

ROSCOMMON COUNTY COUNCIL

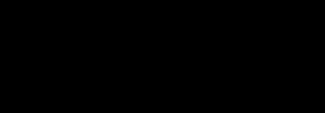
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

E-MAIL

John Fuery,



Reference Number:

DED 520

Application Received:

16th June, 2022

WHEREAS a question has arisen as to whether the installation of fencing at Mount Plunkett, Lecarrow, Co. Roscommon 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:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended).**
- (b) Article 9 of the Planning and Development Regulations 2001, (as amended).**
- (c) Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).**
- (d) The planning history of the site.**
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended)**

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;**
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.**
- (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 proposed development**

NOW THEREFORE:

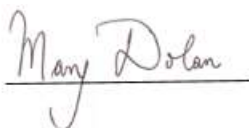
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **the installation of fencing at Mount Plunkett, Lecarrow, Co. Roscommon constitutes development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the said Council

A handwritten signature in dark ink, appearing to read 'Mary Dolan', written over a horizontal line.

**Administrative Officer,
Planning.**

Date: 12th August, 2022

**c.c. Brandon O'Brien Consulting Engineers,
Church Street,
Roscommon.**

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

Reference Number:	DED 520
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development consisting of the installation of fencing
Name and Address of Applicant:	John Fuery [REDACTED]
Location of Development:	Mountplunket, Lecarrow, Co. Roscommon

1.0 Introduction

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 13th July 2022 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions

Further information requested: 13th July 2022

~~Further information~~
Clarification response received: 25th July 2022

2.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1: A revised map showing the extent of fencing proposed was required in order for the Planning Authority to carry out an Appropriate Assessment screening.

Item 2: Information detailing the height of the proposed fencing.

Item 3: A map showing any right of ways and clarification if the proposed fencing will restrict access to land which has been used by the public in the last 10 years.

Assessment of further information received:

Final assessment:

Item 1: A revised map has been submitted which shows the extent and type of fencing proposed. The fencing is proposed in three different areas and can be summarised as follows:

- a) Approx. 80 to 100 m of sheep wire fencing supported by wooden stakes
- b) Approx. 200 m of solar powered fencing supported by plastic poles
- c) Approx. 150m either sheep wire fencing or solar powered fencing.

Due to the location of the proposed development in Natura 2000 sites, Lough Ree SAC and adjacent to Lough Ree SPA it is considered that there is a requirement to screen for an Appropriate Assessment.

On receipt of the reply to further information a screening has been carried out and is attached to the file. Following an assessment of the proposed development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European Sites.

Item 2: The applicant has detailed the height of the fencing proposed which can be summarised as follows:

- Area (a) Wooden stakes 1.02 m high above ground level
- Area (b) Plastic poles 0.9m m above the ground level
- Area (c) Wooden stakes or plastic poles area proposed, heights stipulated above

Schedule 2, Part 3, Article 6 applies: Exempted development -Rural

Description of Development	Conditions and Limitations
CLASS 4 The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.	1.The height of the wall or fence, other then a fence referred to in paragraph 2, shall not exceed 2 metres. 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

Having regard to the details supplied by the applicant I considered that the fencing proposed falls under *Class 4, Schedule 2, Part 3, Article 6 Exempted development –Rural of the Planning and Development Regulations 2001* as amended

Item 3:

The applicant has clarified that the proposed development would not obstruct any right of way.

Fila Assessment:

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 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 as amended

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 proposed works are exempted development.

Recommendation

I have concluded that the installation of fencing at Mount Plunkett, Lecarrow, is development and IS exempted development and I recommend that a declaration to that effect should be issued to the applicant.

P Connaughton

Signed _____

Date: 11th August 2022

Paula Connaughton
Executive Planner

Recommendation Agreed: MAY FRIDR
JUNIOR PLANNER
12/8/22.

**APPROPRIATE ASSESSMENT
SCREENING REPORT
For
Planning Application DED 520**

Development: Installation of fencing at Mount Plunkett, Lecarrow



**Comhairle Contae
Ros Comáin**
Roscommon
County Council

Screening for Appropriate Assessment: 21398

Table 1: Project Details

Development Consent Type	DED
Development Location	Mountplunkett, Lecarrow, Co Roscommon
File Reference Number	520
Description of the Project	Installation of fencing

Table 2: Identification of Natura 2000 Sites (SACs and SPAs) which may be impacted by the proposed development

Please answer the following questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development.

Special Areas of Conservation (SAC)

Impacts on habitats

1.	Impacts on Freshwater Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same?</p> <p>Sites to consider Lough Ree SAC (Site Code: 000440) Distance from Site: 0 km Designated features: Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation (#3150)</p> <p>Lough Funshinagh SAC (Site Code: 000611) Distance from Site: 5.96 km Designated features: Turloughs (#3180)</p> <p>Fortwilliam Turlough SAC (Site Code: 000448)</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p>

	<p>Distance from Site: 6.77 km Designated features: Turloughs (#3180)</p> <p><u>Lough Croan Turlough SAC</u> (Site Code: 000610) Distance from Site: 11.61 km Designated features: Turloughs (#3180)</p> <p><u>Ballinturly Turlough SAC</u> (Site Code: 000588) Distance from Site: 12.45 km Designated features: Turloughs (#3180)</p> <p><u>Lisduff Turlough SAC</u> (Site Code: 000609) Distance from Site: 12.96 km Designated features: Turloughs (#3180)</p> <p><u>Four Roads Turlough SAC</u> (Site Code: 001637) Distance from Site: 13.81 km Designated features: Turloughs (#3180)</p> <p><u>Ballynamona Bog And Corkip Lough SAC</u> (Site Code: 002339) Distance from Site: 13.84 km Designated features: Turloughs (#3180)</p>	<p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p>
2.	Impacts on Bog Mires and Fens Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Bog Mires and Fens habitats, or within 1km of same?</p> <p>Sites to consider <u>Lough Ree SAC</u> (Site Code: 000440) Distance from Site: 0 km Designated features: Degraded raised bogs still capable of natural regeneration (#7120), Alkaline fens (#7230)</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed</p>

	<p>Corbo Bog SAC (Site Code: 002349) Distance from Site: 10.79 km Designated features: Depressions on peat substrates of the Rhynchosporion (#7150), Degraded raised bogs still capable of natural regeneration (#7120), Active raised bogs (#7110)</p> <p>Ballynamona Bog And Corkip Lough SAC (Site Code: 002339) Distance from Site: 13.84 km Designated features: Depressions on peat substrates of the Rhynchosporion (#7150), Active raised bogs (#7110), Degraded raised bogs still capable of natural regeneration (#7120)</p>	<p>development on the margins of the designated site.</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p>
3.	Impacts on Forests Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Forests habitats, or within 1km of same?</p> <p>Sites to consider Lough Ree SAC (Site Code: 000440) Distance from Site: 0 km Designated features: Old sessile oak woods with Ilex and Blechnum in the British Isles (#91A0), Bog woodland (#91D0)</p> <p>Ballynamona Bog And Corkip Lough SAC (Site Code: 002339) Distance from Site: 13.84 km</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.</p> <p>No significant impacts on these Natura sites are likely</p>

	Designated features: Bog woodland (#91D0)	
4.	Impacts on Grasslands Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Grasslands habitats, or within 1km of same?</p> <p>Sites to consider <u>Lough Ree SAC</u> (Site Code: 000440) Distance from Site: 0 km Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.</p>
5.	Impacts on Heath and Scrub Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Heath and Scrub habitats, or within 1km of same?</p> <p>Sites to consider None</p>	N/A
6.	Impacts on Rocky Habitats	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Rocky habitats, or within 1km of same?</p> <p>Sites to consider <u>Lough Ree SAC</u> (Site Code: 000440) Distance from Site: 0 km</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no</i></p>

	Designated features: Limestone pavements (#8240)	<i>likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.
7.	Impacts on Dunes Habitats	Likely Effects (direct, indirect or cumulative)
	Is the development within a Special Area of Conservation whose qualifying interests include Dunes habitats, or within 1km of same? Sites to consider None	N/A
8.	Impacts on Coastal Habitats	Likely Effects (direct, indirect or cumulative)
	Is the development within a Special Area of Conservation whose qualifying interests include Coastal habitats, or within 1km of same? Sites to consider None	N/A

Impacts on Species

1.	Impacts on Amphibians	Likely Effects (direct, indirect or cumulative)
	Is the development within a Special Area of Conservation whose qualifying interests include Amphibians, or in the catchment of same? Sites to consider None	N/A
2.	Impacts on Anthropods	Likely Effects (direct, indirect or cumulative)

	<p>Is the development within a Special Area of Conservation whose qualifying interests include Anthropods or within 1km of same?</p> <p>Sites to consider None</p>	N/A
3.	Impacts on Fish	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Fish, or within 1km of same?</p> <p>Sites to consider None</p>	N/A
4.	Impacts on Mammals	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Mammals, or within 1km of same?</p> <p>Sites to consider <u>Lough Ree SAC</u> (Site Code: 000440) Distance from Site: 0km Designated features: Lutra lutra (Otter) (#1355)</p>	<p>Yes</p> <p>It is considered there could be a potential impact on this site as a result of the location of the proposed development in the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.</p>
5.	Impacts on Molluscs	Likely Effects (direct, indirect or cumulative)

	<p>Is the development within a Special Area of Conservation whose qualifying interests include Molluscs, or within 1km of same?</p> <p>Sites to consider None</p>	N/A
6.	Impacts on Non-vascular Plants	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Non-vascular plants, or within 1km of same?</p> <p>Sites to consider None</p>	N/A
7.	Impacts on Reptiles	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Reptiles, or within 1km of same?</p> <p>Sites to consider None</p>	N/A
8.	Impacts on Vascular Plants	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Vascular Plants, or within 1km of same?</p> <p>Sites to consider None</p>	N/A

Special Protection Areas (SPA):

1.	Impacts on Birds	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Protection Area, or within 1km of same?</p> <p>Sites to consider</p>	Yes

	<p><u>Lough Ree SPA</u> (Site Code: 004064) Distance from Site: 1 m Designated features: Little Grebe (Tachybaptus ruficollis) (#A004), Whooper Swan (Cygnus cygnus) (#A038), Wigeon (Anas penelope) (#A050), Teal (Anas crecca) (#A052), Mallard (Anas platyrhynchos) (#A053), Shoveler (Anas clypeata) (#A056), Tufted Duck (Aythya fuligula) (#A061), Common Scoter (Melanitta nigra) (#A065), Goldeneye (Bucephala clangula) (#A067), Coot (Fulica atra) (#A125), Golden Plover (Pluvialis apricaria) (#A140), Lapwing (Vanellus vanellus) (#A142), Common Tern (Sterna hirundo) (#A193), Wetland and Waterbirds (#A999)</p> <p><u>Lough Croan Turlough SPA</u> (Site Code: 004139) Distance from Site: 11.58 km Designated features: Shoveler (Anas clypeata) (#A056), Golden Plover (Pluvialis apricaria) (#A140), Greenland White-fronted Goose (Anser albifrons flavirostris) (#A395), Wetland and Waterbirds (#A999)</p> <p><u>Four Roads Turlough SPA</u> (Site Code: 004140) Distance from Site: 13.85 km Designated features: Golden Plover (Pluvialis apricaria) (#A140), Greenland White-fronted Goose (Anser albifrons flavirostris) (#A395), Wetland and Waterbirds (#A999)</p> <p><u>River Suck Callows SPA</u> (Site Code: 004097) Distance from Site: 13.96 km</p>	<p>It is considered there could be a potential impact on this site as a result of the location of the proposed development adjacent to the designated area. <i>However, there is no likelihood of significant effects, and no adverse impacts to site integrity are predicted</i> due to the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site.</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p> <p>No significant impacts on these Natura sites are likely</p>
--	--	---

	Designated features: Whooper Swan (Cygnus cygnus) (#A038), Wigeon (Anas penelope) (#A050), Golden Plover (Pluvialis apricaria) (#A140), Lapwing (Vanellus vanellus) (#A142), Greenland White-fronted Goose (Anser albifrons flavirostris) (#A395), Wetland and Waterbirds (#A999)	
--	---	--

All designated sites within a 15km radius of the subject site have been considered in this screening for Appropriate Assessment.

