existing property



Does the proposed development involve the provision of a piped water supply	Property is connected to the public water mains
Does the proposed development involve the provision of sanitary facilities	Property is connected to the public sewer

Signature:

James Cogan

Date:

20/8/2025



Note: This application must be accompanied by:-

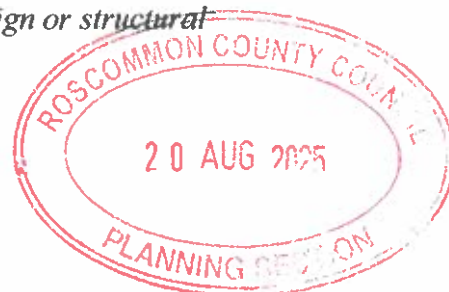
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

Annex b) Site location Map:



Notes:

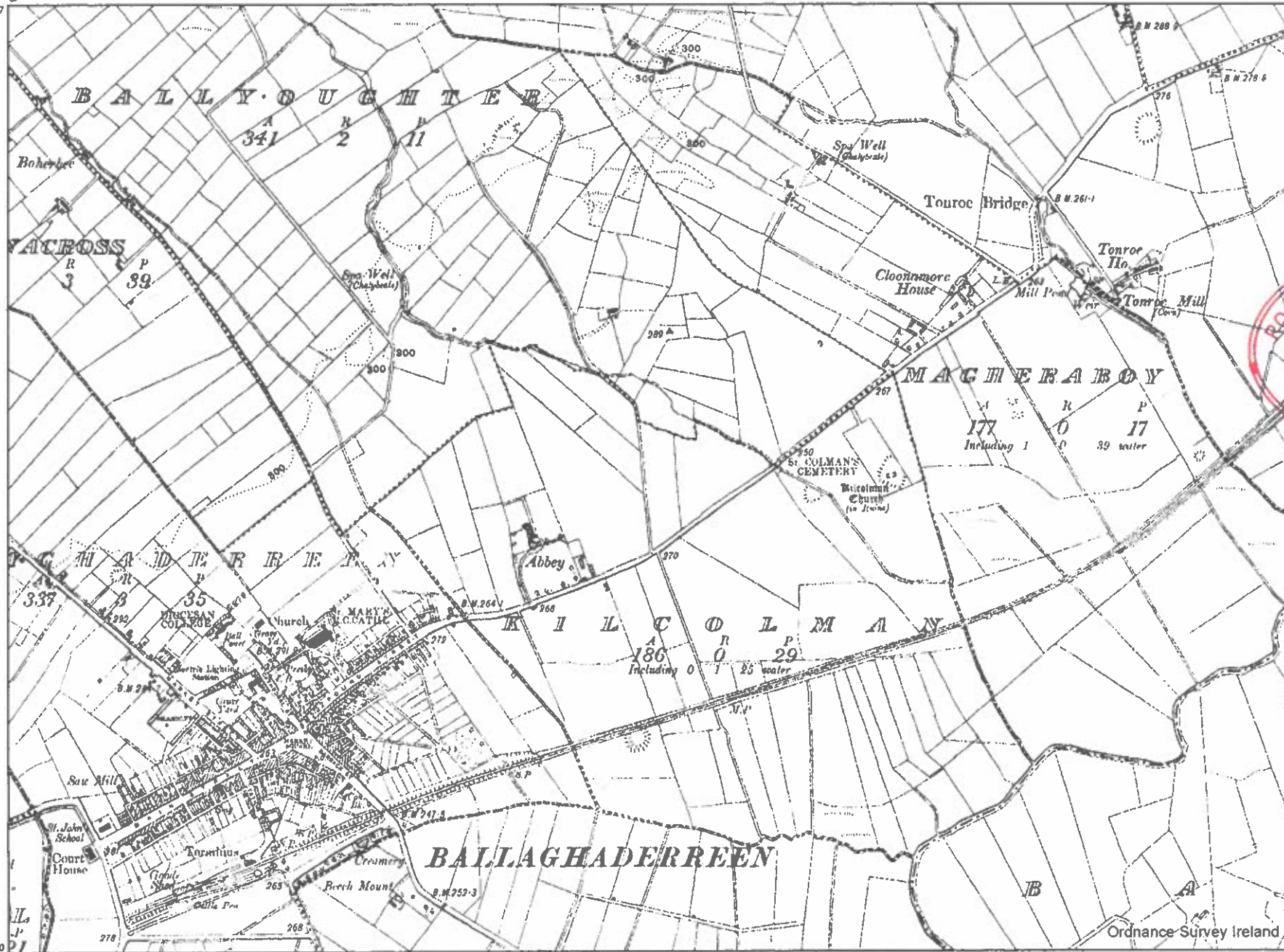
- Annex C: **Site Map Reference** - Site layout and location maps to scale 1:1,000 (from Tailte Éireann Planning Pack) are enclosed, as required by Roscommon County Council. A scale of 1:500 was not available on Tailte.
- Annex D: See attached as specification of development proposal from Groake Construction Ltd. In addition, as requested (letter from RCC dated 14 August 2025), a more detailed specification of the development proposed.
- Please also note: *The proposed works are limited to internal refurbishment and rehabilitation of the existing dwelling and do not involve any extension, alteration to the external elevations, or changes to the building footprint or height. As such, the works do not require architectural design or structural engineering input.*



