



Comhairle Contae
Ros Comáin
Roscommon
County Council



REGISTERED POST

The Secretary,
An Bord Pleanála
64 Marlborough St.,
DUBLIN 1. D01 V902.

Date: 18th May, 2021
Ref: DED 450

Re: Application for a Declaration under Section 5 of the Planning & Development Act (2000) as amended, regarding exempted development; development consisting of – the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283 carried out between the period 3/1/2021 and 17/3/2021.

A Chara,

Roscommon County Council wishes to refer DED 450 to An Bord Pleanála for decision by the Board.

Please find enclosed copy of the DED application received by Roscommon County Council together with all associated reports and correspondence.

Please find enclosed also cheque in the sum of €110.00 being fee for this referral.

Mise le meas,

Mary Dolan,
Administrative Officer,
Planning Office.

BORD PLEANÁI

18 MAY 2021

110

Type: CHEQUE

By: Reg post

Planner's Report on application under Section 5 of the
Planning and Development Acts 2000 - 2011

Reference Number:

DED 450

Name and Address of Applicant:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development consisting of – the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021.

Applicant(s):

Eoin Brady

Date:

13th May 2021

WHEREAS a question has arisen as to whether the following works; the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 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) Section 57 of the Planning and Development Act, 2000, as amended
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (e) The planning history of the site

Site Location & Development Description

Cloontykilla Castle is located in the Rockingham Estate, Boyle, County Roscommon. The nature of the proposed works includes the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021. The submitted documentation states the submitted photographs taken on 3rd January 2021 and on 17th March 2021 illustrate the subject works being carried out to the tower in question.

The subject property is not situated in, adjoining or in close proximity to any designated sites. The closest Natura 2000 designated site is the Lough Arrow SAC (Site Code: 001 673), which is approximately 5.5km north west of the subject property.

AN BORD PLEANÁLA

19 MAY 2021

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Planning History

PD 07 143 - Permission granted for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) the four towers, (b) the castle entrance gateway, (c) the entire external walls with adjustments and reinstatement of eight 'blind' windows, and (d) the conservation and extension of the former residence within the castle (existing floor area of 149 sq.m) by way of the construction of new living areas (total new proposed floor area of 577 sq.m), bedroom, kitchen, sanitary facilities, basement with emergency exits and all associated ancillaries, complete with new roof, all reversible and all associated site works, including restored and improved sewage treatment plant with stone channels, with percolation area; car parking facilities for 6 cars, general conservation landscaping, miscellaneous gravel paving around the castle; bringing in all utilities, including water supplies, electricity and telecom cables at Cloontykilla Castle.

PD 07 26 - Incomplete Application

PD 06 2405 - Incomplete Application

PD 04 2376 - Withdrawn

Assessment

In accordance with the Planning and Development Act, 2000 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...." In this Act, "land" includes any structure and any land covered with water (whether inland or coastal)".

As per the submitted details the stated development includes the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283). It is considered that the said works constitutes works, as defined in Section 3 of the said Act.

If the subject works pertain to repair and maintenance of parapets or battlements to the west facing corner tower of Cloontykilla Castle they may come within the provisions of Section 4 (1)(h) of the Act, being 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. However, based on the submitted insufficient details on 22nd March 2021, it was unclear if the the provisions of Section 4 (1)(h) of the Act apply in this instance. The Planning Authority could not therefore determine, on the basis of the submitted details, that the subject works is or is not exempted development. The Planning Authority subsequently requested further information on 16th April 2021 pertaining to the submission of comprehensive details of any/all works completed during the period 03/01/2021 and 17/03/2021, in order that a determination may be made in relation to the specific works.

The submitted response to the request for further information was received on 29th April 2021 in the form of a cover letter, two photographs and an image. The submitted cover letter states comprehensive details on the works cannot be provided, however specific and comprehensive details on the nature of the works

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are not required for the purposes of a Declaration under Section 5 of the Act. The letter further states the issue, the subject matter of the Declaration under Section 5, is whether or not works carried out to a protected structure (where the planning permission for the development has expired) is or is not development or is or is not exempted development.

The applicants submitted response to the request for further information has been duly noted and considered. The fact remains however, in order for the Planning Authority to determine whether the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 is or is not development and is or is not exempted development, specific details as to what, if any, works occurred during the specified period 03/01/2021 and 17/03/2021 are necessary.

Based on the submitted photographs and an inspection of the subject property, the existing scaffolding effectively conceals the north west facing corner tower of Cloontykilla Castle and in the absence of details of any/all works completed during the period 03/01/2021 and 17/03/2021 the Planning Authority cannot reach a conclusive determination on this application for a declaration under Section 5 of the Planning & Development Act, 2000, as amended. Having regard to the nature of the question being asked and the content of the response to the request for further information, it is recommended that this question be referred to An Bord Pleanála, as provided for in Section 5(4) of the Planning and Development Act 2000 (as amended).

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, 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 Art 9 (1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

In consideration of the foregoing I recommend referring the following question for decision to An Bord Pleanála

Whether the following works : the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 is or is not development and is or is not exempted development.

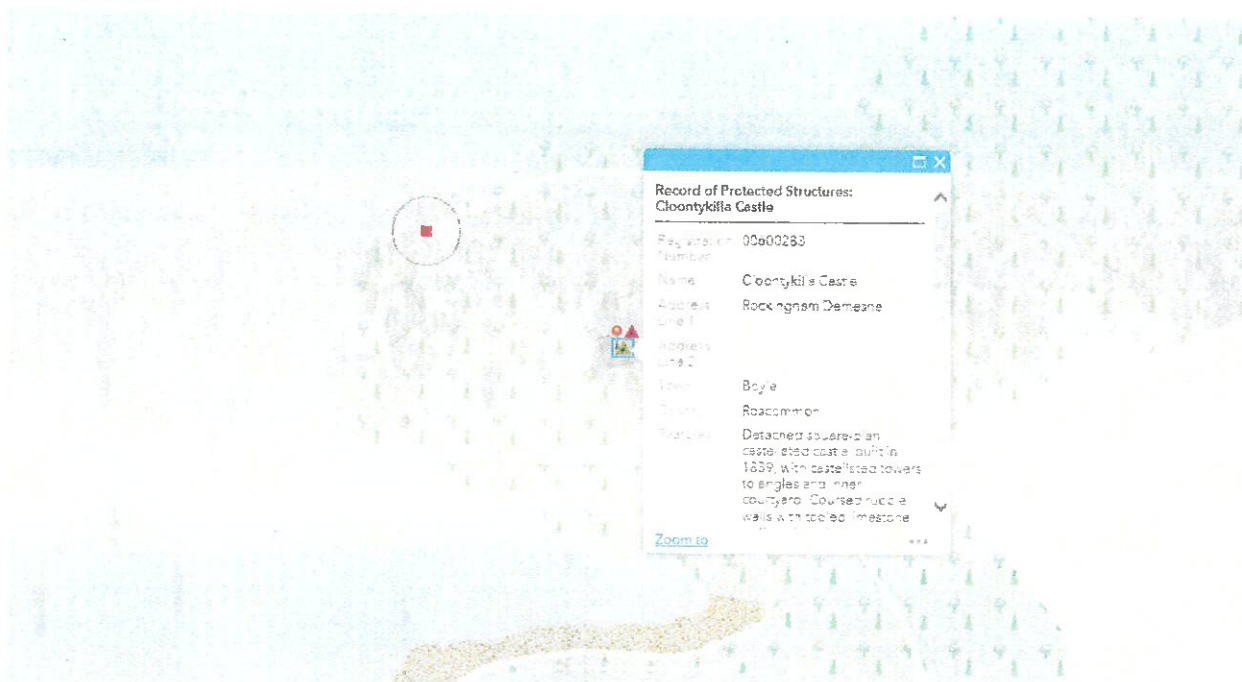
Signed:

