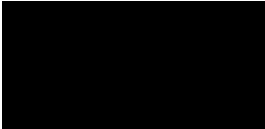




Comhairle Contae
Ros Comáin
Roscommon
County Council



Brendan Deeney,
Deeney Engineering & Planning Services,



Date: 28th June, 2023.
Planning Reference: DED 556

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: The proposed construction of a cattle handling building at Aghaderry, Loughlynn, Castlerea, Co. Roscommon.

A Chara,

I refer to above office for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), and to correspondence in regard to same received on the 15th June 2023.

A decision in regard to the Declaration of Exempted Development was made on the 14th June 2023.

I am therefore returning your correspondence herewith.

Mise le meas,

Administrative Officer,
Planning.

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

Reference Number:	DED 556
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of cattle handling building
Name and Address of Applicant:	Tom Hanley
Location of Development:	Aghaderry, Loughlynn, Castlerea, Co. Roscommon

1.0 Introduction

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 22nd May 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions

Further information requested: 22nd May 2023

Further information response received: 25th May 2023

2.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

- Details of the intended purpose of the cattle handling facility.
- Details on how cattle handling facility complies with Class 6 of Part 3 Article 6 Schedule 2.

Item 2:

- Details on effluent control measures for the proposed building.

Assessment of further information received:

The applicant has responded by stating that the structure will be used for housing the cattle during times when the cattle are required to be checked by the vet. The Planning Authority considers that the structure will be used to house cattle at various times, however the applicant has not specified the length of time that the cattle will be housed for.

In relation to FI point 2, the applicant has stated that there are no effluent measures required for the cattle handling facilities. The Environment Department (RCC) have confirmed that there are no effluent required for the proposal subject to this DED, however notes that the facility is required to be cleaned after each use.

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 cattle handling building Aghaderry, Loughlynn, Castlerea, Co. Roscommon falls within Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations.
- The proposal constitutes exempted development.

Recommendation

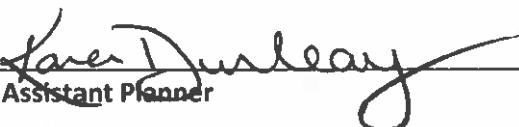
WHEREAS a question has arisen as to whether a proposed development to construct a cattle handling building at Aghaderry, Loughlynn, Castlerea, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (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 cattle handling building at Aghaderry, Loughlynn, Castlerea, 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 cattle handling building at Aghaderry, Loughlynn, Castlerea, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed 
Assistant Planner

Date: 13th June 2023



PLANNING REFERRAL RECOMMENDATION

To: Senior Planner, Planning Department.

From: Environment Department.

Date: 14/06/2023.

Planning Ref: DED 556

Name and Address of Applicant: Tom Hanley, [REDACTED]

Proposed Development: DED Proposed Agricultural Building.

A review of the information submitted under the above application was carried out and the Environment Dept. has the following comments to make.

The context of the proposed development is noted but it is considered unusual for such an elaborate structure to be built for the holding of livestock for annual test and other veterinary work. The doors of the proposed development in particular the inclusion of a pedestrian door in its proposed location is unusual in this context also.

Under the FI submitted the applicant is correct in their assertion that a cattle holding pen and crush area does not require effluent collection. This applies only where organic fertilisers, dung, slurry, soiled water are not allowed to accumulate and are removed immediately following the completion of handling activities.

Recommended by:

Gerard Hannon



24. 5. 23

Re: Application for roofed
cattle handling building,
Cattle crush.
Ded 556.

The building will be used
when cattle are required
to be checked by vet
annual test etc same as
outside crush only roofed
for convenience.

As I am an organic farmer
my cattle will be out
wintered and will not require
housing. 6 cattle on 15 ha.

I was advised that no
effluent measures were required
under ~~trans~~ directive in this
case.

yours faithfully
Tom Hanley



Mary Dolan

From: Planning Department
Sent: Monday 22 May 2023 15:50
To: badeeney@gmail.com
Subject: RCC Planning Ref. No. DED 556 - Request for Further Information
Attachments: DED 556 Request for Further Information.pdf

A Chara,

Please find attached, letter dated 8th March 2023 requesting the submission of Further Information in respect of Planning Application Reference No. DED 556.

