

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Amy McDonagh & Graham Whelan,



Reference Number: DED 659

Application Received: 13<sup>th</sup> February 2024

Name of Applicants: Amy McDonagh & Graham Whelan

Agent: N/A

**WHEREAS** a question has arisen as to whether the repairing of chimney and cracks on gable wall on property at Corskeagh, Frenchpark, Co. Roscommon., 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.

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

- (a) The works to repair chimney and cracks on gable wall of a property at Corskeagh, Frenchpark, Co. Roscommon are development.
- (b) The 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 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to repair chimney and cracks on gable wall on property at Corskeagh, Frenchpark, Co. Roscommon. is development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

**Signed on behalf of the Council:**

Alan O'Connell,  
Senior Executive Planner,  
Planning.

**Date: 11<sup>th</sup> March 2024**

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

<b>Reference Number:</b>	DED 659
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to repair chimney and cracks on gable wall of property.
<b>Name of Applicant:</b>	Amy McDonagh and Graham Whelan
<b>Location of Development:</b>	Corskeagh, Frenchpark, Co. Roscommon

**WHEREAS a question has arisen as to whether the following works; to repair chimney and cracks of gable wall of property 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.

**Site Location & Development Description**

The subject site comprises a detached dwelling house and is located at Corskeagh, close to the centre of Frenchpark village, Co. Roscommon. The proposed development consists of the refurbishment of external aspects of the dwelling house, namely repairs to a chimney and cracks on a gable wall.

The dwelling house is not a Protected Structure There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

**Planning History**

No planning history on site as per the RCC GIS system.

**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,

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to repair chimney and cracks on gable wall of a property at Corskeagh, Frenchpark, Co. Roscommon falls within Section 4(1)(h) of the Planning and Development Act as amended.
- The proposal constitutes exempted development.

#### **Recommendation**

**WHEREAS** a question has arisen as to whether a proposed development to repair chimney and cracks on gable wall of a property at Corskeagh, Frenchpark, 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.

#### **AND WHEREAS I have concluded that**

- The works to repair chimney and cracks on gable wall of a property at Corskeagh, Frenchpark, Co. Roscommon are development.
- The 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;*

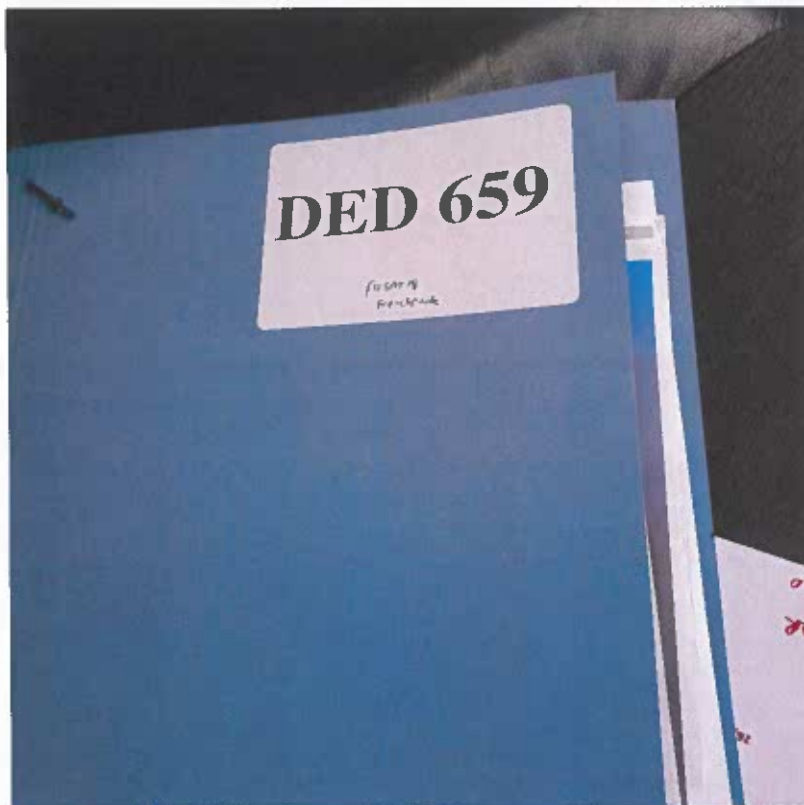
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