Assistant Planner



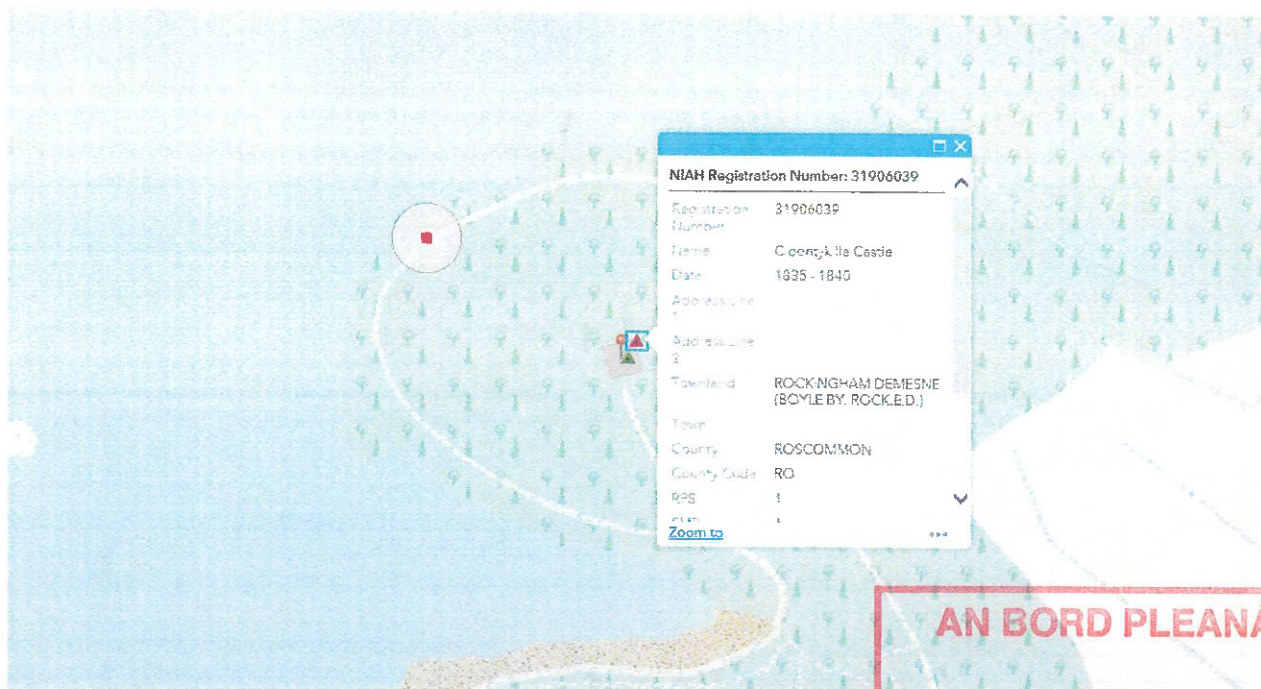
Date: 13th May 2021

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Cloontykilla Castle

Features: Detached square-plan castellated castle, built in 1839, with castellated towers to angles and inner courtyard. Coursed rubble walls with tooled limestone walls with tooled limestone quoins and castellations. Battered walls to towers and entrance bay. Two two-stage towers to front angles and two four-stage towers to rear angles. Tudor-arch entrance with wrought-iron grid like gates on wheels that open back into a cavity in the wall. Chamfered tooled limestone surround with date '1839' to keystone.



