ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Andrzej Szelag,



Reference Number:

DED 528

Application Received:

19th September, 2022.

Location:

Cloonkeen Townland, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether development consisting of the construction of a tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended);
- e) 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 the construction of a tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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 said Council

Administrative Officer,

Planning.

Date: 28th October, 2022

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

Reference Number:

DED 528

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for a proposed tractor, machinery and produce barn at Cloonkeen

Townland, Castlerea, County Roscommon

Applicant:

Andrzej Szelag

Date:

26th October 2022

WHEREAS a question has arisen as to whether the construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 2011
- (e) The planning history of the site

Site Location & Development Description

The subject property is located in Cloonkeen Townland, Castlerea, County Roscommon and comprises a small derelict roofed building (utilised for the storage of agricultural equipment/materials) and derelict structures. The proposed development comprises the construction of a proposed tractor, machinery and produce barn.

Specifications:

- Floor Area: 96 sqm
- Height above ground level: 4.705m
- · Roofing Material: green coated steel sheeting
- Proposed external walling: green coated steel sheeting

Other Details:

- Proposed use of land or structure: arable/agricultural
- Distance of proposed building line from edge of roadway: 31m

- Provision of piped water supply required: No
- Provision of sanitary facilities required: No

The closest designated site is the Cloonchambers Bog SAC (Site Code: 000 600), which is approximately 132m east of the subject site. Having regard to the nature and scale of the proposed development and the separation distances between the proposed development and the Natura 2000 network, it is considered that the conservation objectives of the network will not be impacted. I am satisfied that an Appropriate Assessment or Environmental Impact Statement are not required.

In terms of heritage related sites / structures there are no known structures on or in very close proximity to the subject site, as per the Roscommon County Council GIS.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

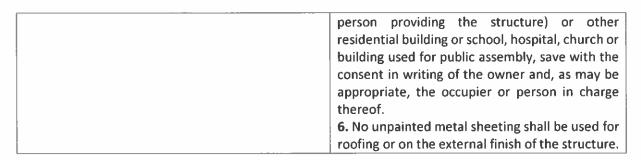
Assessment

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....".

It is considered that said proposed tractor, machinery and produce barn constitutes development, as defined in Section 3 of the said Act. The construction of a proposed tractor, machinery and produce barn appeared to come within the scope of Class 9 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

Class 9

Description of Development	Conditions and Limitations
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.	 No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate. No such structure shall be situated within 10 metres of any public road. No such structure within 100 metres of any public road shall exceed 8 metres in height. No such structure shall be situated within 100 metres of any house (other than the house of the



However, based on the information received to date, the Planning Authority are not satisfied that the subject lands are being utilised for agricultural or forestry purposes. The submitted further information response is insufficient. The construction of a proposed tractor, machinery and produce barn in this case is therefore not considered to be exempted development.

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

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 the following works; the construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 2011
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The construction of a proposed tractor, machinery and produce barn in this case 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.

Date: 26th October 2022

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

Signed:

Assistant Planner

Jamifler Foy

Sharon Kelly

From:

Sent:

Monday 17 October 2022 20:28

To:

Planning Department

Subject:

RE: DED 528

Attachments:

Andrzej SzelagDED528.docx; Cloonkeen Castlerea site location 1 1000.pdf; Folio

RN44920F Map-2 2.pdf; Folio RN44920F.pdf

To Whom It May Concern,

Please find the attached letter and documents in this email.