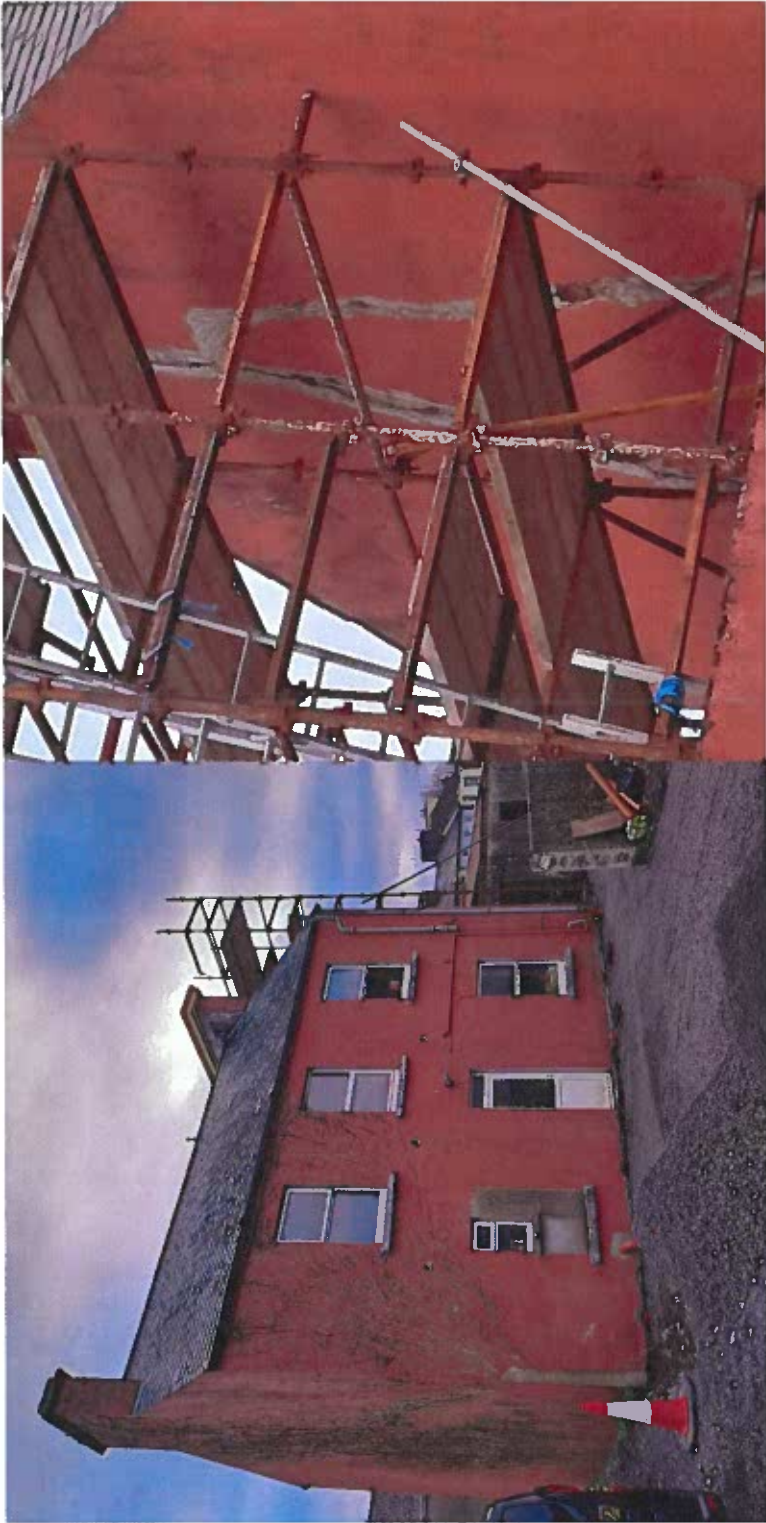
**AND WHEREAS** I have concluded that to repair chimney and cracks on gable wall of a property at Corskeagh, Frenchpark, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed \_\_\_\_\_  
Executive Planner

