

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

Ciaran Fallon,

Reference Number: DED 525

Application Received: 17<sup>th</sup> August, 2022.

Location: Roosky Harbour, Roosky, Co. Roscommon.

WHEREAS a question has arisen as to whether works consisting of (1) provision of a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to allow parking for cars, trailers and motorhomes at Roosky Harbour, Roosky, 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) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended);
- d) The planning history of the site

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 not 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 the requirement for AA or EIAR does not apply with respect to the current case.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of (1) provision of a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to allow parking for cars, trailers and motorhomes at Roosky Harbour, Roosky, Co. Roscommon constitutes development that is not 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.

Signed on behalf of the Council:



Administrative Officer, Planning.

Date: 13<sup>th</sup> September, 2022

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

**Reference Number:** DED 525

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development consisting of – (1) a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to facilitate parking provision for cars, trailers and motorhomes at Roosky Harbour, County Roscommon

**Applicant:** Ciaran Fallon

**Date:** 5<sup>th</sup> September 2022

---

WHEREAS a question has arisen as to whether works consisting of (1) a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to facilitate parking provision for cars, trailers and motorhomes at Roosky Harbour, County Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (d) The planning history of the site

**Site Location & Development Description**

The subject site is located south of Roosky Harbour in Roosky, County Roscommon. The nature of the proposed works consists of (1) a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to facilitate parking provision for cars, trailers and motorhomes at Roosky Harbour, County Roscommon.

As per the submitted details, the proposed use of the lands is to create a hard stand surface for parking cars, boat trailers and motor homes. The subject site is not situated within, adjoining or in very close proximity to any designated sites. Having regard to the separation distances between the site and the Natura 2000 network, it is considered that the conservation objectives of the network will not be impacted.

**Planning History**

As per the RCC GIS, there is no recent planning history on the subject site.

## Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure...." In this Act, "land" includes any structure and any land covered with water (whether inland or coastal)". It is considered that the said works consisting of a gate entrance and filling of land with hardcore stone topped with gravel to facilitate parking provision for cars, trailers and motorhomes constitutes works, as defined in Section 3 of the said Act.

The development in question is not considered to be exempted development under the provisions of the Planning & Development Regulations 2001 (as amended), it does not come within any of the use classes identified in said Regulations.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

## Recommendation

**WHEREAS** a question has arisen as to whether works consisting of (1) a gate entrance to leased land and (2) filling of land with hardcore stone topped with gravel to facilitate parking provision for cars, trailers and motorhomes at Roosky Harbour, County Roscommon is **or is not development and is or is not exempted development**.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (d) The planning history of the site

**AND WHEREAS I have concluded that**

- a) The works are development.
- b) Works consisting of a gate entrance to land and filling of land to facilitate parking provision for cars, trailers and motorhomes is not exempted development.

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

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

Signed:   
Assistant Planner

Date: 5<sup>th</sup> September 2022

Rooskey Craft & Tackle

16<sup>th</sup> August 2022

Re: Exemption Letter Request

Dear Becky,

I spoke to you on the phone recently in relation to the development of extra parking south of Rooskey Harbour.

Waterways Ireland have agreed to lease 1.13 acres for a twenty five year term adjacent to my existing motorhome park. Waterways Ireland would like confirmation as to whether this development requires planning permission and if this is not needed they would like an exemption letter in relation to same.

The proposed development involves the opening of the existing fence and placing a gate to access the 1.13 acre from my motorhome site. Due to the high costs of materials, fuel and labour, my proposal involves reclaiming approximately 0.4 of an acre. This would need a considerable amount of stone and gravel after the rushes have been removed. It will also raise the ground level by one to two feet. The area would then be suitable to park up cars and trailers after the jet skies, speed boats, fishing boats, or ribs have been launched at the slip way, and also extra space for motorhomes at busy weekends.

As time, demand and more funding becomes available, I intend to further develop and reclaim the rest of the waste ground.

