

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DETERMINATION

VIA EMAIL

Roy Anthony Nolan & Anthony John Colwell

Reference Number: DED 972

Application Received: 7th November, 2025

Name of Applicants: Roy Anthony Nolan & Anthony John Colwell

Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an existing dwelling at Clashaganny, Tulsk, Castlerea, Co. Roscommon, F45 FC61., 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 renovate an existing dwelling at Clashaganny, Tulsk, Castlerea, Co. Roscommon, F45 FC61., 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: 27th January, 2026

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: Tuesday 27 January 2026 16:21
To: roy
Subject: DED972 - Notification of Determination
Attachments: DED972 - Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for your Section 5 Declaration of Exempted Development Application – DED972.

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 972
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the renovation of an existing dwelling with works including; 1) new windows & doors; 2) works to flat roof; 3) central heating; 4) plumbing; 5) wiring; 6) refit kitchen & bathroom; 7) check roof insulation & 8) internal decoration.
Name of Applicant:	Roy Anthony Nolan & Anthony John Colwell
Location of Development:	Clashganny, Tulsk, Castlerea, Co. Roscommon, F45 FC61.
Site Visit:	04/12/2025

WHEREAS a question has arisen as to whether the renovation of an 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 bungalow dwelling house and front garden located along the N61 roadway at Clashganny, Tulsk. The site is situated 4.5km south of Tulsk village. The proposed development consists of the renovation of an existing dwelling with works including; 1) new windows & doors; 2) works to flat roof; 3) central heating; 4) plumbing; 5) wiring; 6) refit kitchen & bathroom; 7) check roof insulation & 8) internal decoration.

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 Mullygolian Turlough SAC (Site Code 000612) located c. 5.3km 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/23/162

Development Description: Permission to decommission existing septic tank and percolation area and construct wastewater treatment unit and percolation area within the curtilage of site and associated works.

Applicant: Ann Marie Burke

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

- Replace all windows with new white UPVC to the same size as existing (all matching with top opener as existing including size in plain glass with triple glazed along roadside).
- Upgrade hot water tank
- New upgraded boiler for central heating
- New radiators
- Full rewire – in line with regulations
- New flat roof – raised to give an interior head height of 2.4m fully insulated and the same size as existing roof.

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 proposed works are deemed an exempt development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; the renovation of an existing dwelling as outlined above at Clashganny, Tulsk, Castlerea, Co. Roscommon, F45 FC61, 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 renovation of an existing dwelling as outlined above at Clashganny, Tulsk, Castlerea, Co. Roscommon, F45 FC61, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 27/01/2026

Signed:

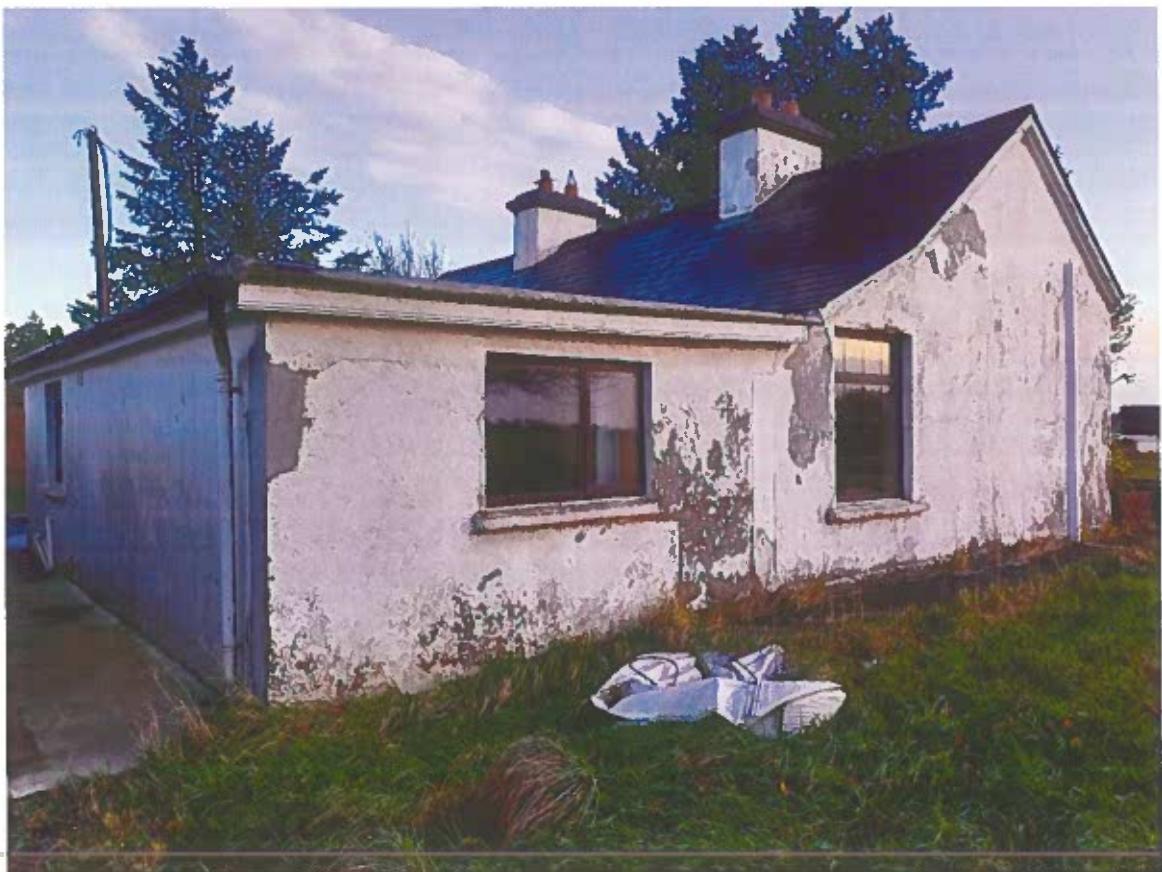


Senior Executive Planner

Date: 27/01/2026













Comhairle Contae
Ros Comáin
Roscommon
County Council



Via email: [REDACTED]

Roy Anthony Nolan & Anthony John Colwell.

Date: 17th November, 2025

Planning Reference: DED 972

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 renovation of an existing dwelling with works including; 1) new windows & doors; 2) works to flat roof; 3)central heating; 4) plumbing; 5) wiring; 6) refit kitchen & bathroom; 7) check roof insulation & 8) internal decoration at Clashaganny, Tulsk, Castlerea, Co. Roscommon, F45FC61, 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 7th November, 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. L01/0/237822 dated 13th November, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 972**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

13/11/2025 10:38:04

Receipt No : L01/0/237822

RAY ANTHONY NOLAN & ANTHONY JOHN COLWELL

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 972	

Total : 80.00 EUR

Tendered :	
Credit/Debit Card	80.00
5475	

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100
Email: planning@roscommoncoco.ie

Roscommon County Council

PLANNING SECTION

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	Roy ANTHONY NOLAN ANTHONY JOHN COLWELL
Name of Agent	
Nature of Proposed Works CHECK Roof insulation internal decoration	New windows, doors works to flat roof Central Heating, Plumbing wiring. Refit kitchen + Bathroom
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No. CLOONYOGAN FOLIO 29720	CLASHAGANNY, TULSK, CASTLEREA, Co. ROSCOMMON F45 FC61
Floor Area: a) Existing Structure b) Proposed Structure	a) 119 m ² b) NO CHANGE
Height above ground level:	
Total area of private open space remaining after completion of this development	NO EXTENSIONS PLANNED.
Roofing Material (Slates, Tiles, other) (Specify)	

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)

Retaining original finish
No extra work to existing house

Is proposed works located at front/rear/side of existing house.

No

Has an application been made previously for this site

Ref:

If yes give ref. number (include full details of existing extension, if any)

Residential.

Existing use of land or structure

No change.

Proposed use of land or structure

No extended building line

Distance of proposed building line from edge of roadway

No

Does the proposed development involve the provision of a piped water supply

No.

Does the proposed development involve the provision of sanitary facilities

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

Signature:

KL Anthony Cawell.