Conclusion Table 2: If the answer to all of these questions is no, significant impacts can be ruled out for Natura 2000 sites. No further assessment is required; proceed to the Habitats Directive Conclusion Statement.

Screening for Appropriate Assessment - Conclusion Statement

Development Type: Declaration of Exempt Development
Development Location: Mountplunkett, Lecarrow, Co Roscommon
Natura 2000 sites within impact zone: SPA:004140, SPA:004139, SPA:004097, SPA:004064, SAC:002349, SAC:002339, SAC:001637, SAC:000611, SAC:000610, SAC:000609, SAC:000588, SAC:000448, SAC:000440
Planning File Reference Number: DED 520
Description of the Project: Installation of fencing
Describe how the project or plan (alone or in combination) could affect Natura 2000 sites(s): Potential indirect limited impact has been identified due to the sites location adjacent to and within European sites.
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not: There is no likelihood of significant effects and no adverse impacts to site integrity are predicted, due to the nature of the works proposed, the limited scale of development, the extent of the designated site and the location of the proposed development on the margins of the designated site. It is not considered that there will be any loss of habitat within any European Sites, nor any loss of any qualifying Annex 1 habitat outside designated sites.
Conclusion of Screening Assessment: Following an assessment of the proposed development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European Sites.

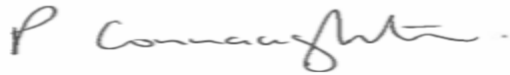
Documentation reviewed for making this statement:

Roscommon County Development Plan 2022 – 2028,
Documentation submitted with the planning application
National parks and wildlife website.

Completed by:

Paul Connaughton
Executive Planner

Date: 11th August 2022



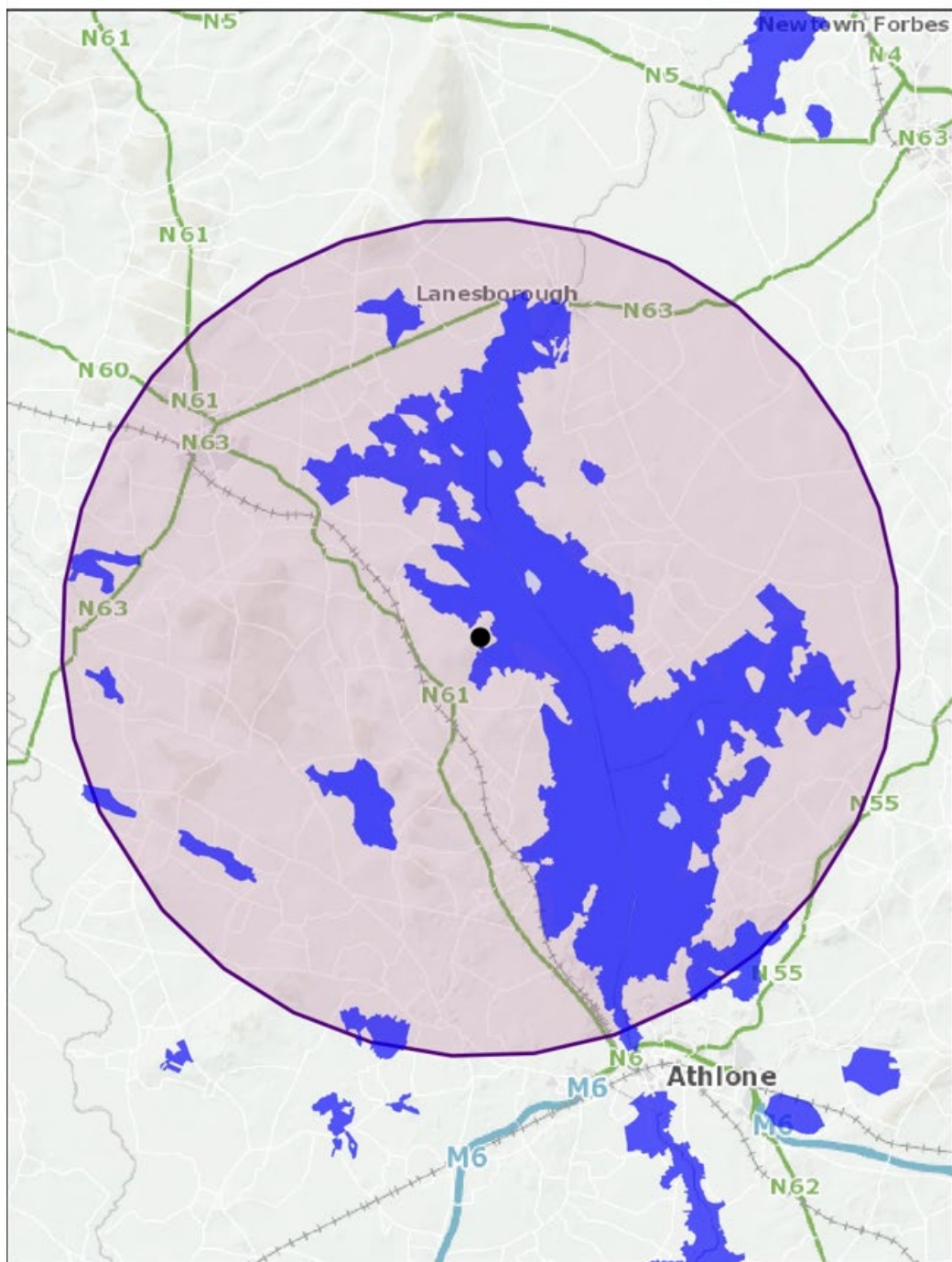
Signed: _____

Date: 11th August 2022

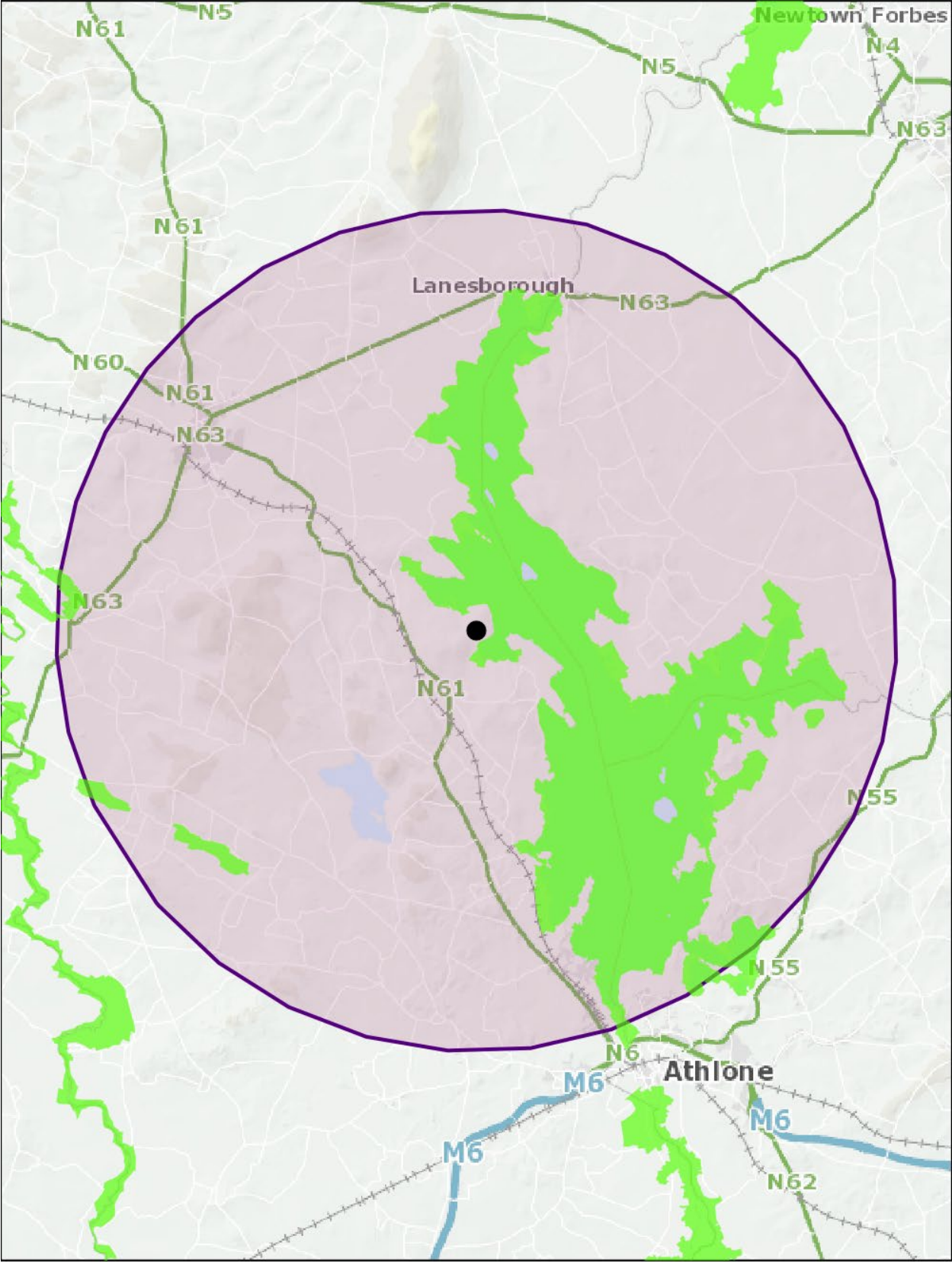
Signed: _____

Date: _____

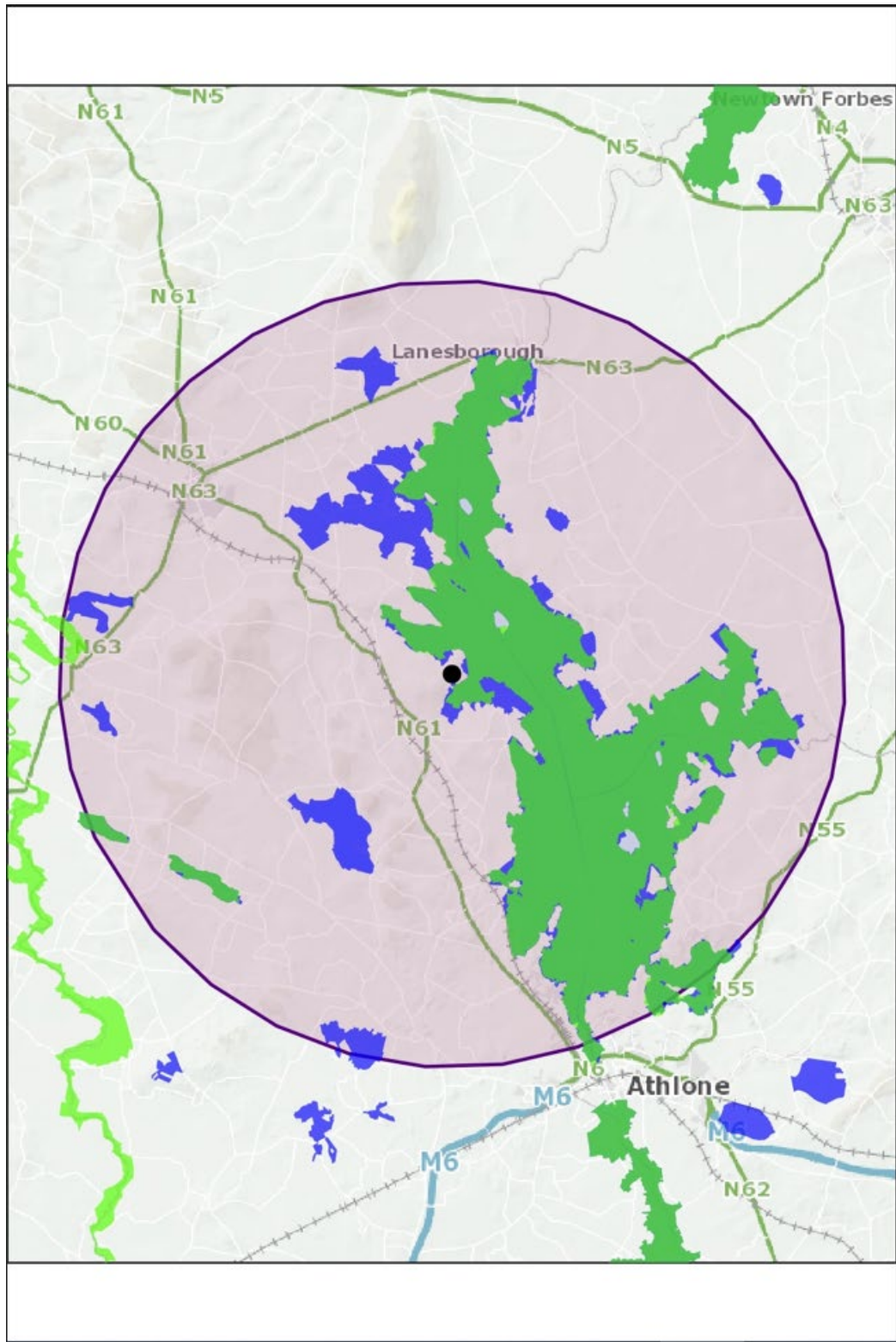
Mary Grier
Senior Planner



SAC (blue) within 15km of DED 520



SPA (green) within 15km of DED 520



SAC & SPA within 15km of DED 520



Re: DED 520 - Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding Exempted Development in respect of Mount Plunkett Lecarrow (F42VR96)

Dear Caroline,

Thanks for your letter of 13th July, 2022.

To address your requests for clarifications one by one:

Revised map showing extent of fencing:

Please find attached a more detailed copy (marked A) of the 1:500 OSI map (actually an double-sized A3 version of the original A4 1:1000 version issued by OSI). As per your request, the revised map clearly shows the the boundaries of the property where they intersect with the fencing. Rather than crowd the map with marking, I have included explanations of the different coloured lines used to delineate the various fences at the end of this letter.

Height of proposed fencing:

The proposed standard sheep wire and solar powered electric fencing (see pictures marked B) will consist of:

- A) Approx 80m to 100m of standard sheep wiring supported by 150cm (62.5") long wooden stakes as shown in the attached picture. As roughly 48cm (20") of each stake will be hammered into the ground to ensure the fence's stability, its visible (i.e. above ground) part will measure a maximum of roughly 102cm (42") high. This stretch of wiring will stop some 10m to 15m before the Rivershore.
- B) Approx 200m of standard two-row 105 to 125 volt fencing strung between 105cm (42.5") long plastic poles. As roughly 16.4cm (7") of each pole will be a galvanized

spike screwed/hammered into the ground for stability, its visible (i.e. above ground) part will measure a maximum of roughly 90cm (35") high.

- C) Approx 150m of EITHER standard sheep wire fencing or solar-powered fencing as detailed in points A and B above

A map showing any right of way (ROW):

Last October, Mr. Denis Monaghan, a qualified land engineer from Brandan O'Brien Consulting Forensic Engineers of Roscommon undertook a survey of the land. The survey was commissioned by Mahon Sweeney Solicitors for the purposes of carrying out probate of the previous owner's will, and who had also handled the neighbours' purchase of the next door property.

I accompanied Mr. Monaghan, while he undertook the survey. Despite my specifically asking him about any ROW, he did not identify any such path. Nor did he include any such ROW on the map he lodged at the Land Registry at that time (a 1:2500 copy of which was attached to my original letter and which I hereby attach again now.) Please also find attached an exchange of emails about this topic that Mr. Monaghan and myself engaged in immediately after my receipt of your letter from last week. I have also included two screen caps of the Land Registry Folios for both my and my neighbours land.

While no ROW is indicated on the folio for my land, I will be more than happy for the ROW to be reinstituted so that ramblers and nature lovers are free to enjoy the beauty of Mount Plunkett.

After receiving your letter, I called the Planning Dept and spoke to a lady called Margaritte to clarify details of what needed to be sent. Margaritte advised me it was not necessary to have a notary sign and stamp the supplementary paperwork you asked for.

I hope that the above proves satisfactory and that I can get approval to fence off my land from that belonging to my neighbours.

As I recently had a problem whereby the neighbours were ordered to remove a jetty they had illegally built on my land I am eager to get a fence put in place asap in order to prevent more incursions. Should you wish for details of the jetty, they are to be found under UDR 2716 with RosCoCo's Planning Enforcement Dept.

Thanks in advance for your help



DED 520 500: 1 Land Registry Map Explanatory Notes

Explanatory notes

___ Approx 20m section of dry stone walling erected/renovated by the neighbours in March, 2022

___ Approx 100m to 150m long extension of neighbour's section of dry stone walling running down towards the river. This fence will consist of standard sheep wire supported by 1500m (52.5") wooden posts, roughly 1020mm (42") will be visible above ground. Exact location of fence will be determined by GPS tracking carried out by a qualified land engineer as per Planning Dept regulations

___ Approx 200m of standard two-row solar-powered 105v to 125v fencing strung between 105cm (42.5") long plastic poles, roughly 90cm (35") of which will be visible above ground. Purpose of this stretch of fencing is prevent grazing sheep from wandering out onto and getting stuck in the marshy foreshore.

___ Approx 150m of EITHER standard sheep wire OR solar-powered fencing as detailed above. Purpose of this fence is to contain grazing sheep.

Land Registry Compliant Map

ORIGINAL 1:1000

CENTRE
COORDINATES:
ITM 597486,756820

PUBLISHED: 15/07/2022
ORDER NO.: 50280255_1

MAP SERIES: 1:5,000
MAP SHEETS: 2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordnáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'

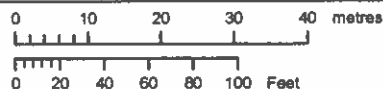
M o u n t p l a n k e t t



Lough Ree
Loch Rí

3.81

0.62



OUTPUT SCALE: 1:1,000

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:
<http://www.osi.ie>; search 'Capture Resolution'



Land Registry Compliant Map

(MANUSCRIPT)
2x Blow UP of 1:1000 OSI MM



National Mapping Agency

CENTRE COORDINATES:
ITM 597486,756820

PUBLISHED: 15/07/2022
ORDER NO.: 50280255_1

MAP SERIES: 1:5,000
MAP SHEETS: 2890



COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

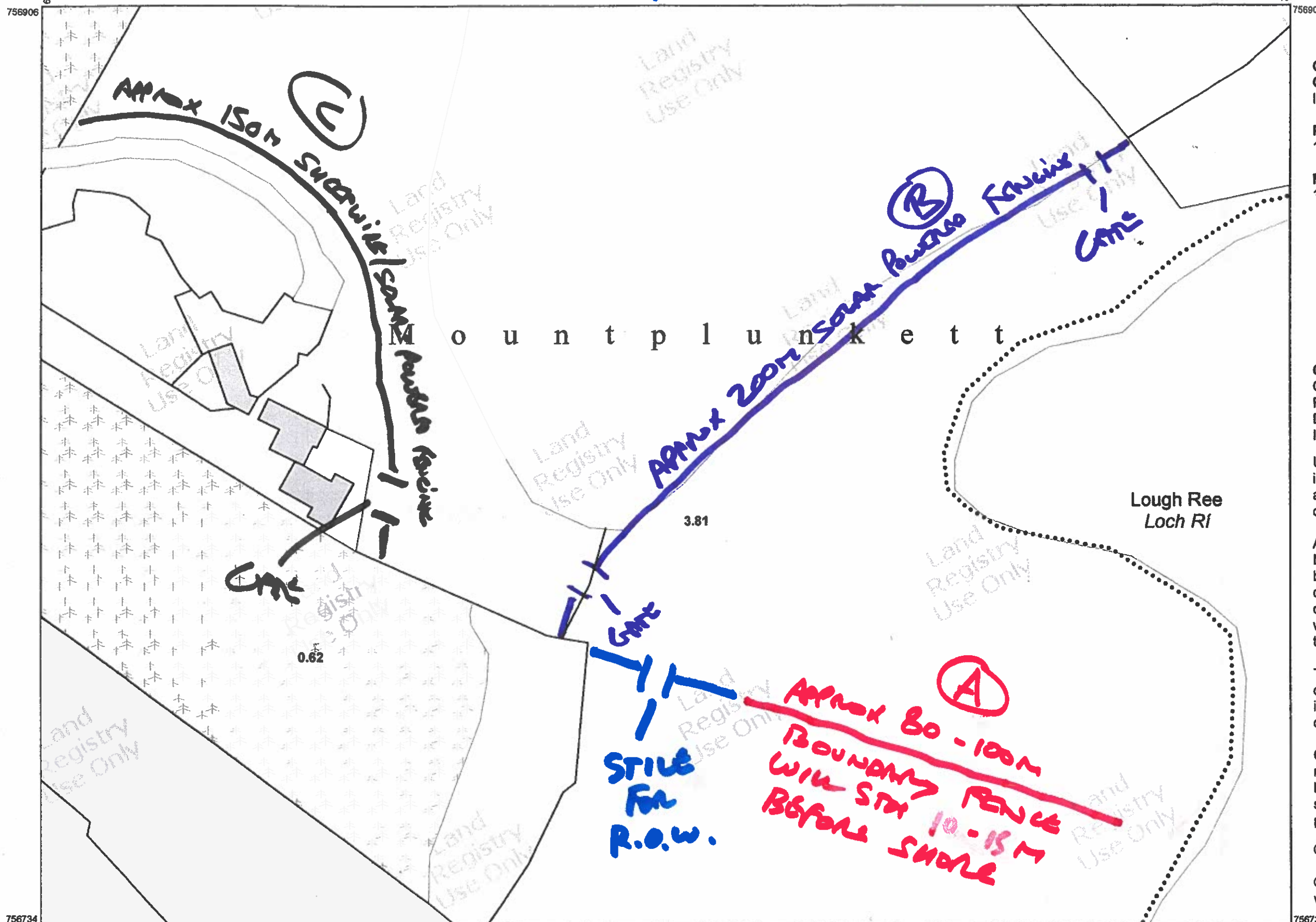
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'