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 Request for Further Information 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

Please address all e-mail correspondence to planning@roscommoncoco.ie

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council



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.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Tom Hanley,

Date: 22nd May, 2023
Reference No: DED 556

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 cattle handling building at Aghaderry, Loughlynn, Co. Roscommon is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 26th April, 2023 and in order for the Planning Authority to determine as to whether to the construction of a cattle handling building at Aghaderry, Loughlynn, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Class 6 of Part 3, Article 6, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) specifically refers to the housing of animals. From reviewing the application, it is noted that the shed is specifically detailed as a "cattle handling building". Please submit the following:
 - a. Full details of the intended purpose of cattle handling building and how the facility will be used.
 - b. Details on how the cattle handling building complies with Class 6 of Part 3, Article 6, Schedule 2.
2. Please provide details on effluent control measures for the proposed building.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 556**.

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

Mise le meas,

**Administrative Officer,
Planning.**

c.c. **Brendan Deeney,
Deeney Engineering & Planning Services,
Kiltobrans,
Ballaghaderreen,
Co. Roscommon.**

Page 1 of 1

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

Reference Number: DED 556

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of cattle handling building at Aghaderry, Loughlynn, Castlerea, Co. Roscommon

Applicant(s): Tom Hanley

Date: 19th May 2023

WHEREAS a question has arisen as to whether the following works; the construction of a cattle handling building at Aghaderry, Loughlynn, Castlerea, 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) 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 Aghaderry, Loughlynn, County Roscommon. The subject site is a greenfield, there are no structures located on the site. The applicant's dwelling adjoins the subject site immediately to the west. 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 an of a cattle handling building. Proposed Specifications:

- Floor Area: 56.12sqm
- Maximum Height of proposed building: 4.3m
- Roofing Material: Olive green metal cladding

Planning History

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

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

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

Section 3. -(1)

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

Planning and Development Regulations 2001 (as amended)

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>	<p>1.No such structure shall be used for any purpose other than the purpose of agriculture.</p> <p>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.</p> <p>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.</p> <p>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</p> <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>

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

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Assessment

The question to be determined in this Section 5 referral is whether the construction of a cattle handling building is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that these proposed developments constitute works and is therefore development.

Having established that the ‘works’ undertaken amount to ‘development’, the issue to be considered is whether the development is exempted development or not. 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;

- (a) 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;

From reviewing the plans and particulars submitted, the design is considered not to be typical design of a cattle handling building. It is necessary to request further information in order to ensure that the building will be used for agricultural purposes.

No effluent controls have been proposed, further information is required to identify how it is proposed to collect effluent arising from the proposed building.

The conditions and limitations for these structures are outlined above.

The conditions and limitations for this class of use are as follows:

- the gross floor space of the 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 200 square metres gross floor space in aggregate. On inspection of the site, it would appear that there are no other structures other than the applicant's dwelling house within 100m of the site of that use.
- The proposed structure is to be located c.12 meters away from the public road.
- The height of the proposed is indicated at 4.3m which is within the conditions and limitations outlined under Class 6 above.
- The finish of the proposed slatted shed consists of agri-cladding and a concrete block wall which is within the conditions and limitations outlined in class 6 above.

Drumalough Bog SAC is located c 4.4 km away from the site. With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is considered 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 EIA or AA does not apply with respect to the current referral case.

Final assessment:

It is necessary to request further information in order to fully assess the merit of this declaration.

Recommendation

The following information is requested:

1. Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended) specifically refers to the housing of animals. From reviewing the application, it is noted that the shed is specifically detailed as a "cattle handling building". Please submit the following:
 - a. Full details of the intended purpose of cattle handling building and how the facility will be used.
 - b. Details on how the cattle handling building complies with Class 6 of Part 3 Article 6 Schedule 2.
2. Please provide details on effluent control measures for the proposed building.