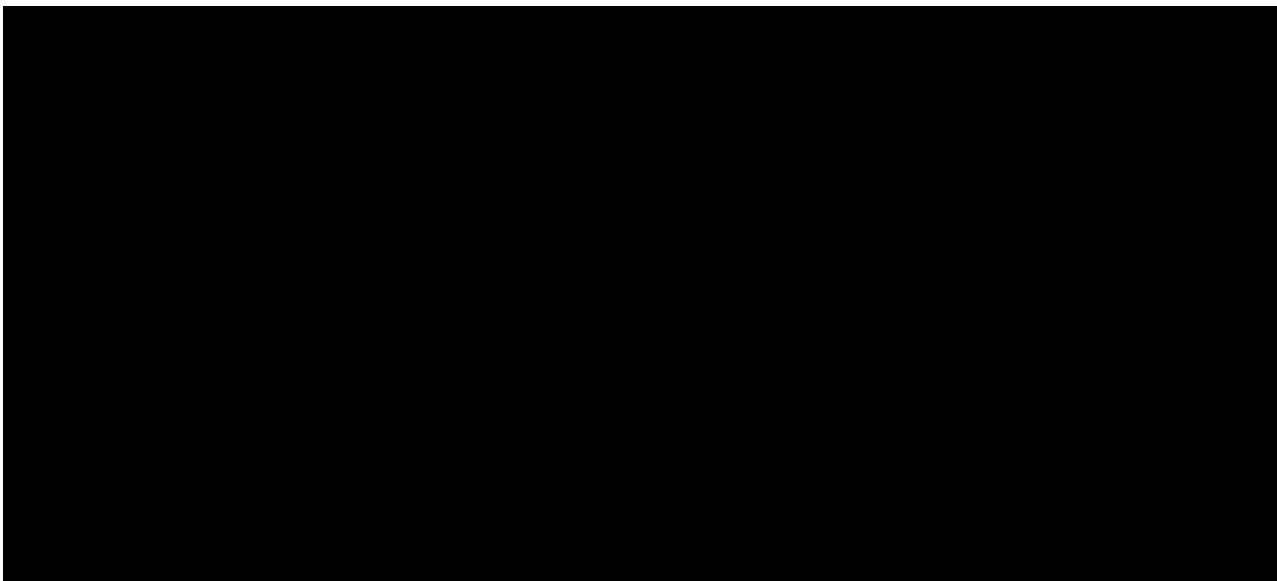
Date:

24.09.25



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



2 Agent(s) (if any) Address/Contact Details:

Address:	
Telephone No.:	
Email Address:	

A contact address must be given, whether that of the applicant or that of the agent

