

## Mary Dolan

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**From:** Planning Department  
**Sent:** Friday 12 May 2023 17:27  
**To:** info@advancedplanninganddesign.com  
**Subject:** DED 553 Notification of Decision on Section 5 Declaration.  
**Attachments:** DED 553 Section 5 Declaration -Notification of Decision .pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 553 Section 5 Declaration .

Given that an e-mail address has not been provided by the applicant we would be obliged if you could ensure that a copy of this Notification of Decision is provided to the applicant.

Mise le meas,

**Mary Dolan, Administrative Officer, Planning,**  
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.

☎ (090) 6637176 ✉ [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)

**Please address all e-mail correspondence to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)**

🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



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Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only, except in instances where an e-mail address has not been provided.

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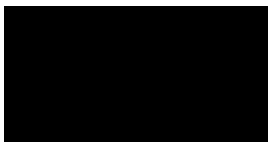
**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

David Gaffney,



Reference Number: DED 553

Application Received: 14<sup>th</sup> April, 2023.

Location: Keadue East, Keadue, Boyle, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, 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 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 exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **the construction of a new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, 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.

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

**Reference Number:** DED 553

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, County Roscommon

**Applicant(s):** David Gaffney

**Date:** 10<sup>th</sup> May 2023

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**WHEREAS a question has arisen as to whether the following works; the construction of a new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, 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 6 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 site is located in Keadue East, Keadue, Boyle, County Roscommon. There are existing agricultural structures on the subject site. There are no European designated sites in, adjoining or in close proximity to the subject site. There are no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

The proposed development consists of the construction of a new dry bed cattle housing shed with associated site works. Proposed Specifications:

- Floor Area: 178.73sqm
- Height above ground level: 250mm
- Roofing Material: PVC coated metal cladding

Other Details:

- Proposed use of land or structure: agricultural/winter housing of cattle

- Distance of proposed building line from edge of roadway: 52.1m
- Provision of piped water supply required: yes, existing supply
- Provision of sanitary facilities required: no

### 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 new dry bed cattle housing shed constitutes development, as defined in Section 3 of the said Act. The construction of a new dry bed cattle housing shed for housing livestock comes within the scope of Class 6 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

#### PART 3 - Article 6 - Exempted Development - Rural

##### Column 1 - Description of Development

##### *Agricultural Structures*

##### CLASS 6

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.

##### Column 2 - Conditions and Limitations

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.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
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.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

I am satisfied to conclude that the development as set out under DED 553 constitutes development that is exempted development as defined within the Planning & Development Act, 2000 as amended and associated 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 the following works; the construction of a new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, 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 –

- (f) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (g) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (h) Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (i) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (j) The planning history of the site

#### **AND WHEREAS I have concluded that**

- a) The works are development.
- b) The construction of a new dry bed cattle housing shed is 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:

A handwritten signature in blue ink that reads "Jennifer Foy". The signature is written in a cursive style with a large, stylized 'J' and 'F'.

Assistant Planner

Date: 10<sup>th</sup> May 2023



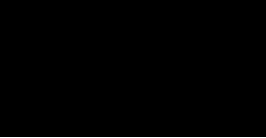








Mr.David Gaffney,



**Date:** 18<sup>th</sup> April, 2023.

**Planning Reference:** DED 553

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

**Development:** Construct new dry bed cattle housing shed with associated site works at Keadue East, Keadue, Boyle, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 14<sup>th</sup> April, 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. L01/0/222173 dated 14<sup>th</sup> April, 2023 refers, receipt enclosed herewith for the attention of the agent.

**Note:** Please note your Planning Reference No. is **DED 553**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Administrative Officer,  
Planning.

Advanced Planning & Design Services Ltd.,  
15A North West Business & Technology Park,  
Castlecarra Road,  
Carrick on Shannon,  
CO. LEITRIM.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

14/04/2023 11.33.06

Receipt No L01/0/222173

DAVID GAFFNEY



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED553	

Total :	80 00 EUR
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Tendered :	
Cash	80 00

Change :	0 00
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Issued By : Bernadine Duignan  
From : Central Cash Office



Planning Section  
Roscommon Co. Co.  
Aras an chontae  
Roscommon.

13-4-2023

Re: Construction of Dry bedded Cattle Shed at  
Keadue East, Keadue, Boyle Co. Roscommon.

Dear Sirs/Madam

I wish to apply to Planning Authority for exemption  
under Section 5 of planning Acts for above development.

I am an Lowly stocked organic farmer and wish to  
bring my farm buildings up to Modern standards  
regarding cattle housing, Safety and pollution Control.

Most of the farm Building and facilities are old  
(hayshed is 100 years old) and it would be great  
to be able to build this Cattle Shed and have  
all facilities under the one roof and all served  
by an effluent Tank.

Cattle would be straw bedded during the winter and this  
would be removed and spread on Land during the Summer.

I enclose all Maps, plans and documents.

Yours faithfully  
David Gaffney







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:	DAVID GAFFNEY
Address:	[REDACTED]
Name & Address of Agent:	MICHAEL HENNESSY APOS LTD 15A NORTH WEST BUSINESS & TECHNOLOGY PARK CASTELARUA ROAD CARRICK ON SHANNON, CO LETTRIM
Nature of Proposed Works	TO CONSTRUCT NEW DRY RED CATTLE HOUSING SHED WITH ASSOCIATED SITE WORKS.
Location (Townland & O.S No.)	KEADEW EAST TD DIGITAL OS MAP 1535 1603
Floor Area	178.73m <sup>2</sup>
Height above ground level	250mm
Total area of private open space remaining after completion of this development	N/A (AGRICULTURAL DEVELOPMENT)
Roofing Material (Slates, Tiles, other) (Specify)	PVC COATED METAL CLADDING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PVC COATED METAL CLADDING + MASS CONCRETE / RENDERED BLOCKWORK
Is proposed works located at front/rear/side of existing house.	REAR OF OLD DERELICT FARMHOUSE

## 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	AGRICULTURAL GRAZING
Proposed use of land or structure	WINTER HOUSING OF CATTLE
Distance of proposed building line from edge of roadway	52.1m
Does the proposed development involve the provision of a piped water supply	YES - EXISTING WATER SUPPLY TO BE UTILISED
Does the proposed development involve the provision of sanitary facilities	No

Signature:

David Gaffney

Date:

13-4-2023

**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



Planning Authority,  
Roscommon County Council,  
Aras an Chontae  
Roscommon Town  
Co Roscommon

Re: David Gaffney - Construction of Dry Bed cattle Shed at  
Keadew East Td, Keadue, Boyle, Co Roscommon

To Whom it Concerns,

I refer to the above and confirm that I have no objection to the  
above development which is within 100m of my Dwelling House at  
[REDACTED]

Should you have any queries in relation to the above, feel free to  
contact me.

