















Appendix C

Court Summons & Enforcement Notice

Dermot M. MacDermot B.C.L.
County Solicitor
Castlerea
Co. Roscommon

VAT No IE3052134P
DX 72 003 Castlerea

Telephone: (094) 9620125
Telefax: (094) 9620338

Dublin Agency Office:
24/26 Upper Ormond Quay,
Dublin 7.

My reference
Y/RP665/RS

Your reference

Date
03 August 2021

Edvinas Cinga
91 Esker Park
Lucan
Co Dublin

RE: Roscommon County Council v You
Planning & Development Act 2000
Athlone District Court – 15 September 2021 at 10.30am

Dear Sir/Madam

Pursuant to statute and court rule and by way of service upon you, I enclose herewith under cover of registered post, copy Summons in connection with above.

Yours sincerely

Dermot M MacDermot

Enclosure 1

AN CHÚIRT DÚICHE



THE DISTRICT COURT

DISTRICT COURT AREA OF ATHLONE

DISTRICT NO 9

SUMMONS
PLANNING AND DEVELOPMENT ACT 2000

Roscommon County Council
Aras an Chontae
Roscommon
County Roscommon

COMPLAINANT

Edvinas Cinga
91 Esker Park
Lucan
Co. Dublin

DEFENDANT

Whereas a complaint has been made to me by the Complainant Roscommon County Council, the Planning Authority, that you the Defendant did on the 7th day of May 2021 at Barrymore, Kiltoom, in the County of Roscommon in the Court Area and District aforesaid fail, within the period specified in an Enforcement Notice dated the 23rd day of February 2021 and served upon you to comply with the requirements thereof, namely:

WITHIN 2 DAYS OF THE DATE OF THE ENFORCEMENT NOTICE

- Cease all works on site within 2 days of the date of the Enforcement Notice.
- Refrain from all works on site (with the exception of the works required in the steps below) and including works that would otherwise be deemed to constitute exempted development.

WITHIN 2 MONTHS OF THE ENFORCEMENT NOTICE

- Remove the raised stone platform erected on site together with all serving pipes lain on site and connecting to public services currently being erected on site (if any).
- Grade all the lands in order to facilitate the natural revegetation of the lands.

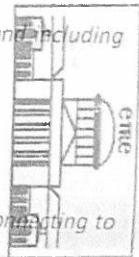
contrary to Section 154(8) Planning and Development Act 2000

THIS IS TO COMMAND YOU TO APPEAR as Defendant on the hearing of the said Complaint at the District Court at Athlone in the said Court Area and District on Wednesday the 15th day of September 2021 at 10.30am in the forenoon to answer the said Complaint.

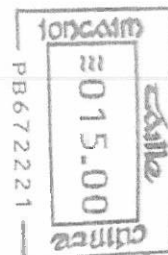
Dated the 28th day of July 2021.

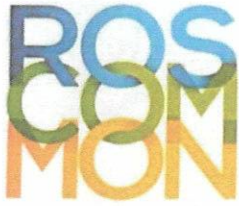
Diuidae Gatty
Judge of the District Court

To / Edvinas Cinga
The above named Defendant
91 Esker Park
Lucan
Co Dublin



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Comhairle Contae
Ros Comáin
Roscommon
County Council



REGISTERED POST

Edvinas Cinge & Giedre Cinga
91 Esker Park
Lucan
Co. Dublin

Planning Ref. No.: UDR 2589

Date: 23 February, 2021

**THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON
PLANNING & DEVELOPMENT ACTS, 2000 (as amended)
ENFORCEMENT NOTICE**

Section 154 of the Planning and Development Act 2000

WHEREAS: Alleged unauthorised development on site without the benefit of planning permission and a necessary appropriate assessment and flood risk assessment at Barrymore Townland, Kiltoom, Athlone, Co. Roscommon.

Situated at: Barrymore Townland, Kiltoom, Athlone, Co. Roscommon

has been, and/or is being carried out.