Site Location Map



**Tailte
Éireann**



**CENTRE
COORDINATES:**
ITM 562654,795379

PUBLISHED: 15/08/2025
ORDER NO: 50484760

MAP SERIES: 6 Inch Raster
MAP SHEET: M0074+08
6 Inch Raster RN008
6 Inch Raster SO046



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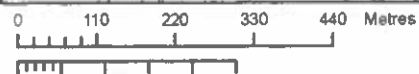
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LEGEND:
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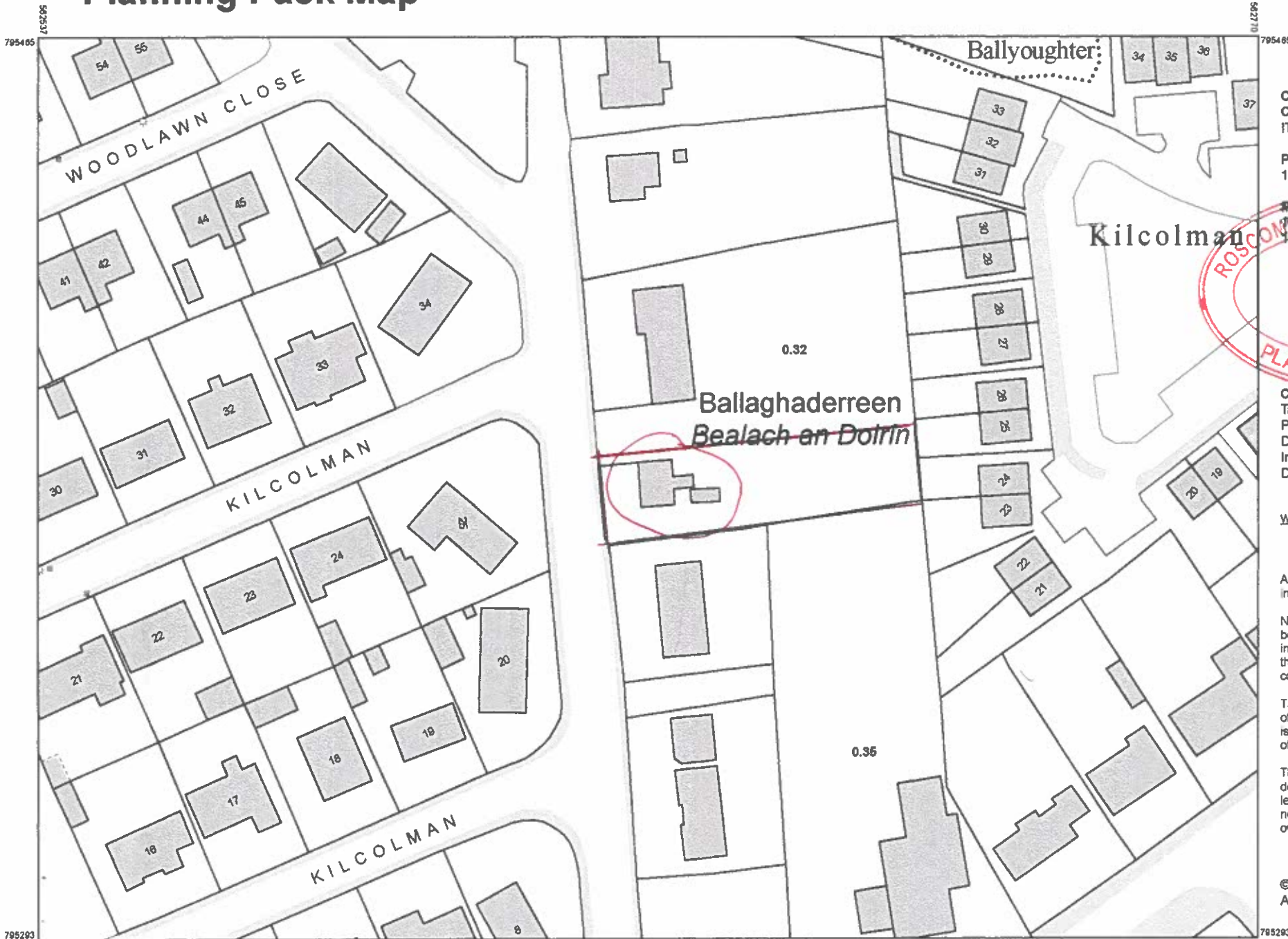
OUTPUT SCALE: 1:10,560