Signed: 
 Karen Dunleavy
 Assistant Planner

22nd May 2023
 Date: _____



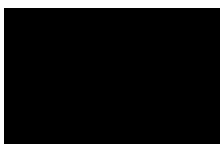








Tom Hanley,



Date: 26th April, 2023.
Planning Reference: DED 556

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

Development: To construct cattle handling building at Aghaderry, Loughlynn, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 26th 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. **L01/0/222368** dated 26th April, 2023 refers, receipt enclosed herewith for your attention.

Note: Please note your Planning Reference No. is **DED 556**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in blue ink, appearing to read 'M. J. O'Sullivan', written over a horizontal line.

Administrative Officer,
Planning.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

26/04/2023 14 18 43

Receipt No. : L01/0/222368

MR TOM HANLEY

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED558

Total : 80.00 EUR

Tendered : 80.00
Cheque
500318

Change : 0.00

Issued By : Aine McDermott
From : Central Cash Office

DED556

DEENEY ENGINEERING & PLANNING SERVICES

Kiltobricks Ballaghaderreen Co Roscommon

Tel/ Fax: 094 9860908 Mob: 086 2503109 email: badeeney@gmail.com

April 24th 2023
Roscommon County Council
Planning Section
Roscommon

Re: Mr Tom Hanley. Proposed agricultural building at Aghaderry

A Chara,


We enclose herewith an application, on behalf of Tom Hanley, for declaration under Section 5 of the Planning and Development Act 2000 regarding Exempted Development for the construction of an agricultural building on his holding at Aghaderry, Loughglynn.

The proposed building will be used as a cattle handling facility.

Our application includes the following documents, maps and drawings:

1. Application form.
2. Site location maps scale 1/2500.
3. Site Layout plan scale 1/500
4. Plan, elevations and section, scale 1/100
5. Application fee €80.00

Le meas,


Brendan Deeney B Tech.
Deeney Engineering & Planning Services



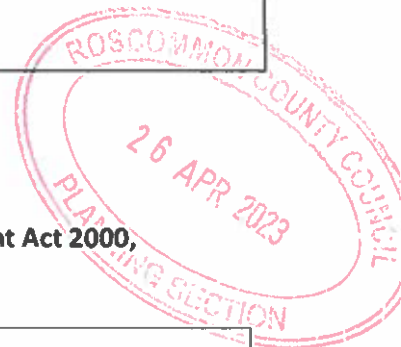


Comhairle Contae
Ros Comáin
Roscommon
County Council

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

Roscommon County Council

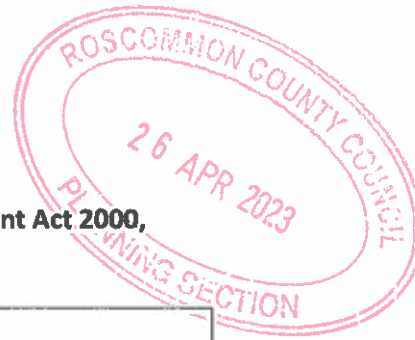
Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development



Name:	TOM HANLEY
Address:	[REDACTED]
Name & Address of Agent:	BRENDAN DEENEY KILTBRANKS BALLAGHADERRIN
Nature of Proposed Works	CONSTRUCT CATTLE HANDLING BUILDING
Location (Townland & O.S No.)	AGHADERRY TD. OS SHEET 2035 TM 562870, 1727799
Floor Area	56.12 m ²
Height above ground level	200 MM OVER EXISTING.
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	OLIVE GREEN METAL SHEET
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	OLIVE GREEN METAL SHEET OVER 1.5M CONC WALLS
Is proposed works located at front/rear/side of existing house.	ADJACENT FIELD

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	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL.
Distance of proposed building line from edge of roadway	12M
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

Signature:

Brendan [Signature] (AGENT)

Date:

24 APR 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 PLAN & ELEVATION

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 562870,787799

PUBLISHED: 20/04/2023
ORDER NO.: 50330065_1

MAP SERIES: 1:5,000
MAP SHEETS: 2035

COMPILED AND PUBLISHED BY:
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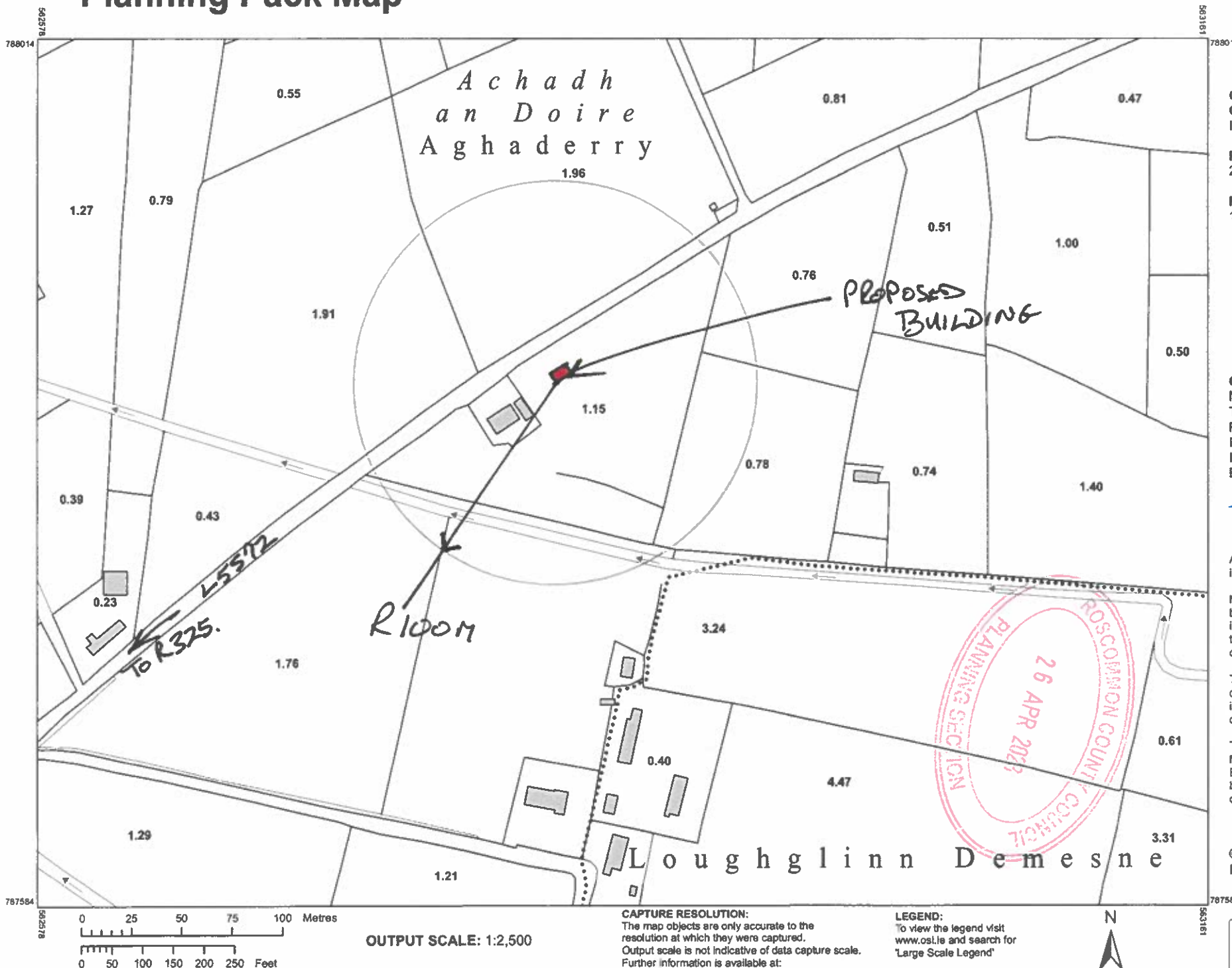