TAKE NOTICE that Roscommon County Council being the planning authority for the area in which the above land is located, in exercise of the powers conferred on it by Section 154 of the Planning and Development Act 2000, having investigated the matter has decided to serve this Enforcement Notice on you,

Edvinas Cinge & Giedre Cinga, 91 Esker Park, Lucan, Co. Dublin

the owner and/or occupier or person in control of the aforesaid lands;

YOU ARE HEREBY REQUIRED, pursuant to Section 154, to cease all unauthorised development in relation to the alleged unauthorised development on site without the benefit of planning permission and a necessary appropriate assessment and flood risk assessment at Barrymore Townland, Kiltoom, Athlone, Co. Roscommon.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Take notice that the Planning Authority hereby:

Requires you to undertake the following within 2 days of the date of the enforcement notice:

- Cease all works on site within 2 days of the date of the enforcement notice.
- Refrain from all works on site (with the exception of the works required in the steps below) and including works that would otherwise be deemed to constitute exempted development.

Requires you to undertake the following with 2 months of the enforcement notice:

- Remove the raised stone platform erected on site together with all serving pipes lain on site and connecting to public services currently being erected on site (if any).
- Grade all the lands in order to facilitate the natural revegetation of the lands.

AND TAKE NOTICE THAT, if within the period specified above, or within such extended period (being not more than six months) as Roscommon County Council may allow, the steps specified in this notice to be taken by you have not been taken, the Planning Authority may enter on the said land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

AND FURTHER TAKE NOTICE that you are hereby required to refund to the Roscommon County Council the costs and expenses reasonably incurred by them in relation to the investigation, detection and issue of this Enforcement Notice concerned and any Warning Letter under Section 152, including costs incurred in respect of the remuneration and other expenses of Employees, Consultants and Advisers, and the Planning Authority may recover these costs and expenses incurred by it.

YOU ARE HEREBY WARNED THAT if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 2nd day of February 2021.