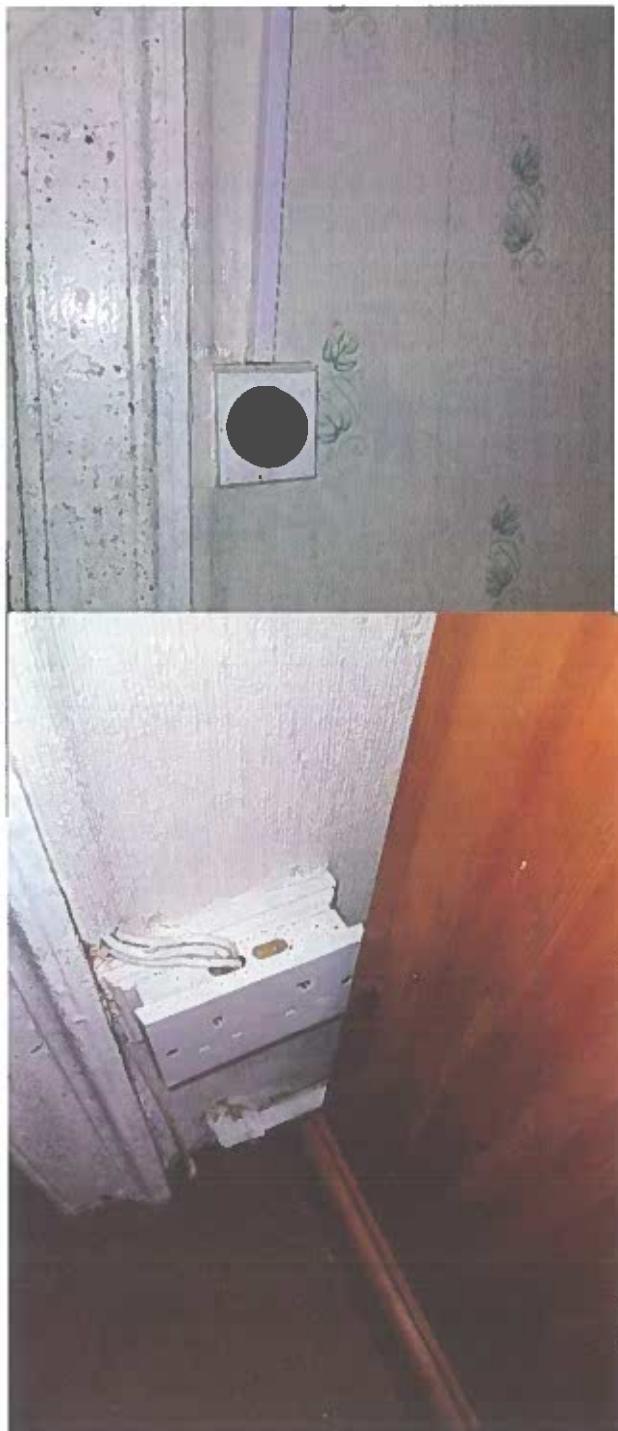
NO CHANGE TO THE INTERIOR ROOMS OR SIZES,
EXISTING WALLS + DOORS STAYING.
REPLACE ALL WINDOWS WITH NEW WHITE UPVC TO THE
SAME SIZE AS EXISTING AND ALL MATCHING WITH TOP
OPENER AS EXISTING IN PLAIN GLASS WITH TRIPLE
GLAZED ALONG THE ROADSIDE. ALL WINDOW SIZES WILL
BE THE SAME SIZE AS EXISTING.
UPGRADE THE HOT WATER TANK, A NEW UPGRADED
BOILER FOR THE CENTRAL HEATING + NEW RADIATORS.
HOUSE FULLY REWIRED TO PRESENT REGULATIONS
WITH THE FINAL CONNECTIONS SIGNED OFF BY THE
ELECTRIC COMPANY. OUTSIDE NO CHANGE TO THE
FOOTPRINT OF THE HOUSE ONLY A NEW FLAT ROOF
RAISED TO GIVE AN INTERIOR HEAD HEIGHT OF
2.4M FULLY INSULATED AND THE SAME SIZE
AS THE EXISTING ROOF