Land Registry Compliant Map

2x Blow up of (LUSAN) 1:1000 OSI Map

OSI Ordnance Survey
Ireland
National Mapping Agency

CENTRE COORDINATES:
ITM 597486,756820

PUBLISHED: 15/07/2022
ORDER NO.: 50280255_1

MAP SERIES: 1:5,000
MAP SHEETS: 2690



COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'

M o u n t p l u n k e t t

Lough Ree
Loch Rí

3.81

0.62

0 10 20 30 40 metres
0 20 40 60 80 100 Feet

OUTPUT SCALE: 1:1,000

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:
<http://www.osi.ie>; search 'Capture Resolution'



Land Registry Compliant Map

CENTRE
COORDINATES:
ITM 597422 756956

PUBLISHED:
02/12/2021

ORDER NO.:
50237273_1

MAP SERIES:
1:5 000

MAP SHEETS:
2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries nor do they
show ownership of
physical features.

©Suirbhéireacht Ombuds Éireann, 2021
©Ordnance Survey Ireland, 2021

www.ors.ie/copyright

LEGEND:

<http://www.ors.ie>
search Large Scale Legend

MOUNTPLUNKETT
CO. ROSCOMMON.

Area "A" inlined in blue,
= 3.508 Hectares
(8.669) Acres

Area "B" inlined in orange,
= 3.492 Hectares
(8.629) Acres

Area "C" inlined in red,
= 3.238 Hectares
(8.002) Acres

Kevin Brandon
Kevin Brandon BAI MSc CEng

Dated: 02nd December 2021

Brandon O'Brien Ltd.

Consulting Engineers

ORDNANCE SURVEY IRELAND LICENCE NO. EN 0010821

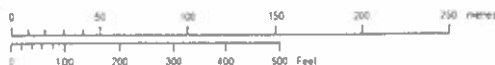
© ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

Note: Areas calculated
from far side of road



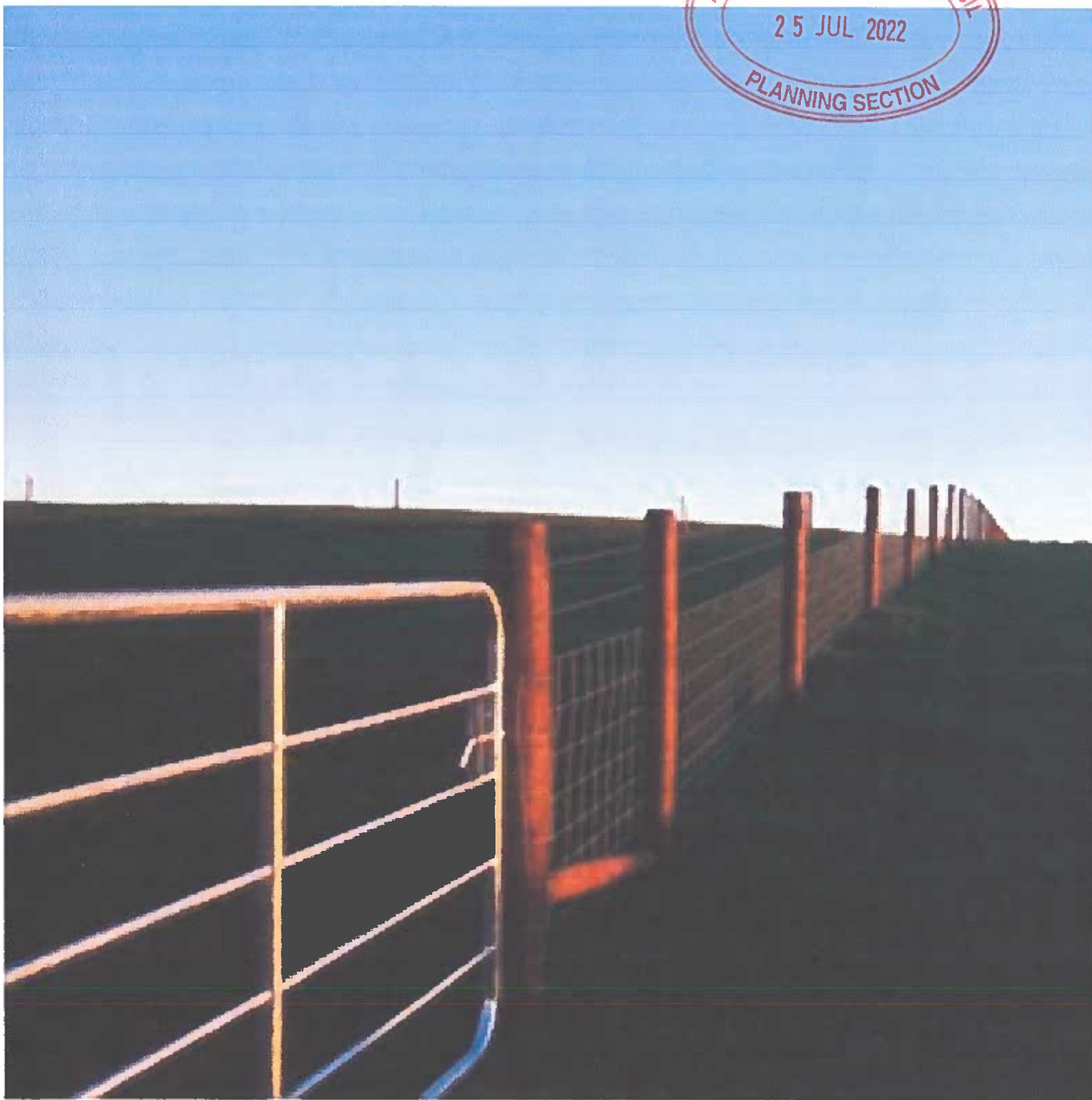
CAPTURE RESOLUTION
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at
<http://www.ors.ie> search Capture Resolution

OUTPUT SCALE: 1:2 500



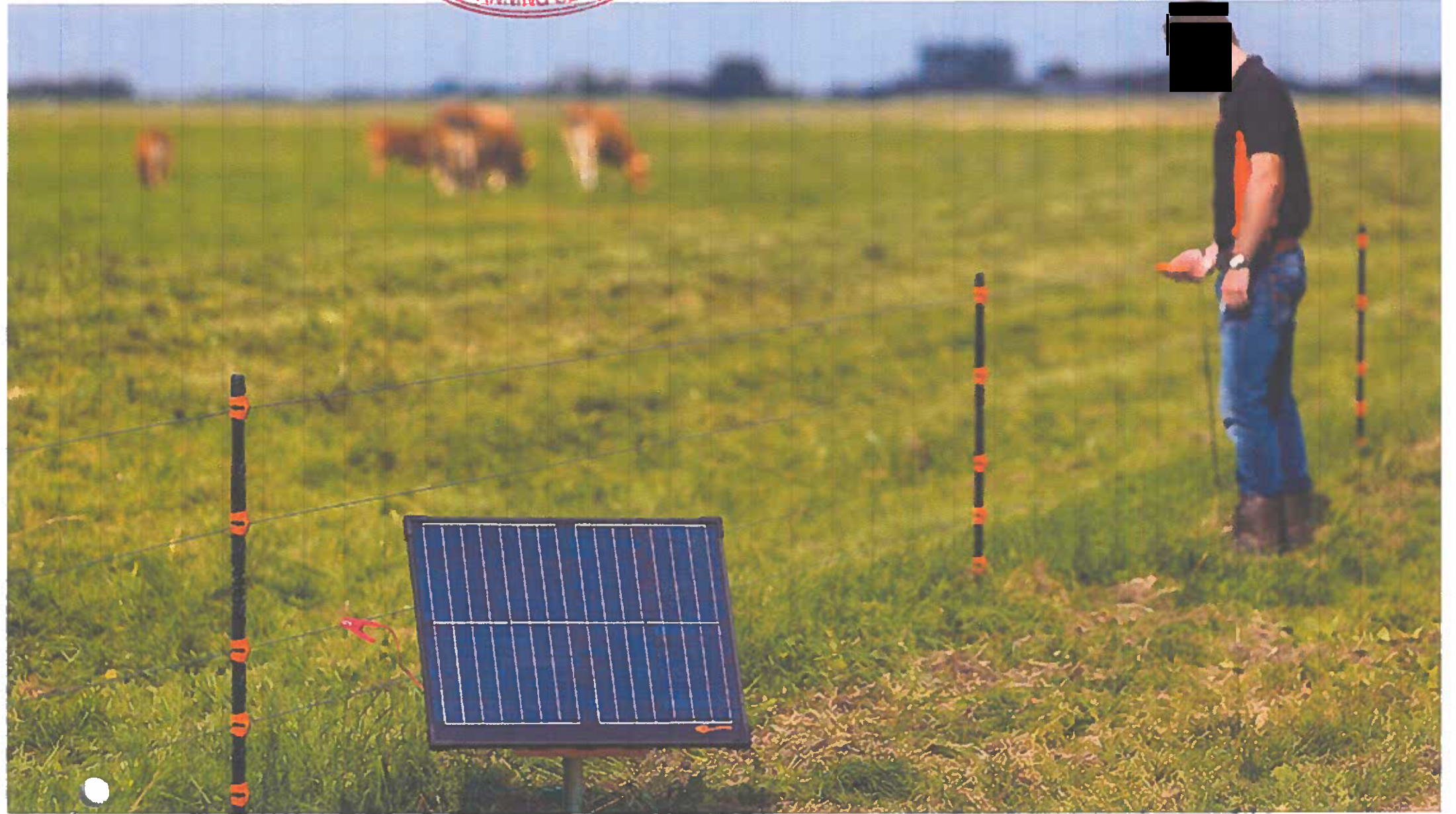
(B)

SNOW WIRE
FENCING



የፌዴራል የኢንፎርሜሽን ቴክኖሎጂ ቢሮ

RC
25 JUL 2022
PLANNING SECTION





Subject: Re: FAO DENNIS: Re Right of Way (ROW) at Mount Plunkett (F42 VR96)
Date: July 20, 2022 at 4:21 PM
To: Brandon OBrien info@brandonobrien.ie

R.O.W
EMAIL FROM
BRANDON
O'BRIEN
SUNSHINE

On Jul 18, 2022, at 11:21 AM, Brandon OBrien <info@brandonobrien.ie> wrote:

Hi John,

I agree that there is no sign of a registered or any other Right of Way through the land in question. As well as the Land Registry maps I have also looked at the old historical maps of the area. These show a pathway extending from what was Mountplunkett House to the south up to the southern boundary of your lands. The pathway does not extend through the lands, however. The only issue I could see arise is if the jetty had in some way been open to the public over the 10 year period the local authority mention. I doubt this however.