I enclose a site location Map Output Scale 1:10,560

A Planning Pack Output Scale 1:2,500

A Draft Map Scale 1:500 when printed on A3 size paper. This map indicates my proposed work area.

I look forward to hearing from you. My contact mobile number [REDACTED] and my email [REDACTED]

I enclose cheque for €80.00.

Ciaran Fallon



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

17/08/2022 14:15:43

Receipt No : L01/0/218451

CIARAN FALLON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 525	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
649

Change 0.00

Issued By : Louis Carroll  
From : Central Cash Office



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

### Roscommon County Council

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

Name:	CIARAN FALLON
Address:	[REDACTED]
Name & Address of Agent:	[REDACTED]
Nature of Proposed Works	(1) PUT A GATE ENTRANCE TO LEASED LAND (2) FILL IN WITH HARD CORE STONE TOPPED WITH GRAVEL TO ALLOW PARKING FOR CARS, TRAILERS AND MOTORHOMES
Location (Townland & O.S No.)	SOUTH OF ROOSKY HARBOUR
Floor Area	APPROXIMATELY 1/3 OF AN ACRE
Height above ground level	FROM 1 TO 2 FEET
Total area of private open space remaining after completion of this development	APPROXIMATELY 3/4 OF AN ACRE
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N/A

17 AUG 2022  
PLANNING SECTION

## Roscommon County Council

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

Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	NOT USED FOR OVER 20 YEARS OVER GROWN WITH BUSHES
Proposed use of land or structure	TO CREATE A HARD STAND SURFACE FOR PARKING CARS, BOAT TRAILERS AND MOTOR HOMES
Distance of proposed building line from edge of roadway	FOUR METRES
Does the proposed development involve the provision of a piped water supply	NO, THIS IS ALREADY AVAILABLE ON MY EXISTING MOTOR HOME SITE
Does the proposed development involve the provision of sanitary facilities	NO, THESE ARE ALREADY AVAILABLE ON MY EXISTING MOTOR HOME SITE

Signature:

*Ciaran Fallon*

Date:

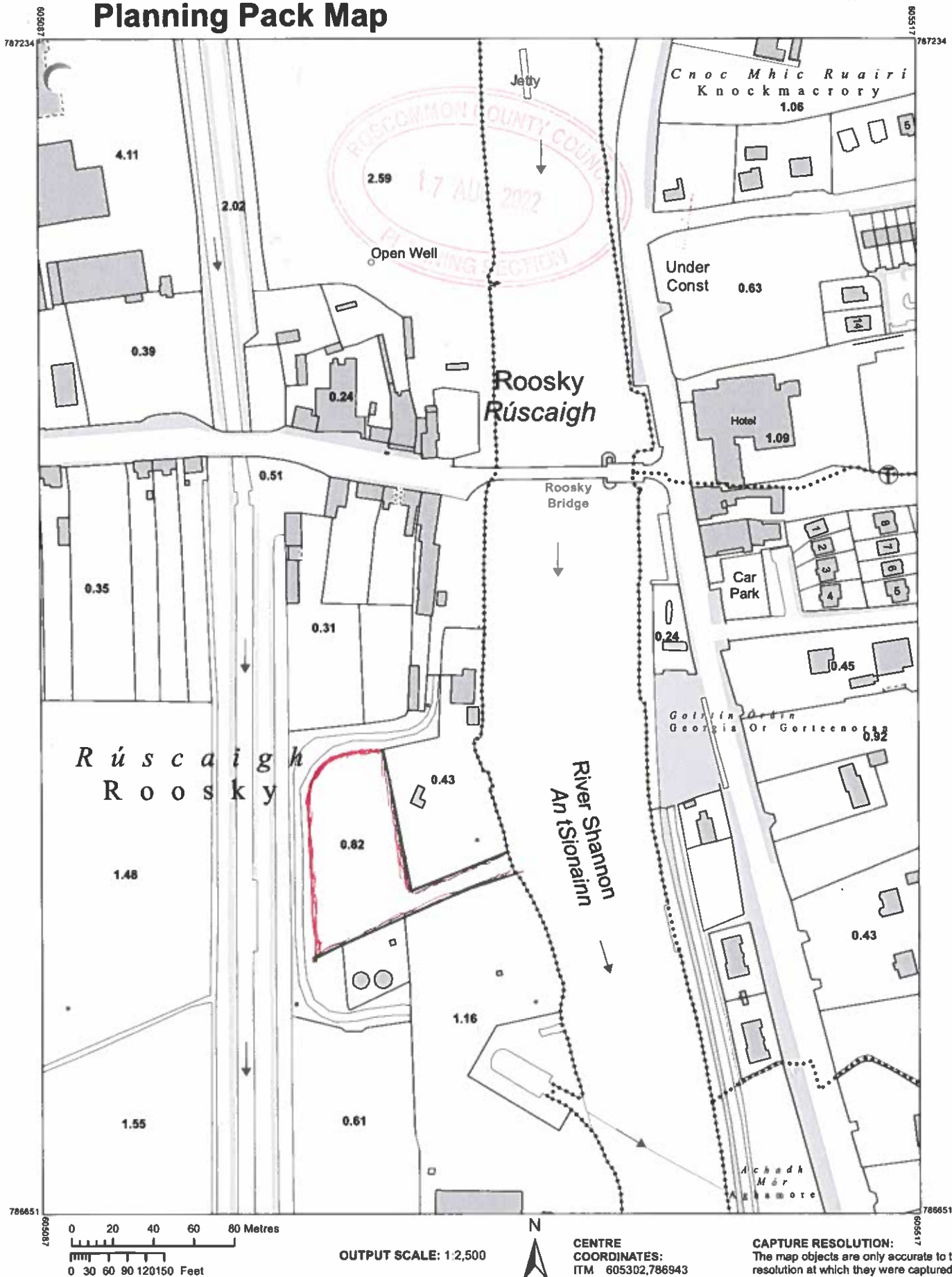
*15/8/2022*

**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



# Planning Pack Map



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

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.

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

© Suirbhéireacht Ordánais Éireann, 2022  
© Ordnance Survey Ireland, 2022  
[www.osi.ie/copyright](http://www.osi.ie/copyright)