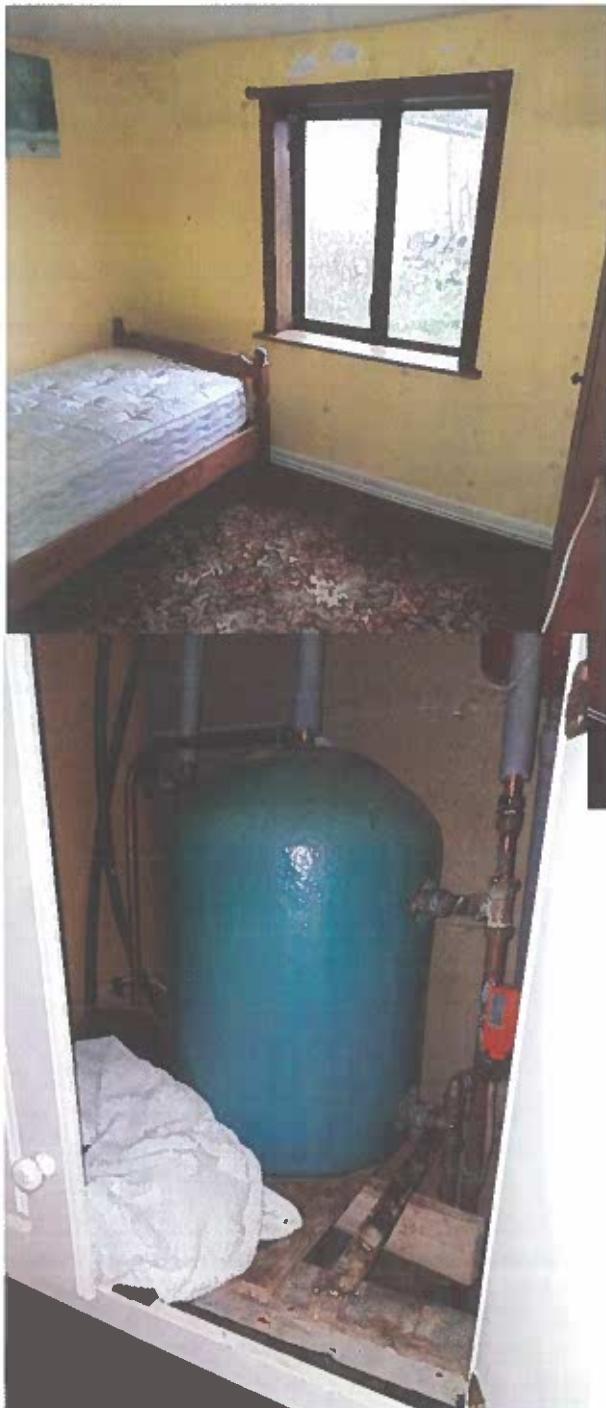


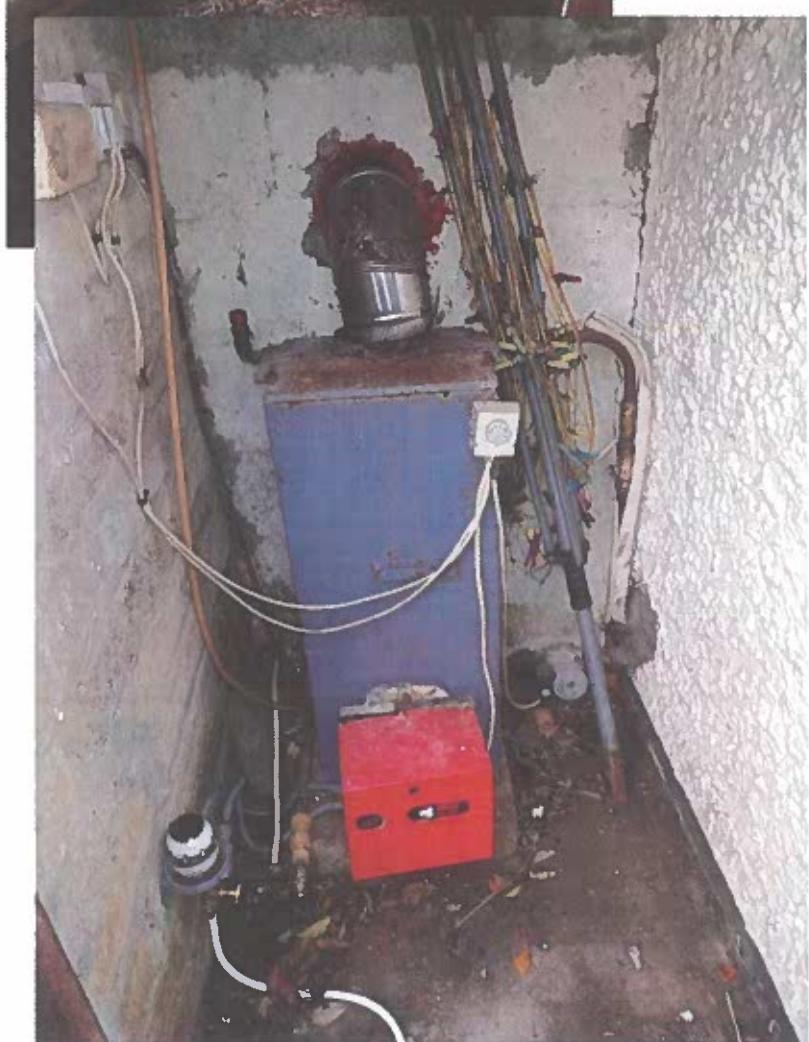
















585570 mE 777460 mN

Talite
Éireann

Clár Cathair, Lúthchaidh
Scribhinníseach
Na hÉireann, Valúintíocht
Na hÉireann

Folio: RN29720

This map should be read in conjunction with
the folio

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

For details of the terms of use and limitations
of scale, accuracy and other conditions relating
to TE Registration maps, see www.te.ie.