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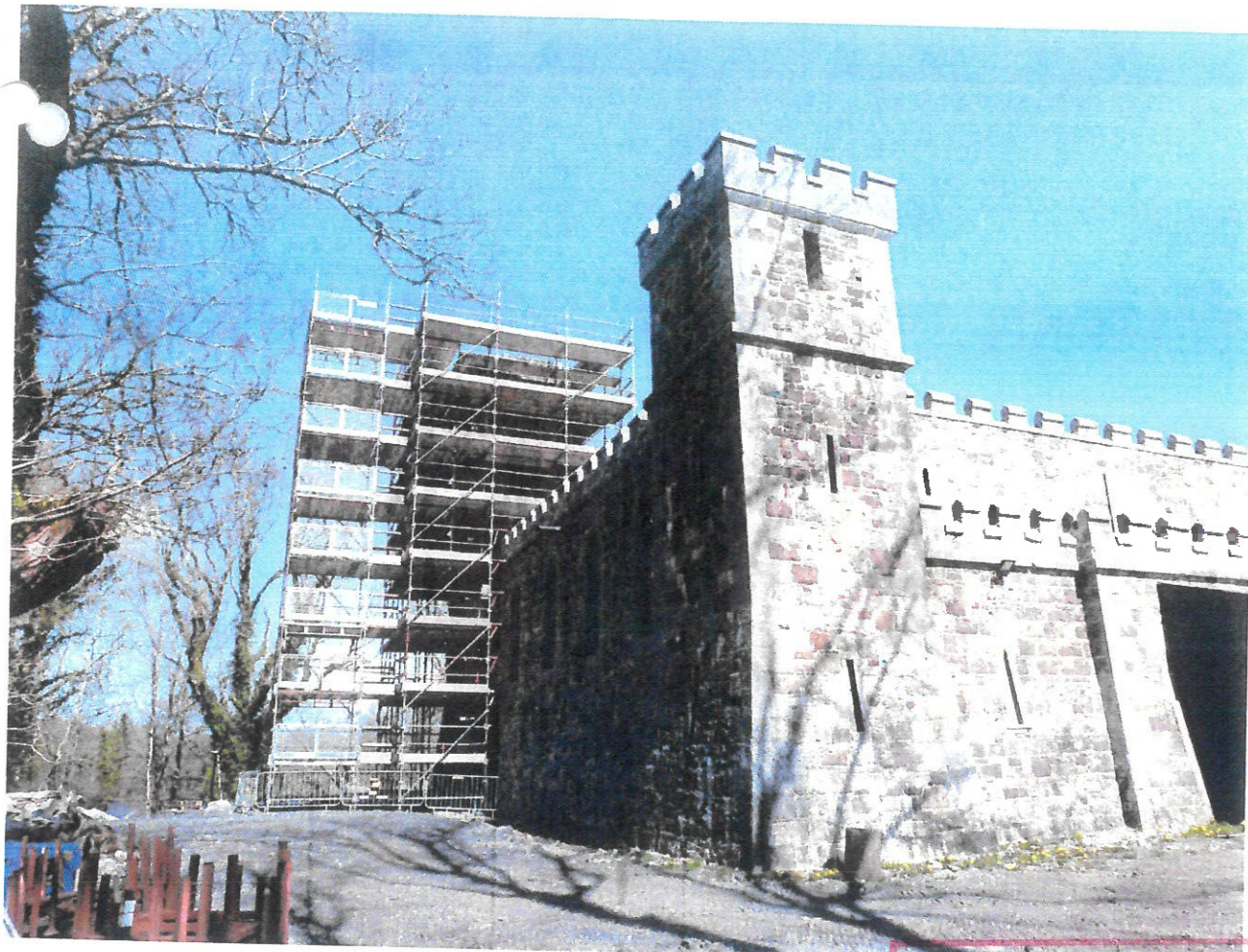
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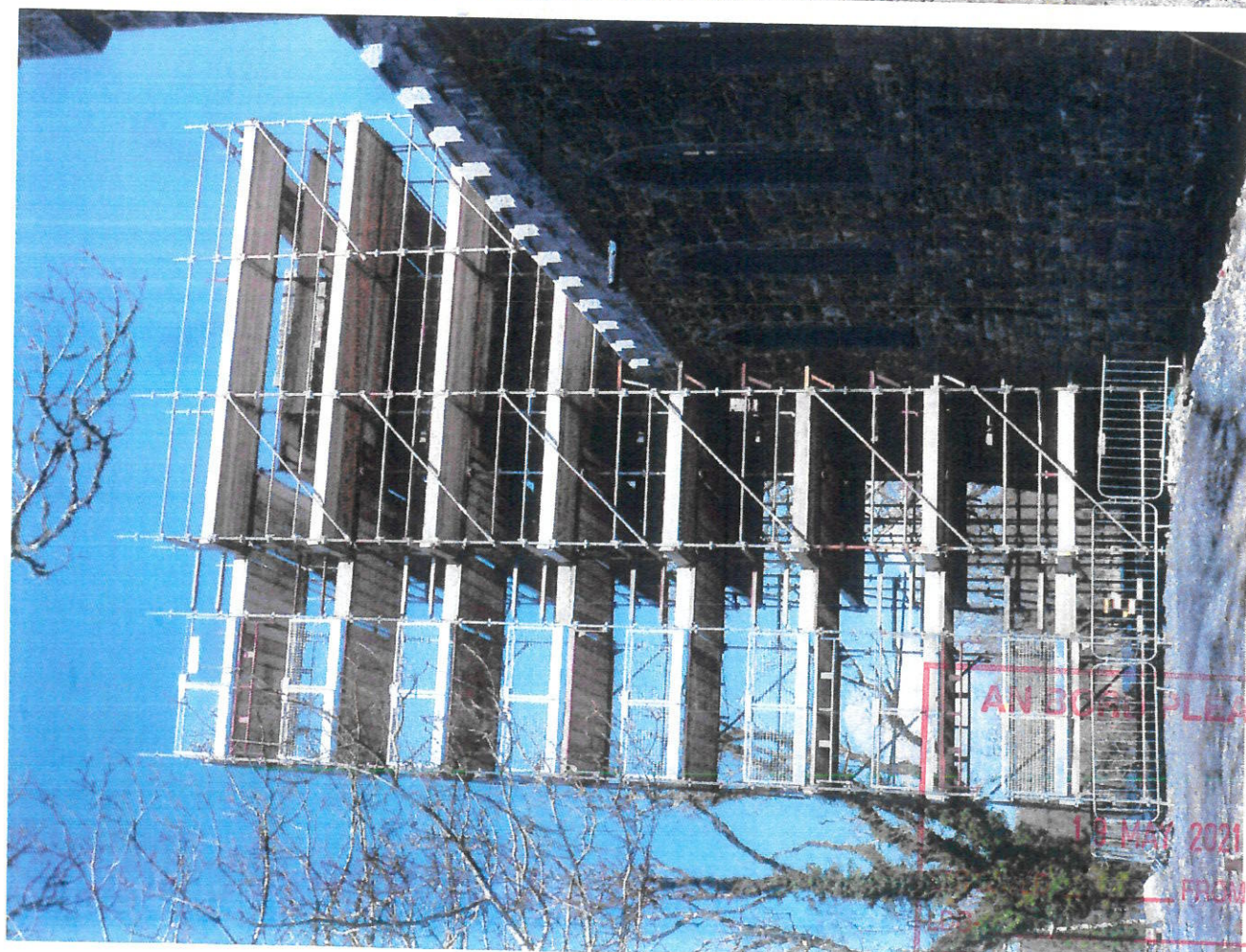
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MEMORANDUM

To: Jennifer Foy, Assistant Planner, North Roscommon Area.

From: Mary Dolan, Administrative Officer, Planning Department.

Date: 5th May, 2021.

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: The construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, Co. Roscommon (Protected Structure No.006000283) carried out between the period 03/01/2021 and 17/03/2021.

Applicant: Eoin Brady, 4 The Stables, Knocknacarrow, Cootehall, Boyle, Co. Roscommon.

Agent: N/A.


Planning Ref: DED 450

=====

I refer to the above mentioned Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development and to our request for further information which was issued to the applicant on the 16th April, 2021. I attach herewith further information which was received on the 29th April, 2021 from Elva Carbery, Solicitor on behalf of Mr. Brady.

Please let me have your recommendation on this file.

Please note a decision on this application is due on the 19th May, 2021.



Administrative Officer,
Planning

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ELVA CARBERY
Solicitor

Pembroke House
Upper Pembroke Street 28-32
Dublin 2

elva@elvacarbery.ie
+353868399224

Mary Dolan
Administrative Officer
Planning
Roscommon County Council
Roscommon
County Roscommon
F42 VR98



By post

28 April 2021

**Re: Our Client - Eoin Brady, Cootehall, County Roscommon
Application for a Section 5 Declaration: Planning Reference Number DED450**

Dear Mary,

This office has been instructed by Mr Eoin Brady in relation to the Declaration under Section 5 of the Planning and Development Act 2000 (as amended) (hereinafter ("the Act")).

We note your request to *"submit comprehensive details to address the following:*

1. *Based on the submitted photographs and an inspection of the subject property, the existing scaffolding effectively conceals the north west facing corner tower of Cloontykilla Castle. Please submit comprehensive details of any/all works completed during the period 03/1/2021 and 17/03/21 in order that a determination may be made in relation to the specific works"*

In circumstances where our client has observed the works being carried on and was not responsible for the completion of the works, *"comprehensive details"* on the works cannot be provided. However, specific, and comprehensive details on the nature of the works are not required for the purposes of a Declaration under Section 5 of the Act.

The issue the subject matter of Declaration under Section 5 is whether or not *"works"* carried out to a protected structure (where the planning permission for the development has expired) is or is not development or is or is not exempted development. As you are no doubt aware, Section 2 of the Planning and Development Act 2000 (as amended) describes works as including *"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 form the surfaces of the interior or exterior of a structure"*.

AN BORD PLEANÁLA

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The actual nature of the works, while perhaps informative are not determinative of this Declaration. The mere placing of scaffolding itself is an act or operation of construction, in addition to any works which are altering the exterior of the protected structure.

However, for your information and to aid your investigation, we enclose an artist's impression of the proposed completion of the external facade of the Castle which has been downloaded from the developer's website. It is our client's position that when one observes the photograph taken on 3 January 2021 submitted with the application for a Declaration, that it is clear that the battlements or parapets envisaged in the artist's impression had not been constructed at that point. It is not our clients' position that the north west facing tower had been fully completed in line with the artists impression, merely that construction work without planning permission to achieve same had commenced.

It was also apparent to our client that parapets or battlements had been constructed along the Castle at some point since April 2020. However, he did not have documentary evidence of exactly when these were constructed not having 'before and after' photographs. We enclose an extract from a photograph showing these newly constructed battlements.

