

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

**REGISTERED POST**

Caroline Brennan,  
[REDACTED]

Reference Number: DED 965  
Application Received: 21<sup>st</sup> October, 2025  
Name of Applicant: Caroline Brennan  
Agent: Deane Associates

WHEREAS a question has arisen as to whether the demolition of chimneys & repairs to damaged roof at Swinefield, Cloonfad, Co. Roscommon, F35 EH30., 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.

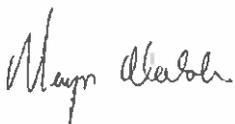
AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed 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.
- (c) The proposed development falls under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and is deemed an exempted development.

**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 demolition of chimneys & repairs to damaged roof at Swinefield, Cloonfad, Co. Roscommon, F35 EH30., 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.

Date: 27<sup>th</sup> February, 2026

c.c. agent via email: **Dean Associates**  
[david@deaneassociates.ie](mailto:david@deaneassociates.ie)

**ADVICE NOTE**

**Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An 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.**

**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.**

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## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Friday 27 February 2026 15:39  
**To:** Caroline Brennan  
**Cc:** David Deane  
**Subject:** DED 965 - Notification of Determination  
**Attachments:** DED 965 Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for the Section 5 Declaration of Exempted Development Application submitted – DED 965.

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 965
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the demolition of chimneys & repairs to damaged roof.
<b>Name of Applicant:</b>	Caroline Brennan
<b>Location of Development:</b>	Swinefield, Cloonfad, Co. Roscommon, F35 EH30.
<b>Site Visit:</b>	23 <sup>rd</sup> October 2025.

**WHEREAS a question has arisen as to whether the following works demolition of chimneys & repairs to damaged roof at the above address is or is not development and is or is not exempted development.**

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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 northwest facing detached two-storey dwelling. The site is accessed off L-6610 Local Secondary Road which traverses the N83 c 1.1km from the subject site. The subject site is located c 1.4km southeast of Cloonfad village. The proposed development consists of the demolition of chimneys and the repairs to damaged roof.

**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 Corrib SAC (Site Code 000297) located c 150m 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/01/801**

**Development Description:** Construct a dwelling house and proprietary effluent treatment system.

**Applicant:** G. & E. Egan

**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.

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#### **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)

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.

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#### Extent of Works

- Demolish two chimneys on the existing dwelling.
- Repair damaged roof.

The applicants have proposed the demolition of two existing chimneys to the existing dwelling and repairs to the roof. The proposed development falls within the provisions of Section 4(1)(h);

*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;*

Therefore, in this instance, the proposed development is deemed an exempted development.

I note some slight variance between the development as constructed and the approved plans and drawings set out in PD/01/801. Given the nature of any such variance and the provisions of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, I do not consider it appropriate in this instance to refer to the provisions of Article 9 of the Planning and Development Regulations 2001 (as amended) concerning restrictions on exemption.

#### Recommendation

**WHEREAS a question has arisen as to whether a proposed development;** for the demolition of chimneys & repairs to damaged roof at Swinefield, Cloonfad, Co. Roscommon, F35 EH30 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 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.
- The proposed development falls under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and is deemed an exempted development.

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**AND WHEREAS** I have concluded that the said development for the demolition of chimneys & repairs to damaged roof as outlined above at Swinefield, Cloonfad, Co. Roscommon, F35 EH30, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 27<sup>th</sup> February 2026

Signed:



Senior Executive Planner

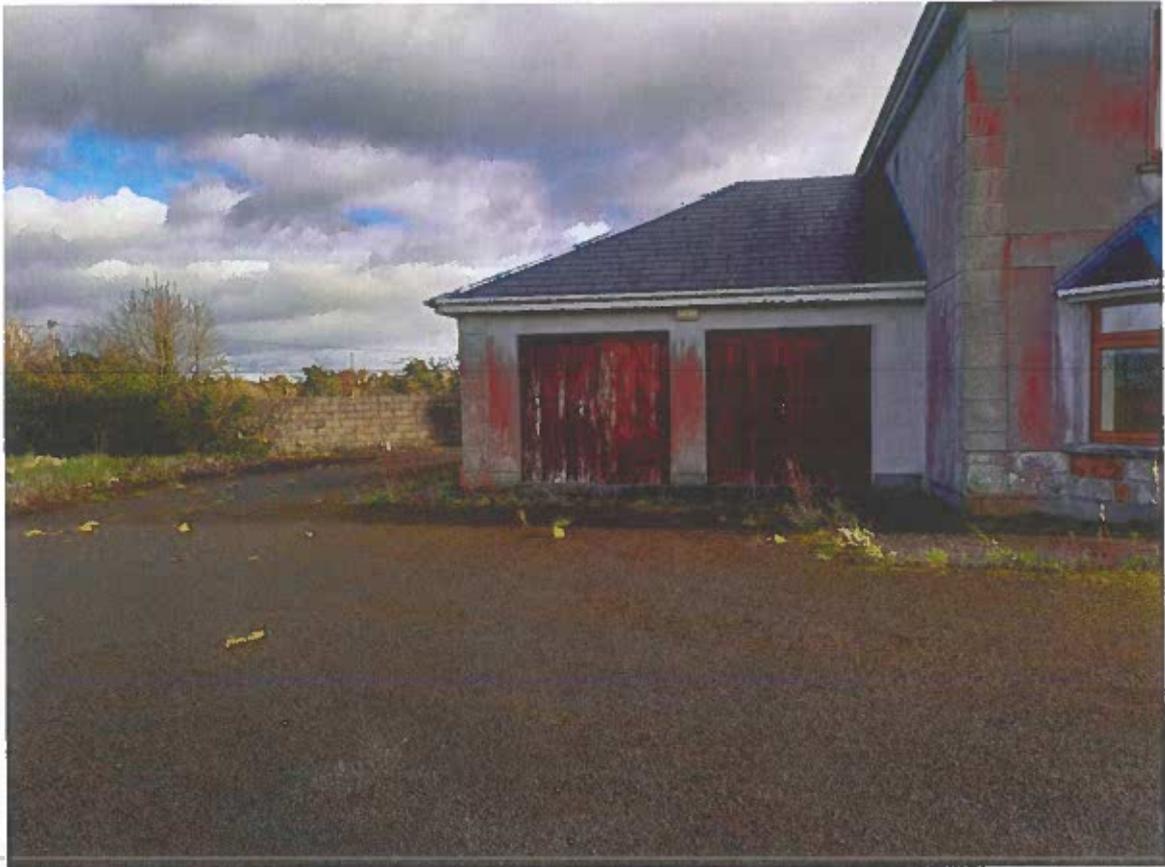
Date: 27<sup>th</sup> February 2026













Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Caroline Brennan,  
[REDACTED]

**Date:** 23<sup>rd</sup> October, 2025  
**Planning Reference:** DED 965

**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 demolition of chimneys & repairs to damaged roof at Swinefield, Cloonfad, Co. Roscommon, F35 EH30, is or is not development and is or is not exempted development.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 21<sup>st</sup> October, 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. **L01/0/237489** dated 23<sup>rd</sup> October, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 965**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

cc agent via email: **Deane Associates**  
[david@deaneassociates.ie](mailto:david@deaneassociates.ie)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

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23/10/2025 11:58:29

Receipt No : L01/0/237489

CAROLINE BRENNAN  
C/O DEANE ASSOCIATES  
OLD CHURCH RD  
WILLIAMSTOWN  
CO. GALWAY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED965	

Total : 80 00 EUR

Tendered :  
Cheque 80 00  
608

Change : 0 00

Issued By : Louis Carroll  
From : Central Cash Office

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Friday 24 October 2025 10:11  
**To:** David Deane  
**Subject:** DED965 - Caroline Brennan  
**Attachments:** DED965 - Ack Letter & Receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Exempted Development Application submitted for Caroline Brennan – DED 965.