This map incorporates TE Surveying map data
under licence from TE. Copyright © Talite
Éireann and Government of Ireland

(centre-line of parcels) edged

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / WayLeave

Turbary

Pipeline

Well

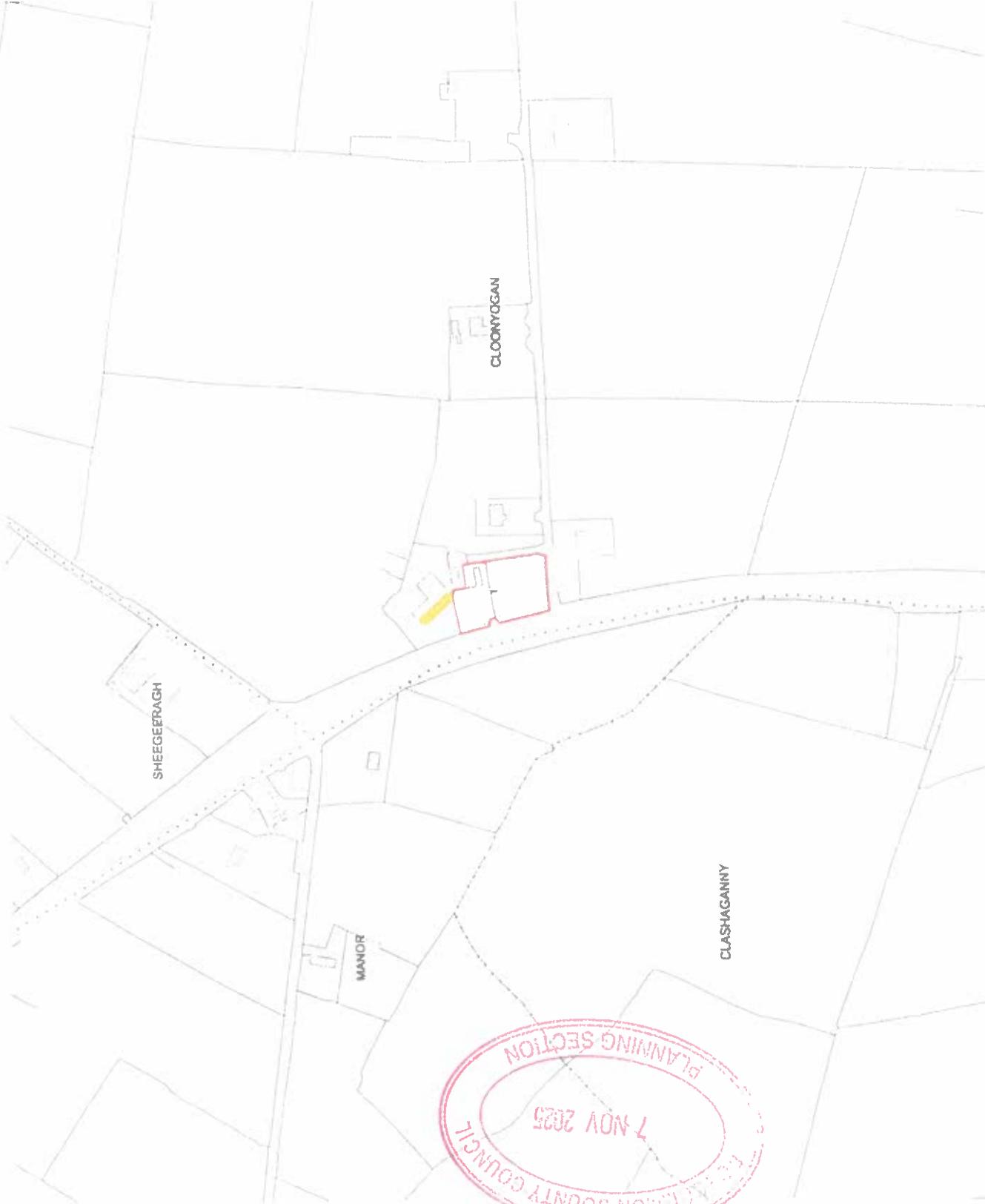
Pump

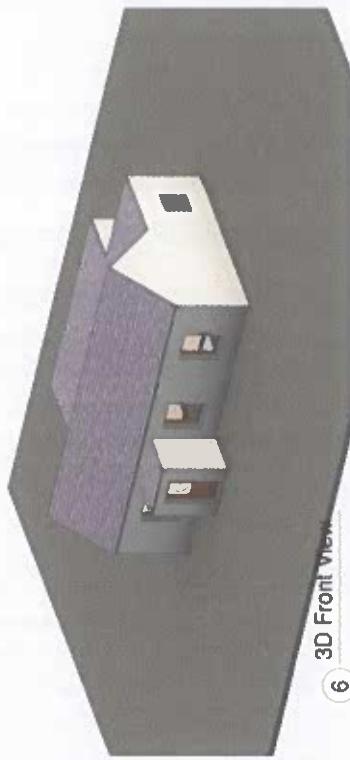
Sepic Tank

Soak Pit

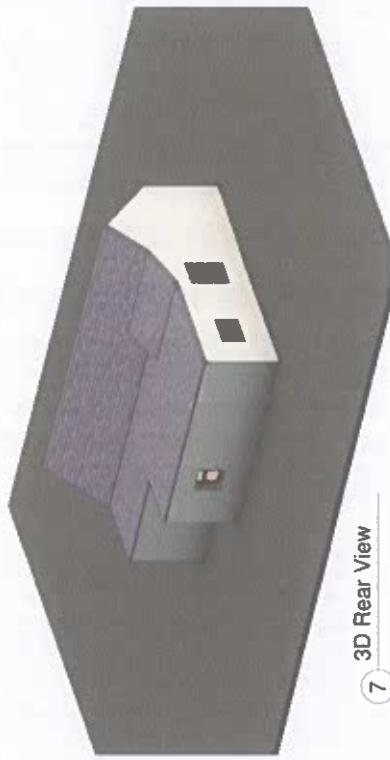
A full list of burdens and their
symbology can be found at
www.landmark.ie

Talite Éireann Registration operates a
non-conclusive boundary system.
The TE Registration map identifies
properties not boundaries meaning
neither the description of land in a
folio nor its identification by reference
to a TE 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