Kind regards,

Andrzej Szelag











October 18th, 2022

Comhairle Contrae,

Roscommon,

County Roscommon

Reference No.: DED 528

To Whom It May Concern,

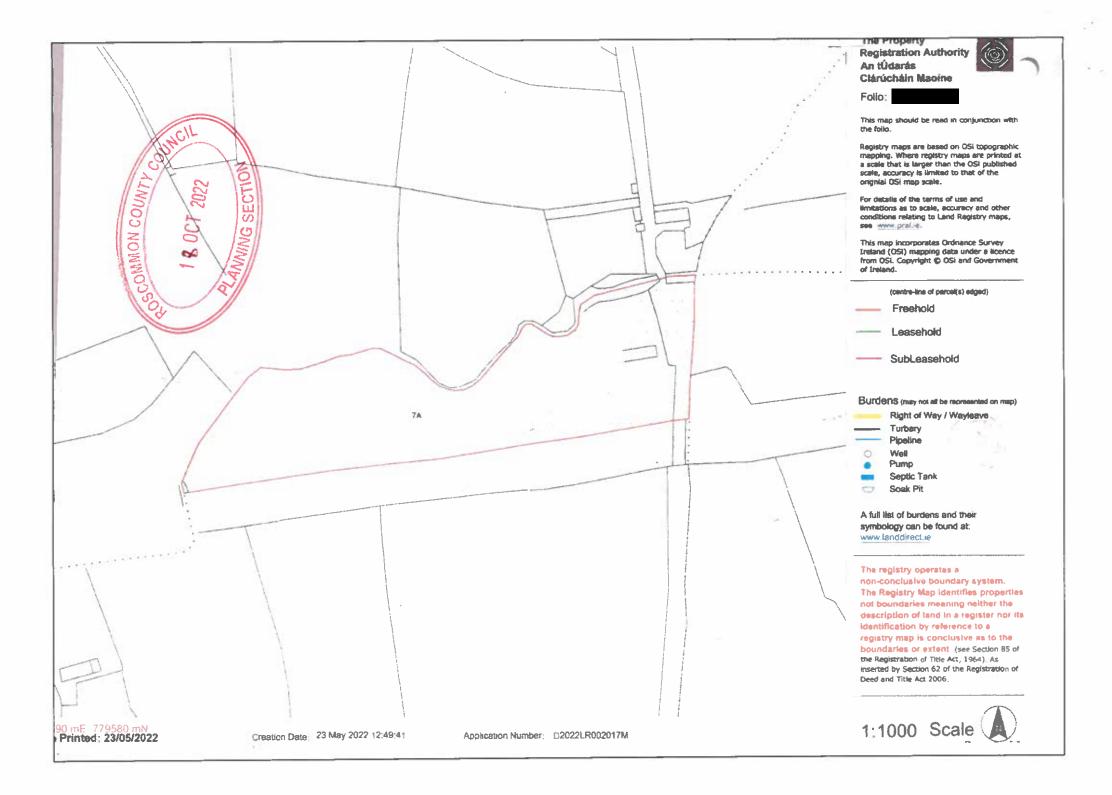
I believe Co. Roscommon can intend to assist with my development of my farming, including beekeeping. This land is very suitable for farming and beekeeping because it is positioned between the forestry and green land. This is my main reason for the agricultural application containing barn, which would store my equipment and a tractor. The land would focus on the maintenance of hives for honey extraction, as well as the honey houses for restoration and renovation.

Any future information may be obtained from me and can be adjusted to conditions. The approval of my application is very important for the future of my land and the bio environment in the rural Ireland. Furthermore, I would like to add the production of flowers in pots for resale and the production of organic vegetation, which I believe is important to the local community and the zero-emission policy. I strongly believe in the importance of local products.

With the new rules of foresting, I would also like to apply for the permission of tree planting. I believe that all my investment is very important to the eco system, the wider habitat and carbon sequestration. I really appreciate the Roscommon County Council's concern about the future of my land.

Yours Sincerely,

Andrzej Szelag



564910 mE, 779840 mN The Property Registration Authority An tÚdarás Clárúcháin Maoine Folio: This map should be read in conjunction with the folio. Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale. For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.prai.ie. This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSI, Copyright © OSi and Government of Ireland. (centre-line of parcel(s) edged) Freehold Leasehold SubLeasehold Burdens (may not all be represented on map) Right of Way / Wayleave Turbary Pipeline Well Pump Septic Tank Soak Pit A full list of burdens and their AMON COUNTY symbology can be found at: www.landdirect.ie The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006. 564590 mE, 779580 mN Date Printed: 23/05/2022 1:1000 Scale Creation Date: 23 May 2022 12:49:41 Application Number: D2022LR002017M

Application Number: D2022LR002017M

Folio Number: RN44920F



Land Registry Sealed and Certified Copy Folio (& Filed Plan)

RONAN O'BRIEN & CO., SOLICITORS DX 21001 CAVAN

This page forms part of the official document. Do not detach.

