

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

Sean Mullarkey,

Reference Number: DED 537

Application Received: 26th January, 2023

Location: Carrowbaun Td., Four Mile House, Roscommon.

WHEREAS a question has arisen as to whether the construction of a slatted shed together with associated works at Carrowbaun Td., Four Mile House, 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 6 of Part 3 of 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).

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:

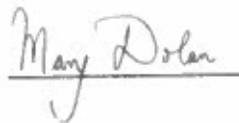
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **the construction of a slatted shed together with associated works at Carrowbaun Td., Four Mile House, 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



**Administrative Officer,
Planning.**

Date: 22nd February, 2023

**c.c. Martin Dowd,
Rathcroghan Design,
Ballyconboy,
Ballinagare,
Castlerea,
Co. Roscommon.**

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

Reference Number:

DED 537

Name and Address of Applicant:

Sean Mullarkey,

AGENT:

**Martin Dowd, Rathcroghan Design, Ballyconboy, Ballinagare,
Castlereagh, Co. Roscommon.**

WHEREAS a question has arisen as to whether a proposed development to construct a slatted shed together with associated works at Carrowbaun Td., Four Mile House, 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 Act 2000, (as amended).**
- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).**
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).**
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of
Section 5 of the Planning and Development Act 2000, (as amended)**

1.0 Site Location and Description

The subject site is located in the townland of Carrowbaun Td., Four Mile House. There are a number of existing agricultural structures on the subject site. The site is set back to the northern side of the L-16234-0. The proposed slatted shed has a floor area of 165m². The closest Natura 2000 site is Mullygollan Turlough SAC (site code 000612) which is 3.5km northwest of the subject site. The proposed shed is to be setback 24m from the public road, is 5.6m in height and will be located directly south of the existing slatted shed on site.

2.0 Planning History

No planning history on the subject site.

3.0 Relevant Legislation

Planning and Development Act, 2000

Section 2 (1)

“works” include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1)

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being ‘exempted development’. Of potential relevance is section 4(1)(a) which provides as follows:

Development consisting of the use of any land for the purposes of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

I am satisfied that the development in question falls within the above, in that the nature of the development is for agricultural purposes provided in the Act, and therefore, can be considered to be exempted development under the provisions of the Planning & Development Act, 2000 as amended

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001**Article 6 (1)**

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Class 6 of Part 3 of Schedule 2: Exempted development - Rural

Description of Development	Conditions and Limitations
<p><i>Agricultural Structures</i></p> <p>CLASS 6</p> <p><i>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</i></p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

	<p>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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Article 9 (1)

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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(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.

It should also be noted that any development for which an Environmental Impact Assessment Report 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 EIAR 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 Appropriate Assessment is required.

4.0 Planning Assessment

The question to be determined in this Section 5 referral is whether the proposed development to construct a slatted shed together with associated works at Carrowbaun Td., Four Mile House, Co. Roscommon is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the proposed development constitutes works and is therefore development.

With Regard to Article 9 (1)(a)(viiB) 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 EIAR or AA does not apply with respect to the current referral case.

There are a number of agricultural structures on the subject site including an existing Loose Shed 48m² (Class 6 of Part 3 of Schedule 2: Exempted development - Rural), existing Slatted Shed 78m² (Class 6 of Part 3 of Schedule 2: Exempted development - Rural), existing Cattle Pen 98m² (Class 8 of Part 3 of Schedule 2: Exempted development - Rural) and existing Machinery Shed 59m² (Class 9 of Part 3 of Schedule 2: Exempted development

- Rural). The proposed shed has a floor area of 165m², the total floor area of buildings of this nature is below 300m². There appears to be no other buildings of this nature within 100m of the site. The shed will be finished with sheeting on the roof with napp plaster walls and cladded sheeting are typical material finishes for sheds of this nature.

In light of the above, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000 (as amended), and associated Regulations, the development works fall within Class 6 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 works to construct a slatted shed together with associated works at Carrowbaun Td., Four Mile House, Co. Roscommon fall within Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations.
- The proposal constitutes exempted development.

5.0 Recommendation

Recommendation:

WHEREAS a question has arisen as to whether a proposed development to construct a slatted shed together with associated works at Carrowbaun Td., Four Mile House, 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 6 of the Planning and Development Regulations 2001, (as amended).
Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).

AND WHEREAS I have concluded that

- The works are development.
- The works to construct a new 3 bay slatted shed, together with all associated site works at Carrowbaun Td., Four Mile House, Co. Roscommon fall within Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations.
- Given that the development is within Class 6 of Part 3 of Schedule 2 of Planning and Development Regulations, I have concluded that the proposal is exempted development.
- 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 WHEREAS I have concluded that the said development to construct a slatted shed together with associated works at Carrowbaun Td., Four Mile House, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

21st February 2023

Signed: _____

Karen Dunleavy
Assistant Planner

Date: _____





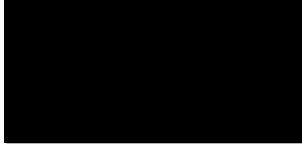




Comhairle Contae
Ros Comáin
Roscommon
County Council



Sean Mullarkey,



Date: 30th January, 2023.