Furthermore, we refer your attention to a link to drone footage of Cloontykilla Castle uploaded to the internet on 27 February 2020 which demonstrates the condition of the top of the north west facing tower at that point. We recommend playing the footage at 0.25 speed to allow for proper observation. The link is available here <https://www.youtube.com/watch?v=dNrt2dyTXQQ>

Although it is not the subject of this application for a Declaration, it is clear from this drone footage and an observation of the Castle currently that the parapets or battlements to the Western, Northern and Eastern facades of the Castle have been constructed since this drone footage was uploaded.

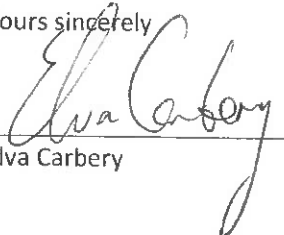
We note that the Planning Authority has conducted a site examination and we contend that it is for the Planning Authority to determine whether there has been a material alteration to the north west facing tower of the Castle after the photograph was taken on 3 January 2021.

The Planning Authority has the requisite powers under Section 6 of the Act in relation to examination, investigation and survey as may be necessary for the performance of its functions in relation to the Act, which includes in our opinion entering the Castle and requesting access for a proper observation of the north west facing tower. If same has not been undertaken heretofore, we recommend that such a close inspection be carried out.

It is our position that it must have been clear upon inspection that 'works' as defined under the Act took place at the north west facing tower in the period since 3 January 2021 when one observes the photograph of 3 January 2021.

We trust this clarifies the position.

Yours sincerely


Elva Carbery

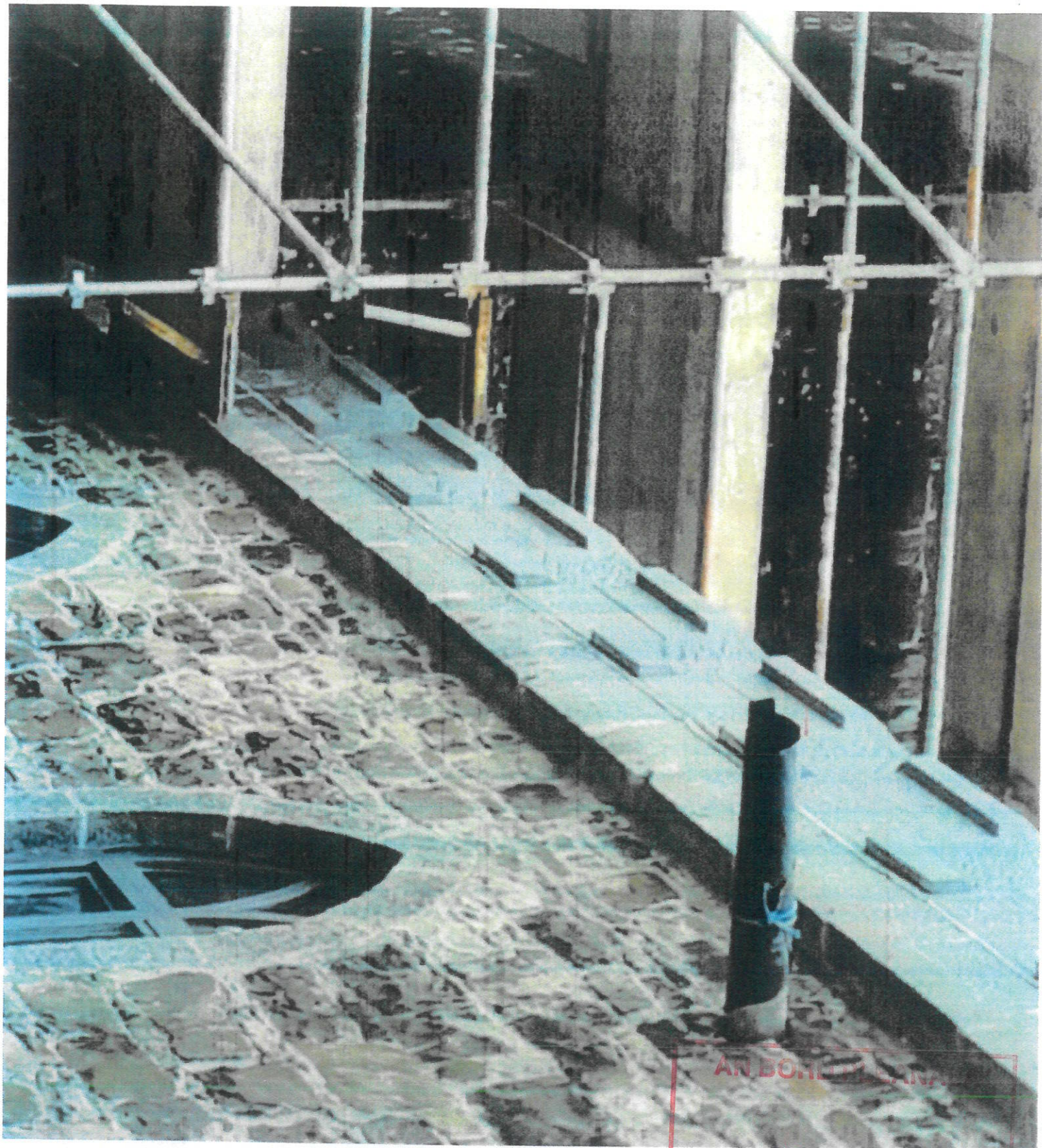
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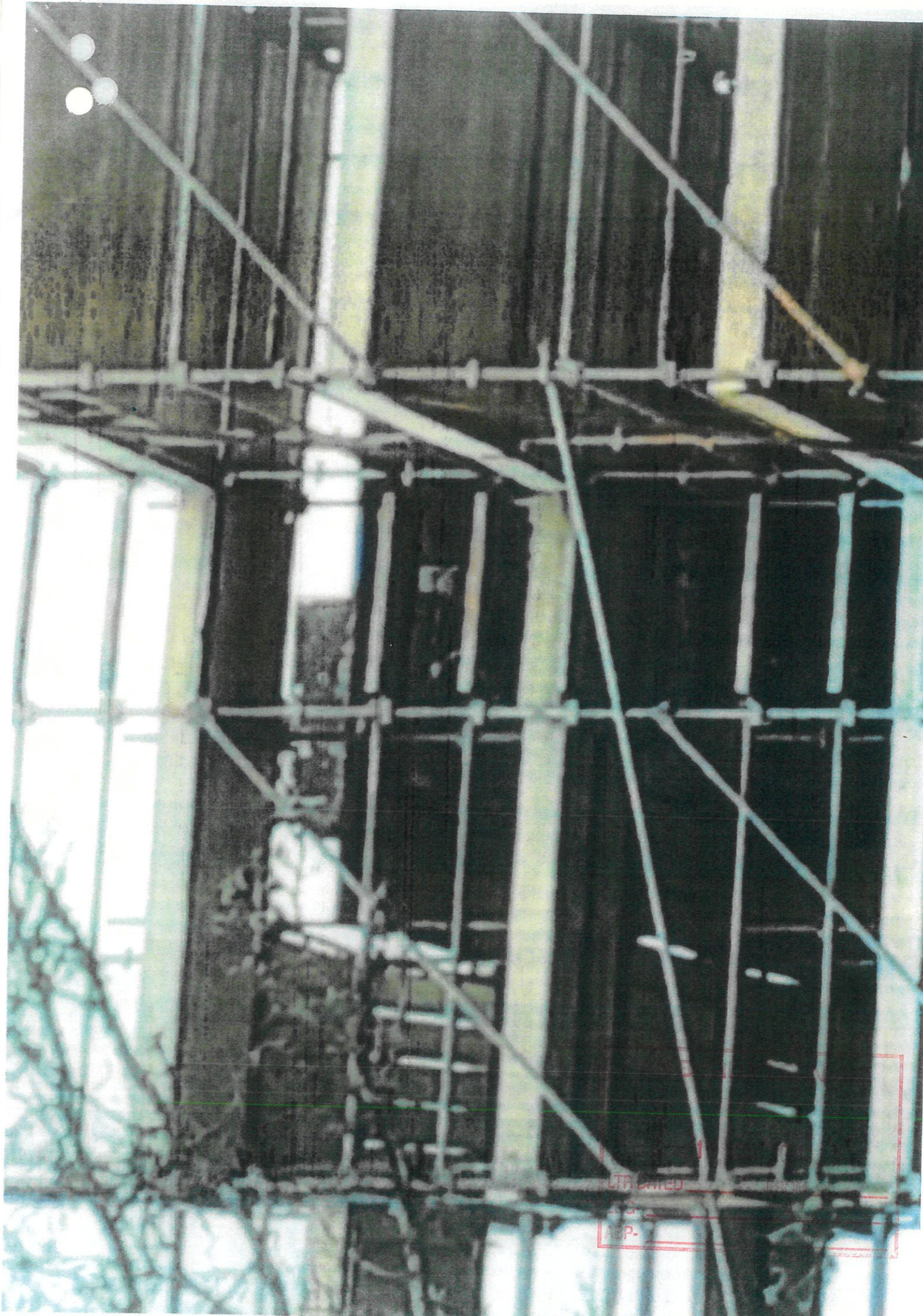
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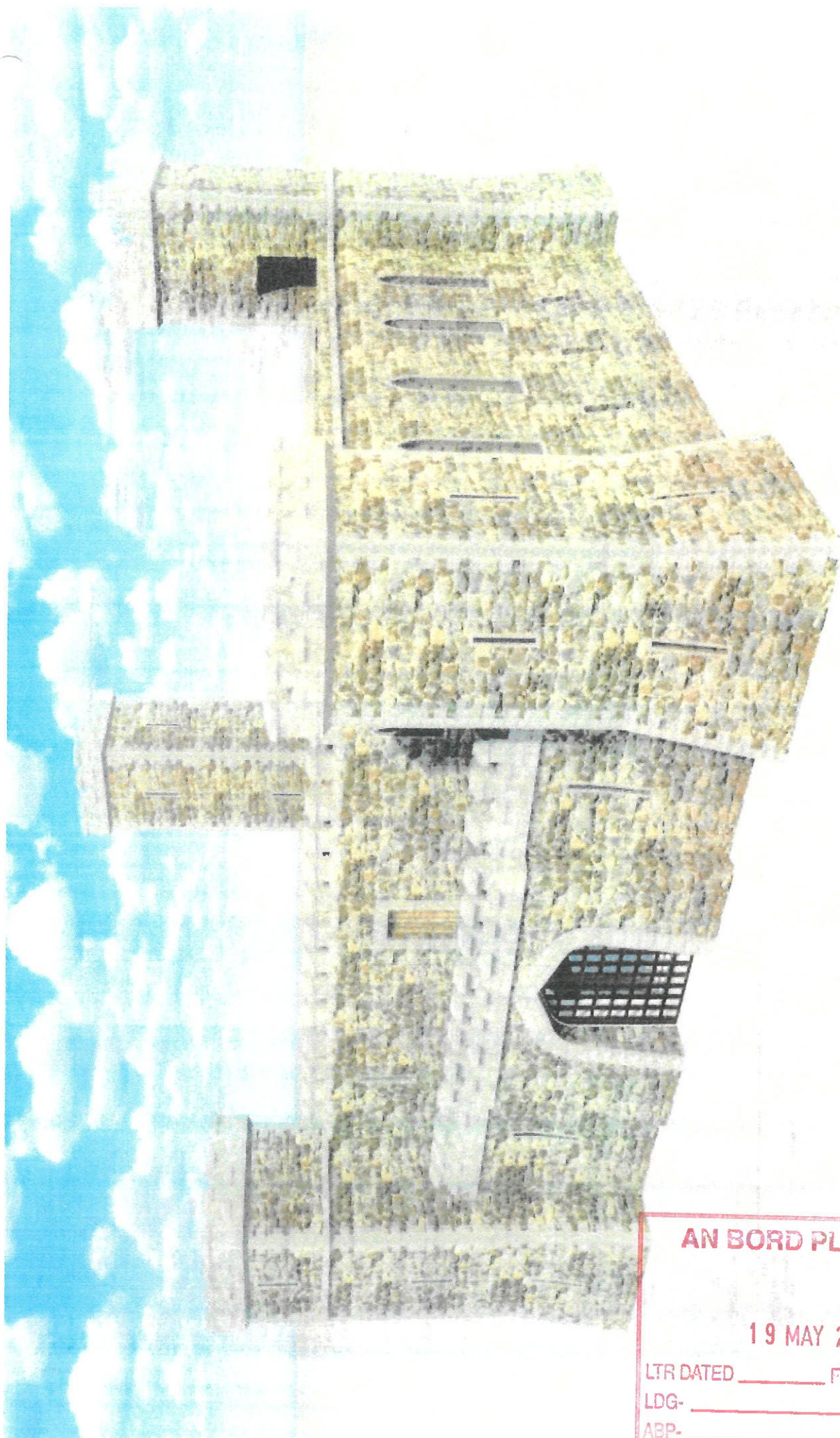
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AN BORD PLEANÁLA