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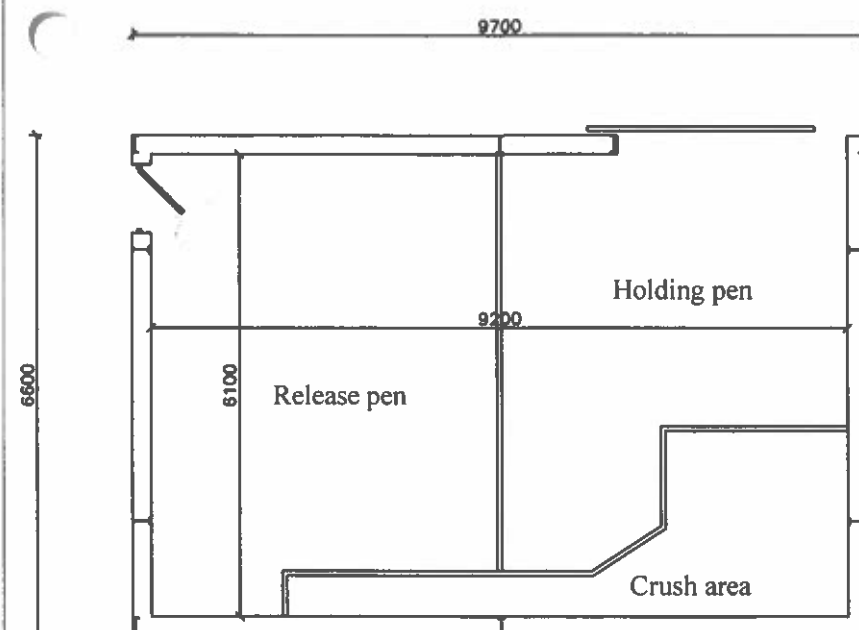
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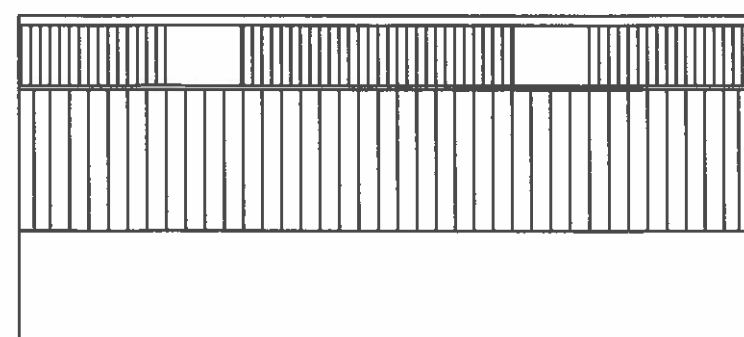
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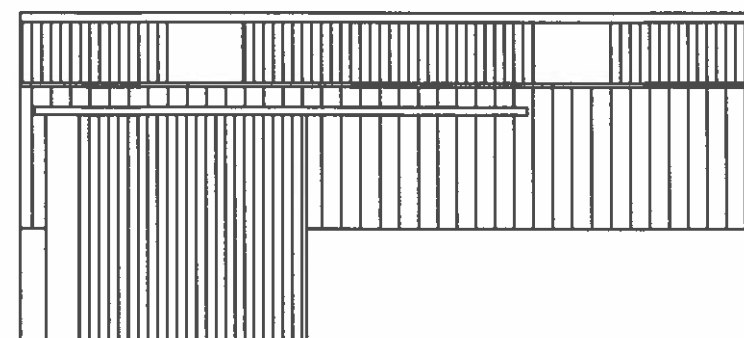
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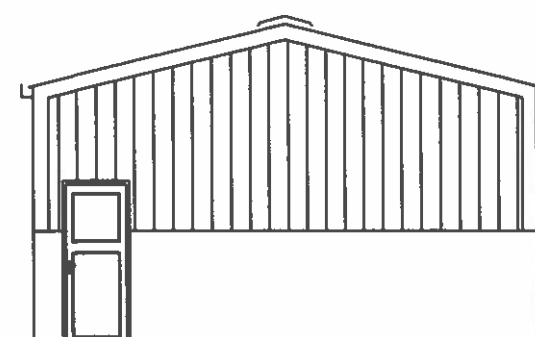
FLOOR PLAN
FLOOR AREA 56.12m²