Planning Reference: DED 537

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

Development: To construct slatted shed together with associated works at Carrowbaun Td., Four Mile House, Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 26th January, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. [REDACTED] dated 26/01/2023 refers, copy of receipt attached herewith for the attention of the Agent.

Note: Please note your Planning Reference No. is **DED 537**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,
Planning.

CC: Martin Dowd,
Rathcroghan Design,
Ballyconboy,
Ballinagare,
Castlerea,
CO. ROSCOMMON.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

26/01/2023 11:59 07

Receipt No : L01/0/220931

SEAN MULLARKEY
MARTIN DOWD

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED 537

Total : 80 00 EUR

Tendered : 80.00
Credit/Debit Card
8238

Change : 0 00

Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

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



Roscommon County Council

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

Name:	SEAN MULLARKEY
Address:	[REDACTED]
Name & Address of Agent:	MARTIN DOWD RATHCROGHAN DESIGNS BALLINAGARE CASTLEREA Co. Roscommon
Nature of Proposed Works	TO CONSTRUCT SLATED TOGETHER WITH ASSOCIATE WORKS.
Location (Townland & O.S No.)	CARROWBAUN T.d.
Floor Area	165 m ²
Height above ground level	5.681 m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PRE-PAINTED SHEETING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER
Is proposed works located at front/rear/side of existing house.	N/A

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)	N/A
Existing use of land or structure	AGRICULTURE
Proposed use of land or structure	AGRICULTURE
Distance of proposed building line from edge of roadway	24.29 m
Does the proposed development involve the provision of a piped water supply	YES (EXISTING)
Does the proposed development involve the provision of sanitary facilities	NO

Signature: Martin Dand (AGENT)

Date: 24/01/2023

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

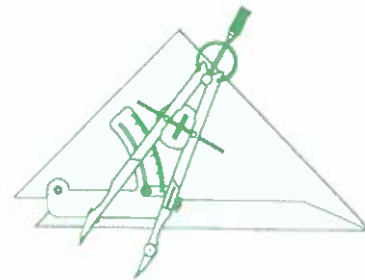


Rathcroghan Designs

BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

Planning and Building Consultants

Associate Member of The Society Chartered Surveyors Ireland



Phone : 086 2328484 Email:rathcroghandesigns@gmail.com

Planning Authority
Roscommon County Council
Aras An Chontae
Roscommon.



January 24th, 2023

Dear sir or madam,

Please find enclosed planning application for exempted development on behalf of Sean Mullakey. I wish to pay the application fee by card. I would be obliged if you could contact me on this number 086 2328484 at your convenience so that I can give you card details in order to make payment

Many Thanks

Martin Dowd AssocSCSI

Rathcroghan Designs

Ph. 086 2328484

Planning Pack Map

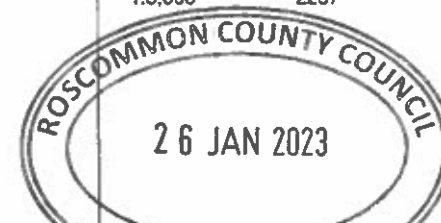
Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlerea, Co. Roscommon