Regards

Denis

On 14/07/2022 16:35, John Fuery wrote:

Hi, Dennis

Apologies for bothering you (again) re my application to install a fence at MP, but the council have asked me to

" Submit a map showing any public ROW and clarify if the proposed fencing will restrict access to land which has been open to the public in the last 10 years..."

Cannot see any sign of a ROW on the mapping you did for Mahon Sweeney last Year.

Does this mean there is no ROW there or is there somewhere else I should be looking?

FWIW, am happy to offer a ROW for anyone wishing to visit MP.

Thanks in advance for your advice

John



Begin forwarded message:

From: Brandon OBrien <info@brandonobrien.ie>

Subject: Re: Fwd: FAO DENNIS: Quick query re planning approval of a fence at Mount Plunkett (F42 AK64)

Date: May 30, 2022 at 4:31:34 PM GMT+1

To: John Fuery

Hi John,

This can be quite tricky and if unsure it is better to ask the planning authority themselves first before commencing such works. At one time all fencing of agriculture was considered exempt from planning permission but this has changed due to environmental issues. I have enclosed a planning leaflet that describes all exempted agriculture and farm development. For anything else you need planning permission.

Regards

Denis

On 29/05/2022 10:03, John Fuery wrote:

Hi, Dennis,

Sorry to bother you (again!) but before I commission Martin to map out the boundary line, I just need to find out if I need to obtain planning permission from RosCoCo for any fence I promise building between my late uncle's farm and that of the neighbours.

Thanks again, btw, for letting me know about the illegally constructed jetty which the neighbours have now removed from my land following an order from RosCoCo.

Best

John

25/



Property Details

> Back

Folio Number	
Title Level	Freehold
Plan Number	19
Property Number	1
Area of selected plans	10.47 hectares.
Number of Plans on this folio:	2
Address	Mountplunket, Lecarrow, Co. Roscommon, F42 VR96
View Folio PDF Request Certified Copy	

The following Applications are Pending on this Folio
D2022LR082274E Mapping

*** Boundaries and Plan Numbers are not conclusive. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(2\) of the Land Registration Rules 2012](#)

Print Current View

[Help](#)

7034

plunket
north
on



The Boring Law



97534. 756996
: 2500
Mountplunket
Athlone North
Roscommon

Property Details

> Back

Folio Number	
Title Level	Freehold
Plan Number	DHDT7
Property Number	2
Area of selected plans	2.24 hectares
Number of Plans on this folio:	2
Address	Not Available

[View Folio PDF](#)[Request Certified Copy](#)

*** Boundaries and areas are not conclusive. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#)

[Print Current View](#)

[Help](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council



BY EMAIL

John Fuery,

Date: 13th July, 2022
Reference No.: DED 520

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development – Whereas a question has arisen as to whether the installation of fencing at Mountplunket, Lecarrow, Co. Roscommon is or is not development, and is or is not exempted development.

A Chara,

Further to your application received on the 16th June, 2022 and in order for the Planning Authority to determine whether the installation of fencing at Mountplunket, Lecarrow, Co. Roscommon is or is not development, and is or is not exempted development, you are requested to submit the following further information:

1. In order to carry out an Appropriate Assessment Screening a map showing the extent of fencing proposed, is required. The proposed fencing on the maps submitted runs to the edge of the map and it is not clear if fencing is proposed on land outside the area covered by the map.
2. Submit information detailing the height of the proposed fencing.
3. Submit a map showing any public right of ways and clarify if the proposed fencing will restrict access to land which has been open to the public in the last 10 years for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

Advice Note

The applicant is advised that having regard to the fact the land subject of this Section V application is within Lough Ree SAC and SPA potential impacts on these European Sites must be assessed and an Appropriate Assessment screening be carried out. In the absence of Item 1 requested above an AA screening cannot be carried out.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 520**.

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

Mise le meas,

Carolyn Mounier.

Senior Staff Officer,
Planning.

**CC: Kevin O'Brien,
BAI, MSc C Eng.,
Brandon O'Brien Consulting Engineers,
Church Street,
Roscommon.**

**Planner's Report on application under
Section 5 of the Planning and Development Act 2000-2015**

Reference Number:	DED 520
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development consisting of the installation of fencing
Name and Address of Applicant:	John Fuery. [REDACTED]
Location of Development:	Mountplunket, Lecarrow, Co. Roscommon

WHEREAS a question has arisen as to whether the following works, 1) installation of fencing at Mountplunket, Lecarrow, 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 Acts 2000 (as amended);
- (b) Article 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 4, Part 3: Exempted Development -Rural of the Planning and Development Regulations 2001 (as amended);
- (d) Class 11, Part 1, Article 6 applies: Exempted development -General
- (e) 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);
- (f) The planning history of the site.
- (g) **Article 6 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended.**

Site Location & Development Description

The application site is located c 2.2 km north east of the village of Lecarrow adjacent to Blackbrink Bay in Lough Ree. The area related to this section 5 application is agricultural land and the proposed development consists of fencing this land for the purposes of managing grazing animals. The site is located within Lough Ree SAC and Lough Ree SPA. The applicant identifies three areas where fencing is proposed, the extent of these areas is not apparent on the maps submitted. The types of fencing proposed is wooden pole and wire fence and a solar powered electric fence.

Planning History

No recent relevant planning history

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.

Sub-section 4 of Section 4 of the Act, as amended, provides that notwithstanding exemption set out in specified paragraphs of sub-section 1 and the exemptions in the Regulations, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001 (as amended)

Schedule 2, Part 1, Article 6 applies: Exempted development -General

Description of Development	Conditions and Limitations
CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – a) any fence (not being a hoarding or sheet metal fence), or (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	<ol style="list-style-type: none">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.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.

Schedule 2, Part 3, Article 6 applies: Exempted development -Rural

Description of Development	Conditions and Limitations
CLASS 4 The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.	<p>The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.</p> <p>2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.</p>

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.

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

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility

(xi) obstruct any public right of way,

Assessment

The question to be determined in this Section 5 referral is whether ‘the installation of fencing’ 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 these proposed developments constitute works and is therefore development.

Schedule 2, Part 1, class 11 of the Regulations relates to “exempted development – general” and Part 3, class 4 relates to ‘exempted development – rural’. It provides for certain types of development to be exempted development, as set out in Column 1 provided they meet the requirements set out in the conditions and limitations in Column 2.

Schedule 2, Part 1, Article 6 applies: Exempted development -General

Description of Development	Conditions and Limitations
<p>CLASS 11</p> <p>The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p> <p>b) 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>	<ol style="list-style-type: none">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.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.

Description of Development	Conditions and Limitations
CLASS 4 The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.	The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres. 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

Information has not been provided regarding the height of the fence proposed. In the absence of this information it cannot be determined if the proposed development falls within the above classes.

It should also be noted however that section 4 (4) of the Act state that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development. In addition, the restrictions on exemption, (Art. 9 (1)(a) (viiB)) exclude development, which would otherwise be exempted development under these regulations, where an Appropriate Assessment is required.

The site is located within Lough Ree SAC and SPA, hence it is considered that there is a requirement to screen for an Appropriate Assessment. However, no details have been provided on file in relation to the extent of land that will be affected by the fencing. The proposed fencing on the maps submitted runs to the edge of the map and it is not clear if fencing is proposed on land outside the area covered by the map. In the absence of this information an AA screening cannot be carried out.

With respect to Article 9 (1) (x) and (xi) information is also required in order to establish if the proposed development will obstruct a right of way or if the land in question has been open to the public in the last 10 years for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility

Final assessment: Further information is required in order to carry out an AA screening and in order to establish if the proposed development is exempt under Class 4 Part 3, 6 'Exempted Development: Rural' and Class 11 Part 1, 'Article 6 Exempted Development: General'.

Recommendation: The following further information is requested:

1. Clarify what part of the Planning and Development Regulations as amended the proposed development is exempt under.
2. In order to carry out an Appropriate Assessment Screening a map showing the extent of fencing proposed, is required. The proposed fencing on the maps submitted runs to the edge of the map and it is not clear if fencing is proposed on land outside the area covered by the map.
3. Submit information detailing the height of the proposed fencing.
4. Submit a map showing any public right of ways and clarify if the proposed fencing will restrict access to land which has been open to the public in the last 10 years for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility

Advise note: The applicant is advised that having regard to the fact the land subject of this Section V application is within Lough Ree SAC and SPA potential impacts on these European Sites must be assessed and ... Appropriate Assessment screening be carried out. In the absence of Item 1 requested above an AA screening cannot be carried out.



Signed _____

Date: 13th July 2022

Paula Connaughton
Executive Planner











Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

16/06/2022 14:41:02

Receipt No. : L01/0/217433

JOHN EUERY

EXEMPTION LC22-24

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
LC22-24	

Total : 80.00 EUR

Tendered :
Cheque 80.00
000174

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



June 8, 2022

Re: Seeking approval to install fencing - mostly extensions or upgrades - at Mount Plunkett, Lecarrow, Roscommon F42 AK64

Dear Sir or Madam,

Please find attached the completed Exempted Development Form as mandated in Section 5 of the Planning and Development Act 2000 and 1:2500 scale Irish Ordnance Survey (IOS) map plus a cheque for the E80 fee needed to process my application. I have also enclosed clean and annotated copies of the requested 1:500 IOS map indicating my proposed locations for the following fences:

- A wooden pole and wire fence of roughly 100m in length which will extend an existing dry stone wall belonging to my next door neighbours. Formalizing the boundary line between my and my neighbours' property, this stretch of fencing will be:
 - Be constructed in such a way as to ensure minimal disruption to bird life in the callows down which the proposed fencing will run;
 - Be mapped out and constructed using a GPS device and official to-scale map in accordance with Land Registry guidelines;
 - Allow free passage for ramblers wishing to discover this magical piece of land via a stile in the existing dry stone walling.
- A solar-powered electric fence running across the bottom of the wooded area overlooking the callows in front of Lough Ree.