19 MAY 2021

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Mary Dolan

From: Planning Department
Sent: Friday 16 April 2021 17:34
To: [REDACTED]
Subject: DED 450 - Request for Further Information
Attachments: DED 450 Request for FI.docx.pdf

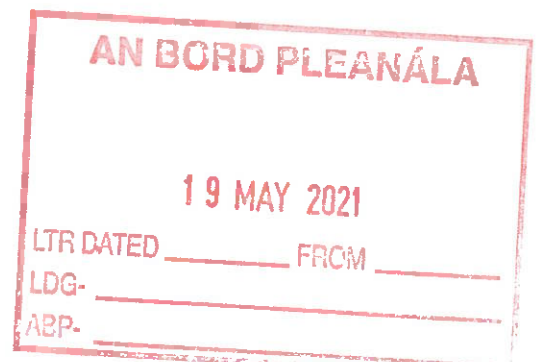
A Chara,

Please find attached, Further Information Request in regard to Application for Section 5 Declaration on DED 450.

Mise le meas,

Mary Dolan,
Administrative Officer, Planning Department, Roscommon County Council, Áras an Chontae, Roscommon, F42 VR98.

E-mail: marydolan@roscommoncoco.ie
Tel. No. 090 6637176





Comhairle Contae
Ros Comáin
Roscommon
County Council



BY E-MAIL

Mr. Eoin Brady,
4 The Stables,
Knocknacarrow,
Cootehall,
Boyle,
Co. Roscommon.

Date: 16th April, 2021
Reference No.: DED 450

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development – the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, Co. Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021.