CENTRE
COORDINATES:
ITM 582815,776715

PUBLISHED: 24/01/2023 ORDER NO.: 50313272_1

MAP SERIES: 1:5,000 MAP SHEETS: 2287



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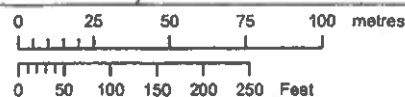
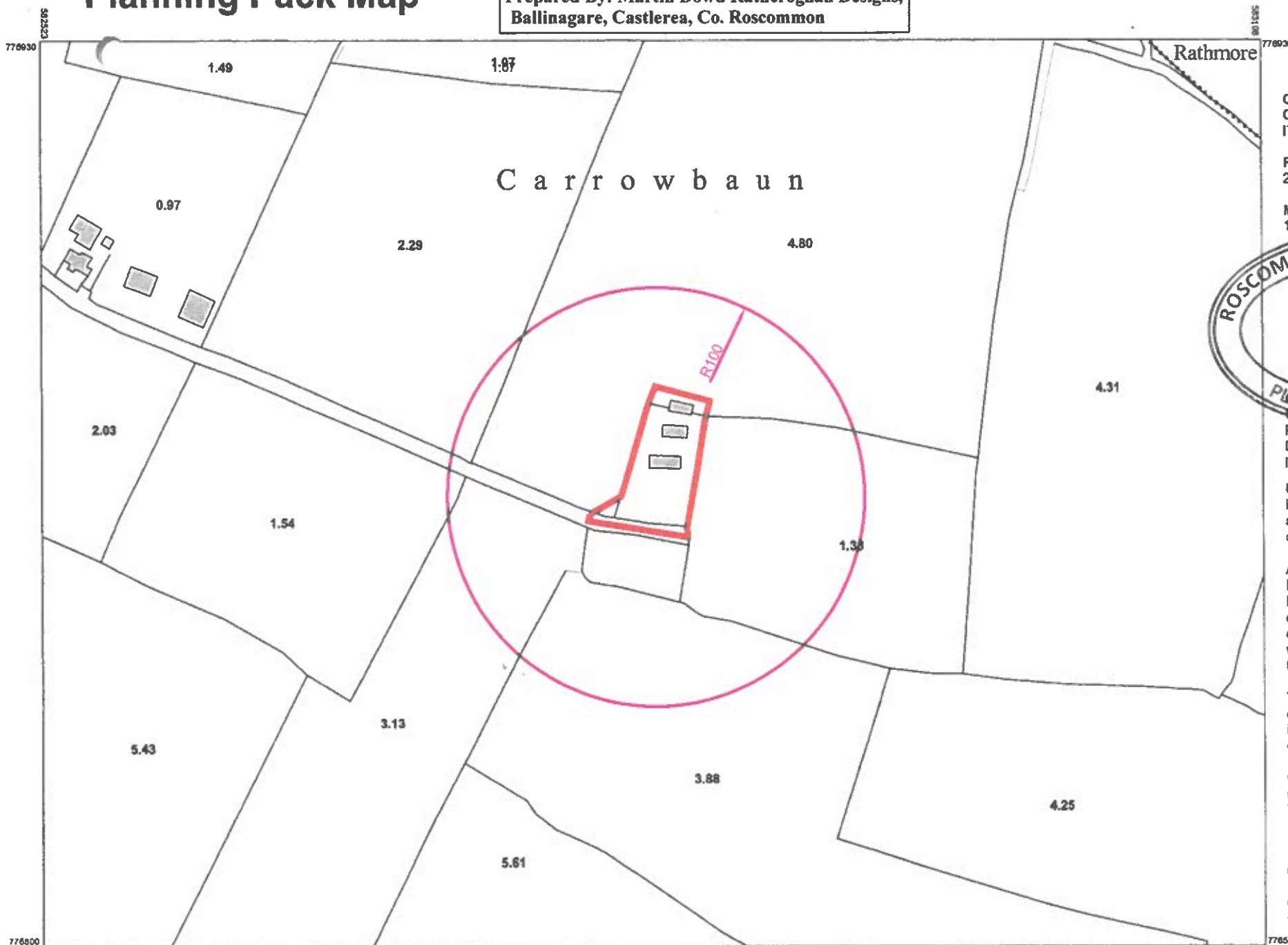
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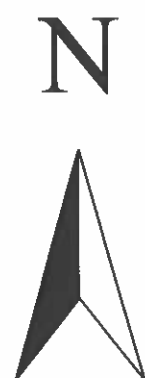
R100



OUTPUT SCALE: 1:2,500

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:








Site Area 0.230 Ha

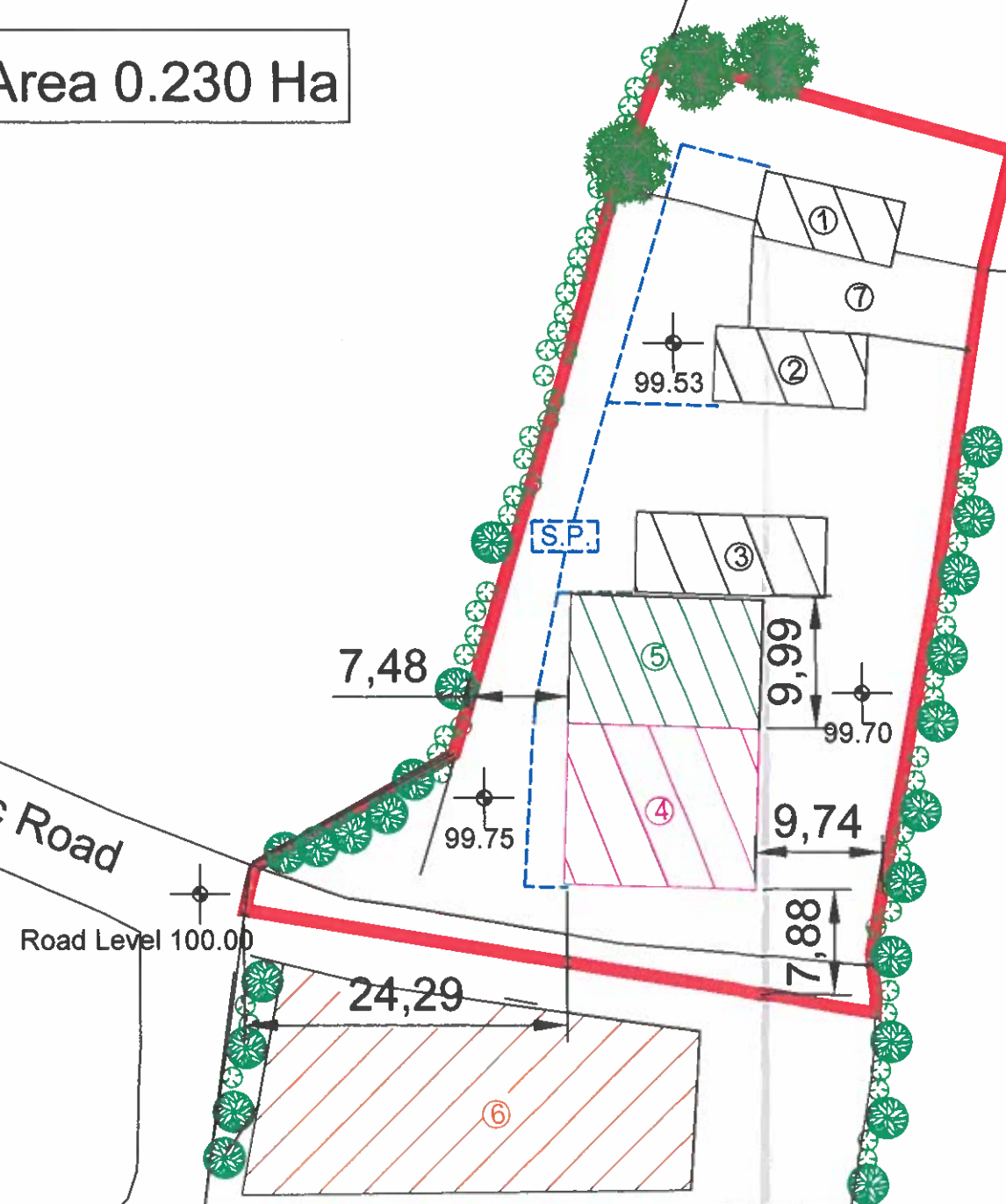
Schedule

- 1. Existing Loose Hay Shed Class 6 Rural 48m²
- 1a. Existing Cattle Pen Class 8 Rural 98m²
- 2. Existing Machinery Shed Class 9 Rural 59m²
- 3. Existing Slatted Shed Class 6 Rural 78m²
- 4. Proposed Slatted Shed Class 6 Rural 165m²
- 5. Proposed Ancillary Concrete