Yours sincerely,

[REDACTED]



**ADDITIONAL INFORMATION IN RESPECT OF FARM DEVELOPMENTS**

## 1. Detailed description of proposed development

(a) Buildings 3 bay open faced dry bedded shed with calving Area  
Straw Storage Area and Cattle crush

(b) Other structures (e.g. Pens, Silage Aprons, Crushes, Open Yards) \_\_\_\_\_

(c) If the proposed development will be served by an effluent storage tank state:

- (i) Size of tank 5076 litre at least per letter from Teagasc  
and 6000 litre proposed  
 (ii) Method of disposal of effluent from tank: e.g. pumped sprinkler, own vacuum tanker on site, borrowed/hired tanker, other (specify)

Agri-Contractor with Tanker

## 2. Gross floor space of proposed development:

(a) Buildings 178.73 square metres

(b) Other Structures N/A square metres

(c) Slatted houses only: penned area: N/A square metres

3. Is the proposed development an extension of an existing farm development or within 100 metres of an existing farm development: yes Yes/No

If Yes state the floor space of existing

- (a) Buildings old cattle shed 46 sq metre  
old Hay Shed 55 square metres  
old pen + crush 40 sq metre  
 (b) Other Structures old Farmhouse 50 square metres  
old Stone Storage Sheds 86 sq metres

## 4. State area of land (i.e. size of farm) on which the proposed development will be located:

26.9 Hectares grazing Area

## 5. State maximum number and type of livestock housed or to be housed at any one time in:

(a) proposed development 6 Adult Cattle

(b) Existing development 0

6. Does the proposed development provide for the creation of widening of an access to a public road? No Yes/No

## 7. Will development be connected to:

(a) E.S.B. supply Yes Yes/No

(Extension of existing Supply)



Form no. 2

Article 22

(b) Water supply

Yes (extend existing supply)

Yes/No

8. Where farm effluent is to be land spread, state the method used for land spreading

Effluent to be spread by Tanker

Farmyard Manure to be spread by Muckspreader



6<sup>th</sup> April 2023.

To whom it may concern

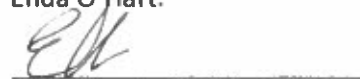
Please note that Mr David Gaffney, [REDACTED] is a lowly stocked Organic farmer who wishes to build a loose bedded cattle shed to overwinter cattle. His winter stock numbers will not exceed 6 adult cattle.

The calculation to determine the size of the effluent tank required is detailed below.

6 cows X 18 weeks X 47 litres = 5076 litres.

Yours sincerely,

Enda O'Hart.



Teagasc adviser.



ROSCOMMON COUNTY COUNCIL  
14 APR 2023  
PLANNING SECTION

Available Cores	Core size	Max invert from base
63mm	110mm (4")	1,850mm
110mm (4")	160mm (6")	1,800mm
160mm (6")	250mm (9")	1,750mm
250mm (9")	315mm (12")	1,670mm
315mm (12")		1,600mm

Tank lifting limitations:  
Max chain angle < 60°

< 60° ✓

> 60° ✗

Damage caused by incorrect lifting is the responsibility of others

Notes:

- Observe all safety regulations in regard to excavation and lifting requirements. Never leave opening uncovered or unattended at any time
- Specify any specific requirements prior to ordering. All civil works by customer
- Do not scale from this drawing. Only for illustration purposes

