

**ROSCOMMON COUNTY COUNCIL**

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

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

**CHIEF EXECUTIVE'S ORDER**

Order No:

PL/638726

Reference Number:

DED1012

Name of Applicant:

Michael Geary

Agent:

N/A

WHEREAS a question has arisen as to whether the following works; External Works 1)repair of subsidence cracks in the front and rear of the house; 2)replace rotten eaves & gutters; 3) paint external walls & Internal Works - complete renovation of the interior of the house to include the following; 1)skimming of entire walls; 2)full re-wire of dwelling; 3)replace cracked ceiling panels across the entire dwelling; 4)heating system - air to water system using existing pipework; 5)front & back door; 6)double glazed windows; 7)floors - tiled and wooden floors; 8)Architrave - doors and skirting boards; 9)bathroom - toilet, sink, shower and tiles, 10)kitchen & 11)Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963, 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:


- The works outlined above are development.
- The proposed development falls within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- 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 External Works 1) repair of subsidence cracks in the front and rear of the house; 2) replace rotten eaves & gutters; 3) paint external walls & Internal Works - complete renovation of the interior of the house to include the following; 1) skimming of entire walls; 2) full re-wire of dwelling; 3) replace cracked ceiling panels across the entire dwelling; 4) heating system - air to water system using existing pipework; 5) front & back door; 6) double glazed windows; 7) floors - tiled and wooden floors; 8) Architrave - doors and skirting boards; 9) bathroom - toilet, sink, shower and tiles, 10) kitchen & 11) Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963, 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:

Signed:

  
Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 04 June, 2026

## Gemma Cunningham

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**From:** Gemma Cunningham  
**Sent:** Friday 5 June 2026 10:02  
**To:** [REDACTED]  
**Subject:** Notification of Determination for DED1012

A Chara,

Please find attached correspondence for your attention regarding DED1012. Please be advise hard copy of the attached has been sent registered post to you also.

Kind Regards,

**Gemma Cunningham | Clerical Officer**

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

☎ (090) 664 7420 ✉ [GCunningham@roscommoncoco.ie](mailto:GCunningham@roscommoncoco.ie)

🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DETERMINATION**

**REGISTERED POST**

Michael Geary,  
9 Hawthorn Drive,  
Roscommon Town,  
Co. Roscommon,  
F42 V963.

Reference Number: DED1012  
Application Received: 12<sup>th</sup> March 2026  
Name of Applicant: Michael Geary  
Agent: N/A

WHEREAS a question has arisen as to whether the following works; External Works 1) repair of subsidence cracks in the front and rear of the house; 2) replace rotten eaves & gutters; 3) paint external walls & Internal Works - complete renovation of the interior of the house to include the following; 1) skimming of entire walls; 2) full re-wire of dwelling; 3) replace cracked ceiling panels across the entire dwelling; 4) heating system - air to water system using existing pipework; 5) front & back door; 6) double glazed windows; 7) floors - tiled and wooden floors; 8) Architrave - doors and skirting boards; 9) bathroom - toilet, sink, shower and tiles, 10) kitchen & 11) Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963, 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 falls within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- (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 External Works 1) repair of subsidence cracks in the front and rear of the house; 2) replace rotten eaves & gutters; 3) paint external walls & Internal Works - complete renovation of the interior of the house to include the following; 1) skimming of entire walls; 2) full re-wire of dwelling; 3) replace cracked ceiling panels across the entire dwelling; 4) heating system - air to water system using existing pipework; 5) front & back door; 6) double glazed windows; 7) floors - tiled and wooden floors; 8) Architrave - doors and skirting boards; 9) bathroom - toilet, sink, shower and tiles, 10) kitchen & 11) Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963 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: 4/6/2026