Folio Number: Application Number: Your Reference:



This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

An officer duly authorised by the Property Registration Authority.

Schedule



Notes:

- Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
- Filed plans greater than A3 in size may be provided as separate A3 tiles with an
 overlap and print gutter. When aligning the tiled sheets, customers are advised to
 use the underlying topographical detail.
- 3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Numbe
Date Printed: 23/05/2022

Application Number

Page 1 01 6

Land Registry

County Roscommon

Folio



Register of Ownership of Freehold Land

Part 1(A) - The Property

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

No.

For parts transferred see Part 1(B) Description

Official Notes

From Folio

1

The property shown coloured Red as plan(s) 7A on the Registry Map, situate in the Townland of CLOONKEEN, in the Barony of CASTLEREAGH, in the Electoral Division of COOLOUGHER.

The Registration does not extend to the mines and minerals

Land Cert Issued: No

Page 1 of 4

Collection No.:

Date Printed: 23/05/2022

Page 2 of 6

Folio Number:



County Roscommon

Part 1(B) - Property Parts Transferred

NT		Parts Transferred				
NO.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No
		W You				

Page 2 of 4

Date Printed: 23/05/2022

Application Number:

Land Registry

County Roscommon

Folio

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions II of the Succession Act, 1965	of Part
1	07-JAN-2022 ANDRZEJ SZELAG full owner.	
	PLANNING SECTION	

Page 3 of 4

Date Printed: 23/05/2022

Page 4 of 6

Land Registry

County Roscommon

Folio

Part 3 - Burdens and Notices of Burdens

No.	Part 3 - Burdens and Notices of Burdens				
	Particulars				
	18 OCT 2022 PLANNING SECTION				

Page 4 of 4

Date Printed: 23/05/2022





BY EMAIL
Andrzej Szelag,

Date: 14th October, 2022

Reference No.: DED 528

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 construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, Co. Roscommon is or is not development or is or is not exempted development:

A Chara,

Further to your application received on the 19th September, 2022 and in order for the Planning Authority to determine whether the construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

Please submit comprehensive details to demonstrate that you are engaged in agricultural or forestry
activities on the subject site. Please also submit land registry maps and folio details pertaining to the
ownership of the subject site and any other lands within the folio.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 528**.

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

Mise le meas,

Administrative Officer,

Planning.





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

Reference Number:

DED 528

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for a proposed tractor, machinery and produce barn at Cloonkeen

Townland, Castlerea, County Roscommon

Applicant:

Andrzej Szelag

Date:

7th October 2021

WHEREAS a question has arisen as to whether the construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 2011
- (e) The planning history of the site

Site Location & Development Description

The subject property is located in Cloonkeen Townland, Castlerea, County Roscommon and comprises a small derelict roofed building (utilised for the storage of agricultural equipment/materials) and derelict structures. The proposed development comprises the construction of a proposed tractor, machinery and produce barn.

Specifications:

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- Roofing Material: green coated steel sheeting
- Proposed external walling: green coated steel sheeting

Other Details:

- Proposed use of land or structure: arable/agricultural
- Distance of proposed building line from edge of roadway: 31m

- Provision of piped water supply required: No
- Provision of sanitary facilities required: No

The closest designated site is the Cloonchambers Bog SAC (Site Code: 000 600), which is approximately 132m east of the subject site. Having regard to the nature and scale of the proposed development and the separation distances between the proposed development and the Natura 2000 network, it is considered that the conservation objectives of the network will not be impacted. I am satisfied that an Appropriate Assessment or Environmental Impact Statement are not required.

In terms of heritage related sites / structures there are no known structures on or in very close proximity to the subject site, as per the Roscommon County Council GIS.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

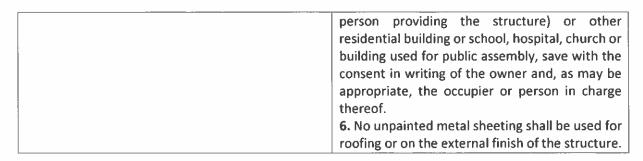
Assessment

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....".

