

**ROSCOMMON COUNTY COUNCIL**

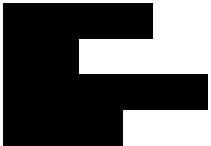
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DETERMINATION**

**REGISTERED POST**

Christopher McKenna,



Reference Number: **DED 958**

Application Received: **19<sup>th</sup> September, 2025**

Name of Applicant: **Christopher McKenna**

Agent: **Rathcroghan Designs**

**WHEREAS** a question has arisen as to whether the refurbishment of an existing dwelling at 19 Erris Bay, Boyle, Co. Roscommon, F52 PX64, 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.
- (d) The planning history of the site.

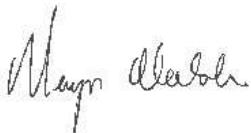
**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed works 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 an existing dwelling at 19 Erris Bay, Boyle, Co. Roscommon, F52 PX64, 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:



---

**Mervyn Walsh,**  
**Administrative Officer,**  
**Planning Department.**

Date: 30<sup>th</sup> January, 2026

c.c. agent via email: Rathcroghan Designs  
[rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@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 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:** Friday 30 January 2026 14:31  
**To:** [REDACTED]  
**Cc:** Martin Dowd  
**Subject:** DED 958 - Notification of Determination  
**Attachments:** DED 958 Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for the Section 5 Declaration of Exempted Development Application – DED 958.

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](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 958
Re:	Permission for the refurbishment of existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018
<b>Name of Applicant:</b>	Christopher McKenna
<b>Location of Development:</b>	19 Erris Bay, Boyle, Co. Roscommon, F52 PX64.
<b>Site Visit:</b>	9 <sup>th</sup> of October 2025

**WHEREAS a question has arisen as to whether the following works for the refurbishment of existing dwelling 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 north facing detached two storey dwelling located in Erris Bay housing estate northeast of Boyle town. The subject site is situated c. 1.4km from the town core of Boyle. The site is accessed off the L-10202 Local Tertiary Road which traverses the N4 National Road. The proposed development consists of the refurbishment of existing dwelling.

**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 Lough Arrow SAC (Site Code 001673) located c. 5.8km from subject site.

Other Designations include Drum Bridge (Lough Key) PNHA (Site Code 001631) located c. 255m 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/99/780**

**Development Description:** 24 no. houses together with associated site works and services

**Applicant:** Sally Oaks Ltd.

**Decision:** 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.

### **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.

### **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**

### *External Windows and Doors*

- Existing windows and doors to be replaced with new white UPC double glazed windows and doors to match existing.

### *Kitchen*

- Existing kitchen units to be replaced with new kitchen units.

### *Floor Coverings*

- Existing floor coverings to be removed and replaced with new carpets, floor tiles and timber flooring.

### *Internal Joinery*

- New internal doors skirting and architrave to be fitted throughout the dwelling.

### *Painting*

- All external walls, internal walls and ceilings to be newly painted.

### *Site Works*

- Existing driveway to be cleaned and tidied. Lawn and garden area to be cleared of any overgrown plants.

### *External Works*

- The proposed works do not involve any new construction work such as extensions, porches etc. and the footprint of the dwelling will remain unchanged following the proposed 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 neighbouring structures. The stated works fall under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

The applicant has submitted an application to carry out internal refurbishment of an existing dwelling located north of Boyle Town. The proposed works fall under Section 4 (1)(h) of the Planning and Development Act 2020. No external works are proposed to the existing house that will render the existing inconsistent with surrounding dwellings.

## **Recommendation**

**WHEREAS** a question has arisen as to whether a proposed development; for the refurbishment of existing dwelling as outlined above at 19 Erris Bay, Boyle, Co. Roscommon, F52 PX64, 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 works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

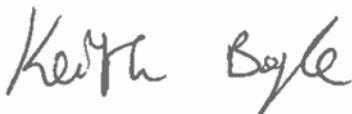
*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent 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 as outlined above at 19 Erris Bay, Boyle, Co. Roscommon, F52 PX64, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**