**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.

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

<b>Reference Number:</b>	DED 1012
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the following works: <u>External Works</u> 1) repair of subsidence cracks in the front and rear of the house; 2) replace rotten eaves & gutters; 3) paint external walls & <u>Internal Works</u> - complete renovation of the interior of the house to include the following; 1) skimming of entire walls; 2) full re-wire of dwelling; 3) replace cracked ceiling panels across entire dwelling; 4) heating system – air to water system using existing pipework; 5) front and back door; 6) double glazed windows; 7) floors – tiled and wooden floors; 8) Architrave – doors and skirting boards; 9) bathroom – toilet, sink, shower and tiles, 10) kitchen & 11) Paint internal walls, is or is not development and is or is not exempted development.
<b>Name of Applicant:</b>	Micheal Geary
<b>Location of Development:</b>	No. 9 Hawthorn Drive, Roscommon Town, Co. Roscommon.
<b>Site Visit:</b>	Yes

**WHEREAS a question has arisen as to whether internal and external works 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 subject site consists of an existing bungalow dwelling located on Hawthorn Drive, Roscommon Town. The site is accessed off the L-7056 Local Secondary Road and is situated 1.3km from Roscommon Town centre. The subject site is also located within the Roscommon Town LAP 2024-2030 in land zoned Existing Residential. The proposed development consists of internal and external works to the 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 Ree SAC (Site Code 000440) located c. 2.4km 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**

As per Roscommon County Council's Planning Registry, there is no recent planning history traced to this 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 neighboring 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)

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 Works*

- Repair of subsidence cracks in the front and rear of the house.
- Replace rotten eaves & gutters.
- Paint external walls.

#### *Internal Works*

- Skimming of entire walls.
- Full re-wire of dwelling.
- Replace cracked ceiling panels across entire dwelling.
- Heating system – air to water system using existing pipework.
- Replace front and back door.
- Double glazed windows.
- Floors – tiled and wooden floors.
- Architrave – doors and skirting boards.
- Bathroom – toilet, sink, shower and tiles.
- Kitchen.
- Paint internal walls.

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** internal and external works as outlined above at No. 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, 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 falls within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- 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 internal and external works as outlined above at No. 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 03/06/2026

Signed:



Senior Executive Planner

Date: 04/06/2026









# MEMORANDUM

**To:** South Roscommon Area.

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

**Date:** 13<sup>th</sup> April, 2026

**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 following works;  
External Works 1)repair of subsidence cracks in the front and rear of the house; 2)replace rotten eaves & gutters; 3) paint external walls &  
Internal Works - complete renovation of the interior of the house to include the following; 1)skimming of entire walls; 2)full re-wire of dwelling; 3)replace cracked ceiling panels across the entire dwelling; 4)heating system - air to water system using existing pipework; 5)front & back door; 6)double glazed windows; 7)floors - tiled and wooden floors; 8)Architrave - doors and skirting boards; 9)bathroom - toilet, sink, shower and tiles, 10)kitchen & 11)Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963., is or is not development and is or is not exempted development.

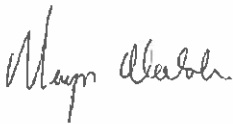
**Applicant:** Michael Geary

**Planning Ref:** DED 1012

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Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Michael Geary for the said development above, which was received on 12<sup>th</sup> March, 2026.

Please let me have your recommendation.



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Mervyn Walsh,  
Administrative Officer,  
Planning Department.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Michael Geary,  
9 Hawthorn Drive,  
Roscommon Town,  
Co. Roscommon,  
F42 V963.