A Chara,

Further to your application received on the 22nd March, 2021 and in order for the Planning Authority to determine whether the construction of parapets or battlements to the North West facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 is or is not development and is or is not exempted development you are requested to submit comprehensive details to address the following:

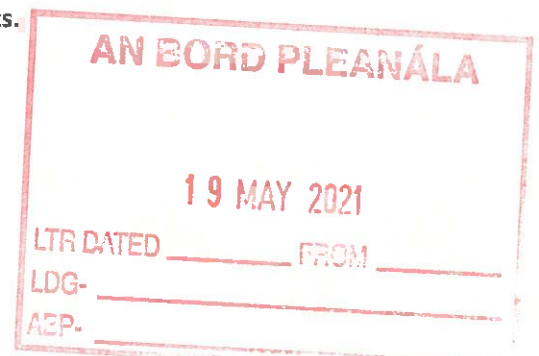
1. Based on the submitted photographs and an inspection of the subject property, the existing scaffolding effectively conceals the north west facing corner tower of Cloontykilla Castle. Please submit comprehensive details of any/all works completed during the period 03/01/2021 and 17/03/2021 in order that a determination may be made in relation to the specific works.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 450.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Administrative Officer,
Planning.



ROSCOMMON COUNTY COUNCIL
Chief Executive's Order requesting Further Information
on Section 5 of the Planning & Development Act 2000 (as amended)

Order No: PL/415/21

Subject: Planning & Development Act 2000 (as amended).
Planning & Development Regulations 2001 (as amended).

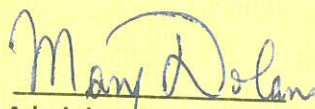
Applicant: Eoin Brady

Ref No.: DED 450

RE: WHEREAS a question has arisen as to whether the construction of parapets or battlements to the North West facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/3/2021 is or is not development and is or is not exempted development:

ORDER: By virtue of the powers vested in me by the Local Government Acts 1925 - 2019 and the Planning & Development Act 2000 (as amended), it is hereby ordered that **Further Information** in relation to the Declaration and referral on development and exempted development (Reference No. DED 450) be requested from the Applicant.

Signed on the 16th of April, 2021.


Administrative Officer

AN BORD PLEANÁLA

19 MAY 2021

LTR DATED _____ FROM _____

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CERTIFIED A TRUE COPY

18 MAY 2021


SIGNATURE

Planner's Report on application under Section 5 of the
Planning and Development Acts 2000 - 2011

Reference Number:

DED 450

Name and Address of Applicant:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development consisting of ~~the~~ construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021.

Applicant(s):

Eoin Brady

Date:

13th April 2021

WHEREAS a question has arisen as to whether the following works; the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 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) Section 57 of the Planning and Development Act, 2000, as amended
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (e) The planning history of the site

Site Location & Development Description

Cloontykilla Castle is located in the Rockingham Estate, Boyle, County Roscommon. The nature of the proposed works includes the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021. The submitted documentation states the submitted photographs taken on 3rd January 2021 and on 17th March 2021 illustrate the subject works being carried out to the tower in question.

The subject property is not situated in, adjoining or in close proximity to any designated sites. The closest Natura 2000 designated site is the Lough Arrow SAC (Site Code: 001 673), which is approximately 5.5km north west of the subject property.

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Planning History

PD 07 143 - Permission granted for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) the four towers, (b) the castle entrance gateway, (c) the entire external walls with adjustments and reinstatement of eight 'blind' windows, and (d) the conservation and extension of the former residence within the castle (existing floor area of 149 sq.m) by way of the construction of new living areas (total new proposed floor area of 577 sq.m), bedroom, kitchen, sanitary facilities, basement with emergency exits and all associated ancillaries, complete with new roof, all reversible and all associated site works, including restored and improved sewage treatment plant with stone channels, with percolation area; car parking facilities for 6 cars, general conservation landscaping, miscellaneous gravel paving around the castle; bringing in all utilities, including water supplies, electricity and telecom cables at Cloontykilla Castle

PD 07 26 - Incomplete Application

PD 06 2405 - Incomplete Application

PD 04 2376 - Withdrawn

Assessment

In accordance with the Planning and Development Act, 2000 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...." In this Act, "land" includes any structure and any land covered with water (whether inland or coastal)".

As per the submitted details the stated development includes the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283). It is considered that the said works constitutes works, as defined in Section 3 of the said Act.

If the subject works pertain to repair and maintenance of parapets or battlements to the west facing corner tower of Cloontykilla Castle they may come within the provisions of Section 4 (1)(h) of the Act, being 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. However, based on the submitted insufficient details it is unclear if the the provisions of Section 4 (1)(h) of the Act apply in this instance. The Planning Authority cannot therefore determine, on the basis of the submitted details, that the subject works is or is not exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, 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.

AN BORD PLEANALA

19 MAY 2021

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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 Art 9 (1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

In consideration of the foregoing I recommend seeking the following information;

In order for the Planning Authority to determine whether the construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 is or is not development and is or is not exempted development, you are requested to submit comprehensive details to address the following:

129.
~~The Planning Authority note that the castle construction included the construction of parapets or battlements.~~ Based on the submitted photographs and an inspection of the subject property, the existing scaffolding effectively conceals the west facing corner tower of Cloontykilla Castle. Please submit comprehensive details of what works were completed during the period 03/01/2021 and 17/03/2021, *in order that a determination may be made in relation to the specific work.*

Signed:

Assistant Planner

Date: 15th April 2021

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MEMORANDUM

To: Jennifer Foy, Assistant Planner, North Roscommon Area.

From: Mary Dolan, Administrative Officer, Planning Department.

Date: 30th March, 2021.

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: The construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, Co. Roscommon (Protected Structure No.006000283) carried out between the period 03/01/2021 and 17/03/2021.

Applicant: Eoin Brady, 4 The Stables, Knocknacarrow, Cootehall, Boyle, Co. Roscommon.

Agent: N/A.

Planning Ref: DED 450

=====

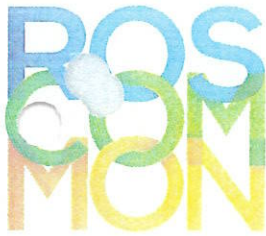
Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from **Eoin Brady, 4 The Stables, Knocknacarrow, Cootehall, Boyle, Co. Roscommon** which was received on **22nd March, 2021**.

Please let me have your recommendation.



Administrative Officer,
Planning.

| | |
|-------------------------|------------|
| AN BORD PLEANÁLA | |
| 19 MAY 2021 | |
| LTR DATED _____ | FROM _____ |
| LDG- _____ | |
| ASP- _____ | |



Comhairle Contae
Ros Comáin
Roscommon
County Council



Mr. Eoin Brady,
4 The Stables,
Knocknacarrow,
Cootehall,
Boyle,
Co. Roscommon.

Date: 29th March, 2021

Planning Reference: DED 450


Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development – The construction of parapets or battlements to the west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, Co. Roscommon (Protected Structure No.006000283) carried out between the period 03/01/2021 and 17/03/2021

A Chara,

I wish to acknowledge receipt of your application received on the 22nd March, 2021 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.

Note: Please note your Planning Reference No. is **DED 450**
This should be quoted in all correspondence and telephone queries.

Mise le meas,


Mary Dolan,
Administrative Officer,
Planning.

| | |
|-------------------------|------------|
| AN BORD PLEANÁLA | |
| 19 MAY 2021 | |
| LTR DATED _____ | FROM _____ |
| LDG- _____ | |
| ASP- _____ | |



Success

From: Current Account ~ 7277

€80.00

To: Roscommon Co Co

IBAN IE4680FI90542411978565

Your balance may not update immediately.