**MOLLOY**  
ENVIRONMENTAL SYSTEMS

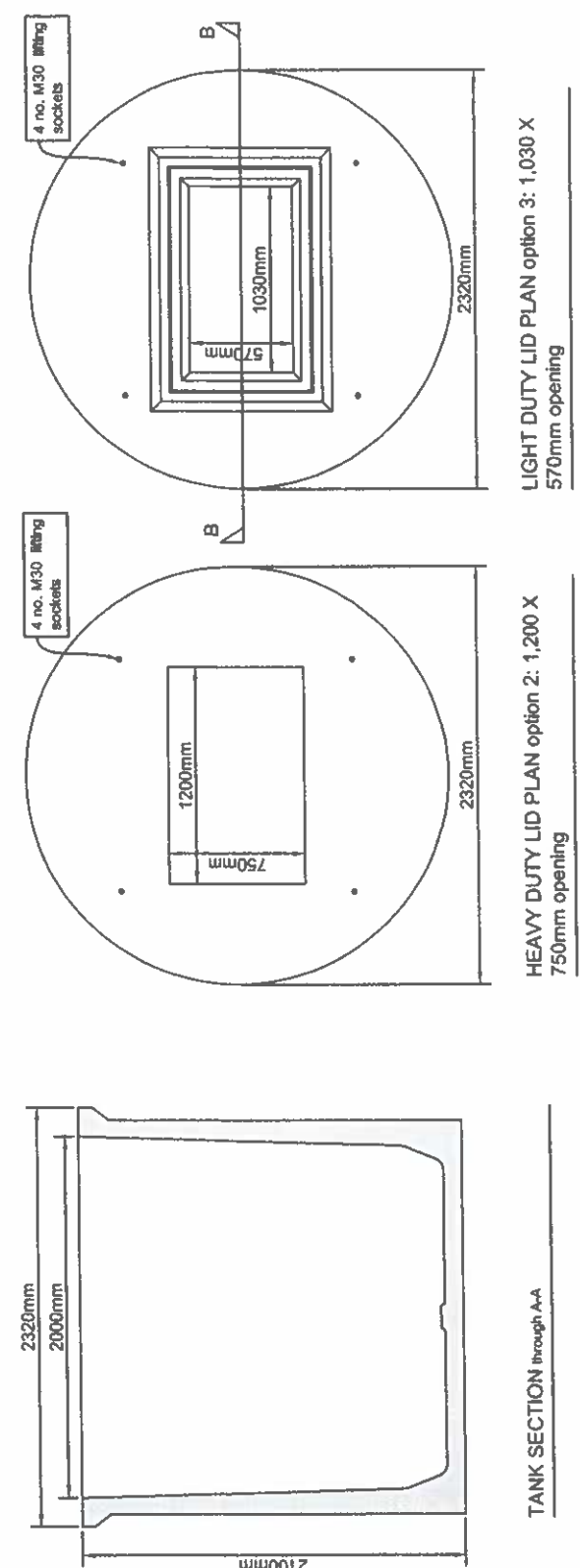
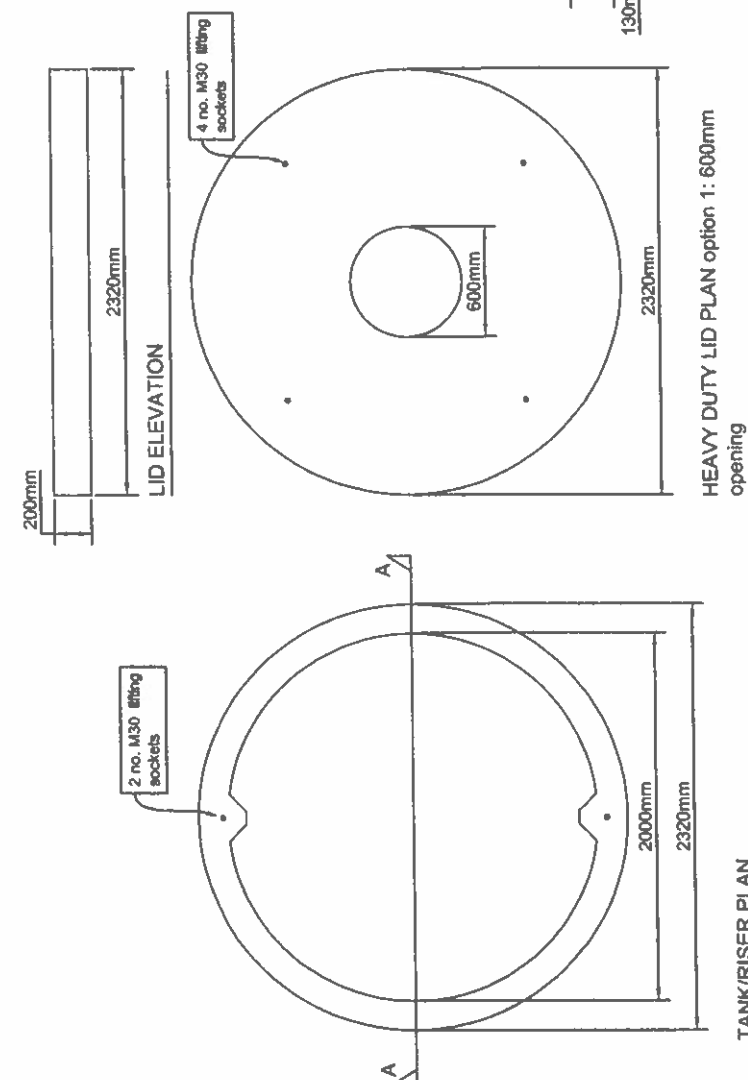
Clara Rd., Tullamore, Co. Offaly  
T: 057 9326000 E: info@mollyprecast.com  
F: 057 9326060 W: www.mollyprecast.com