Date: 13<sup>th</sup> April, 2026  
Planning Reference: DED 1012

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 following works;  
External Works 1)repair of subsidence cracks in the front and rear of the house; 2)replace rotten eaves & gutters; 3) paint external walls &  
Internal Works - complete renovation of the interior of the house to include the following; 1)skimming of entire walls; 2)full re-wire of dwelling; 3)replace cracked ceiling panels across the entire dwelling; 4)heating system - air to water system using existing pipework; 5)front & back door; 6)double glazed windows; 7)floors - tiled and wooden floors; 8)Architrave - doors and skirting boards; 9)bathroom - toilet, sink, shower and tiles, 10)kitchen & 11)Paint internal walls at 9 Hawthorn Drive, Roscommon Town, Co. Roscommon, F42 V963., 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 12<sup>th</sup> March, 2026, 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. **L01/0/239891** dated 26<sup>th</sup> March, 2026, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 1012**.  
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

26/03/2026 08:07:21

Receipt No : L01/0/239881

MICHAEL GEARY  
9 HAWTHORN DRIVE  
ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1012	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
9206

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office



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Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co.  
Roscommon.

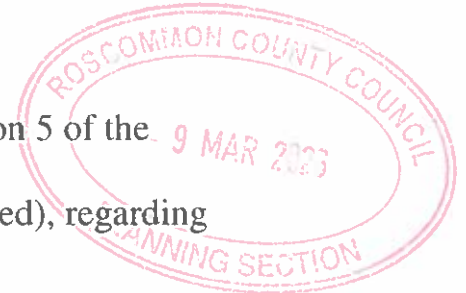
Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

Application for a Declaration under Section 5 of the **9 MAR 2023**

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



Name of Applicant(s)	Michael Geary
Name of Agent	N/A
Nature of Proposed Works	<p>External –</p> <ul style="list-style-type: none"><li>• Repair of subsidence cracks in the front and rear of the house.</li><li>• Replace rotten eaves and gutters</li><li>• Paint external walls.</li></ul> <p>Internal – Complete renovation of the interior of the house to include the following:</p> <ul style="list-style-type: none"><li>• Skimming of entire walls</li><li>• Full re-wire of dwelling</li><li>• Replace cracked ceilings panels across the entire dwelling</li><li>• Heating system- air to water system using existing pipework</li><li>• Front and back door</li><li>• Double glaze windows</li><li>• Floors – tiled and wooden floors</li><li>• Architrave – doors and skirting boards</li><li>• Bathroom – toilet, sink, shower and tiles</li><li>• Kitchen</li><li>• Paint internal walls</li></ul>

Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	9 Hawthorn Drive Roscommon Town Roscommon F42V963
Floor Area: a) Existing Structure b) Proposed Structure	a) 99.5 m,2 b) 99.5 m2
Height above ground level:	0
Total area of private open space remaining after completion of this development	99.5 m2
Roofing Material (Slates, Tiles, other) (Specify)	Tiles



## Roscommon County Council

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	External walls – repair visible crack due to subsidence at the front and rear of the house. Reinforce steel and plaster to be applied to repair cracks to match the rest of the house finish. House will be painted white.
Is proposed works located at front/rear/side of existing house.	The subsidence cracks are visible at both the front and rear of the house.
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 house built circa 1980s
Proposed use of land or structure	Dwelling house to reside in by applicant
Distance of proposed building line from edge of roadway	15 m
Does the proposed development involve the provision of a piped water supply	Existing piped water supply from the Roscommon County Council will continue to be used.
Does the proposed development involve the provision of sanitary facilities	Existing sanitary facilities supplied by Roscommon County Council will continue to be used.