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





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)	CAROLINE BRENNAN
Name of Agent	DEANE ASSOCIATES, WILLIAMSTOWN, Co. GALWAY
Nature of Proposed Works	DEMOLITION OF CHIMNEYS + REPAIRS TO DAMAGED ROOF
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	SWINEFIELD, CLOONFAD Co. ROSCOMMON F35 EH30
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>276 m<sup>2</sup></u> b) <u>276 m<sup>2</sup> - NO CHANGE</u>
Height above ground level:	0.3m above road level
Total area of private open space remaining after completion of this development	Unchanged
Roofing Material (Slates, Tiles, other) (Specify)	Slates

# 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.	Roof level
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	Dwelling + garden
Proposed use of land or structure	Unchanged
Distance of proposed building line from edge of roadway	Existing house - 27m from road
Does the proposed development involve the provision of a piped water supply	Existing
Does the proposed development involve the provision of sanitary facilities	Existing

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

Signature:

Date:

20/10/2025

**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



**DRAWINGS ARE FOR PLANNING PURPOSES ONLY**

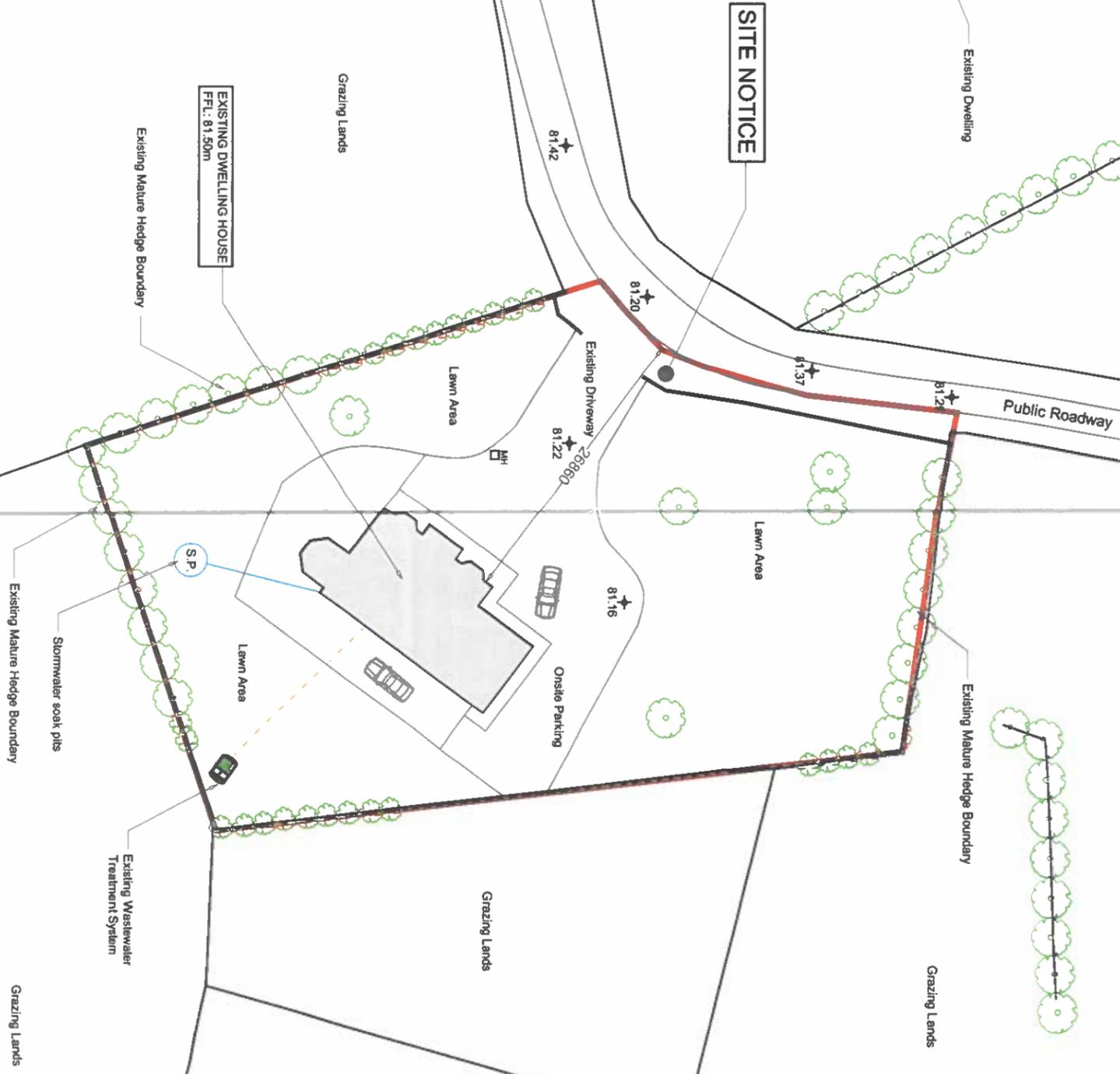
**EXISTING LEVELS TO ORDINANCE SURVEY DATUM**

**AREA OF SITE: 0.28 Hectares**

**SITE OUTLINED IN RED**



**SITE LAYOUT**  
SCALE 1 : 500



**SITE NOTICE**

**EXISTING DWELLING HOUSE**  
F.F.L: 81.50m

Existing Mature Hedge Boundary

Stormwater soak pits  
Existing Mature Hedge Boundary  
Existing Westwaler Treatment System