Graduate Planner



**Date:** 29/01/2026

**Signed:**

Senior Executive Planner



**Date:** 29/01/2026









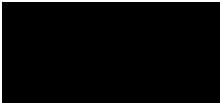




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Christopher McKenna,



Date: 14<sup>th</sup> October, 2025

Planning Reference: DED 958

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 refurbishment of an existing dwelling at 19 Erris Bay, Boyle, Co. Roscommon, F52 PX64, is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 19<sup>th</sup> September, 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. L01/0/237045 dated 8<sup>th</sup> October, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is DED 958  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,  
Administrative Officer,  
Planning Department.

cc agent via email: Rathcroghan Designs Ltd  
[rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@gmail.com)

Roscommon County Council  
Áras an Chontae  
Roscommon  
09068 37100

08/10/2025 09.55.03

Receipt No. : L01/0/237045

CHRISTOPHER MCKENNA  
[REDACTED]

PLANNING APPLICATION FEES	
GOODS	80.00
VAT Exempt/Non-vatable	80.00
DED 958	

Total :

80.00 EUR

Tendered :  
Credit/Debit Card  
8657

80.00

Change :

0.00

Issued By : Aine McDermott  
From : Central Cash Office

## **Carmel Curley**

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**From:** Carmel Curley  
**Sent:** Tuesday 14 October 2025 14:54  
**To:** Martin Dowd  
**Subject:** DED 958 - Christopher McKenna  
**Attachments:** DED 958 - Ack letter & receipt.pdf

Hi Martin,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Exempted Development Application submitted for Christopher McKenna – DED 958.

Regards,

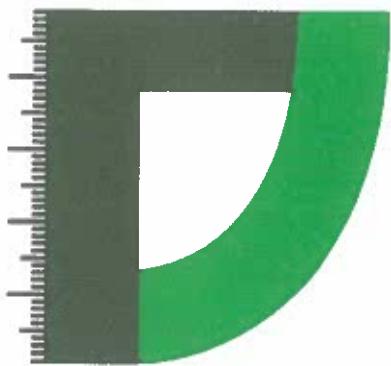
Carmel

**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**





## Rathcroghan Designs

Building and Planning Consultant  
Ballyconboy, Ballinagare  
Castlerea, Co. Roscommon  
Ph: 0862328484  
Email: rathcroghandesigns@gmail.com

19<sup>th</sup> Sept 2025

Planning Dept  
Roscommon Co Co  
Aras An Chontae  
Roscommon

### Re – Exempted Development and Associated fee



Dear Sir/Madam,

Please find enclosed Exempted Development application for my client Ms.  
**Christopher McKenna, No 19 Erris Bay, Boyle, Co Roscommon**

I would greatly appreciate it if you could please contact me on 086 2328484, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

**Martin Dowd AssocSCSI, Bsc Construction Management  
Rathcroghan Designs, Building and Planning Consultant**



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Aras 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)	CHRISTOPHER MCKENNA
Name of Agent	MARTIN DOWD C/O RATHCROGHAN DESIGNS LTD
Nature of Proposed Works	REFURBISHMENT OF EXISTING DWELLING.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	19. ERRIS BAY BOYLE, CO. ROSCOMMON F52 PX64
Floor Area: a) Existing Structure b) Proposed Structure	a) 226 m <sup>2</sup> b) —
Height above ground level:	7.27 m
Total area of private open space remaining after completion of this development	512 m <sup>2</sup>
Roofing Material (Slates, Tiles, other) (Specify)	SLATE

# Roscommon County Council

## Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTER
Is proposed works located at front/rear/side of existing house.	N/A.
Has an application been made previously for this site	PD/99/780 Yes
If yes give ref. number (include full details of existing extension, if any)	PD/99/780
Existing use of land or structure	PRIVATE DWELLING
Proposed use of land or structure	PRIVATE DWELLING
Distance of proposed building line from edge of roadway	EXISTING - 22.3m
Does the proposed development involve the provision of a piped water supply	EXISTING CONNECTION / PUBLIC SERVICE
Does the proposed development involve the provision of sanitary facilities	EXISTING CONNECTION / PUBLIC SERVICE

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

Signature:

Mark S

Date:

19/9/25

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 Pack Map

Prepared By: Martin Dowd Ratherghan Designs,  
Ballinagar, Castlerea, Co. Roscommon

3601

CENTRE  
COORDINATES:

**PUBLISHED:** 03/09/2025  
**ORDER NO.:** 50488392\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 1140  
**1:2,500** 1740-A

COMPILED AND PUBLISHED BY:  
— " —

Ireland.  
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

Site Boundary —  
Land In Ownership

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OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tanle.ie](http://www.tanle.ie); search 'Capture Resolution'

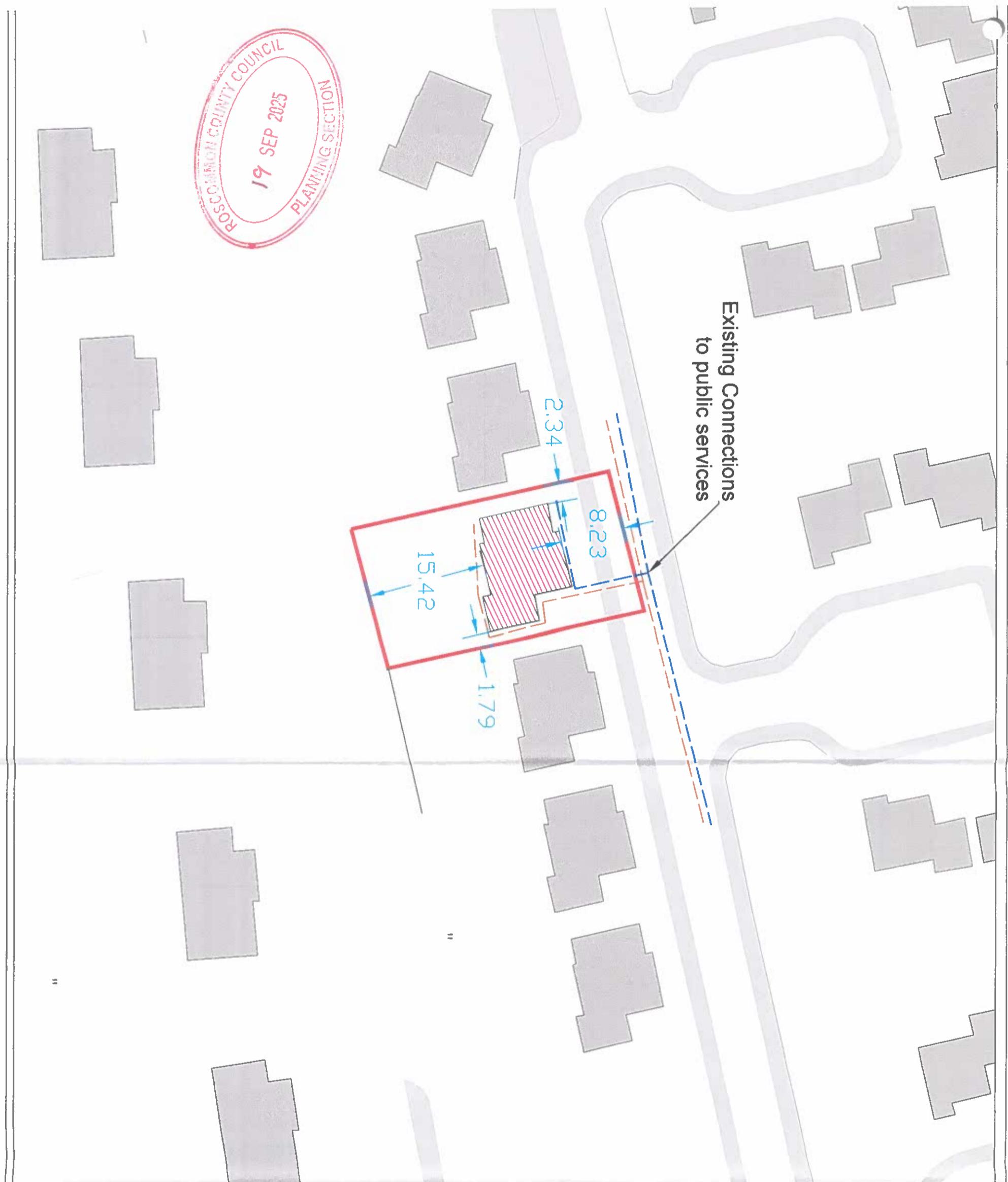
**LEGEND:**  
To view the legend visit  
[www.fairfaxle.org](http://www.fairfaxle.org) and search for  
"Large Scale Legend".