It is considered that said proposed tractor, machinery and produce barn constitutes development, as defined in Section 3 of the said Act. The construction of a proposed tractor, machinery and produce barn appears to come within the scope of Class 9 of Part 3 of Article 6 - Exempted Development Rural of the Regulations.

Class 9

Description of Development	Conditions and Limitations
Works consisting of the provision of any store, barn,	1. No such structure shall be used for any
shed, glass-house or other structure, not being of a	purpose other than the purpose of agriculture or
type specified in class 6, 7 or 8 of this Part of this	forestry, but excluding the housing of animals or
Schedule, and having a gross floor space not	the storing of effluent.
exceeding 300 square metres.	2. The gross floor space of such structures
	together with any other such structures situated
	within the same farmyard complex or complex of
	such structures or within 100 metres of that
	complex shall not exceed 900 square metres
	gross floor space in aggregate.
	3. No such structure shall be situated within 10
	metres of any public road.
	4. No such structure within 100 metres of any
	public road shall exceed 8 metres in height.
	5. No such structure shall be situated within 100
	metres of any house (other than the house of the



The Planning Authority are not satisfied to date however that the subject lands are being utilised for agricultural or forestry purposes and are not therefore in a position at this juncture to determine whether the construction of a proposed tractor, machinery and produce barn in this case is exempted development. It is therefore recommended that further information is requested in order to advance the assessment of this declaration under Section 5 of the Planning & Development Act, 2000, as amended.

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

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

Recommendation

WHEREAS a question has arisen as to whether the following works; the construction of a proposed tractor, machinery and produce barn at Cloonkeen Townland, Castlerea, 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 2011
- (e) The planning history of the site

AND I recommend that further information is requested in order to advance the assessment of this declaration under Section 5 of the Planning & Development Act, 2000, as amended.

Request the following further information

Jamifer Foy

1. Please submit comprehensive details to demonstrate that you are engaged in agricultural or forestry activities on the subject site. Please also submit land registry maps and folio details pertaining to the ownership of the subject site and any other lands within the folio.

Date: 13th October 2022

Signed:

Assistant Planner

Roscommon County Council Aras an Chontae
Roscommon
09066 37100

19/09/2022 14:39.43

Receipt No.:: L01/0/218956

ANGRZEJ SZELAG

PLANNING APPLICATION FEES GOODS 80.00 80,00 VAT Exempt/Non-vatable DED 528

Total: 80.00 EUR

Tendered:

Credit/Debit Card 2021

80.00

Change ::

0.00

Issued By Bernadine Duignan From Central Cash Office





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:	Andrzej Szelag
Address:	19 SEP 2822
Name & Address of Agent:	N/A PLANNING SECTION
Nature of Proposed Works	Proposed tractor, machinery and produce barn
Location (Townland & O.S No.)	Cloonkeen Folio
Floor Area	96 m
Height above ground level	4705
Total area of private open space remaining after completion of this development	0,0890 hectares
Roofing Material (Slates, Tiles, other) (Specify)	Plastisol Coated stell sheeting green

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastisol Coated steel sheeting green	
Is proposed works located at front/rear/side of existing house.	Side	

Roscommon County Council

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

regarding Exempted Development

regarding Exempted Deve	iopinene
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A N/A SECONDO GOUNTY COUNCY COUNC
Existing use of land or structure	Arable 19 SEP 2022
Proposed use of land or structure	Arable QAMING SECTION
Distance of proposed building line from edge of roadway	31 m
Does the proposed development involve the provision of a piped water supply	Not at this time
Does the proposed development involve the provision of sanitary facilities	Not at this time

Signature:

Date: 19.09.2022

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) Detailed specification of development proposed

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastisol Coated steel sheeting green
Is proposed works located at front/rear/side of existing house.	Side