Signed: Tracy Davis
Tracy Davis, Senior Executive Planner
Planning Department

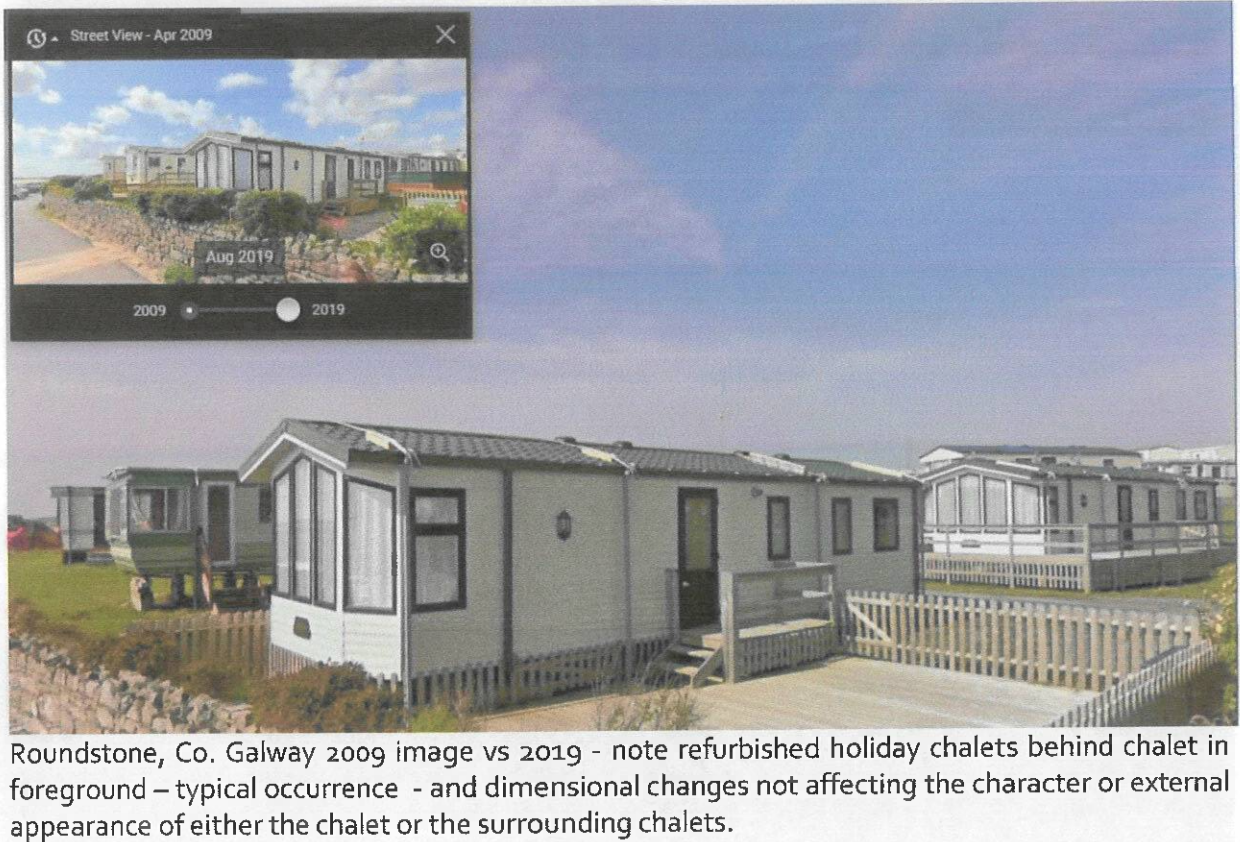
Appendix D

Examples of holiday chalet developments in Ireland

Examples of holiday chalets developments in Ireland, Brittas Bay, Roundstone, etc. prefabricated buildings on stilts which ultimately do not need to apply for successive permissions when they are brought onto site as prefabricated to replace pre-existing structures which have aged and require maintenance via refurbishment



Brittas Bay, Co. Wicklow

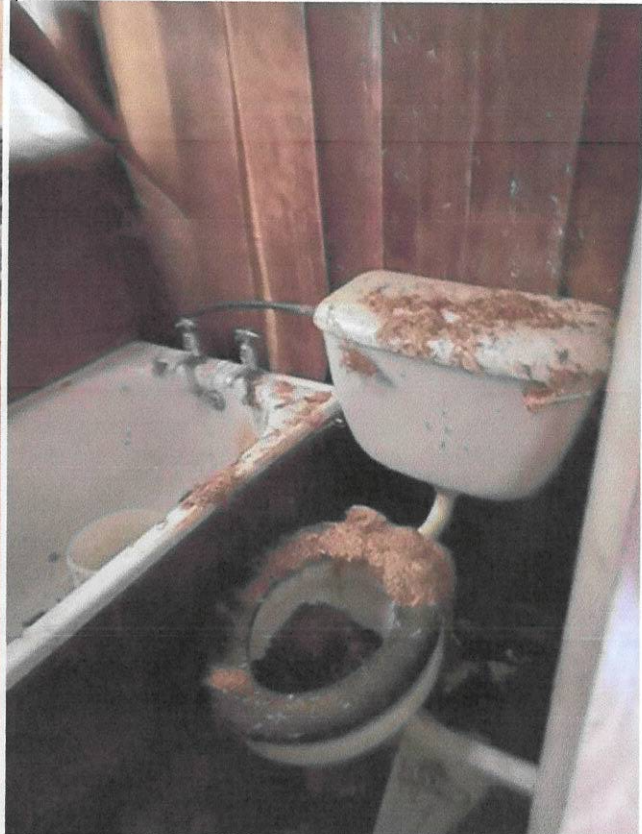


Roundstone, Co. Galway 2009 image vs 2019 - note refurbished holiday chalets behind chalet in foreground – typical occurrence - and dimensional changes not affecting the character or external appearance of either the chalet or the surrounding chalets.

Appendix E

Photographic evidence of service connections existing

Evidence of Electrical, Wastewater and Water Supply Connections





Approximate Position of Septic Tank (Concrete Lid) to north of Site



APPENDIX B

Notification of Decision Register Reference: DED 515

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Edvinas Cinga & Giedre Cinge,
91 Esker Park,
Lucan,
Co. Dublin.

Reference Number: DED 515

Application Received: 13th April, 2022.

Location: Chalet 3, Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon.

WHEREAS Whereas questions have arisen as to whether:

- (a) The carrying out of works for the improvement/refurbishment of the existing chalet
- (b) The maintenance and renewal of the existing level access for parking and servicing of the subject chalet by motorised vehicle
- (c) The clearing of scrub, under and overgrowth of self-seeded and other vegetation and replanting of grassland, native tree species and general landscaping
- (d) The formation of new boundary treatment to define the chalet boundary (as replacing previous boundary structures and gate) not exceeding 1.2metres
- (e) The reconnection and maintenance of existing water supply, wastewater connections and electrical services

is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (1) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended)
- (2) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended)
- (3) Class 5, 9 & 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (4) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (5) Article 6 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended.
- (6) The planning history of the site.
- (7) 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:

in respect of (a), (b), (d) & (e):