**DRAWINGS ARE FOR PLANNING PURPOSES ONLY**

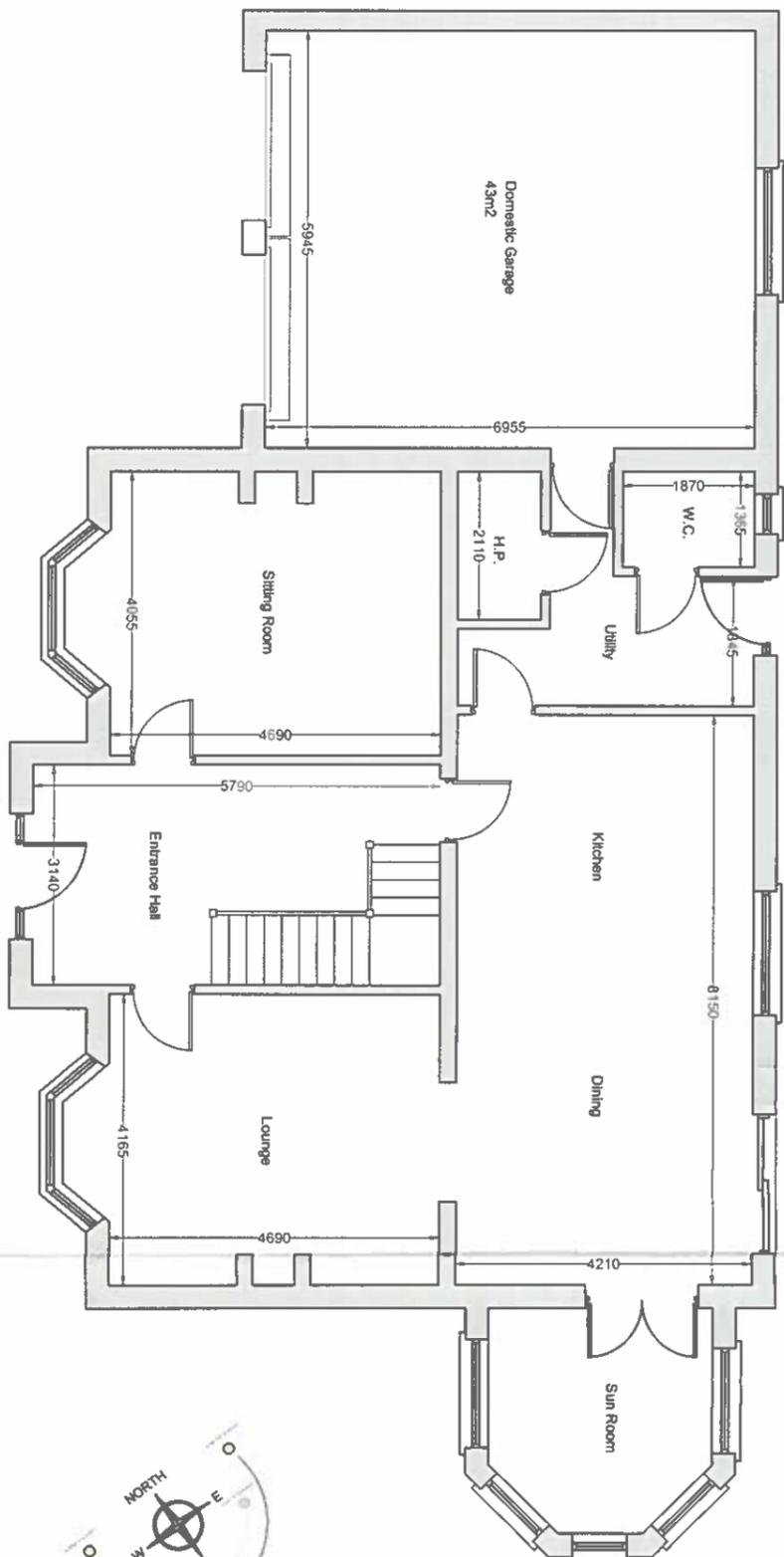
**GENERAL NOTES:**  
G1 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECTURAL AND ENGINEERING DRAWINGS.  
G2 ANY QUERIES OR DISCREPANCIES ARE TO BE REFERRED TO THE ARCHITECT/ENGINEER IMMEDIATELY.  
G3 ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE.