- 6. Existing Baled Silage Storage Area

Storm Water Sewer Shown Thus 

Soak Pit 

Right of Way 



RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon

Ph: 086 2328484

E-mail: rathcroghandesigns@gmail.com



Client

Sean Mullarkey

Title

Site Layout

Scale: 1:500 UNLESS NOTED

Sheet

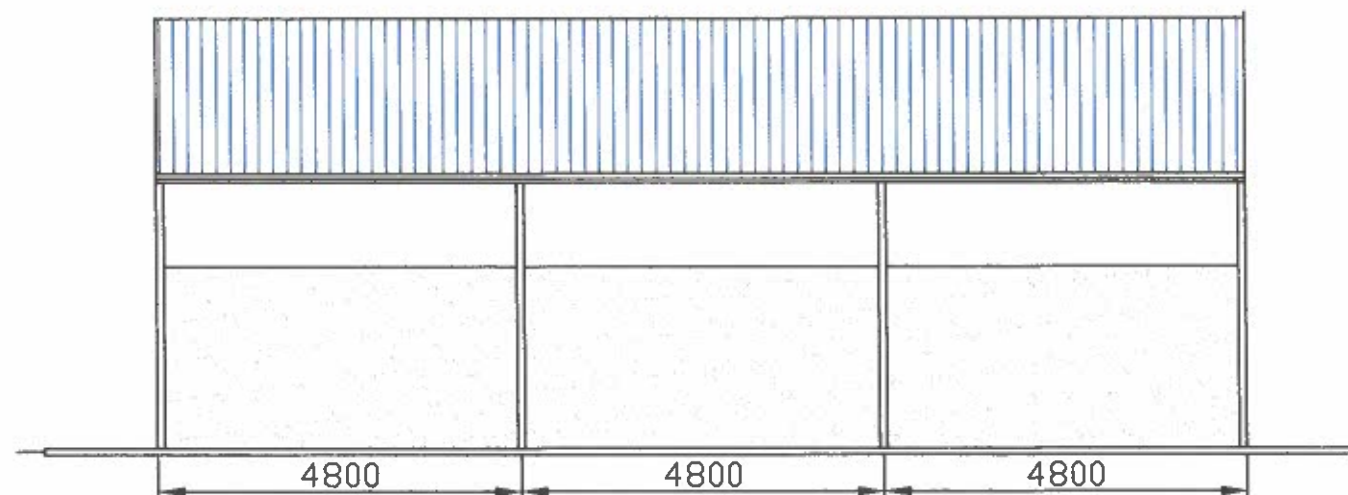
Drawg. No.