- 1) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- 2) The proposed development is not exempted development as defined in the Planning & Development Act 2000(as amended) and associated Regulations.
- 3) The likelihood of significant impacts on European Sites as a result of the proposed development cannot be ruled out and Stage 2 Appropriate Assessment is required;

and in respect of (c):

- 1) The proposed works does not constitute development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;

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 works outlined consisting of:

- (a) The carrying out of works for the improvement/refurbishment of the existing chalet
- (b) The maintenance and renewal of the existing level access for parking and servicing of the subject chalet by motorised vehicle
- (d) The formation of new boundary treatment to define the chalet boundary (as replacing previous boundary structures and gate) not exceeding 1.2metres
- (e) The reconnection and maintenance of existing water supply, wastewater connections and electrical services,

at Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon constitutes development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations; and

- (c) The clearing of scrub, under and overgrowth of self-seeded and other vegetation and replanting of grassland, native tree species and general landscaping

at Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon does not constitute development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



Senior Staff Officer, Planning.

Date: 10th May, 2022

CC: The Planning Partnership,
The Bank Building,
52 Oliver Plunkett Street,
Mullingar,
Co. Westmeath.

APPENDIX C
Section 5 - Planners Report – DED 515

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

Reference Number: DED 515

Name and Address of Applicant: Edvinas Cigna & Giedre Cinge
91 Esker Park, Lucan, Co. Dubmin.

AGENT: The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co Westmeath

WHEREAS a question has arisen as to whether the following is development and if it is exempt development

- a) the improvement/refurbishment of existing chalet,
- b) the maintenance and renewal of the existing level access for parking and servicing of the chalet,
- c) the clearing of scrub,
- d) the formation of new boundary treatment not exceeding 1.2 m in height and a new gate not exceeding 2 m.
- e) the reconnection and maintenance of water supply, waste water connections and electrical services.

1.0 Site Location and Description

The site is located along the shores of Lough Ree in the Hodson Bay area of Co. Roscommon. The site which appears independent of other sites in the vicinity and has definite boundaries, consists of a recently constructed wooden holiday chalet, a hard surfaced area and a combination of a wooden panelled fencing and wire mesh fencing along the front boundary. There are two other chalets west of the subject site on independent sites.

2.0 Planning History

Planning Ref. No. 158: Planning permission for the erection of six chalets at Hodson Bay
Granted on 31st December 1964 subject to 13 Conditions

3.0 Relevant Legislation

I have considered this question, s and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 5, 9 & 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (e) Article 6 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended.
- (f) The planning history of the site.
- (g) 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);

Planning and Development Act, 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 (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 4(1)(H): The following shall be exempted developments for the purposes of this Act—*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*

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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,

Article 6 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended.

Roscommon County Council is the competent authority to make the key decisions within the Article 6(3) and (4) assessments.

Classes 5, 9 and 11 of Part 1 of Schedule 2: Exempted development -General

Description of Development	Conditions and Limitations
<p>CLASS 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p> <p>CLASS 9 The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</p>	<p>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</p> <p>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</p> <p>3. No such structure shall be a metal palisade or other security fence.</p>
<p>CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p> <p>a) any fence (not being a hoarding or sheet metal fence), or</p> <p>(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete</p>	<p>1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.</p> <p>2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</p>

Class 6 of Part 1 of Schedule 2: Exempted development -General

Description of Development	Conditions and Limitations
<p>CLASS 6 (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground</p>

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘the maintenance and improvement of existing holiday chalet’ is or is not development, and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the aforementioned forms of development constitute works and is therefore development.

The second question to be determined declaration is whether ‘the maintenance and improvement of existing holiday chalet’ is or is not exempted development as outlined in 4 (1) (h) of the planning and development Act as amended.

There are five elements to the works carried out in the applicant’s submission:

- a) the improvement/refurbishment of existing chalet,
- b) the maintenance and renewal of the existing level access for parking and servicing of the chalet,
- c) the clearing of scrub,
- d) the formation of new boundary treatment not exceeding 1.2 m in height and a new gate not exceeding 2 m.
- e) the reconnection and maintenance of water supply, waste water connections and electrical services

Each of these will be dealt with separately

a) **Improvement/refurbishment of existing chalet:**

Planning permission was granted for a holiday chalet in 1964. This chalet was erected on site and evidently from the photographs submitted with the application fell in to disrepair as it was over grown, boarded up, not accessible and not inhabited. The extent of the site's limited accessibility, as it was overgrown by trees, woodland and vegetation etc., can be seen in the aerial photography taken in 2000, 2005 and between 2011 and 2013 below. From these images it can be ascertained with confidence that no one occupied the chalet for a considerable period of time.