[Back to payments](#)

Time of request: 23/03/2021 10:38

Session Timeout

AN BORD PLEANÁLA

19 MAY 2021

LTR DATED _____ FROM _____

LDG- _____

AEP- _____

Sharon Kelly

From: Eoin Brady <[REDACTED]>
Sent: Tuesday 23 March 2021 11:08
To: Sharon Kelly
Subject: Re: Application for a Declaration under Section 5 of the Planning and Development Act
Attachments: Section 5 - EFT.pdf; Section 5 application form 230321.pdf

Hi Sharon,

Please see attached Section 5 application form and EFT screenshot showing payment. Can you acknowledge receipt of the application including the details and attached photos of my email of yesterday evening.

Many thanks,

Eoin

On Tue, Mar 23, 2021 at 10:04 AM Sharon Kelly <SKelly@roscommoncoco.ie> wrote:

A Chara,

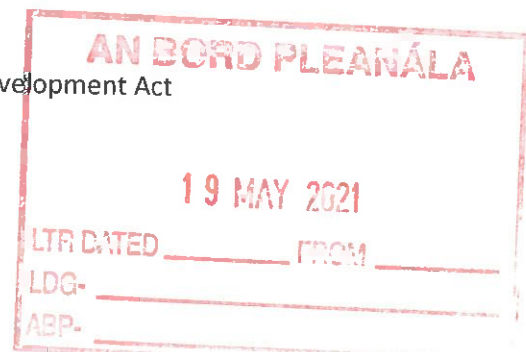
Bank Details attached as requested.

Mise le meas,

PLANNING.

From: Eoin Brady [mailto:[\[REDACTED\]](mailto:[REDACTED])]
Sent: Monday 22 March 2021 21:02
To: Planning Department <Planning@roscommoncoco.ie>
Cc: Therese O'Meara <tomeara@roscommoncoco.ie>
Subject: Application for a Declaration under Section 5 of the Planning and Development Act

A Chara,



I wish to make an application for a Declaration under Section 5 of the Planning and Development Act. I note that there is a form on the website for this purpose but I believe it may be more practical to set out my application by way of email incorporating the relevant details.

I note that there is a fee of €80 payable for the application. You might please indicate whether I can pay by EFT or whether you require a cheque/postal order. If the former you might let me have the bank details for transfer.

I wish to make an application for a Declaration under Section 5 of the Act in relation to the following question:

Is the construction of parapets or battlements to the North West facing corner tower of Cloontykilla Castle, Rockingham estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 3rd January 2021 to 17th March 2021 development, and if so is it exempted development.

The Castle is located at 53.99930908529422, -8.223270500105789. I attach an extract from the PRAI mapping.

The planning history of the site includes a permission granted under Register Reference 07/143.

The Castle is owned by Columbia Ventures Corporation of 14001 SE 1st Street, Ste 201, Vancouver, Washington, USA with an Irish address care of Eugene F. Collins Solicitors, 3 Burlington Road, Ballsbridge, Dublin 4. I attach a copy of the Land Registry folio for information.

I attach a photo taken on 3rd January 2021 and one taken on 17 March 2021 showing the aforementioned works being carried out to the tower in question.

I await hearing from you with an acknowledgement of receipt of this application and confirming details for payment. If you require further information please contact me.

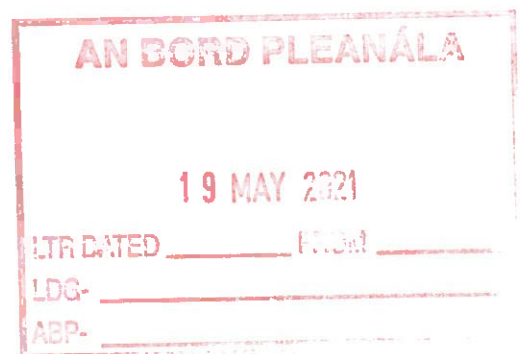
Le meas,

Eoin Brady

4 The Stables,

Knocknacarrow,

Cootehall,





Comhairle Contae
Ros Comáin
Roscommon
County Council

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

Roscommon County Council

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

| | |
|--|--|
| Name: | EOIN BRADY |
| Address: | 4 THE STABLES KENLUENA LANE LOOTCHAU CO. ROSCOMMON |
| Name & Address of Agent: | n/a. |
| Nature of Proposed Works | Is the construction of parapets or battlements to the north West facing corner tower of Cloonty Killa Castle, Rockingham estate, Boyle, Gundy, Roscommon (Protected Structure No. 006000233) carried out between the period 3/1/21 to 12/31/21 development, and it is it exempted development. |
| Location (Townland & O.S No.) | Rockingham Demesne OS MAP Ref 6/3 |
| Floor Area | 149 sq.m |
| Height above ground level | 52.4 OD. |
| Total area of private open space remaining after completion of this development | n/a |
| Roofing Material (Slates, Tiles, other) (Specify) | n/a |
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | n/a |
| Is proposed works located at front/rear/side of existing house. | n/a |

AN BORD PLEANÁLA

19 MAY 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

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 | Yes |
| If yes give ref. number (include full details of existing extension, if any) | 07/1613 |
| Existing use of land or structure | Protected structure |
| Proposed use of land or structure | n/a |
| Distance of proposed building line from edge of roadway | n/a |
| Does the proposed development involve the provision of a piped water supply | n/a |
| Does the proposed development involve the provision of sanitary facilities | n/a |

Signature:



Date:

23/03/21

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

AN BORD PLEANÁLA

19 MAY 2021

LTR DATED _____ FROM _____

LDG- _____

ADP- _____

Sharon Kelly



From: Eoin Brady <[REDACTED]>
Sent: Monday 22 March 2021 21:02
To: Planning Department
Cc: Therese O'Meara
Subject: Application for a Declaration under Section 5 of the Planning and Development Act
Attachments: Annotation 2020-08-13 142419.png; 20210103_111800.jpg; 20210103_111905.jpg; January 2021 folio.pdf

A Chara,

I wish to make an application for a Declaration under Section 5 of the Planning and Development Act. I note that there is a form on the website for this purpose but I believe it may be more practical to set out my application by way of email incorporating the relevant details.

I note that there is a fee of €80 payable for the application. You might please indicate whether I can pay same by EFT or whether you require a cheque/postal order. If the former you might let me have the Bank details for transfer. ✓

I wish to make an application for a Declaration under Section 5 of the Act in relation to the following question:

Is the construction of parapets or battlements to the North West facing corner tower of Cloontykilla Castle, Rockingham estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 3rd January 2021 to 17th March 2021 development, and if so is it exempted development.

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I await hearing from you with an acknowledgement of receipt of this application and confirming details for payment. If you require further information please contact me.