CIRI

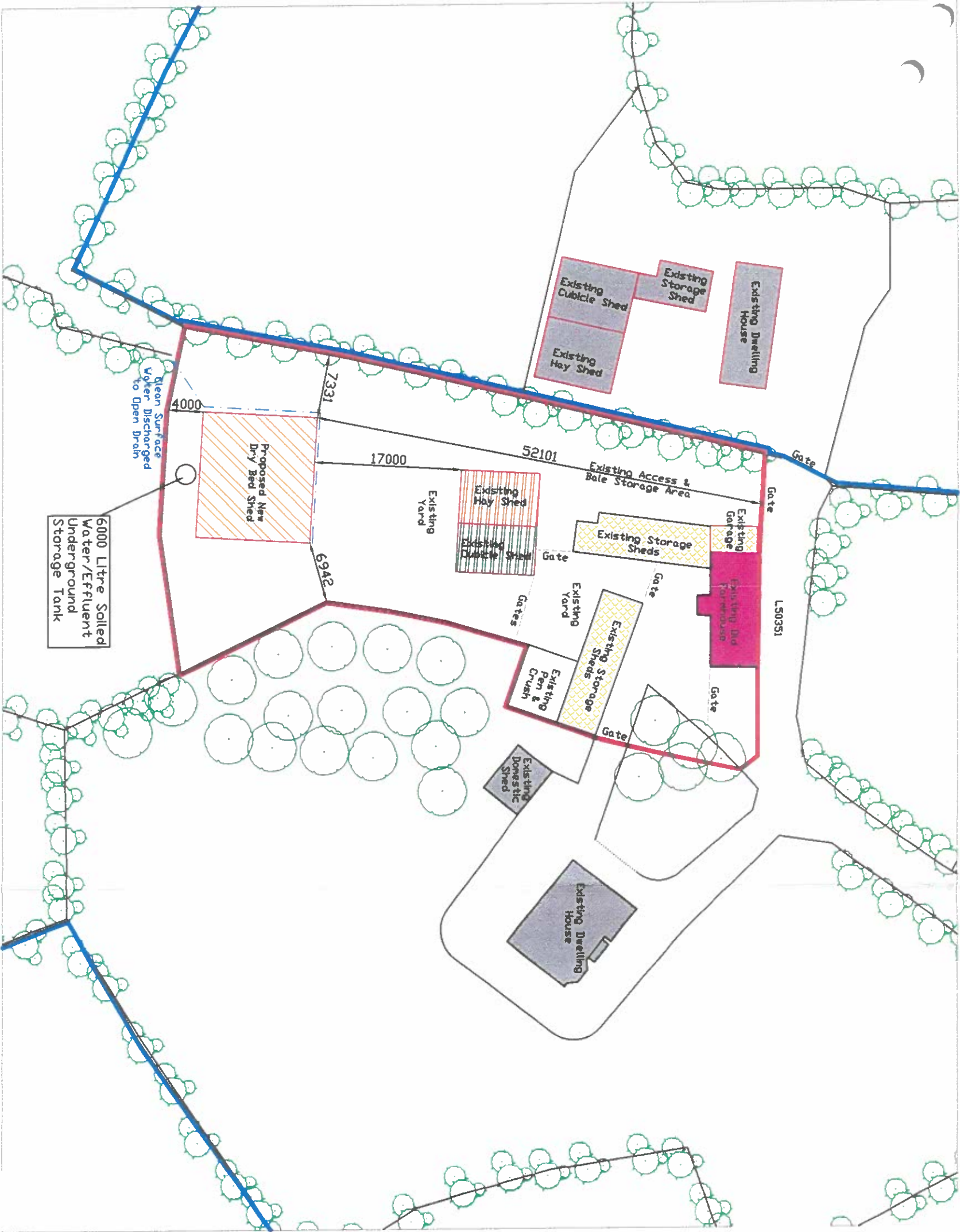
ENGINTECH

IRLAND

Title: S tank & lds drawing  
Dwg. no.: PT-S-01-201118  
Capacity: 8,000 litres  
Weight: Tank - 4,040 kg  
Lid, option 1: 1,825 kg  
Lid, option 2: 1,515 kg  
Lid, option 3: 1,210 kg  
Date: 20/1/2018  
Drawn by: SF Checked by: KR

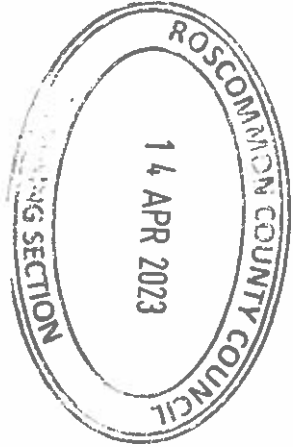
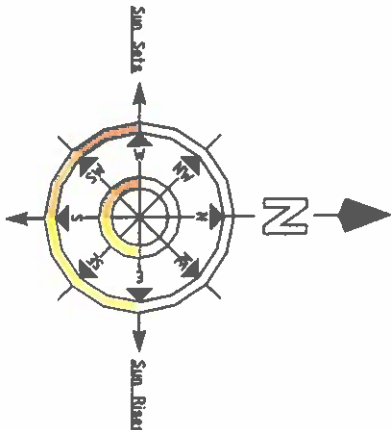






Site Outlined in Red

Landholding Outlined in Blue



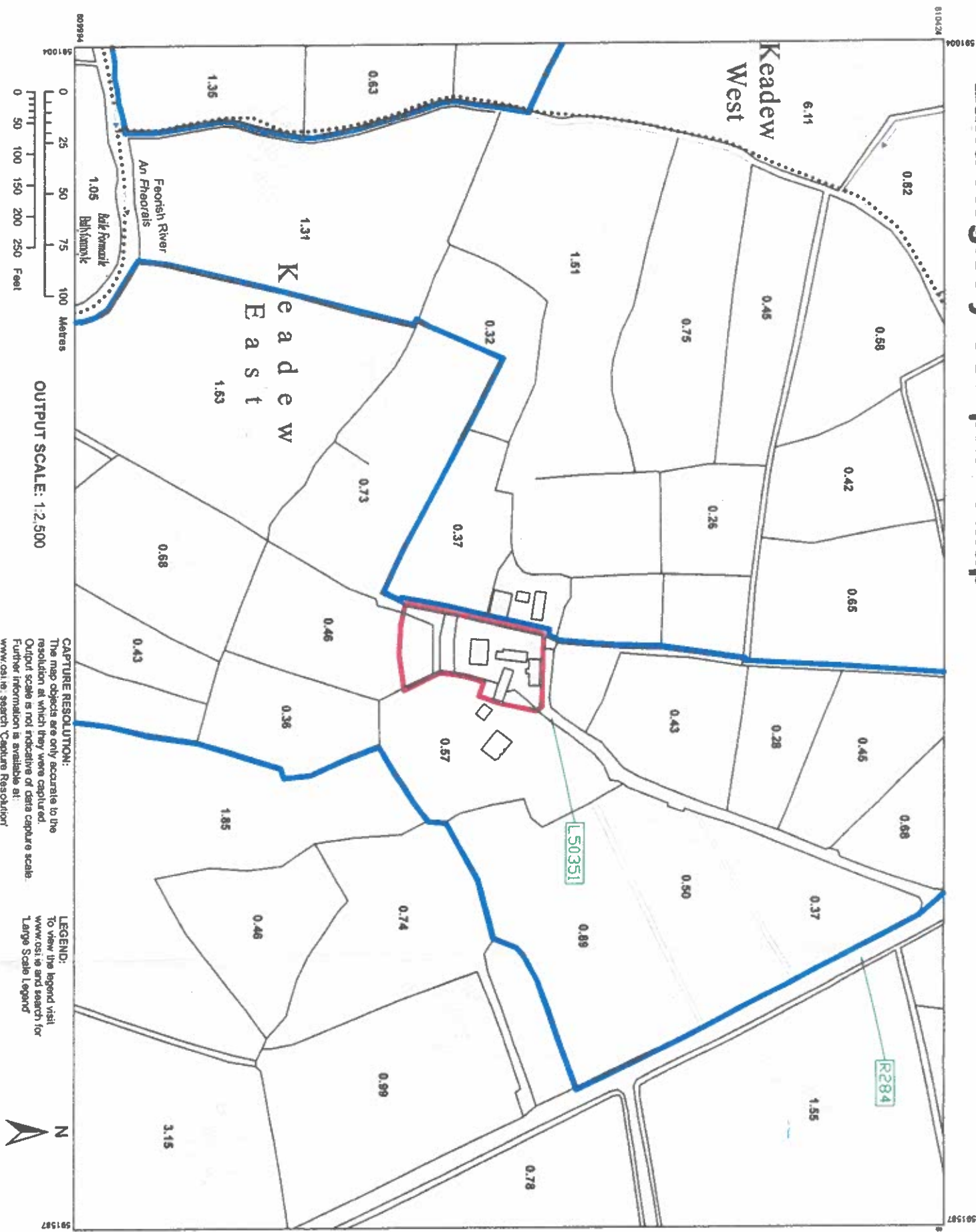
REV No	DATE	DESCRIPTION
<b>Advanced Planning</b> DESIGN SERVICES LTD		
154 North West Business & Technology Park Castlegara Road Carrigrohane, Co. Kerry Co. Kerry		
Phone/Fax: 017 9620776 Mobile: 086 1701549 Email: info@advancedplanninganddesign.com		
PROJECT PROPOSED NEW DRY BED CATTLE SHED AT KEANEY EAST TD, KEANEY, DOYLE, CO. ROSCOMMON FOR DAVID GANNERY		
TITLE SITE LAYOUT PLAN		
DRAWING No PL-DB-0403/1/1	SCALE 1:500 @ A3	DATE APRIL 2023
DRAWN BY MICHAEL HENNESSY		