Drawn: MARTIN DOWD

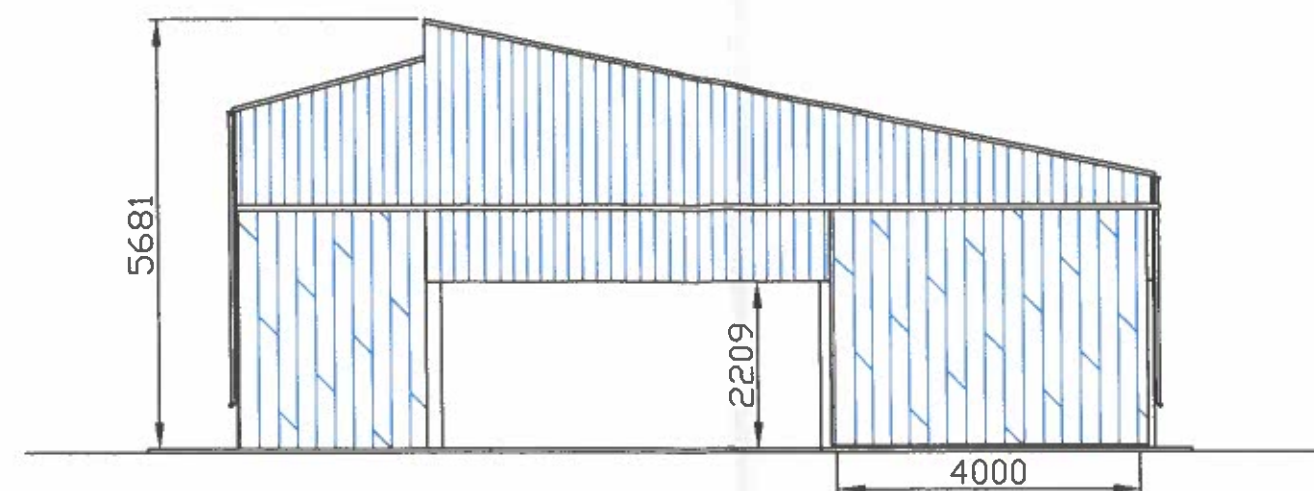
1 OF 1

22-204

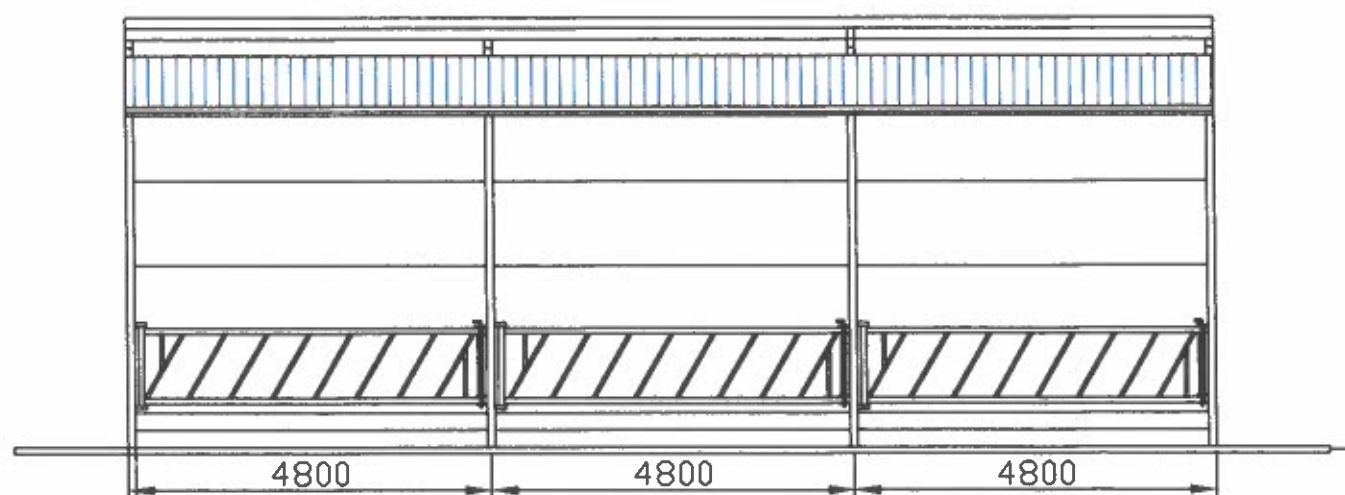
Date: 16-12-2022



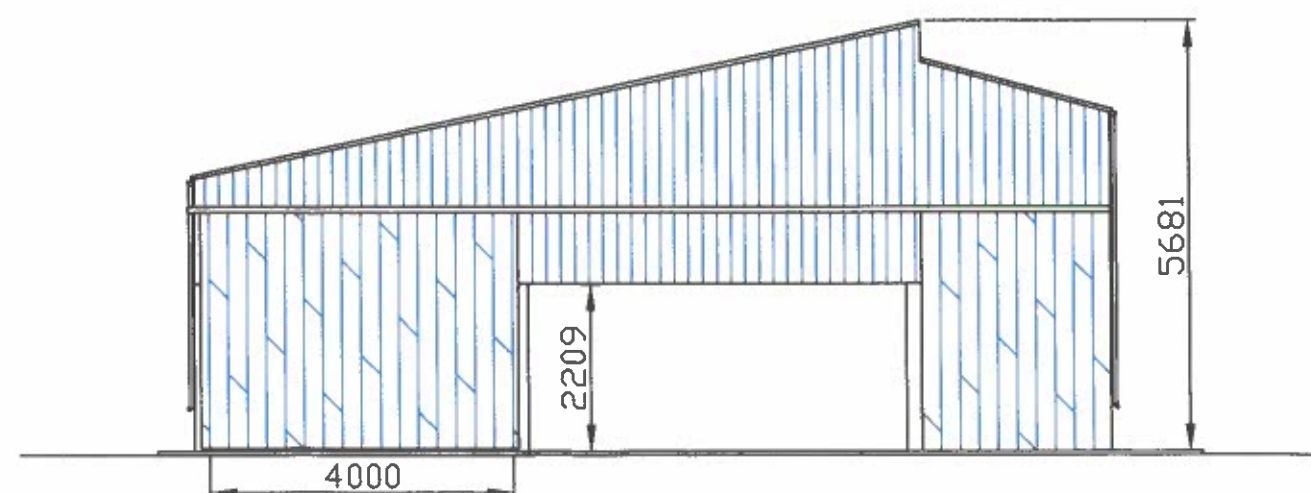
South Elevation



West Elevation



North Elevation



East Elevation



RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon
Ph: 086 2328484 E-mail: northdowd@eircom.net