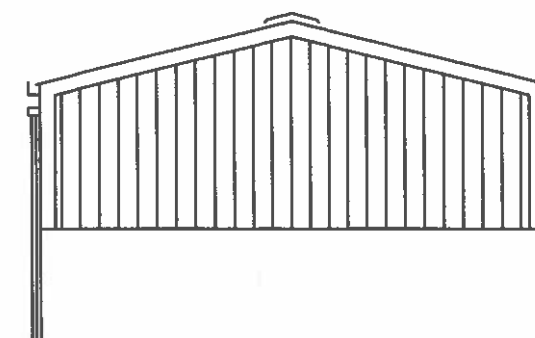
REAR ELEVATION



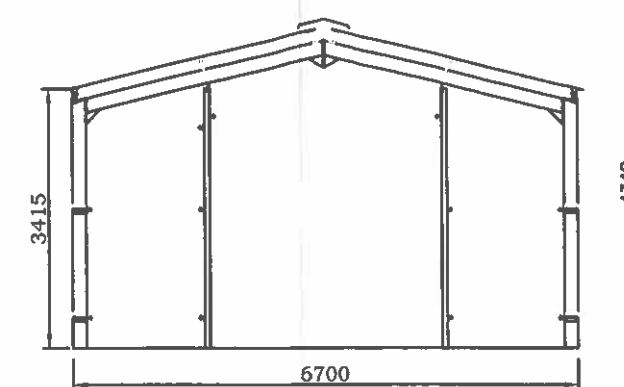
FRONT ELEVATION



END ELEVATION



END ELEVATION



TYPICAL SECTION

Notes:

- ROOF AND SIDE SHEETING SINGLE SKIN OLIVE GREEN BOX PROFILE SHEETING
- 1.5m MASS CONCRETE WALLS
- CATTLE HANDLING FACILITY ONLY. NO REQUIREMENT FOR EFFLUENT STORAGE.
- 3m STEEL SLIDING DOOR TO FRONT OF BUILDING
- FFL 200mm OVER EXISTING G/L
- STRUCTURAL STEEL TO ENGINEER'S SPECIFICATION
- NO SIGNAGE ON BUILDING OR YARD (SAFETY NOTICES ONLY)