The purpose of this fence is twofold:

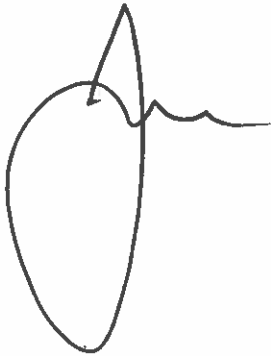
- Prevent grazing sheep from wandering into – and getting stuck in – the callows when Lough Ree rises during winter
 - Safeguard any animal, avian and insect life that nests in the callows all year round
- A wooden pole and wire fence replacement for a rotten fence that was removed 18 months ago. The purpose here is to fence off a meadow where sheep will graze.

I have approached the neighbours regarding the boundary fence and they are happy for me to proceed should the council have no regulatory issues. Will be happy to forward you the relevant correspondence should you require me to do so.

Thanks as always for your help. Please advise if there is anything else I can provide you with in order for you to expedite my application as I would ideally like to have everything in place by early autumn.

Sincerely

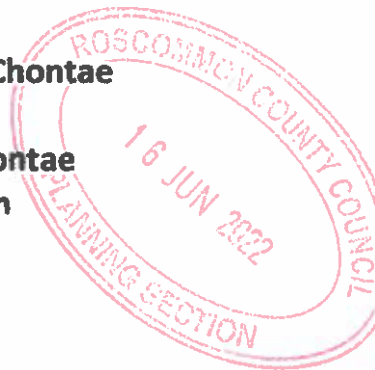
John Fuery

A handwritten signature in black ink, consisting of a large, loopy 'J' followed by a series of connected loops and a final horizontal stroke.



Comhairle Contae
Ros Comáin
Roscommon
County Council

Comhairle Chontae
Ros Comáin
Áras an chontae
Roscommon
F42 VR98



**APPLICATION FOR A CERTIFICATE OF EXEMPTION FROM THE PROVISIONS OF
SECTION 96 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED).**

Statutory Declaration to be completed by applicant:

NAME: JOHN FURRY

ADDRESS: [REDACTED]

LOCATION OF DEVELOPMENT: MOUNT PLUNKET, LEARROW, ROSCOMMON

SIZE OF SITE: APPROX SIX (6) ACRES F42
VR96

NUMBER OF HOUSING UNITS BEING PROVIDED: NONE - NEED SOME FENCING.

- a) Give in respect of the period of 5 years preceding the application, such particulars of the legal and beneficial ownership of the land, on which it is proposed to carry out the development to which the application relates, as are within your knowledge or procurement.

PROPERTY WAS PREVIOUSLY OWNED BY MY LATE
UNCLE WHO LEFT THE PROPERTY TO ME
+ MY SISTER IN HIS WILL AFTER HIS DEATH
IN JUNE 2020.

AS MY SISTER LIVES IN THE U.K + RARELY
VISITS IRELAND, ALL DECISIONS REGARDING
THE PROPERTY'S RUNNING ARE LEFT TO ME.

- b) Identify any person with whom you are acting in concert.

JOHN MORRIS OF MOUNT PLUNKET.
JOHN IS A NEAR NEIGHBOUR WHO HELPS
ME WITH VARIOUS ODD JOBS AROUND THE
FARM

c) Give particulars of:

- I. any interest that you have or had at any time during the said period, in any land in the immediate vicinity of the land (i.e. within 400m of the land) on which it is proposed to carry out such development, and
- II. any interest that any person with whom you are acting in concert has, or had at any time during the said period, in any land in the said immediate vicinity, of which you have knowledge.

i) NONE + ii) NONE.

d) State that you are not aware of any facts or circumstances that would constitute grounds under *subsection (12)* for the refusal by the planning authority to grant a certificate (see below).

(12) A planning authority shall not grant a certificate in relation to a development if the applicant for such certificate, or any person with whom the applicant is acting in concert-

- a) has been granted, not earlier than 5 years before the date of the application, a certificate in respect of a development, and the certificate at the time of the application remains in force, or
- b) has carried out, or has been granted permission to carry out, a development referred to in *subsection (3)**, not earlier than-

- i. 5 years before the date of the application, and
- ii. one year after the coming into operation of this section.

in respect of the land on which it is proposed to carry out the first-mentioned development, or land in its immediate vicinity, unless-

- (i) the aggregate of any development to which *paragraph (a) or (b)* relates and the first-mentioned development would not, if carried out, exceed 9 houses, or

(ii) (in circumstances where the said aggregate would exceed 9 houses) the aggregate of the land on which any development to which paragraph (a) or (b) relates, and the land on which it is proposed to carry out the first-mentioned development, does not exceed 0.1 hectares.

- *(3) (a) consisting of the provision of 9 or fewer houses, or
(b) for housing on land of 0.1 hectares or less.

No Houses Just A New Street
of Fencing - See Attached Map.



Note the following:

1. The planning authority may require an applicant for a certificate to provide it with such further information or documentation as is reasonably necessary, to enable it to perform its functions under this section.
2. Where an applicant refuses to comply with a requirement under (1) above, or fails, within a period of 8 weeks from the date of the making of the requirement, to so comply, the planning authority concerned shall refuse to grant the applicant a certificate.
3. A planning authority may, for the purpose of performing its functions under this section, make such further enquiries, as it considers appropriate.
4. It shall be the duty of the applicant for a certificate, at all times, to provide the planning authority concerned with such information as it may reasonably require to enable it to perform its functions under this section.

SIGNED:


APPLICANT

DATE:

8/6/22

WITNESSED BY:


COMMISSIONER FOR OATHS

DATE:

8/6/2022.

NUMBER OF ATTACHMENTS:

(PLEASE NUMBER AND INITIAL ALL ATTACHMENTS)

Land Registry Compliant Map



X
Lorraine Feeney
Solicitor

CENTRE
COORDINATES:
ITM 597422 756956

PUBLISHED:
02/12/2021

ORDER NO.:
50237273_1

MAP SERIES:
1:5 000

MAP SHEETS:
2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland
Phoenix Park
Dublin 8
Ireland

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

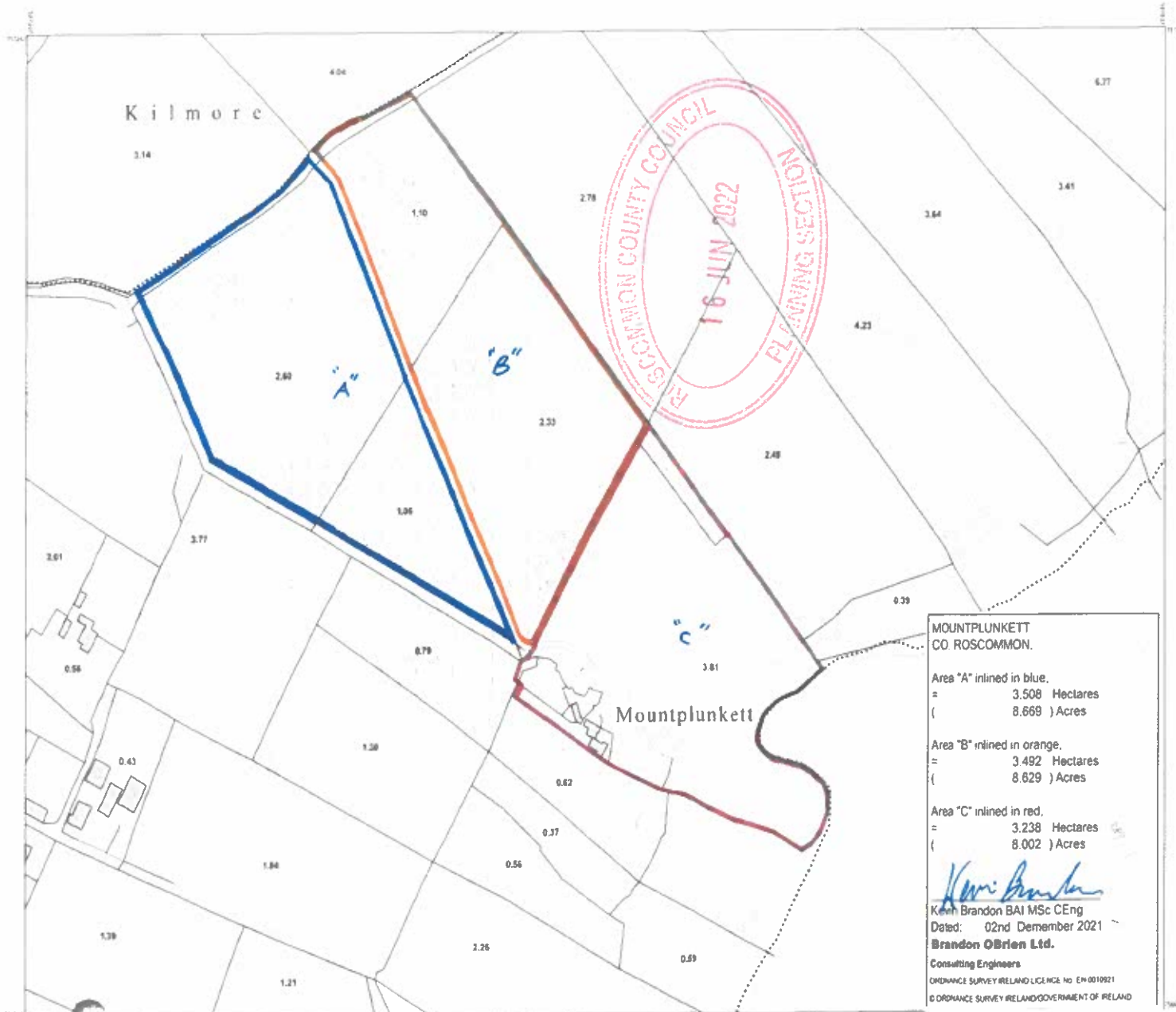
Ordnance Survey maps
never show legal property
boundaries nor do they
show ownership of
physical features

©Suirbhreacht Ordnála Éireann, 2021
©Ordnance Survey Ireland 2021

www.osi.ie/copyright

LEGEND:

<http://www.osi.ie>
search Large Scale Legend



MOUNTPLUNKETT
CO. ROSCOMMON.