Client

Sean Mullarkey

Title

SLATTED SHED

Scale: 1:100 UNLESS NOTED

Drawn: MARTIN DOWD

Date: 16-12-2022

Sheet

2 OF 2

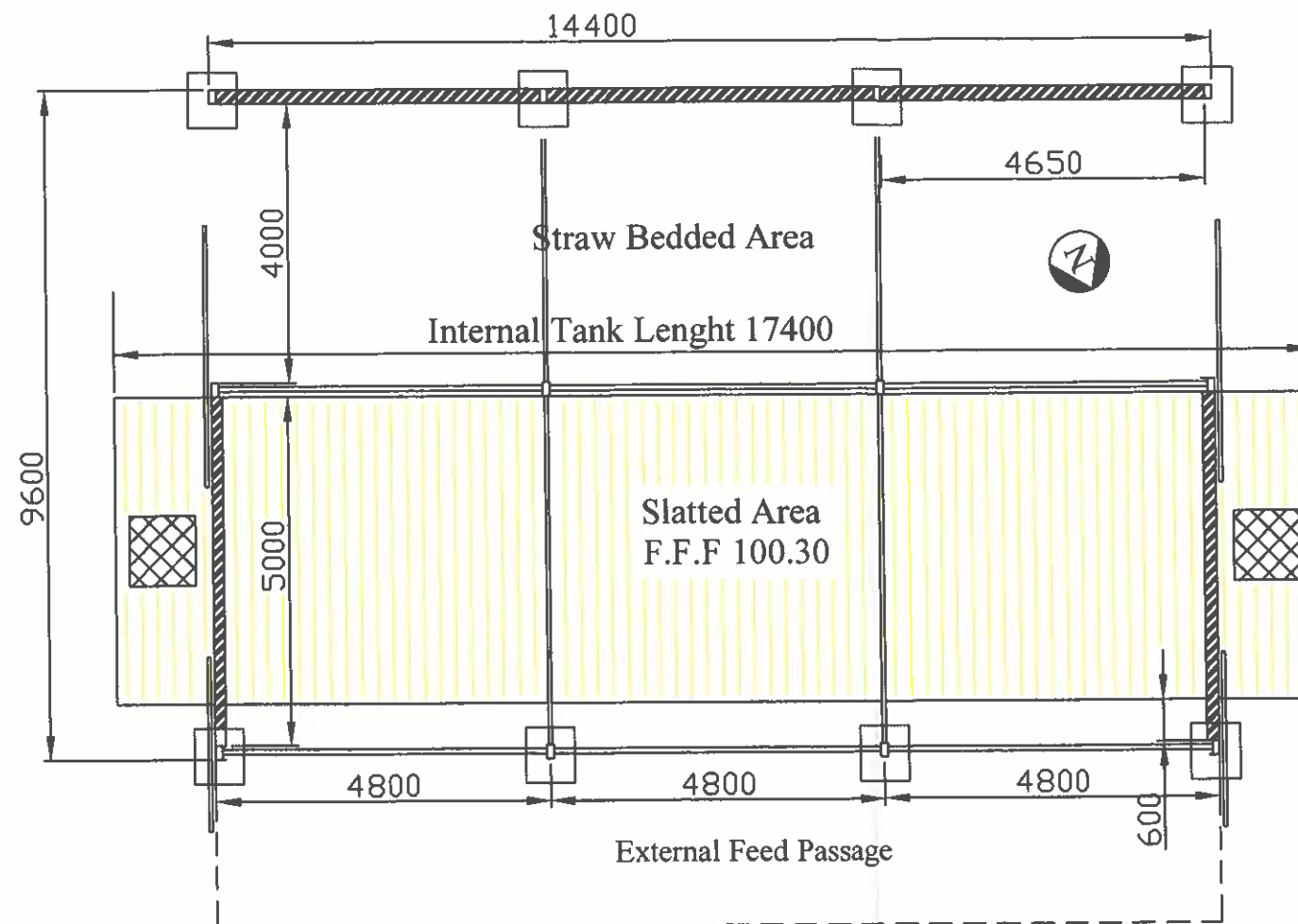
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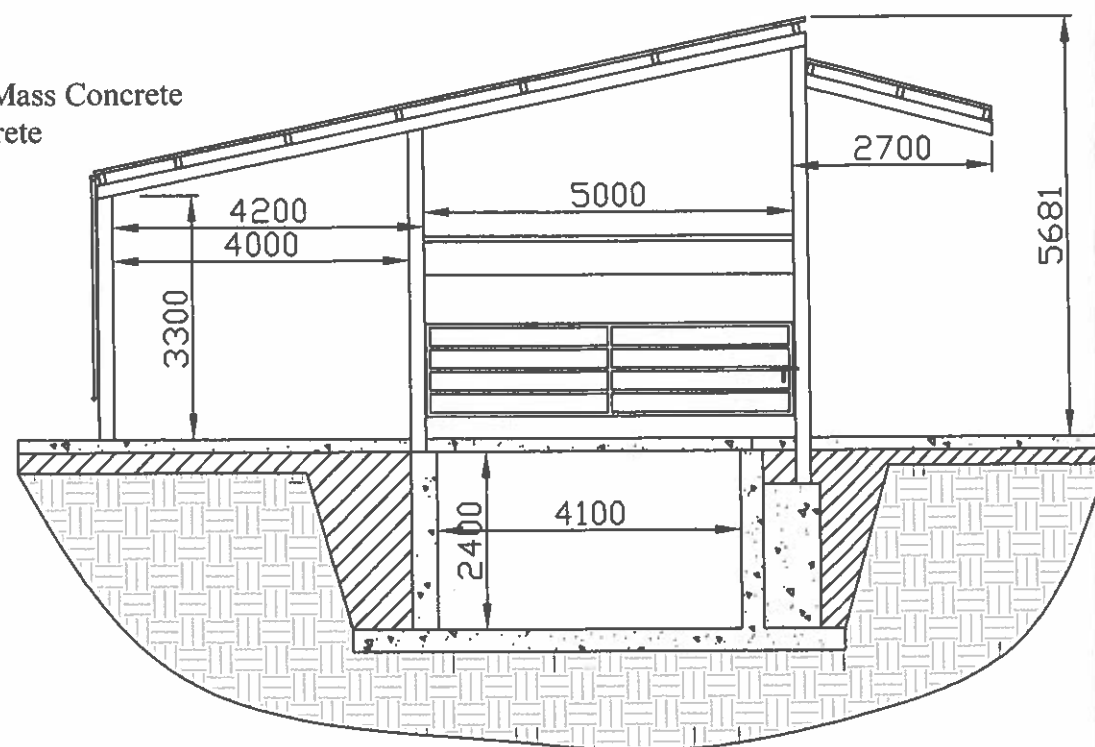
Revision