Rev. No.	Date	Revision Note	By	CHK

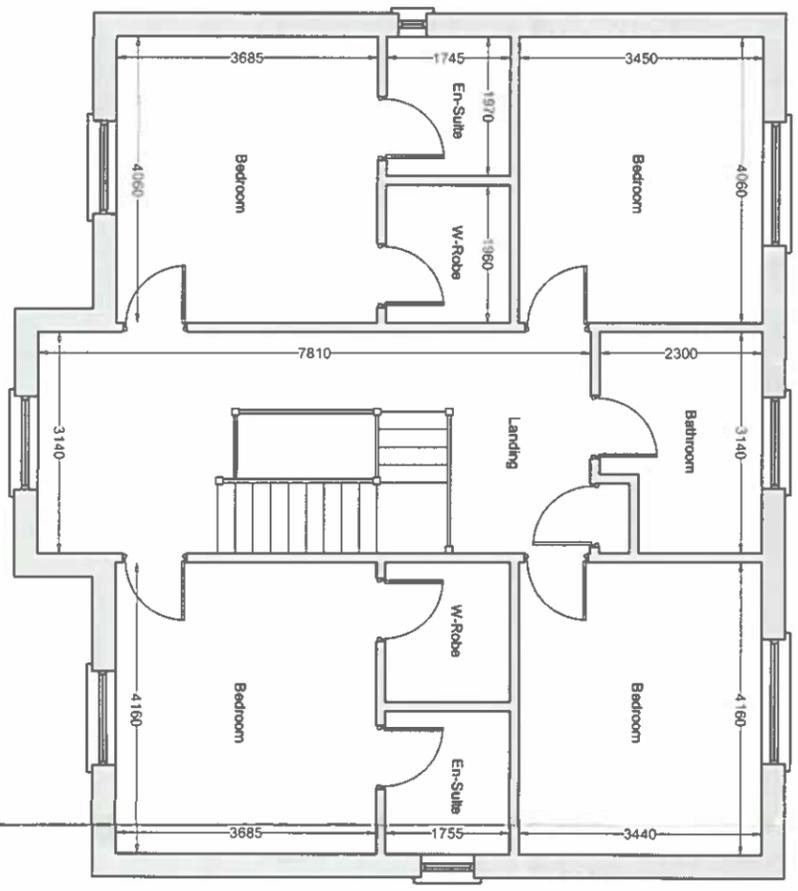
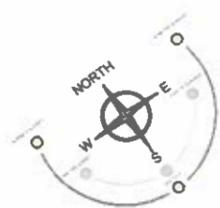
Deane Associates  
Chartered Building Engineers