Date: 11<sup>th</sup> March 2024

AO  
11-03-2024



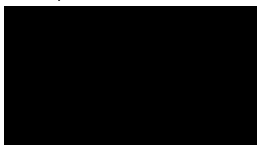




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Amy McDonagh & Graham Whelan,



Date: 15<sup>th</sup> February 2024

Planning Reference: DED 659

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to repair chimney and repair cracks on gable wall under the Planning & Development Act (Exempt Development) Regulations 2018 at Corskeagh, Frenchpark, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 13<sup>th</sup> February 2024, 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. L01/0/227060 dated 15<sup>th</sup> February 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 659**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

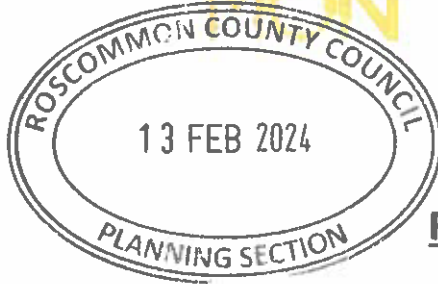
Alan O'Connell  
Senior Executive Planner,  
Planning Department.



DED 659  
chg.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Name:	Amy M-Donagh and GRAHAM WHELAN
Address:	[REDACTED]
Name & Address of Agent:	[REDACTED]
Nature of Proposed Works	Repair chimneys Repair cracks on gable wall
Location (Townland & O.S No.)	Corskeagh, 573334, 791186
Floor Area	54 sq metres
Height above ground level	9.5 metres
Total area of private open space remaining after completion of this development	Unchanged
Roofing Material (Slates, Tiles, other) (Specify)	Unchanged
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Metal plates to be stiched into walls covered in plaster and painted original colour
Is proposed works located at front/rear/side of existing house.	Side



## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Has an application been made previously for this site	No.
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	Unchanged
Does the proposed development involve the provision of a piped water supply	Unchanged
Does the proposed development involve the provision of sanitary facilities	Unchanged

Signature:

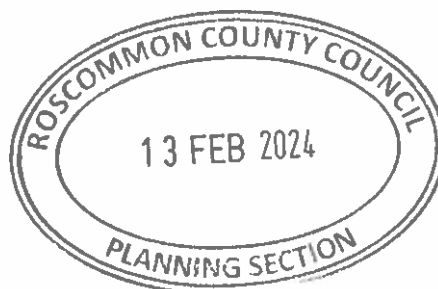
Amy McDonagh / Paul Hester

Date:

12/02/24.