Area "A" inlined in blue,
= 3.508 Hectares
(8.669) Acres

Area "B" inlined in orange,
= 3.492 Hectares
(8.629) Acres

Area "C" inlined in red,
= 3.238 Hectares
(8.002) Acres

Kevin Brandon BAI MSc CEng
Dated: 02nd December 2021
Brandon O'Brien Ltd.
Consulting Engineers

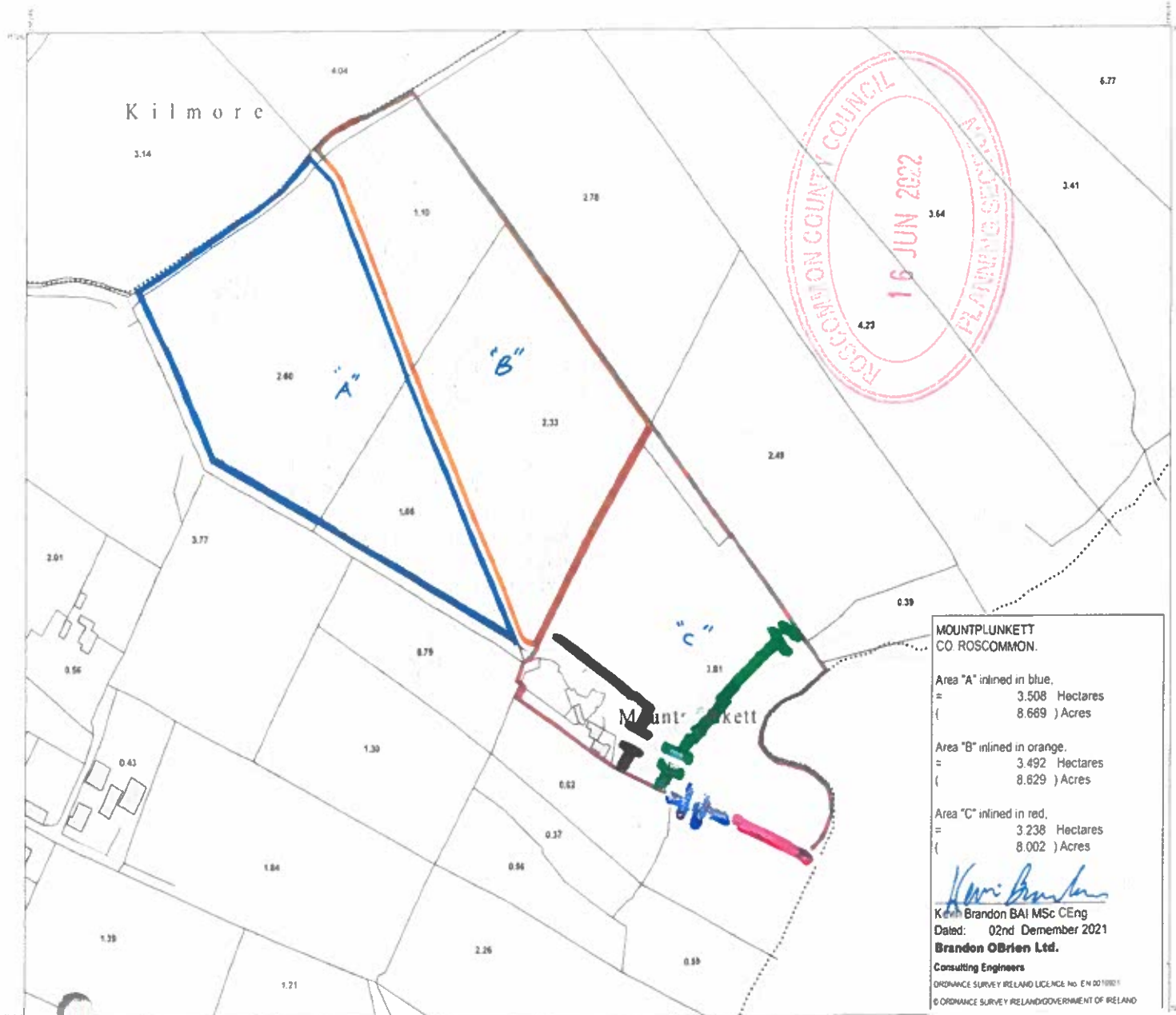
ORDNANCE SURVEY IRELAND LICENCE NO. EN 0010921
© ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

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
<http://www.osi.ie> search Capture Resolution

Note: Areas calculated
from far side of road

OUTPUT SCALE: 1:2 500

Land Registry Compliant Map



CENTRE
COORDINATES:
ITM 497422 756956

PUBLISHED:
02/12/2021

ORDER NO.:
5623721_1

MAP SERIES:
1:5,000

MAP SHEETS:
2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland
Phoenix Park,
Dublin 8,
Ireland

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries nor do they
show ownership of
physical features

©Suirbhéireacht Ordánas Éireann, 2021
©Ordnance Survey Ireland, 2021

www.osi.ie/copyright

LEGEND:

<http://www.osi.ie>
search Large Scale Legend

- WIRE + WOODEN POLE FENCE ON MOUNT SW
- SOLAR POWERED ELECTRIC FENCE ACROSS BOTTOM OF WOODS AREA
- EXISTING DRY STONE WALL + STILE
- WIRE + WOODEN POLE EXTENSION FENCE
- GATES, GAPS ENABLING ACCESS

MOUNTPLUNKETT
CO. ROSCOMMON.

Area "A" inlined in blue,
= 3.508 Hectares
(8.689) Acres

Area "B" inlined in orange,
= 3.492 Hectares
(8.629) Acres

Area "C" inlined in red,
= 3.238 Hectares
(8.002) Acres

Kevin Brandon
Kevin Brandon BA1 MSc CEng
Dated: 02nd December 2021
Brandon O'Brien Ltd.

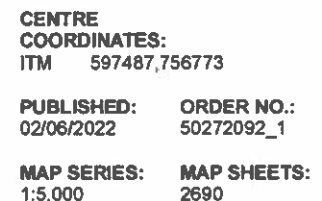
Consulting Engineers
ORDNANCE SURVEY IRELAND LICENCE NO. EN 0010001
© ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

Note: Areas calculated
from far side of road

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
<http://www.osi.ie> Search: Capture Resolution

OUTPUT SCALE: 1:2,500

Yolaine Leary
Yolaine Leary
Solicitor



Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

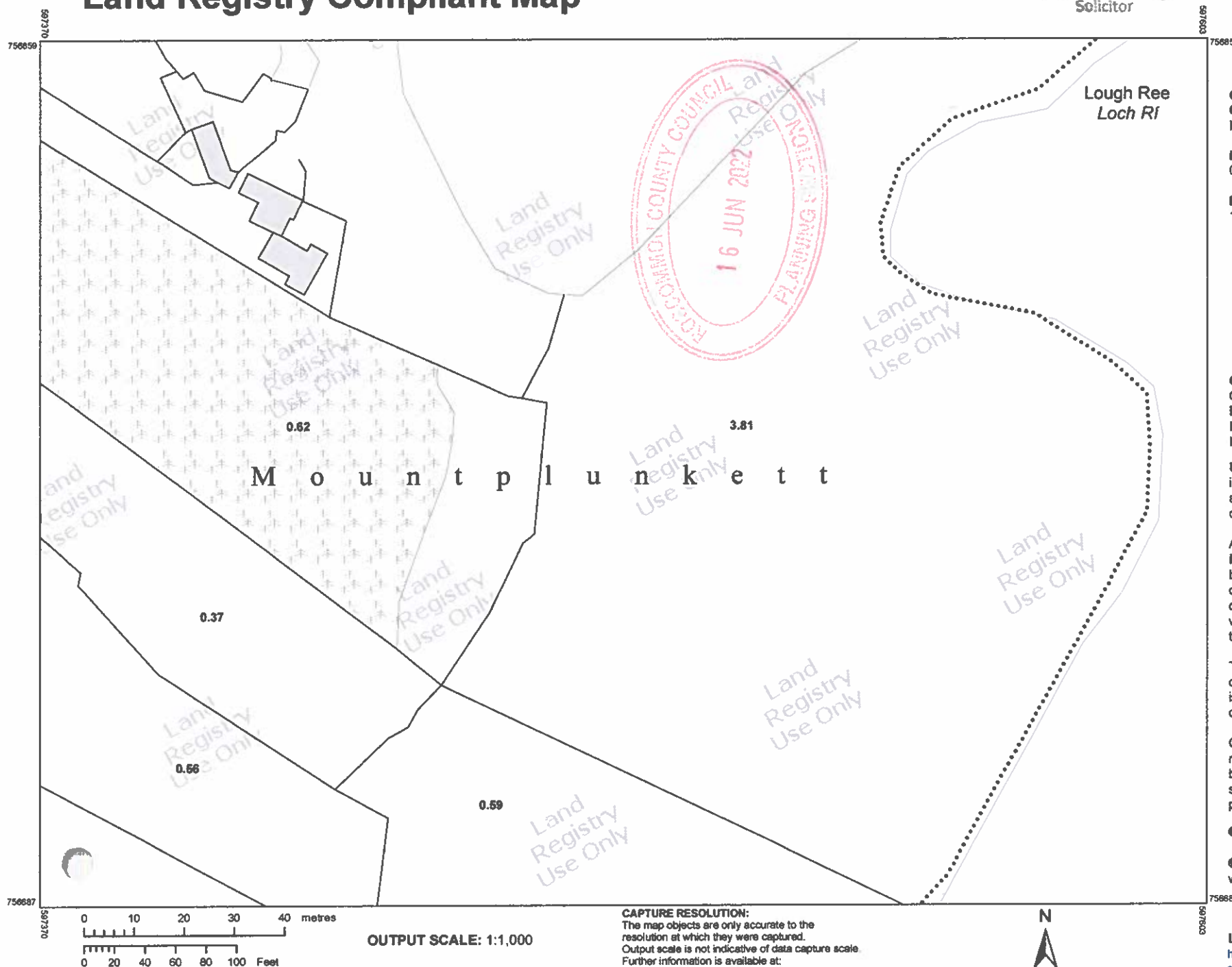
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

© Suirbhéireacht Ordanáis Éireann, 2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
 search 'Large Scale Legend'



Land Registry Compliant Map



National Mapping Agency

**CENTRE
COORDINATES:**
ITM 597487,756773

PUBLISHED: 02/06/2022
ORDER NO.: 50272092_1

MAP SERIES: 1:5,000
MAP SHEETS: 2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