Date



Sectional Floor Plan

External Walls to be Mass Concrete using 37N/mm² concrete



Sectional Elevation

Roof Material to be Prepainted Sheetting on 150 x 75 Purlins secured to IPE 200 Rafters carried by IPE 200 Stansions

Super Structure to be carried on Walls of Reinforced Underground Concrete tank Constructed to Dept of Agriculture Specifications



RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon
Ph: 086 2328484 E-mail: rathcrogan@eircom.net



Client

Sean Mullarkey

Title

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Scale: 1:100 UNLESS NOTED

Drawn: MARTIN DOWD

Date: 16-12-2022

Sheet

1 OF 2

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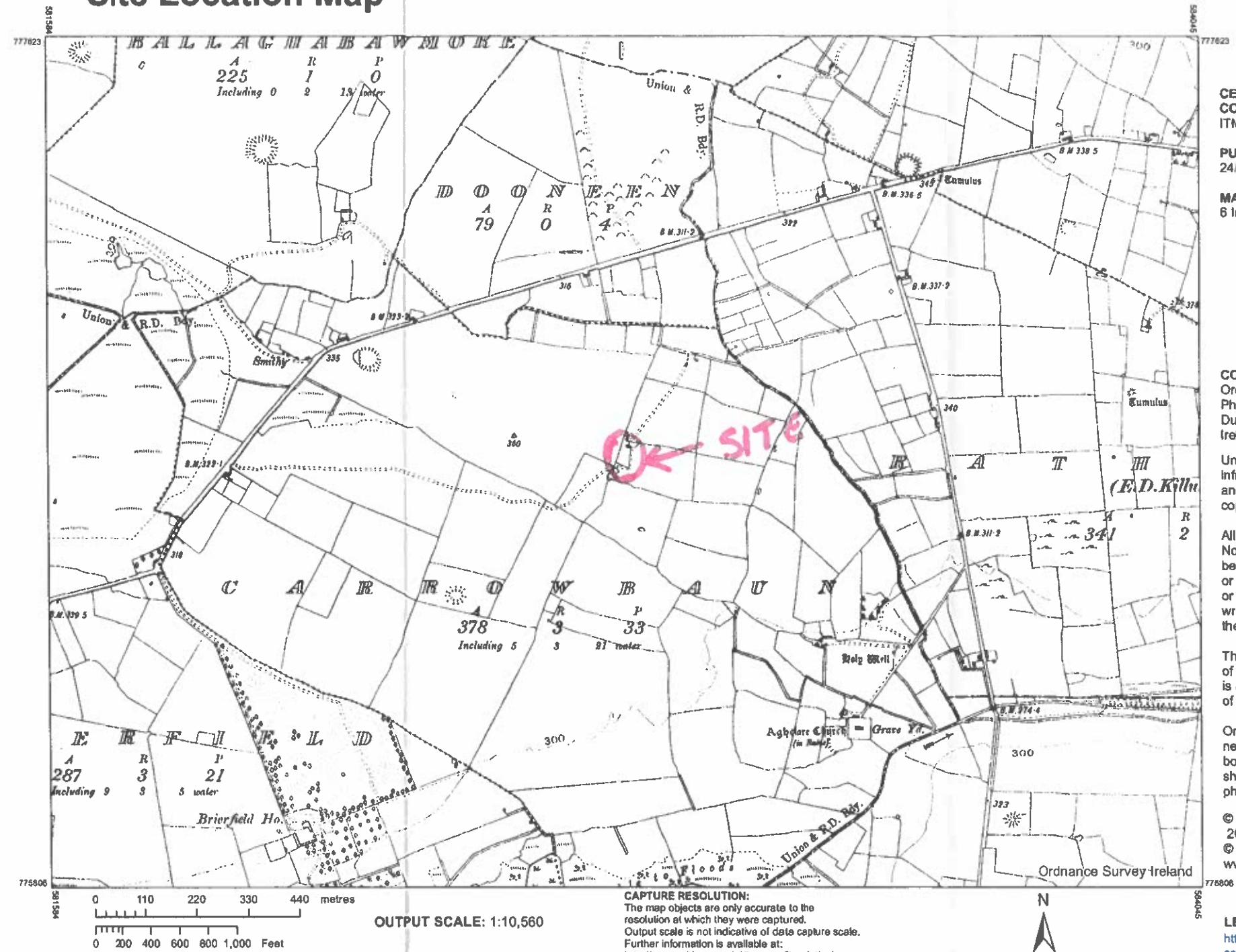
22-203

No.

Revision

Date

Site Location Map



CENTRE COORDINATES:
ITM 582815,776715

PUBLISHED: 24/01/2023
ORDER NO.: 50313272_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: RN028

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