For Planning Application Only

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Land Registry Compliant Map



**CENTRE COORDINATES:**  
ITM 591296.810208

**PUBLISHED:** 01/04/2023  
**ORDER NO.:** 50328739\_1

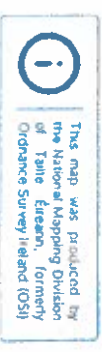
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 1535, 1503

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

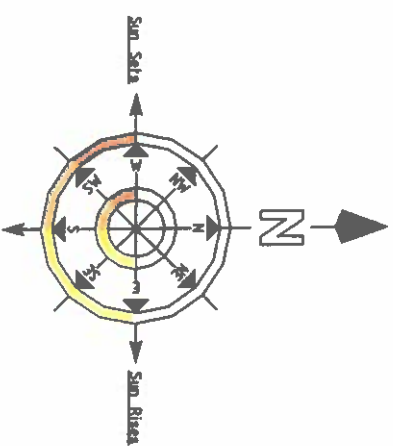
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- Site Outlined in Red
- Landholding Outlined in Blue

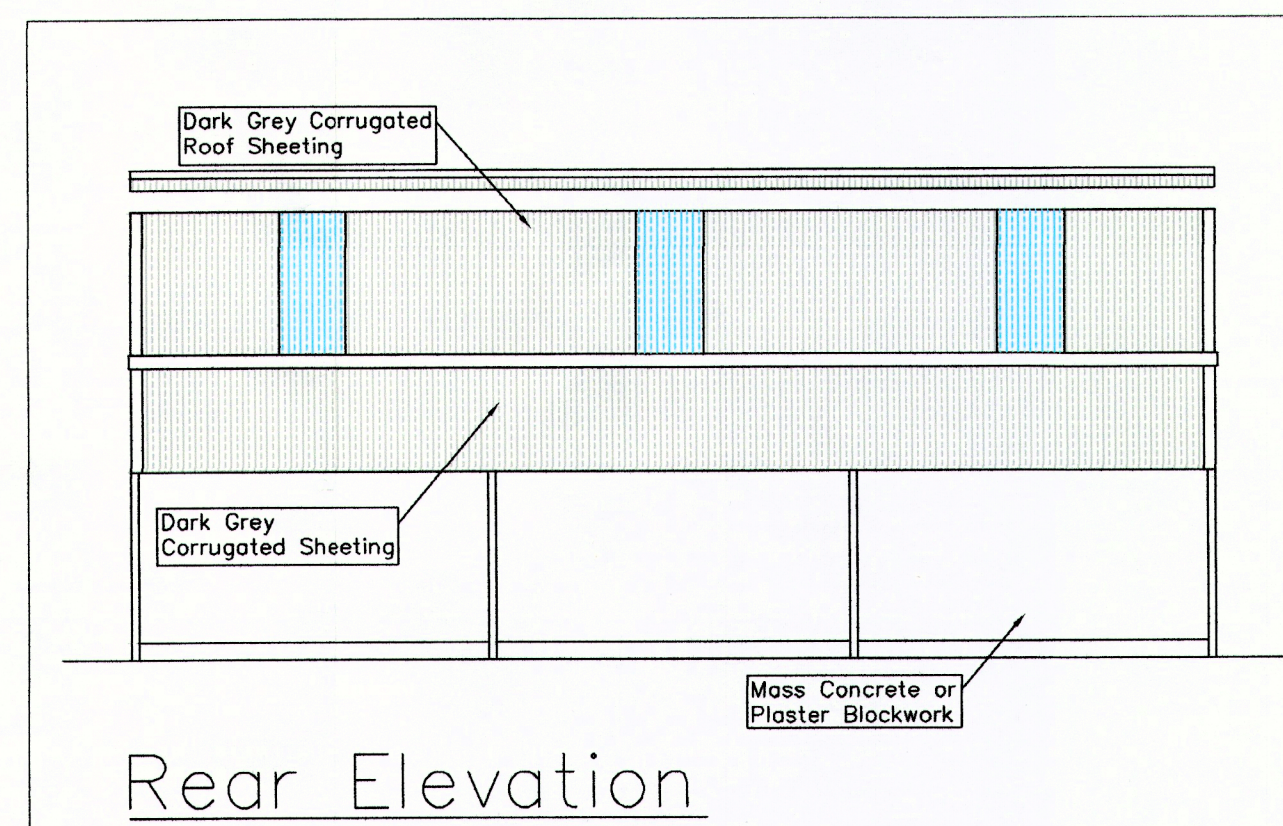
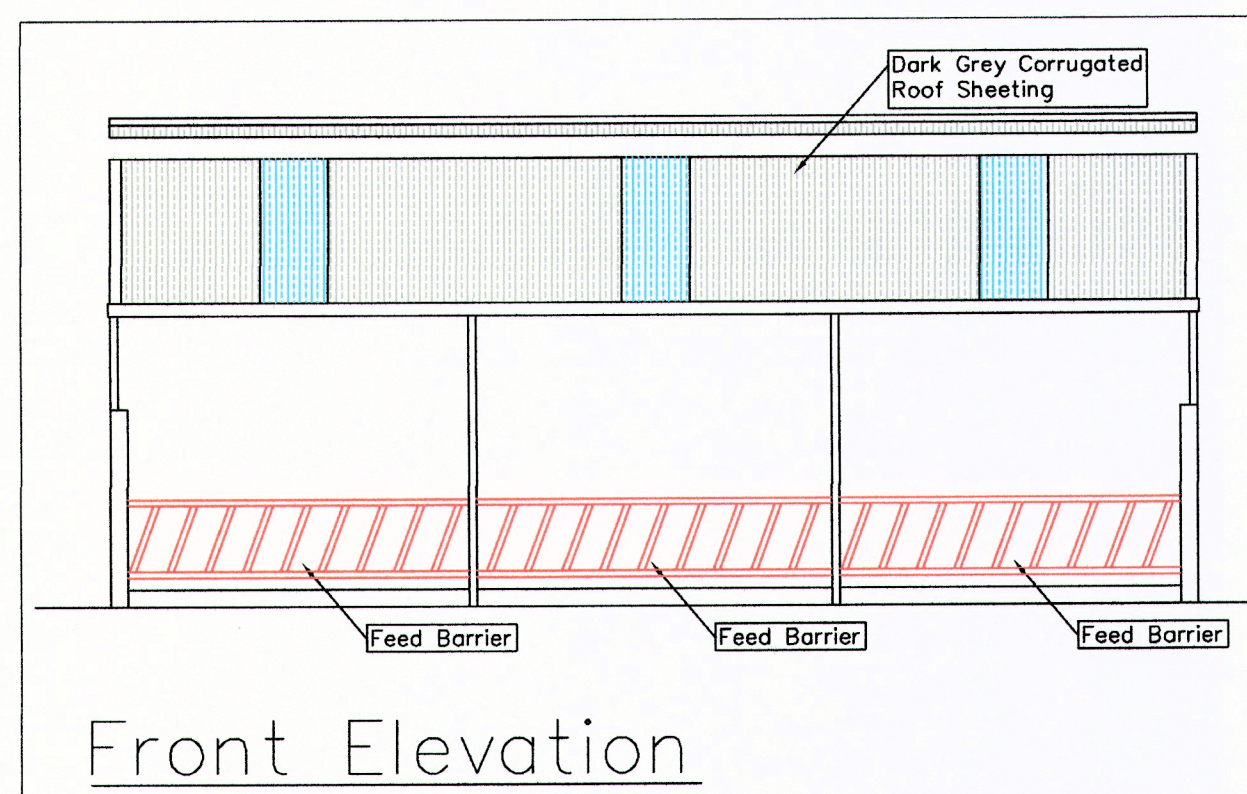
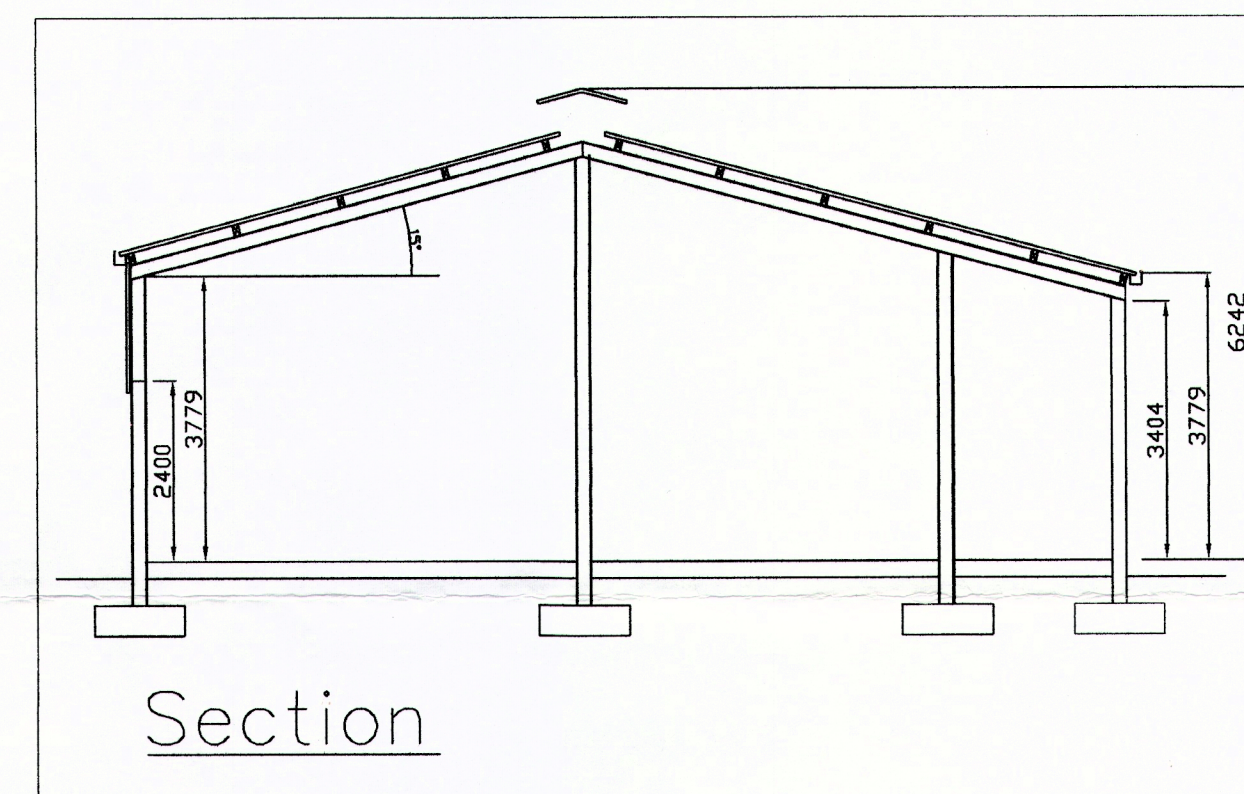
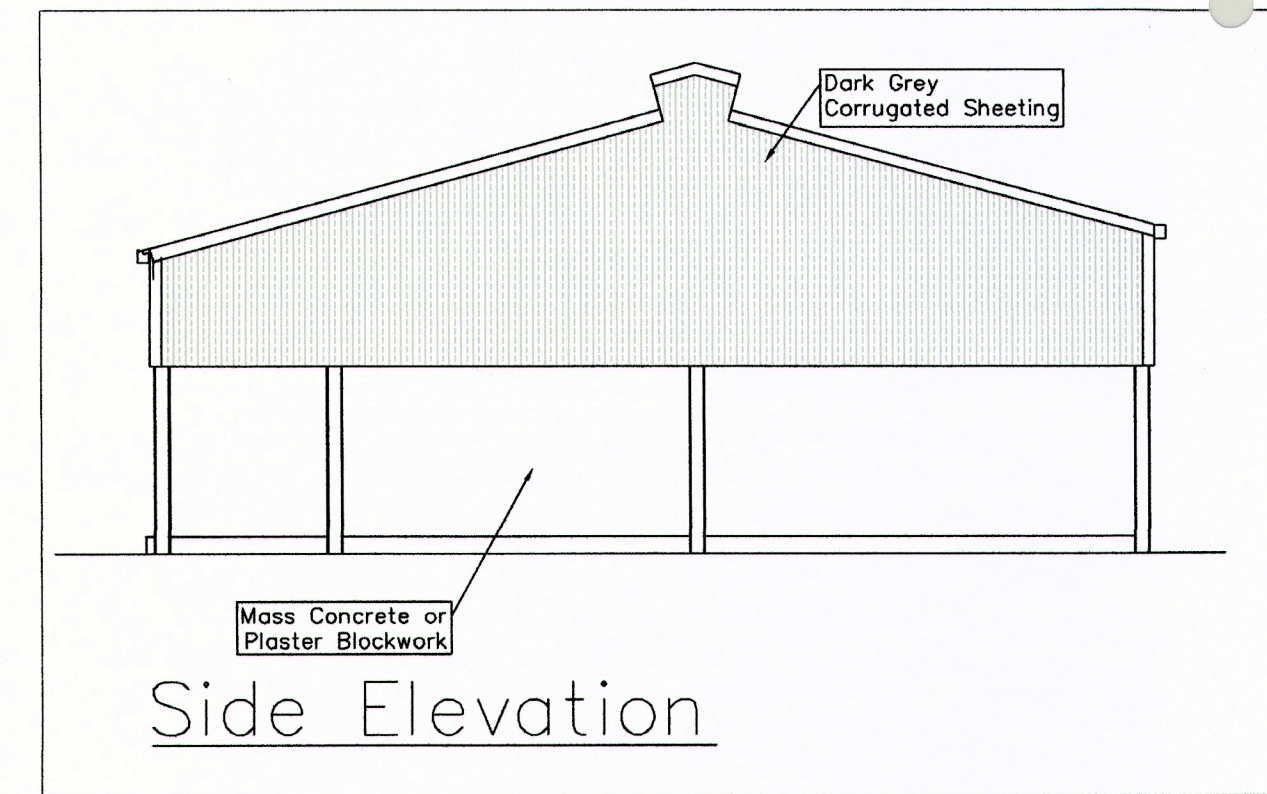
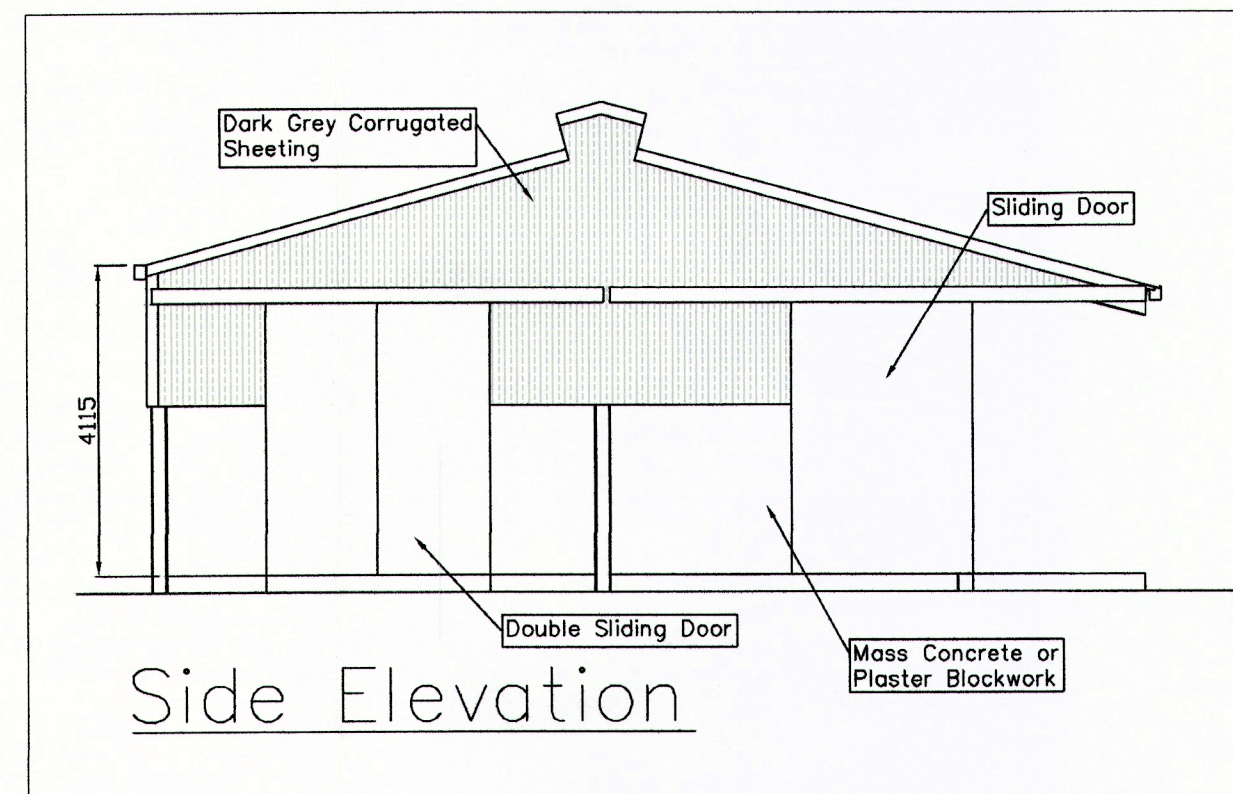
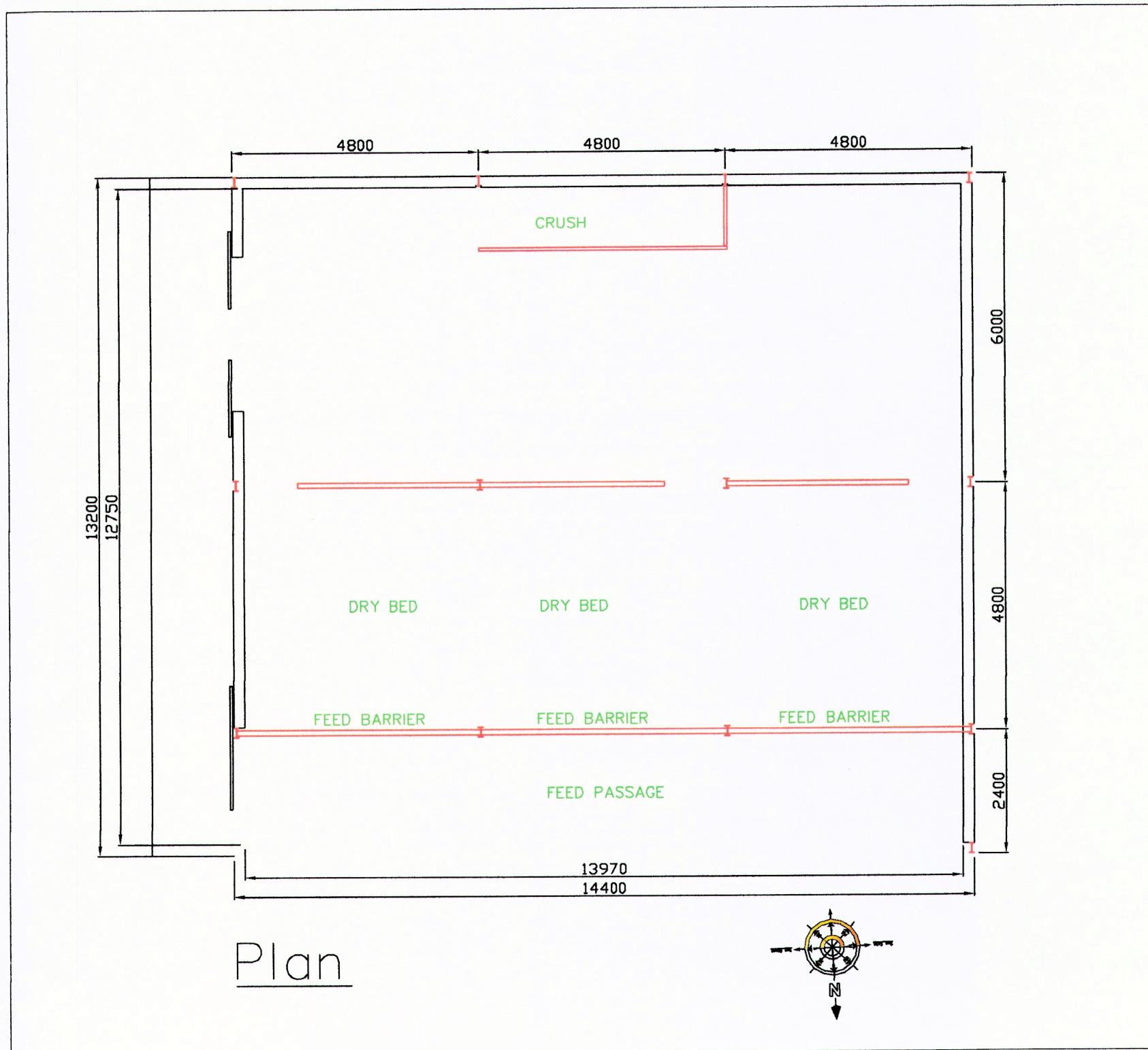