· 2

**LEGEND:**  
To view the legend visit [www.esri.com/arcgis/arcgisforagriculture/legends](#)

**CAPTURE RESOLUTION**  
The map objects are captured at a resolution of 1:10,000.

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:



<b>Title</b>		<b>Site Layout</b>	
Scale:	1:500 UNLESS NOTED	Sheet:	1 of 1
Drawn:	MARTIN DOWD	Drawn:	25-232
Date:	01-09-2025	Drawn:	

**Legend**

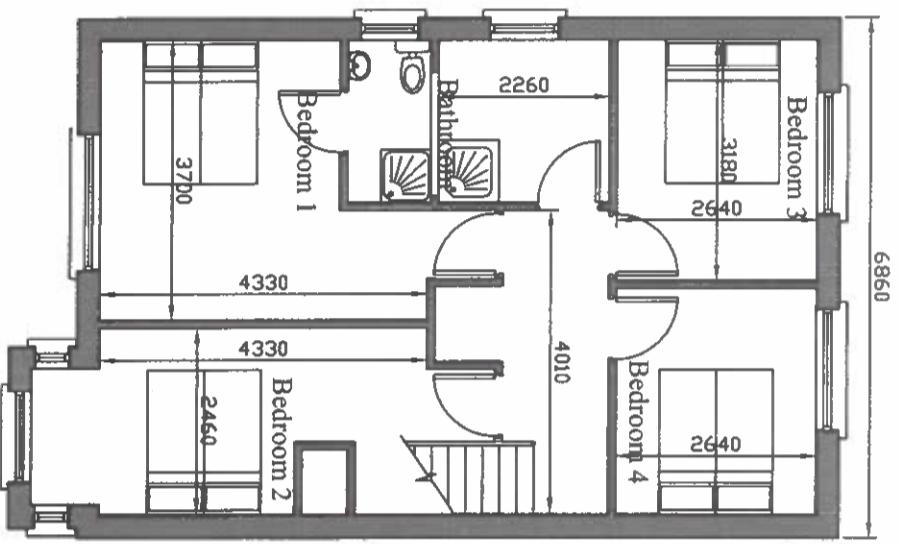
Site Boundary	
Existing Dwelling to be refurbished	
Neighbouring Dwellings	
Effluent Sewer	
Storm Sewer	

Rathcroghan  
Designs  
Building and Planning consultants  
Ballymoe, Ballyleague,  
Carrig, Co. Roscommon  
091 621244  
www.rathcroghandesigns.com