**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) Details specification of development proposed



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

15/02/2024 14:48:51

Receipt No. L01/0/227060

AMY MCDONAGH & GRAHAM WHELAN

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 659

Total 80.00 EUR

Tendered  
Cheque 80.00  
000088

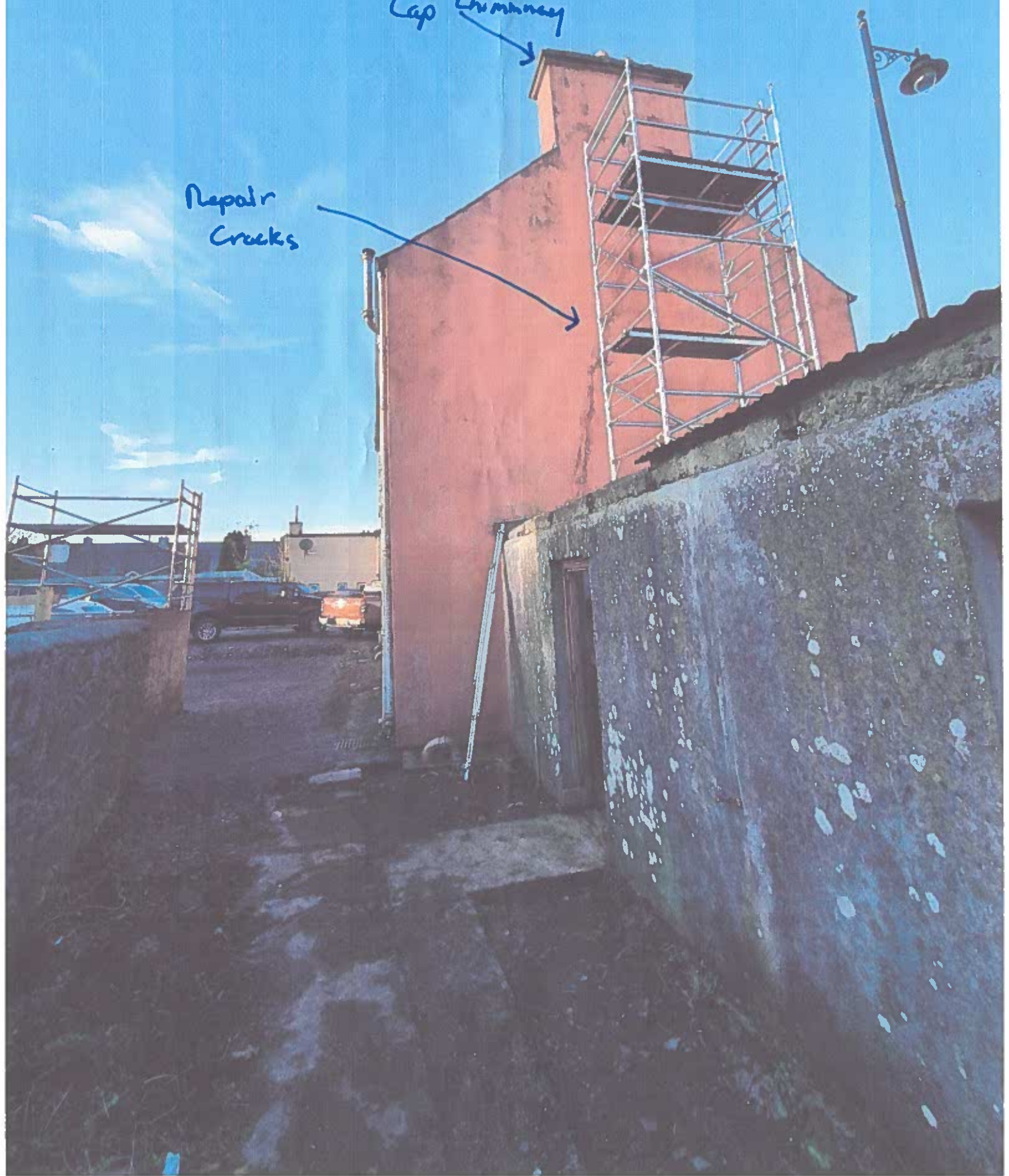
Change 0.00

Issued By: Bernadine Duignan  
From: Central Cash Office



Cap Chimney