For Planning Application Only

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REV NO	DATE	DESCRIPTION
<b>Advanced Planning</b>		
15A North West Business & Technology Park Castlerock Road Carrigea on Shannon Co Limerick Email: info@advancedplanningdesign.com Phone/Fax: 011 9620776 Mobile: 086 1701549		
<b>PROJECT</b> PROPOSED NEW DRY BED CATTLE STED AT KEADEW EAST T4, KEADEW, BOWLE, CO ROSCOMMON FOR DAVID GANNERY		
<b>TITLE</b> SITE LOCATION MAP		<b>SCALE</b> 1:500 @ A3
<b>DRAWN BY</b> MICHAEL HENNESSY	<b>DATE</b> APRIL 2023	





For Planning Application Only



REV No	DATE	DESCRIPTION	PROJECT	
			PROPOSED NEW DRY BED CATTLE SHED AT KEADEN EAST T.D., KEADEN, DOYLE, CO. ROSCOMMON FOR DAVID GATTNEY	
			TITLE: PLAN, ELEVATIONS & SECTION OF PROPOSED SHED	
DRAWING No		PL- DB - 0413/20	SCALE	1:20 @ A2
DRAWN BY		MICHAEL HENNESSY	DATE	APRIL 2023

15A North West Business & Technology Park  
Castlemore Road  
Carrick on Shannon  
Co. Limerick

Phone/fax: 071 9620776  
Mobile: 086 1701349  
Email: info@advancedplanninganddesign.com

**Advanced Planning & Design Services Ltd.**