Client: CAROLINE BRENNAN  
Project: EXISTING DWELLING HOUSE AT SWINFIELD, CLOONFAD, CO. ROSCOMMON

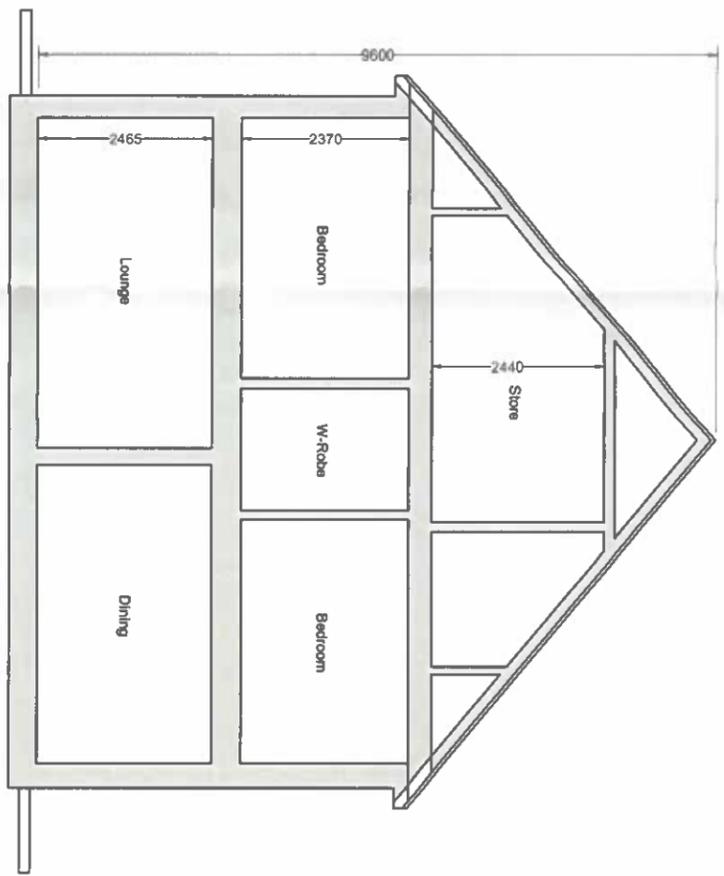
Drawing Title: EXISTING SITE LAYOUT  
By: RK  
Cdr: 00  
Scale: 1:500 @ A3  
Date: OCT 2025  
Project: CB725  
Dwg No: 201  
Rev: P0



GROUND FLOOR PLAN | GROUND FLOOR AREA 123.05sq MT  
TOTAL FLOOR AREA 233.05sq MT



FIRST FLOOR PLAN | FIRST FLOOR AREA 110.05sq MT



SECTION THROUGH



DRAWINGS ARE FOR PLANNING PURPOSES ONLY

GENERAL NOTES:  
 61. THIS DRAWING TO BE READ IN CONNECTION WITH ALL OTHER DRAWINGS.  
 62. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 63. ALL DIMENSIONS IN MILLIMETERS UNLESS NOTED OTHERWISE.

Rev. No.	Date	Revision Note	By	CHK

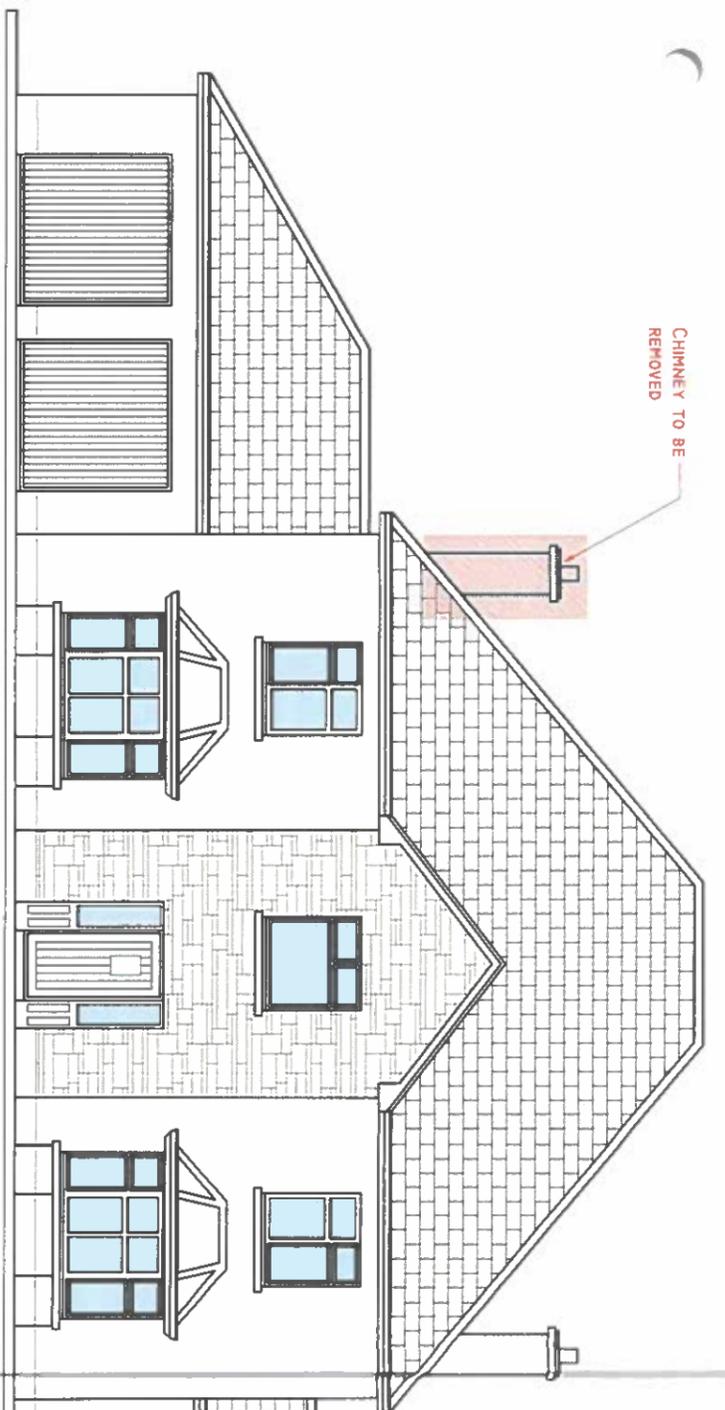
**Deane Associates**  
Chartered Building Engineers