Repair  
Cracks











# OSi PLACE Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 573334,791189

**PUBLISHED:** 19/01/2024  
**ORDER NO.:** 50378265\_1

**MAP SERIES:** 1979-A  
**MAP SHEETS:** 1:2,500

**COMPILED AND PUBLISHED BY:**  
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13 FEB 2024  
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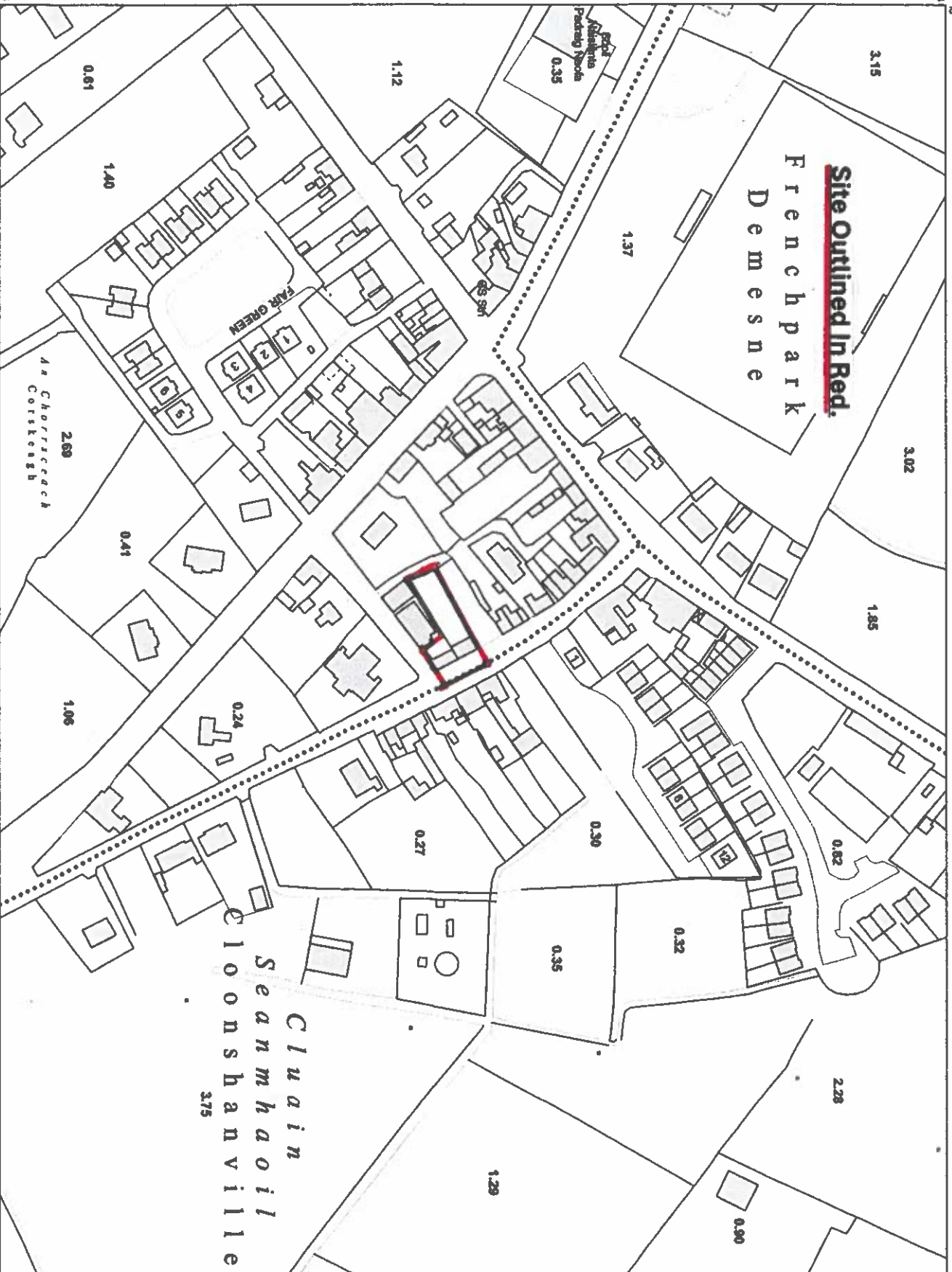
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790974