Roscommon County Council

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

regarding Exempted Development

regarding Exempted Deve	topment
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Arable
Proposed use of land or structure	Arable 2022
Distance of proposed building line from edge of roadway	31 m
Does the proposed development involve the provision of a piped water supply	Not at this time
Does the proposed development involve the provision of sanitary facilities	Not at this time

Signature:

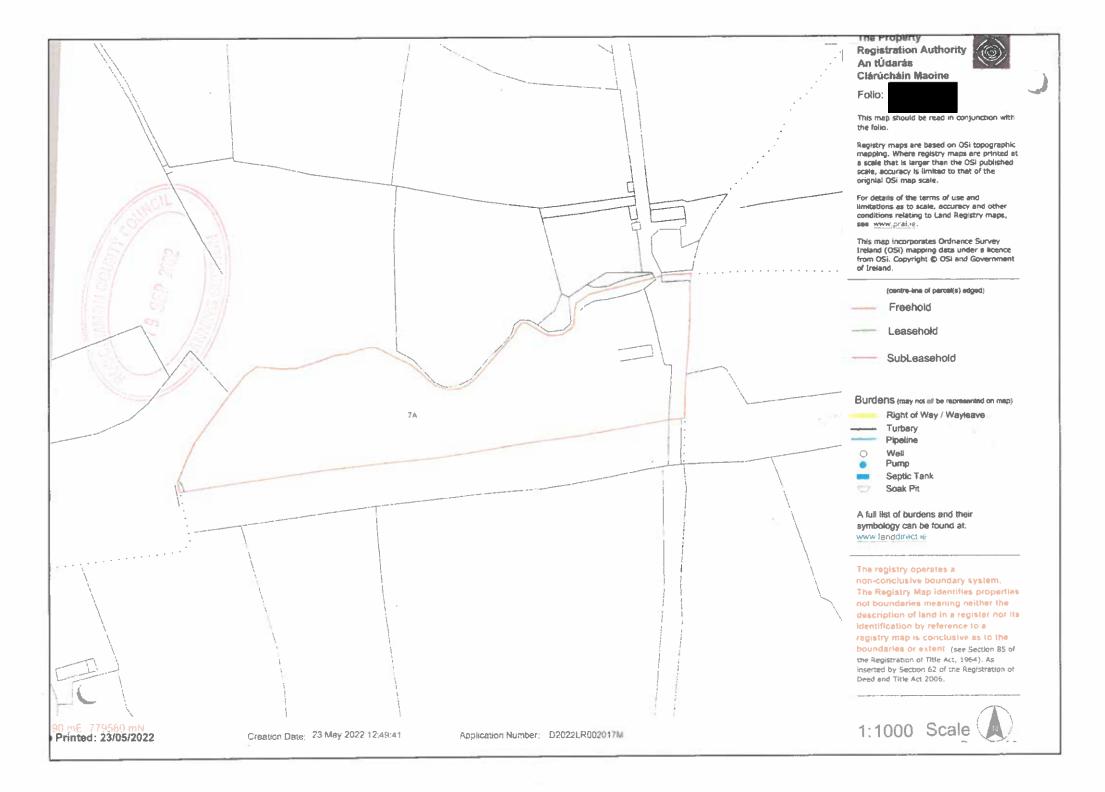
e: T. Lelag

Date: 19.09.2022

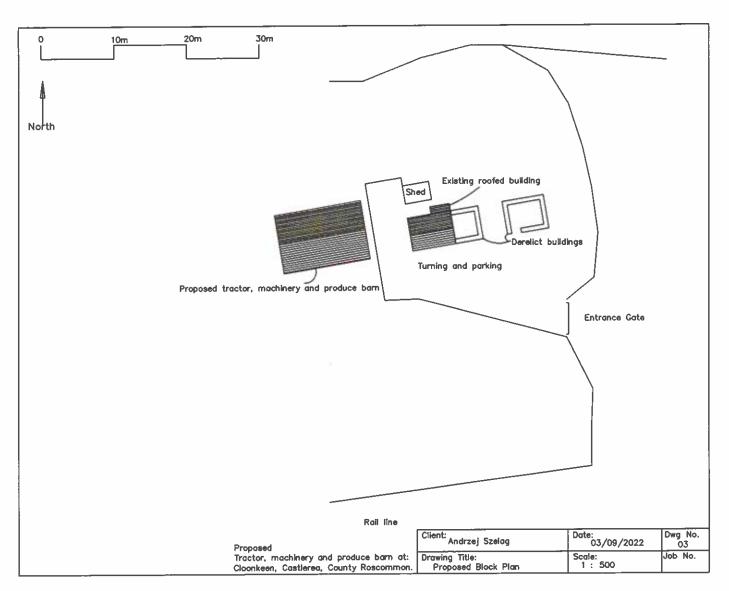
Note: This application must be accompanied by:-