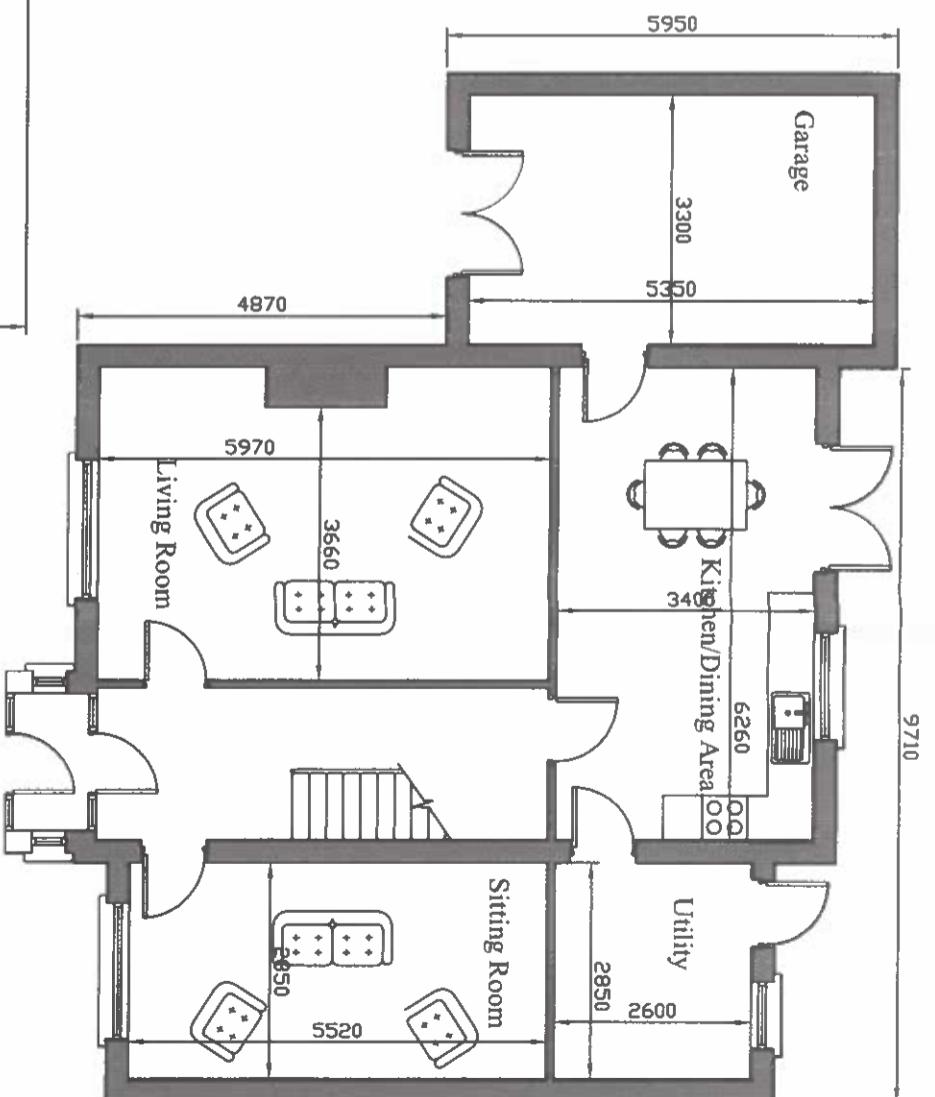
Site Area 0.064Ha



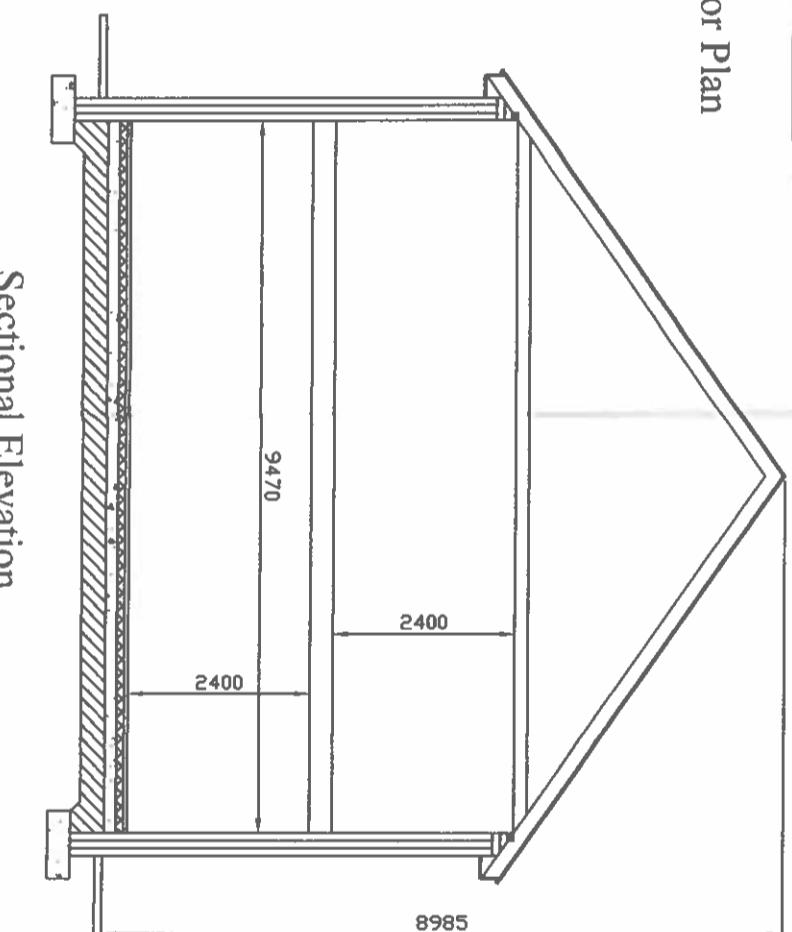
N



First Floor Plan



Ground Floor Plan



Sectional Elevation

<b>Rathcroghan</b> Designs Building and Planning Consultant Ballincarthy, Ballingare Carlow, Co. Kilkenny Ph: 0862228444 Email: rathcroghandesigns@gmail.com	<b>Existing Dwelling</b> to be refurbished
<b>Proposed Works</b> The following are the proposed work	<p><b>External windows and doors</b> Existing windows and doors to be replaced with new white Upvc double glazed windows and doors to match existing</p> <p><b>Kitchen</b> Existing Kitchen units to be replaced with new kitchen units</p> <p><b>Floor covering</b> Existing floor coverings to be removed and replaced with new carpets, floor tiles and timber flooring</p> <p><b>Internal Joinery</b> New internal doors, skirting and architrave to be fitted throughout the dwelling</p> <p><b>Painting</b> All external walls, internal walls and ceilings to be newly painted</p> <p><b>Site Works</b> Existing driveway to be cleaned and tidied. Lawn and garden area to be cleared of any overgrown plants</p> <p><b>N.B</b> The proposed works do not involve any new construction work such as extensions, porches etc and the footprint of the dwelling will remain unchanged following the proposed works</p>