The applicant carried out works to the chalet which they claim fall into the remit of 'maintenance works' as set out in 4(1)(h) of the Planning and Development Act 2000 as amended.

The chalet that currently exists on site is of a habitable standard with new windows, doors, and new external walls. There is no evidence that the existing structure has retained any of the original fabric of the original structure. The nature and scale of the works carried out are not consistent with the purposes of maintenance and do not come within the scope of section 4(1)(h) and it is in this regard RCC considers it a replacement structure.

Furthermore, in the applicant's submission it has been clarified that the works to the chalet were carried out off site. It is considered by RCC that any works carried out to a structure in order to 'maintain or improve' a structure as stipulated in 4(1)(h) of the Planning and Development Act 2000 as amended should be of such a nature that they are carried out on site and do not extend to the removal of the structure. The structure on site which is now of a habitable standard, differs significantly from the original structure, it is materially different to the character of the original structure and quite evidently is a replacement structure.

In this regard RCC considers the existing chalet constitutes 'a replacement structure' which is not exempt and would require planning permission.

b) **The maintenance and renewal of the existing level access for parking and servicing of the chalet:** The applicant is claiming that they did not raise the site, they merely stripped back the vegetation and added a new top layer of stone which they compressed. They are further claiming that this is 'renewal of a surface treatment to an existing level access to the property'. However, it is evident from aerial photography taken in 2000, 2005 and between 2011-2013 that the site was very overgrown and there was no hard core visible on site (site is circled in red). After comparing these aerial pictures with the current situation on site it can be determined with confidence that hard core has been imported to the site and this constitutes works.

While there is an exemption for the provision of hard surface under **Class 6 of Part 1 of Schedule 2**, the sites location within Lough Ree SAC and adjacent to Lough Ree SPA has a significant bearing on this. Given the possible impact such works may have on the qualifying criteria of Lough Ree SAC and SPA an Appropriate Assessment screening was carried out. The conclusion of this screening (report attached) was that significant impacts could not be ruled out on Lough Ree SAC and SPA and hence Article 9 (1) of the Planning and Development Regulations applies:

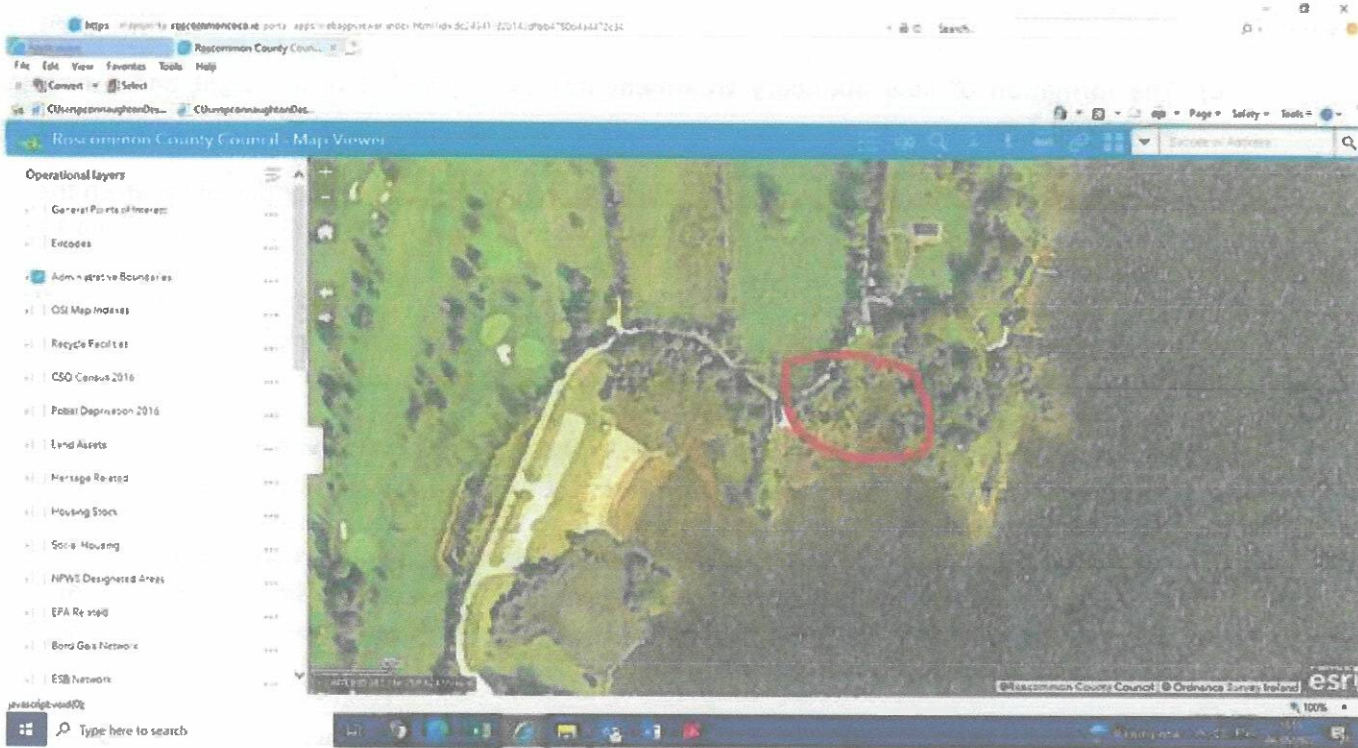
Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