**Site Outlined In Red.**

Frenckpark  
Demesne

FAIR GREEN

An Chorracach  
Corkeagh

Cluain  
Seamhaoil  
Cloonsnaville

OUTPUT SCALE: 1:2,500

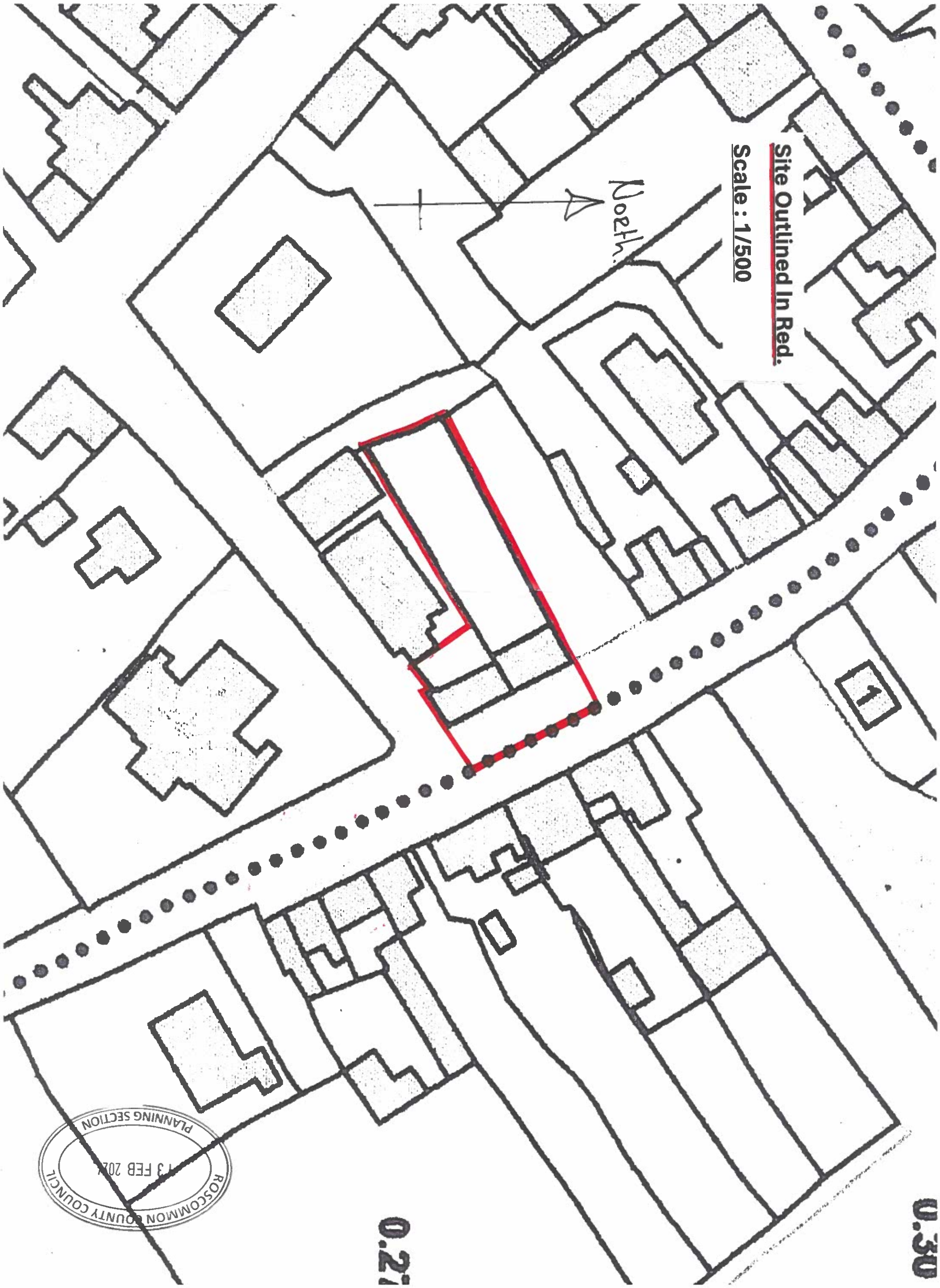
#### CAPTURE RESOLUTION:

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.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

#### LEGEND:

To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
Large Scale Legend





Site Outlined In Red.

Scale : 1/500

North.

ROSCOMMON COUNTY COUNCIL  
PLANNING SECTION  
13 FEB 2024

0.27

0.30