Le meas,

Eoin Brady

4 The Stables,
Knocknacarrow,
Cootehall,
Co. Roscommon



Gaeilge

+

-



KNOCKVICAR

KILTEAR

AN BORD PLEANÁLA

19 MAY 2021

LTR DATED _____ FROM _____

LDC- _____

AEP- _____

XY

585515, 804294

Scale

1:10K

Townland

Rockingham Demesne

Barony

Boyle

County

Roscommon



ERRR





Land Registry

County Roscommon

Folio 19537F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

| No. | For parts transferred see Part 1(B) Description | Official Notes |
|-----|--|------------------------------|
| 1 | A plot of ground situate in the Townland of ROCKINGHAM DEMESNE (ED ROCKINGHAM) and Barony of BOYLE containing .1220 Hectares shown as Plan(s) F2HA edged RED on the Registry Map (OS MAP Ref(s) 6/3). THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS | From Folio RN13336F |
| 2 | A plot of ground situate in the Townland of ROCKINGHAM DEMESNE (ED ROCKINGHAM) and Barony of BOYLE containing 6.1520 Hectares shown as Plan(s) F6W3, F6W4 edged RED on the Registry Map (OS MAP Ref(s) 6/3). The Registration does not extend to the mines and minerals | Instrument D1997CR002761E |

Land Cert Issued: No

Page 1 of 5

Collection No.:

| | |
|------------------|------|
| AN DORD PLEANÁLA | |
| 19 MAY 2021 | |
| LTR DATED | FROM |
| LDG- | |
| ABP- | |

County Roscommon

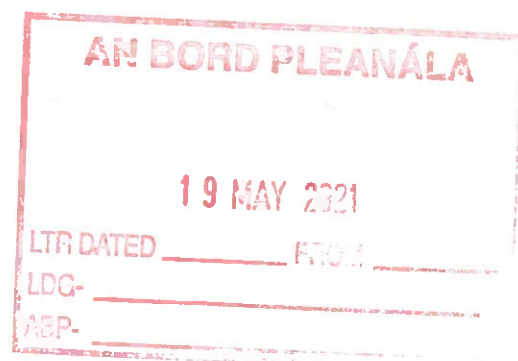
Land Registry

Folio 19537F



Part 1(B) - Property
Parts Transferred

| No. | Prop No: | Instrument: | Date: | Area (Hectares): | Plan: | Folio No: |
|-----|-------------|-------------|-------|------------------|-------|-----------|
| | | | | | | |



County Roscommon

Land Registry

Folio 19537F



Part 2 - Ownership

Title of property no. 2 ABSOLUTE

Title of property no. 1 ABSOLUTE Instrument No. 98CR00076

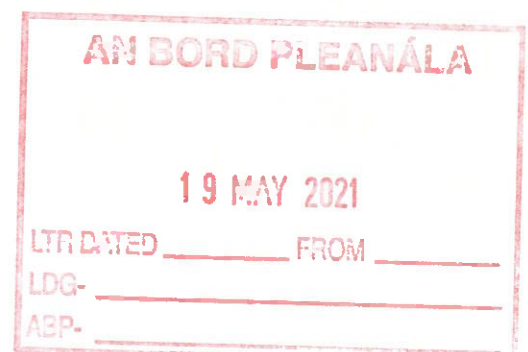
| No. | The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965 | | |
|---|--|---|---|
| 1 | 03 FEB 1997 D1997CR000548R | Sean Simon (farmer) of Deerpark Castle, Lough Key, Boyle, Co. Roscommon is full owner of property number(s) 1. | <div>Cancelled</div> <div>D2019LR052683U</div> <div>04-APR-2019</div> |
| 2 | 12 OCT 1999 D1997CR002761E | Sean Simon (farmer) of Deer Park, Lough Key, Boyle, Co. Roscommon is full owner of property number(s) 2. | <div>Cancelled</div> <div>D2019LR052683U</div> <div>04-APR-2019</div> |
| 3 | 04-APR-2019 D2019LR052683U | COLUMBIA VENTURES CORPORATION of C/O Eugene F Collins Solicitors, 3 Burlington Road, Ballsbridge, Dublin 4 is full owner. | |
| Note: Registered in State of Washington. Reference No.601758904 | | | |

1 ~~12 OCT 1999~~
~~D1997CR002761E~~ ~~No Dealing by the registered owner of the property no.2 is to be registered except after notice to Detlef Bilke c/o Binchys, Solicitors, 43 Fitzwilliam Place, Dublin 2~~

Cancelled

D2005CR011632C

25-OCT-2005





Part 3 - Burdens and Notices of Burdens

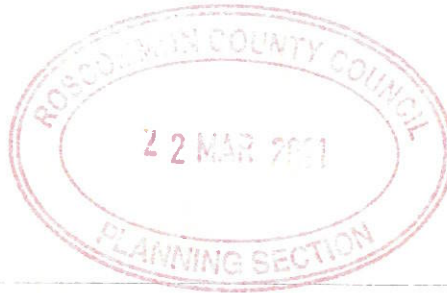
| No. | Particulars |
|-----|---|
| 1 | <p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p> <p>Cancelled D2007WR001231C 11-JAN-2007</p> |
| 2 | <p>12 OCT 1999</p> <p>D1997CR005047W</p> <p>Charge for the principal sums stamped to cover £350,000 specified in Instrument No. D1997CR005047W repayable with interest. The Irish Nationwide Building Society is owner of this charge.</p> <p>Cancelled D2005CR009107R 22-AUG-2005</p> |
| 3 | <p>19 MAR 2003</p> <p>D2003CR002536E</p> <p>An office copy of an affidavit by Detlef Bilke of Strasse des Bergmanns 23, 01968 Senftenberg Germany of a Judgment obtained by Detlef Bilke against Sean Simon on the 9th of October 2002 in the High Court Record No 2001 No 85-SP in a matter or cause of Detlef Bilke (Plaintiff) V Sean Simon (Defendant) has been deposited in the Registry as a mortgage against the interest of Sean Simon of Knockarush, Boyle County Roscommon in the property herein.</p> <p>The amount owing on the said Judgment is stated to be €272,993.68.</p> <p>Note: As between this burden and any lien on the property created by deposit of the Land Certificate prior to the date of registration this burden ranks in priority after such lien.</p> <p>Cancelled D2005CR010499P 20-SEP-2005</p> |
| 4 | <p>11-JAN-2007</p> <p>D2007WR001231C</p> <p>Charge for present and future advances repayable with interest. ** (Maximum Duty €630 paid) ** ULSTER BANK IRELAND LIMITED is owner of this charge.</p> |

| | |
|------------------|------|
| AN BORD PLEANÁLA | |
| 19 MAY 2021 | |
| UTG DATED | FROM |
| LDG- | |
| ABP- | |

Land Registry

County Roscommon

Folio 19537F



Note; This charge is also registered on folio 1053F Roscommon.

Note: The ownership of this charge has been transferred see entry no. 6

- | | | |
|---|---|--|
| 5 | 20 MAY 2011 D2011LR066607Q | A judgment mortgage in respect of a judgment obtained by Friends First Finance Limited against Sean Simon on the 23rd day of February 2011 in the Circuit Court (Record Number 2010/00354) in a matter of Friends First Finance Limited v Sean Simon on the interest of Sean Simon in the property. Cancelled D2020LR122581N 14-OCT-2020 |
| 6 | 02-FEB-2016 D2016LR013187B | SEACONVIEW LIMITED is the owner of the charge registered at entry no. 4 |
| 7 | 26 JUN 2017 D2017LR086154K | A judgment mortgage in respect of a judgment obtained by MARY MOLLOY against SEAN SIMON on the 10th day of June 2016 in the High Court (Court Record Number 1997/11812P) in a cause/matter/action of MARY MOLLOY v SEAN SIMON against the interest of SEAN SIMON in the property. Note: This burden is also registered on folio RN1053F Cancelled D2019LR052683U 04-APR-2019 |