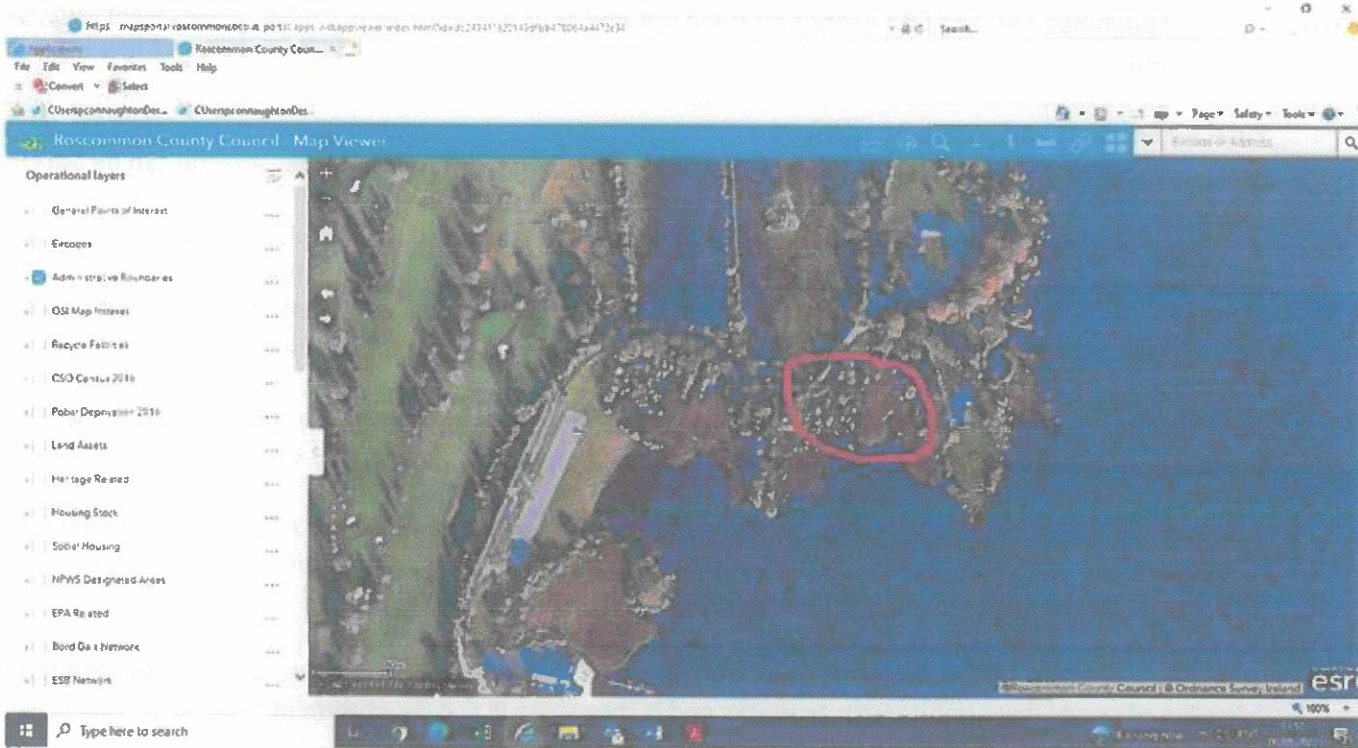
viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

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 arising from the development which is subject of this Section 5 DED either individually or in combination with other plans or projects significant impacts on Lough Ree SAC and SPA cannot be ruled out and that a stage 2 Appropriate Assessment must be carried out.