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

Signature: Michael Geary

Date: 09/03/26

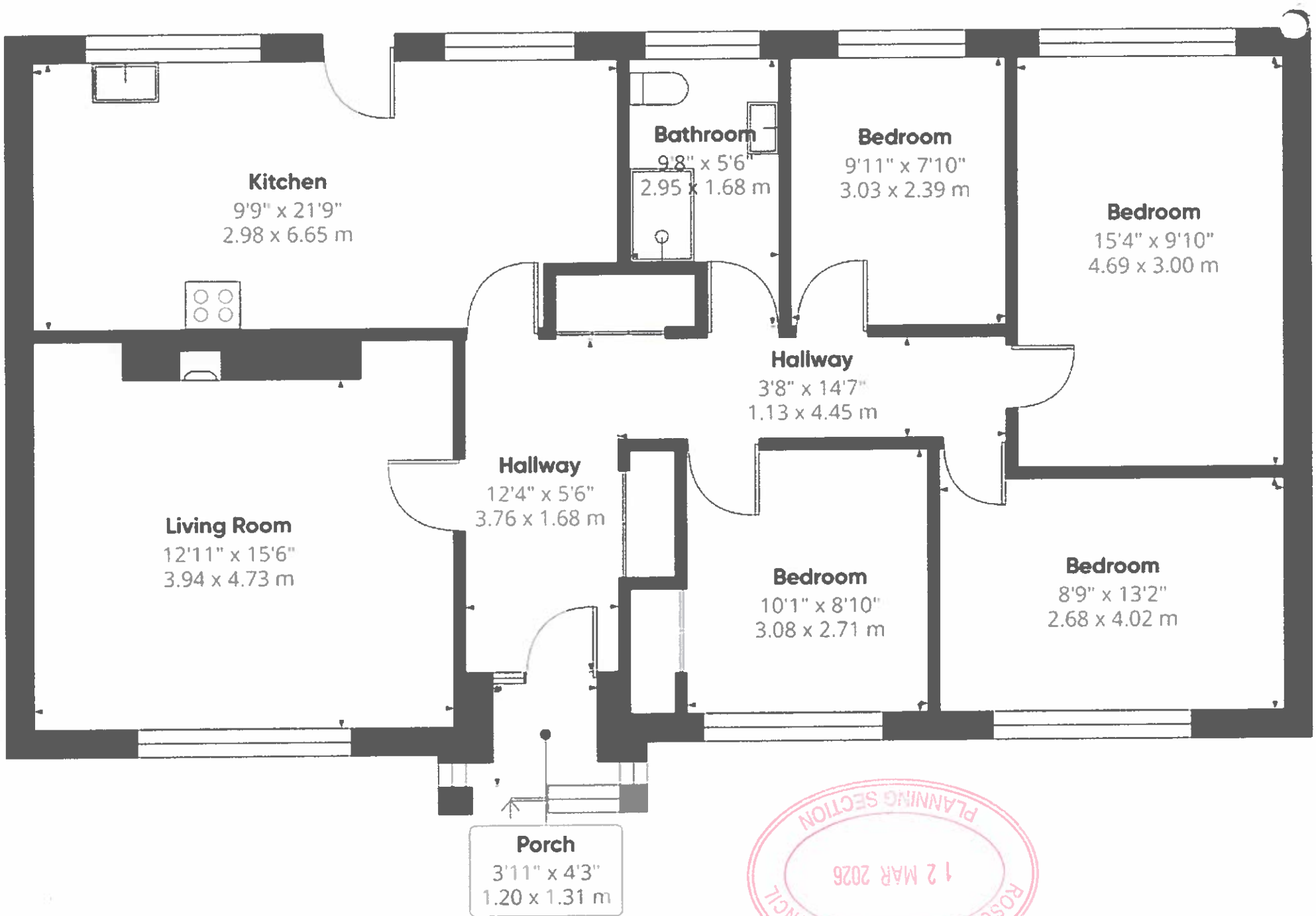


Note: This application must be accompanied by: -

- (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









1. 1/4 SECTION 31, TOWNSHIP OF THE BAY, DISTRICT OF... ALL DIMENSIONS TO BE TAKEN TO THE CENTER LINE OF THE ROAD... THE ROAD IS 12 METERS WIDE...	
AREA	54.6
PERMITS	...

2. 1/4 SECTION 31, TOWNSHIP OF THE BAY, DISTRICT OF... ALL DIMENSIONS TO BE TAKEN TO THE CENTER LINE OF THE ROAD... THE ROAD IS 12 METERS WIDE...	
CLIENT	JAMES OWEN CONSULTING ENGINEERS
TITLE	...
DATE	...