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

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



**CENTRE COORDINATES:**  
ITM 605302,786943

**PUBLISHED:** 09/08/2022  
**MAP SERIES:** 1:2,500

**ORDER NO.:** 50284629\_1  
**MAP SHEETS:** 2046-C

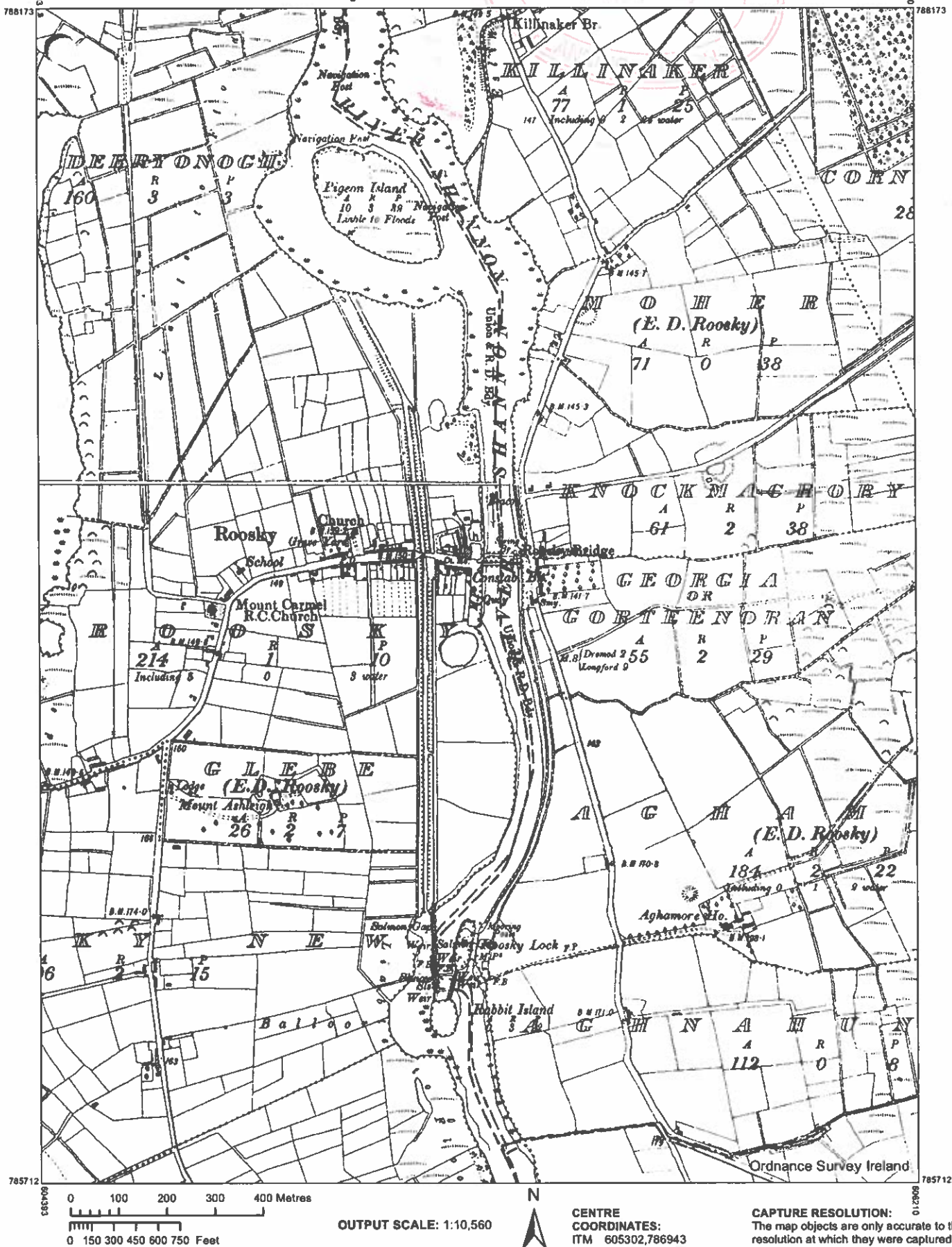
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>; search 'Capture Resolution'.

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

**Ordnance Survey Ireland**  
Suirbhéireacht Ordánais Éireann  
[www.osi.ie](http://www.osi.ie)

© 2022  
ORDNANCE SURVEY IRELAND  
Fax: 459 0568

# Site Location Map



**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](http://www.osi.ie/copyright)

OUTPUT SCALE: 1:10,560

**CENTRE  
COORDINATES:**  
ITM 605302,786943

**PUBLISHED:**  
09/08/2022

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster  
6 Inch Raster  
6 Inch Raster

**ORDER NO.:**  
50284629\_1  
**MAP SHEETS:**  
LD004  
LM037  
RN018  
RN024

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

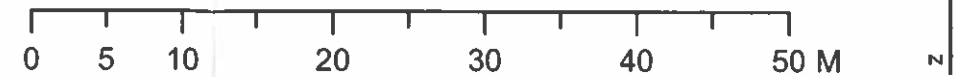
**Ordnance  
Survey  
Ireland**  
Suirbhéireacht Ordnáis Éireann  
[www.osi.ie](http://www.osi.ie)

DRAFT



605,169 786,770

Waterways Ireland - Map 1 - Rooskey <sup>MOTORHOME</sup> park *cf.*  
 County: Roscommon (Roosky)  
 Scale: 1:500 (when printed on A3 size paper)  
 Area: 0.45 hectares (1.1 acres) or thereabouts



Map Created By: Waterways Ireland  
 Date: 11 August 2022