Proposed Farm Building
Cattle Handling Facility

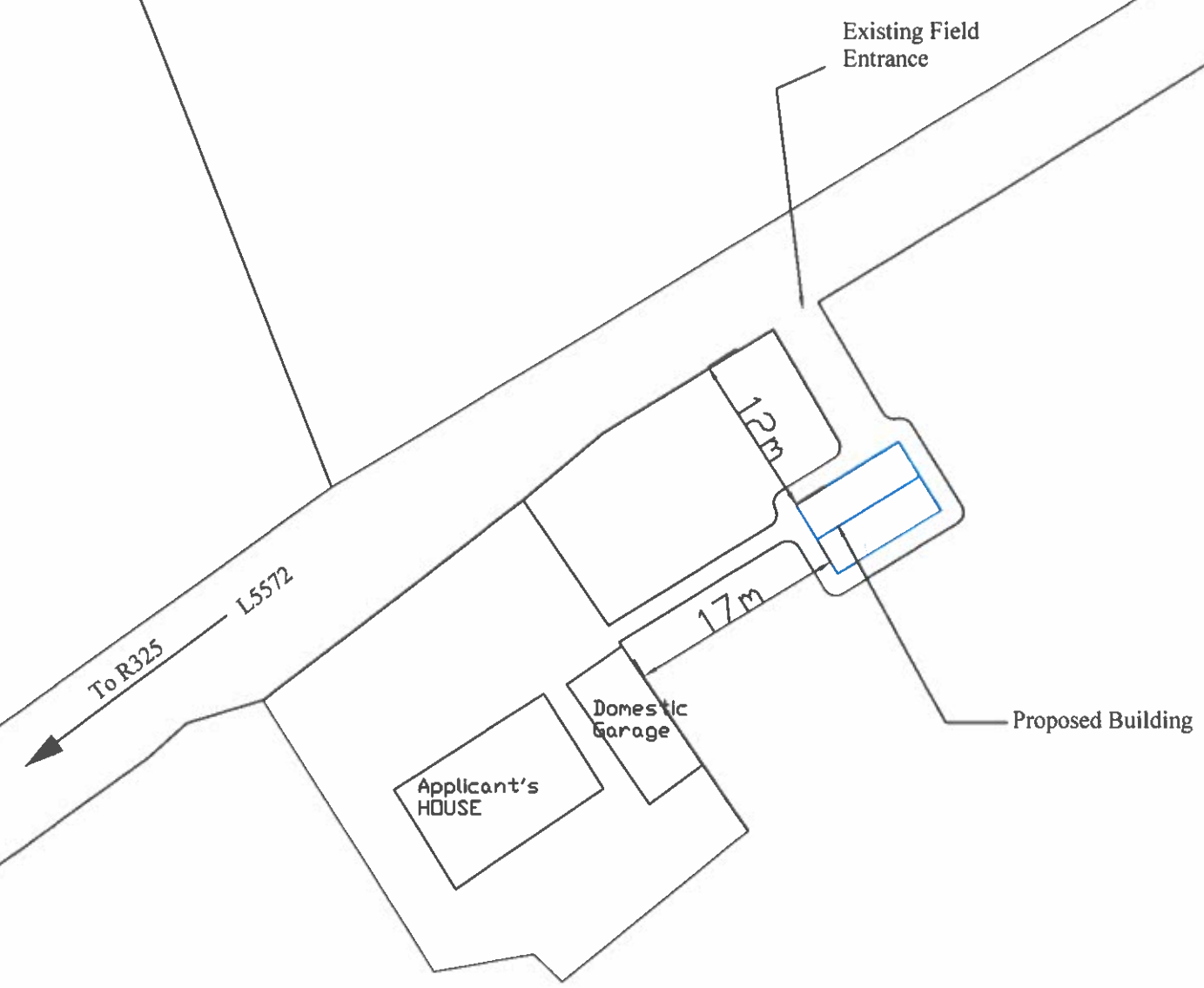
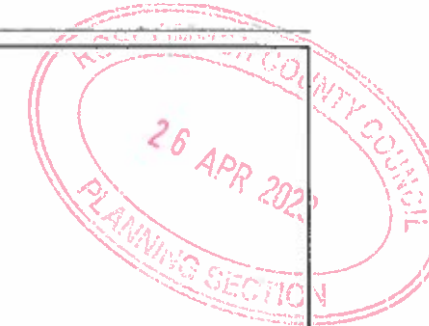
CLIENT: Tom Hanley SCALE: 1:100

REF. NO. DATE: April 2023

TITLE: Plan and Elevations DRG. NO. L 01

Drawn by:

DEENEY ENGINEERING & PLANNING SERVICES
BRENDAN DEENEY B.TECH.
KILTOBRANKS, BALLAGHADERREEN, CO. ROSCOMMON.
Tel/Fax. 094-9860908 Mobile 086-2503109
email badeeney@gmail.com.



- Notes:**
- ROOF AND SIDE SHEETING SINGLE SKIN OLIVE GREEN BOX PROFILE SHEETING
 - 1.5m MASS CONCRETE WALLS
 - CATTLE HANDLING FACILITY ONLY. NO REQUIREMENT FOR EFFLUENT STORAGE.
 - 3m STEEL SLIDING DOOR TO FRONT OF BUILDING
 - FFL 200mm OVER EXISTING G/L
 - STRUCTURAL STEEL TO ENGINEER'S SPECIFICATION
 - NO SIGNAGE ON BUILDING OR YARD (SAFETY NOTICES ONLY)

Proposed Farm Building Cattle Handling Facility	
CLIENT: Tom Hanley	SCALE: 1:500
REF. NO.	DATE: April 2023
TITLE: Site Layout	DRG. NO. L 02
Drawn by: DEENEY ENGINEERING & PLANNING SERVICES BRENDAN DEENEY B.TECH. KILTOBRANKS, BALLACHADERREEN, CO. ROSCOMMON. Tel/Fax. 094-9860908 Mobile 086-2503109 email badeeney@gmail.com.	