Orthos images taken of the site in 2005



Orthos images taken of the site between 2011-2013



- c) **The clearing of scrub:** Having considered the definition of both “works” and “development” outlined above, I would deem that the ‘clearing of scrub’ does not constitute works and is therefore is not development.
- d) **The formation of new boundary treatment not exceeding 1.2 m in height and a new gate not exceeding 2 m.**

The front boundary of the site consists of a wire mesh fence and timber panelling which the applicant claims replaced a concrete pole and wire fence and contends is exempt under class 9 and 11 of the P&D Regulations.

Class 9 and 11 refer to ‘the construction, erection of lowering, repair or replacement other than within the curtilage of a house’ while class 5 refers to the ‘construction, erection or alteration, within or bounding the curtilage of a house’.

The Planning and Development Act makes no distinction between a house used on an intermittent basis for the purpose of holidays or as a permanent home. Notwithstanding whether the development is considered under class 5 or 9 and 11 the same ‘conditions and limitations apply’ and in this regard the height of the front boundary cannot exceed 1.2 m. Notwithstanding assertions in the documentation submitted with the section 5 declaration request that the boundary treatment does not exceed 1.2m, in reality as constructed the height of the front boundary on site varies from 1.5m to 2 ms and therefore exceeds the conditions and limitations of all the aforementioned classes and therefore is not exempt from planning permission.

e) The reconnection and maintenance of water supply, waste water connections and electrical services: The applicant is claiming that the aforementioned services have remained in situ since the chalet was first occupied. The applicant has given no information in relation to the reconnection to services. This is particularly relevant with respect to the treatment and disposal of waste water on site as in the absence of this information significant impacts on European Sites cannot be ruled out. Having 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, that arising from the development which is subject of this Section 5 DED either individually or in combination with other plans or projects significant impacts on Lough Ree SAC and SPA cannot be ruled out and that a stage 2 Appropriate Assessment must be carried out

Final assessment and recommendation:

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

a) The works carried out to the chalet on site are to such a scale and magnitude that the existing chalet bears no resemblance to the original structure on site. It is this material deviation in character and the fact the original structure was removed off site that RCC considers the onsite chalet a ‘replacement chalet’ and therefore does not fall within the remit of ‘maintenance’ referred to in section 4(1)(h) of the Planning and Development Act

b) With respect to the importation of material to create a hardstanding area, this constitutes works and the likelihood of significant impacts on European Sites as a result of these works cannot be ruled out and Stage 2 Appropriate Assessment is required,

Therefore, in accordance with Section 4(4) of the Planning and Development Act, 2000, as amended, the said works cannot avail of any exemptions that might otherwise be available under the Act, or under the Planning and Development Regulations, 2001, as amended.

c) Having considered the definition of both “works” and “development” outlined above, I would deem that the ‘clearing of scrub’ does not constitute works and is therefore is not development.

d) The front boundary on site varies from 1.5m to 2 ms and therefore exceeds the conditions and limitations of classes 5, 9 & 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and therefore is not exempt from planning permission

e) The applicant has given no information in relation to the reconnection to services. This is particularly relevant with respect to the treatment and disposal of waste water on site as in the absence of this information RCC cannot determine if development took place and if so is it exempt development. Furthermore, in the absence of this information and the fact the site is located in Lough Ree SAC and adjacent to Lough Ree SPA significant impacts on European Sites cannot be ruled out.

5.0 Recommendation

WHEREAS a question has arisen as to whether ‘the maintenance and improvement of existing holiday chalet’ is development, and 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 Acts 2000 (as amended)
- (b) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 5, 9 and 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (e) Article 6 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended.
- (f) The planning history of the site.
- (g) 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

- a) The works are development
- b) ‘the maintenance and improvement of existing holiday chalet’ is not exempted development
- c) The likelihood of significant impacts on European Sites as a result of these works cannot be ruled out and Stage 2 Appropriate Assessment is required.

and I recommend that a declaration to that effect should be issued to the applicant.

Signed: _____

Paula Corraughton

South Roscommon Area Planner.

Date: _____

9/5/22