047 Church Road, Widdowson, Co. Galway  
 Email: info@deaneassociates.ie  
 Web: www.deaneassociates.ie  
 Tel: 094 9643079

Client: CAROLINE BRENNAN  
 Project: EXISTING DWELLING HOUSE AT SWINFIELD, CLOONFAD, CO. ROSCOMMON

Drawing Title: EXISTING HOUSE PLANS & SECTION  
 By: RK Ctd: DP Scale: 1:100 @ A3 Date: AUG 2025  
 Project: CB1025 Dwg No: 101 Rev: P0

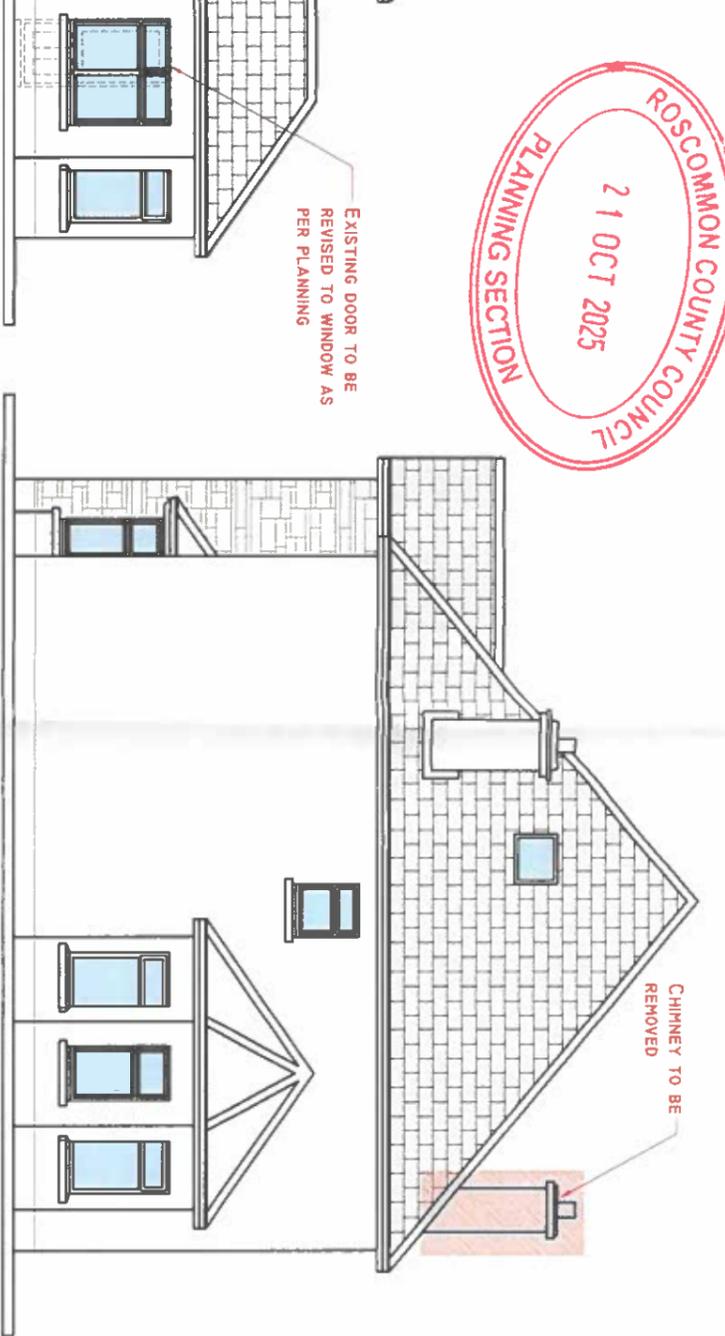
CHIMNEY TO BE REMOVED



EXISTING FRONT ELEVATION

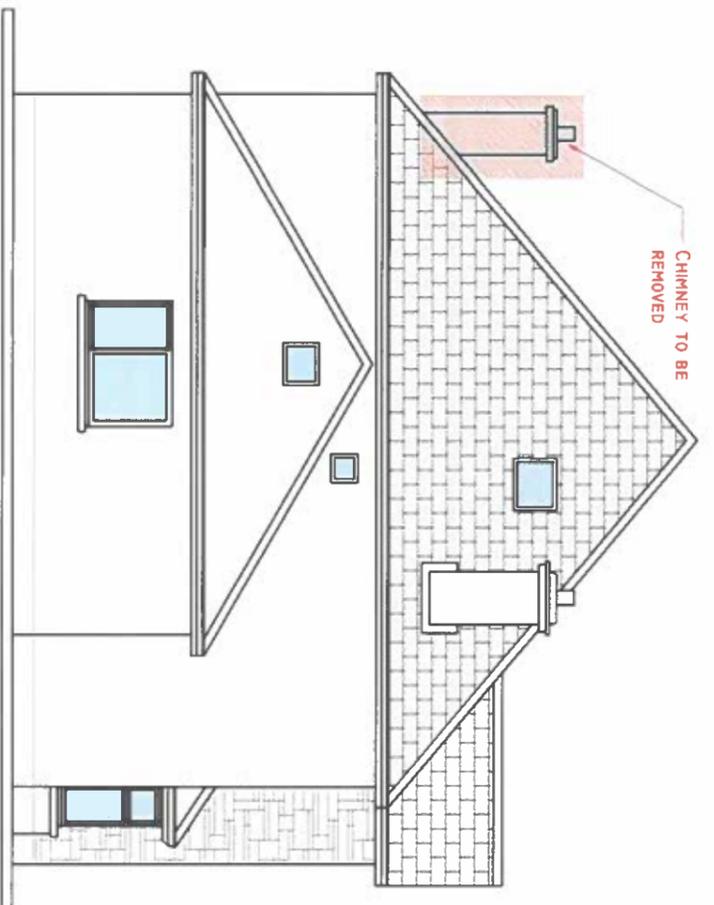


EXISTING DOOR TO BE REVISED TO WINDOW AS PER PLANNING



EXISTING SIDE ELEVATION 01

CHIMNEY TO BE REMOVED



EXISTING SIDE ELEVATION 02

CHIMNEY TO BE REMOVED

CHIMNEY TO BE REMOVED



EXISTING REAR ELEVATION

DRAWINGS ARE FOR PLANNING PURPOSES ONLY

GENERAL NOTES:  
G1 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS.  
G2 ANY QUERIES OR DISCREPANCIES ARE TO BE REFERRED TO THE ARCHITECT IMMEDIATELY.  
G3 FIGURED DIMENSIONS ONLY TO BE USED.  
G4 ALL DIMENSIONS IN THESE PLANS UNLESS NOTED OTHERWISE.

Rev No.	Date	Revision Note	By	Chk

**Deane Associates**  
Chartered Building Engineers

084 2676 846 | Waterstown, Co. Galway  
Email: info@deaneassociates.ie  
Web: www.deaneassociates.ie  
Tel: 094 964 1979

Client: CAROLINE BRENNAN  
Project: EXISTING DWELLING HOUSE AT SWINFIELD, CLOONFAD, CO. ROSCOMMON

Drawing Title:	EXISTING HOUSE ELEVATIONS
By:	REK
Chk:	DO
Scale:	1:100 @ A1
Date:	AUG 2025
Project:	CB1025
Dwg No.:	102
Rev.:	P0