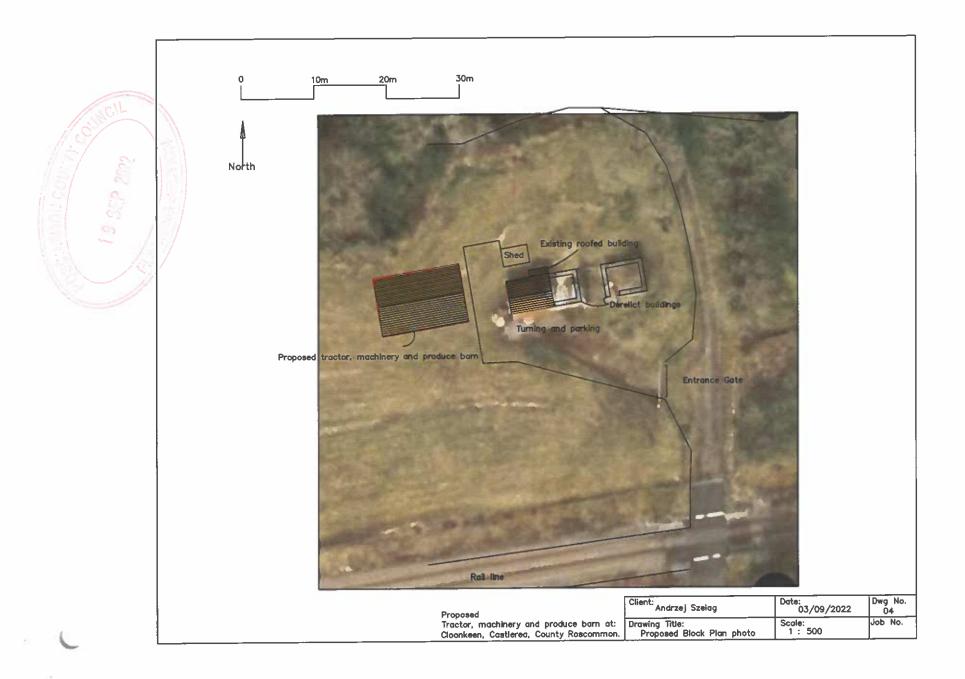
(a) €80 fee

- (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) Detailed specification of development proposed