Planning Pack Map



**Tailte
Éireann**



**CENTRE
COORDINATES:**
ITM 562654,795379

PUBLISHED: 15/08/2025 **ORDER NO:** 50484760_

MAP SERIES: 1:1,000 **MAP SHEET:** 1857-23
1:2,500 1857-0



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'Large Scale Legend'



OUTPUT SCALE: 1:1,000

Section D: Break down of Specification of Proposed Development

Works Category	✓	Cost of Proposed Works
1. Demolitions* / Strip-out / Site Clearance (including removal of hazardous materials)		
2. Substructure works (including works to foundations; rising walls; beds / slabs; damp-proofing; underpinning)		
3. Superstructure works (including works to internal / external walls; chimneys; upper floors; stairs; roof structure; other structural timbers)		
4. Completions (including works associated with external doors and windows; internal doors and associated frames, architraves and ironmongery; balustrades; skirtings; rooflights; fascias / soffits; rainwater goods)		
4a external completions (incl. doors, windows, sills)		
4b internal completions (incl. doors, frames, architraves, ironmongery)		
4c skirtings		
4d fascias, soffits, rainwater goods		
4e roof completions (incl. flashings, fascias, soffits, gutters, downpipes)		
5. Finishes (including finishes to external / internal walls; ceiling finishes; tiling / waterproof finishes to wet areas; roof finishes)		
5a tiling / waterproof finishes to wet areas		
5b painting and decorating		
5c roof finishes		
6. Services (including plumbing; heating; ventilation; power; lighting; telecommunications; smoke / CO2 detection)		
7. Fittings (including kitchen units; sanitary / bathroom fittings)		
7a kitchen units		
7b sanitary ware / bathroom fittings		
8. External Works (necessary external / site works carried out within the curtilage of the site)		
9. Extension either within the ambit of exempt development under planning regulations, or as part of a planning application, if required, as part of a wider refurbishment.		
10. Professional services associated with works (fees / surveys)		

How much do you think the work will cost in total including VAT?