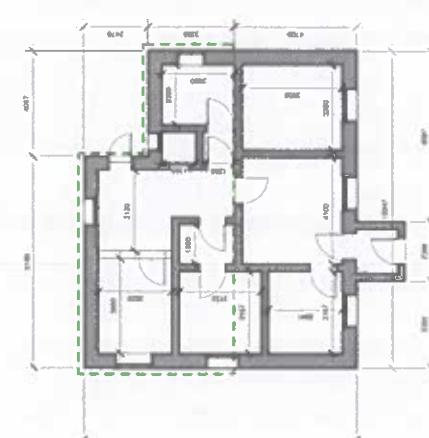




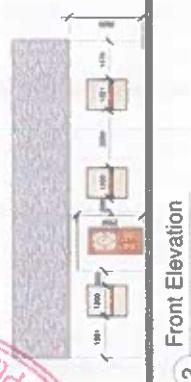
6 3D Front View



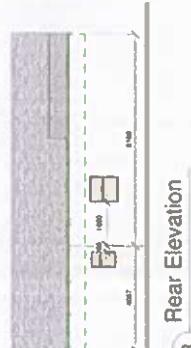
3D Rear View



Ground Floor Plan



Front Elevation 2 1:100



3 1:100
Hear Elevation



5



Side Elevation 1



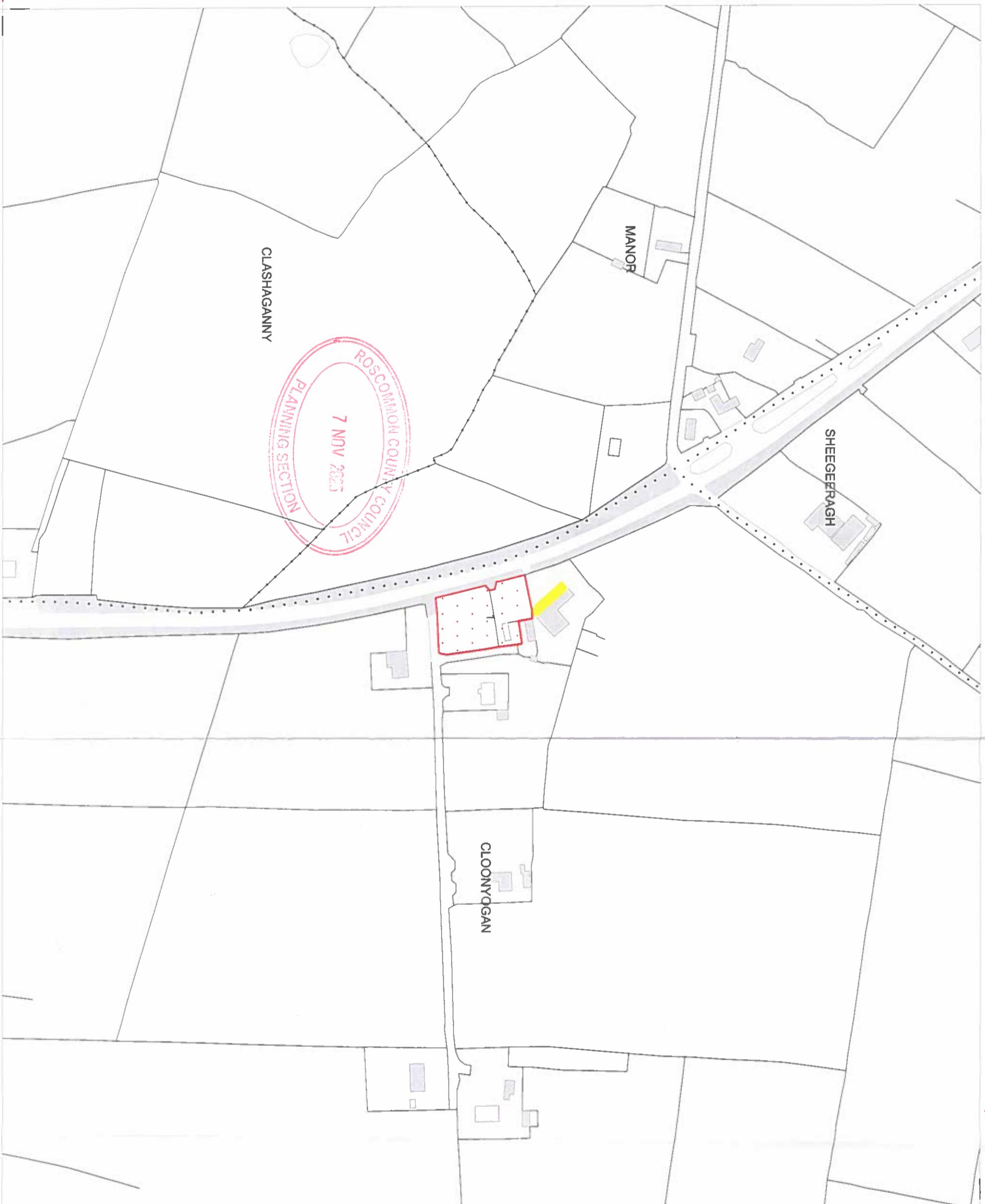
Proposed Raising of Fiat Roof by 675mm Outline In Green

Rising of flat roof to rear of existing dwelling
house at Clarkshaganny, Tuak, Capelteea, Co.
Fingal.

MIDDLETON ARCHITECTURE
& ENGINEERING DESIGN
PROJECT
MANAGEMENT
Number 38, Turners Gap, Bloomsbury, London WC1E 7HJ

100	PLAN, ELEVATIONS AND 3D VIEWS OF EXISTING DWELLING HOUSE	Edict	1/100
		Color	Oct 20
		Drawn by	RM
		Approved by	Planning no. 2

**CONFIDENTIAL
INFORMATION
REMOVED**



Folio: [REDACTED]

This map should be read in conjunction with the folio.

Táilte 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.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.taitte.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Táilte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank



Soak Pit

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

Táilte 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.