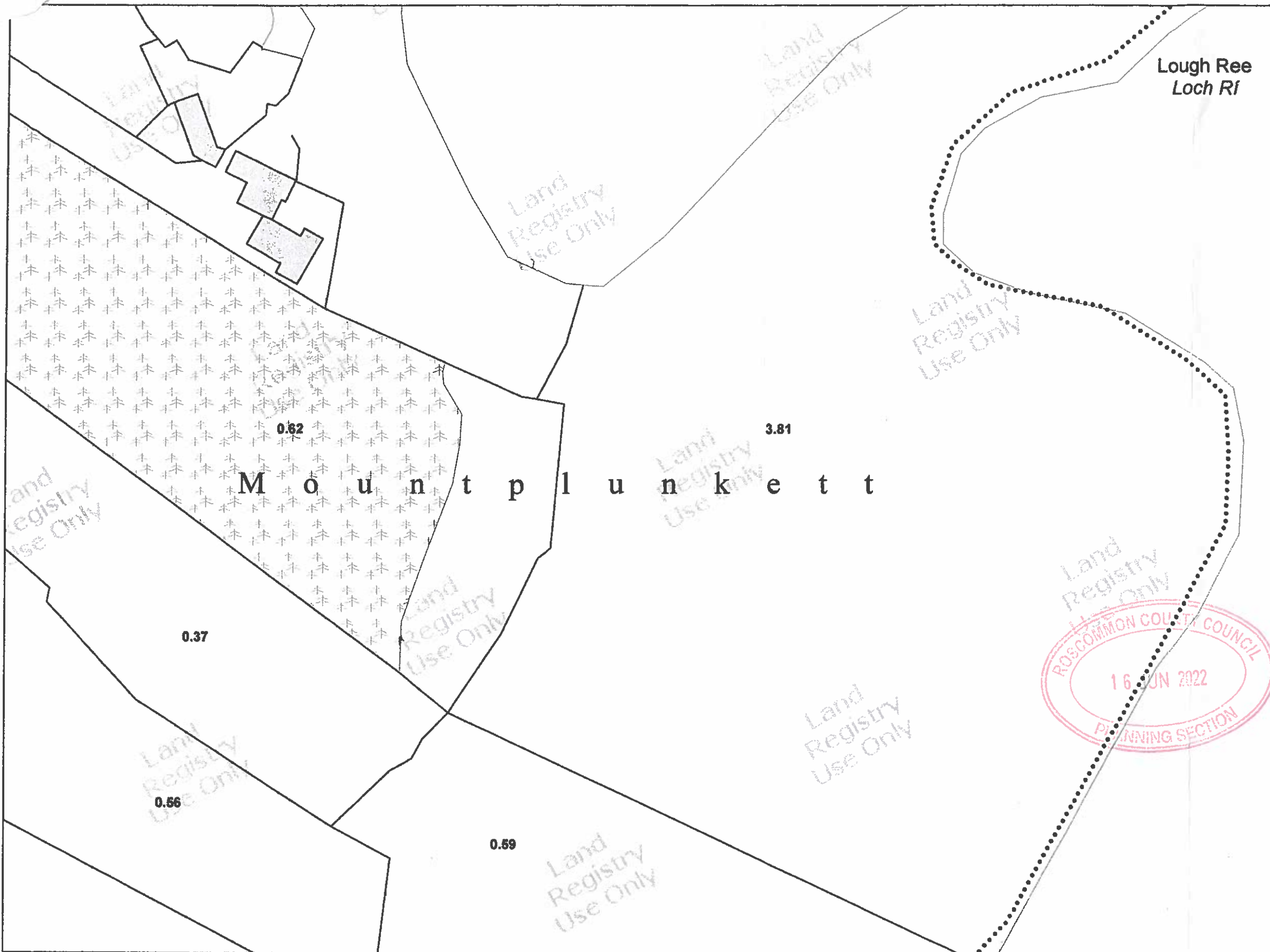
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

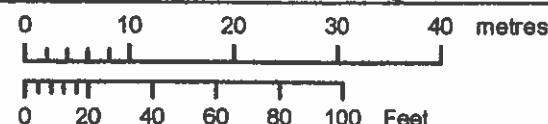
LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'

Lorraine Feeney
Solicitor



756687

597370



OUTPUT SCALE: 1:1,000

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:
<http://www.osi.ie>; search 'Capture Resolution'



756687

597603

Land Registry Compliant Map

CENTRE COORDINATES:
ITM 597487,756773

PUBLISHED: 02/06/2022
ORDER NO.: 50272092_1

MAP SERIES: 1:5,000
MAP SHEETS: 2690

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

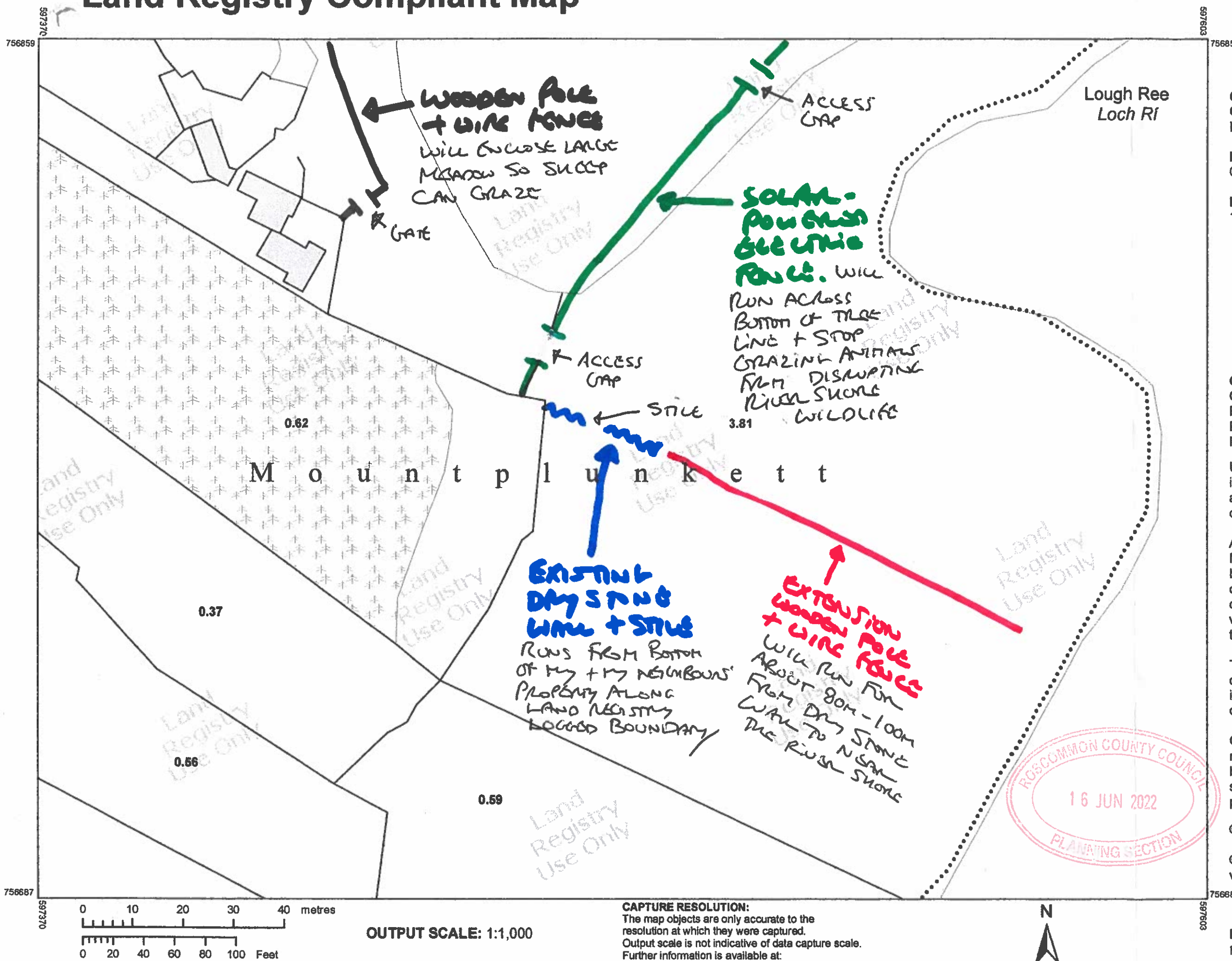
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'



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:
<http://www.osi.ie>; search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

From: Planning Department
Sent: Friday 27 May 2022 15:08
To: John Fuery
Cc: Planning Department
Subject: RE: FAO Development Management Team -Is approval required for extending an existing boundary line fence

Dear Mr. Fuery,

I refer to your email correspondence received on 26th and 27th May, 2022 and attaching an application for a Declaration under Section 5 of the Planning & Development Act 2000.

It is advised that in order for your application to be given further consideration, it must be accompanied by the following items as outlined on Page 2 of the application form:

- (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

On receipt of the above documentation your request for a Section 5 declaration will be considered further.

Regards
Caroline Mockler

Caroline Mockler | Senior Staff Officer | Roscommon County Council
| ✉: planning@roscommoncoco.ie | www.roscommoncoco.ie
Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 [MAP LOCATION](#)

From: John Fuery <[REDACTED]>
Sent: Friday 27 May 2022 14:47
To: Planning Department <Planning@roscommoncoco.ie>
Subject: FAO Development Management Team -Is approval required for extending an existing boundary line fence



Email: [REDACTED]

May 25, 2022

Re: Installation of permanent wire and wooden fencing at Mount Plunkett, Lecarrow, Roscommon F42 AK64

Dear Sir or Madam,

I am writing to enquire about obtaining clearance for erecting a stretch of permanent fence to formalize the boundary between the two properties at F42 VR96. Extending an existing dry stone wall, the proposed fence will extend about 100m long down towards the river.

I have approached the neighbours regarding this divider and they are happy for me to proceed with the project should the council have no regulatory issues. Will be happy to forward you the relevant correspondence should you require me to do so.

As per your request, I enclose a detailed Exempted Development Form as mandated in Section 5 of the Planning and Development Act 2000.

In support of my application, I would like to stress that my extension of the dry stone wall that already partially divides the two properties will:

- Be constructed in such a way as to ensure minimal disruption to bird life in the callows down which the new stretch of fencing will run;
- Be mapped out and constructed using a GPS device and official to-scale map in accordance with Land Registry guidelines;

and

- Allow free passage for ramblers wishing to discover this magical piece of land via a stile in the existing dry stone walling.

Thanks as always for your help. Please advise if there is anything else I can provide you with in order for you to process my application.

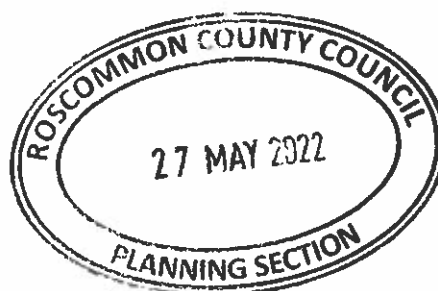
I look forward to your – hopefully – favourable response to my request in the not-too-distant future.

Sincerely

John Fuery



Sender notified by [Mailtrack](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council



Áras an Chontae,
Roscommon,
Co. Roscommon.


Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	John Fuery
	Home:  Property Exemption Sought for: Mount Plunkett, Lecarrow, Roscommon F42 VR96
Name & Address of Agent:	Kevin O'Brien, BAI, MSc C Eng Brandon O'Brien Consulting Engineers Church Street Roscommon
Nature of Proposed Works	Fence with supporting wooden poles. Fence will probably be about 100m long and about 2m high (or the maximum limit if lower) While purpose of fence is to divide two properties, it will extend an existing dry stone wall that already includes a stile to allow right-of-way for rambles.
Location (Townland & O.S No.)	Centre Co-ordinates ITM 597422 756956 53°33'41.18" (N) 8°02'20.52" (W) As per paperwork lodged with Ordnance Survey Ireland's National Mapping Agency on 02/12/21
Floor Area	Wire and wooden poled dividing fence of about 100m long which will extend an existing stretch of dry stone walling with a stile. No real floor area as such
Height above ground level	Maximum permissible – possibly 2m or less if allowable limit is lower
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles,	None

other) (Specify)	
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	None
Is proposed works located at front/rear/side of existing house.	Front
Name: Signature:	JOHN FUERY 
Date:	22/05/22



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

Signature: _____

Date: _____



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