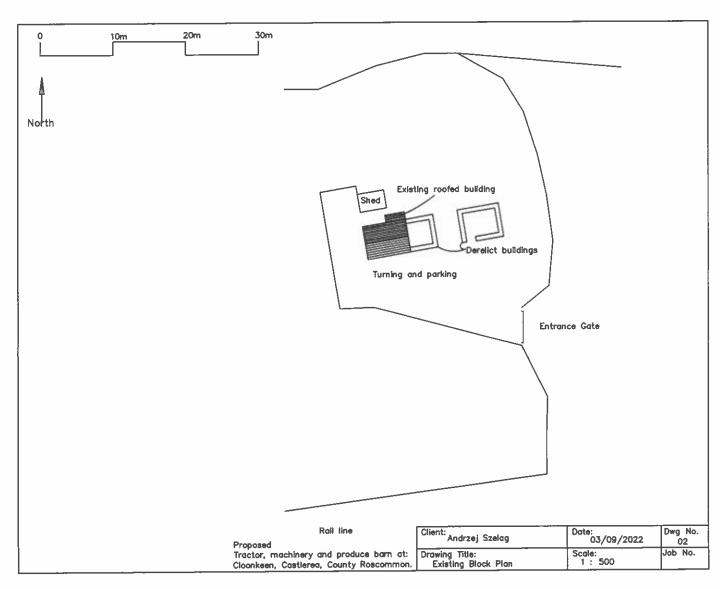


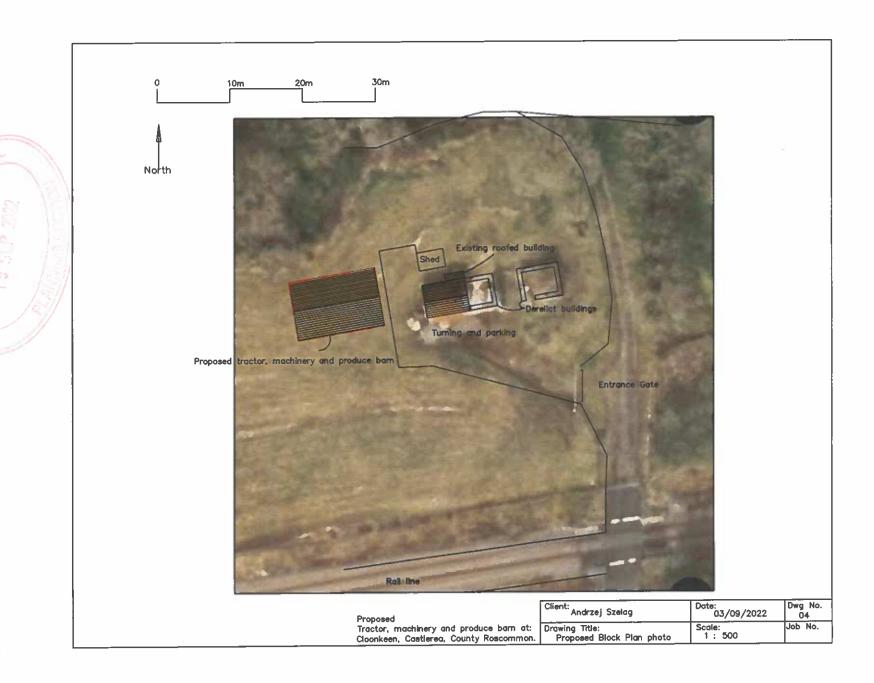


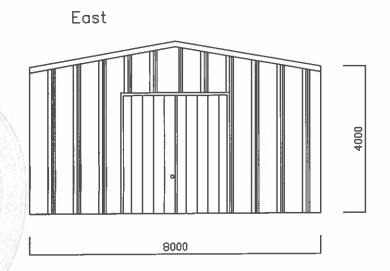


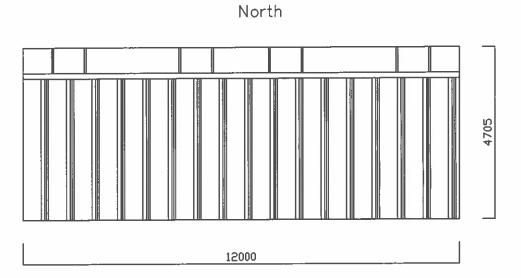


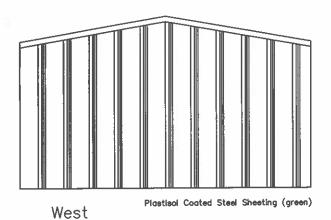


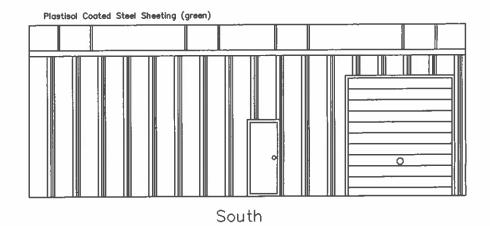












Proposed Tractor, machinery and produce barn at: Cloonkeen, Castlerea, County Roscommon.

Client: Andrzej Szelag	Date: 03/09/2022	Dwg No. 01
Drawing Title: Proposed elevations	Scale: 1: 100	Job No.