Scale: <i>NOT UNLESS NOTED</i>	Sheet	Drawn No.
21-9-2025	2 OF 2	25-E31



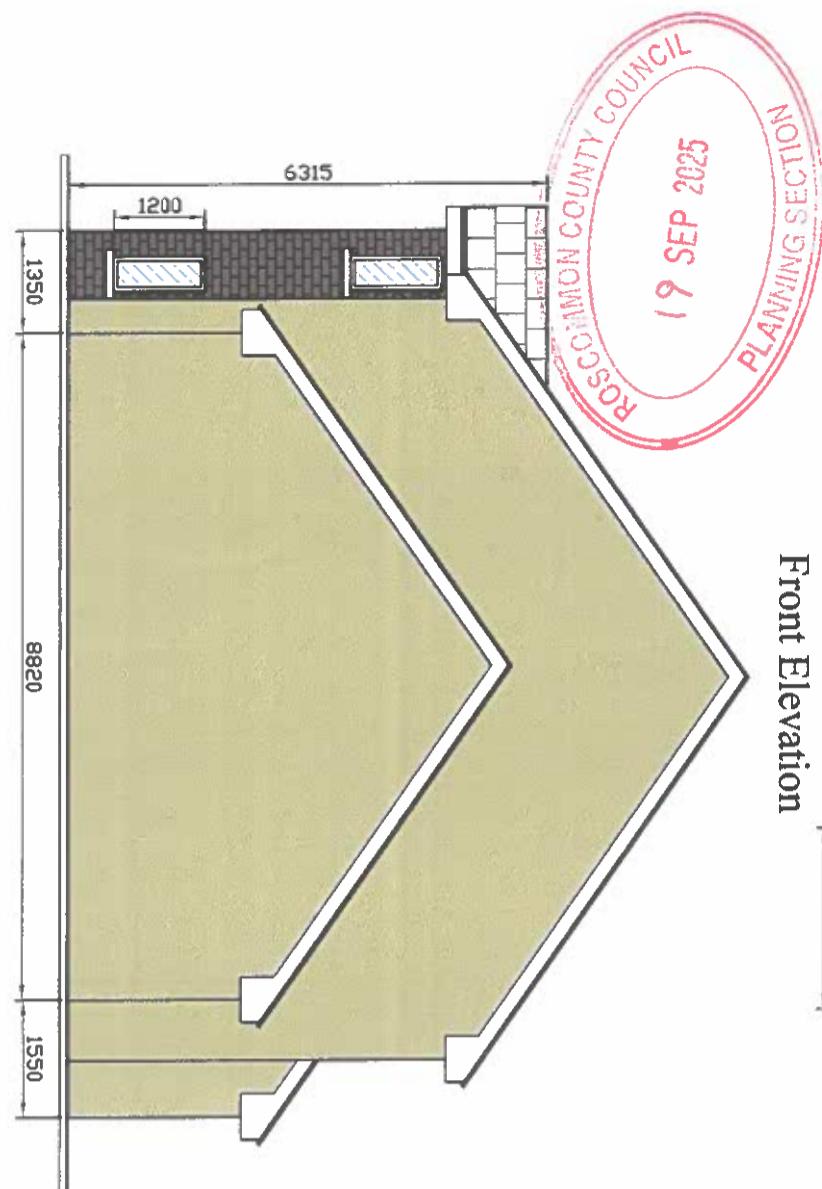
**Rathcroghan  
Designs**

Building and Planning Consultant  
Antrim, Belfast, Co. Down  
07812 222244  
Email: rathcroghandesigns@gmail.com

Client

Christopher  
McKenna

Side Elevation



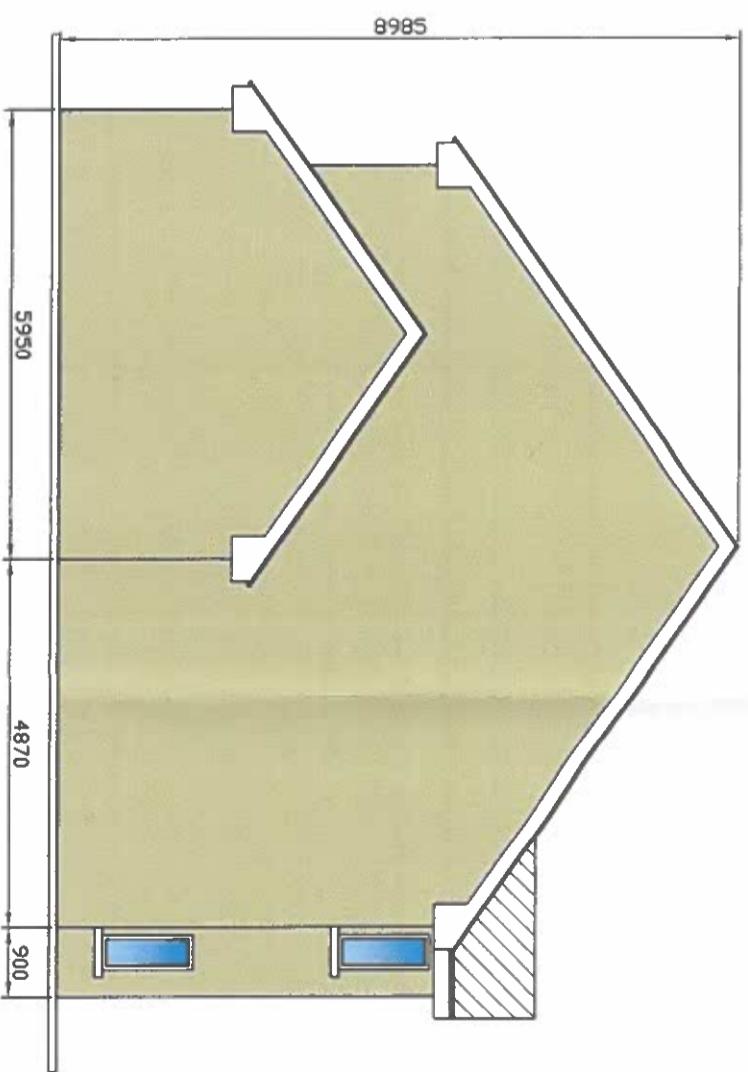
Front Elevation



Rear Elevation



End Elevation



Title

Existing Dwelling to be  
Refurbished

Scale <i>NOT UNLESS NOTED</i>	Sheet	Drawn No.
Drawn: MARTIN DODD Date: 21-8-2025	1 DF 2	25-231