hazel Hunt

From: Martin Dowd <rathcroghandesigns@gmail.com>

Sent: Thursday 24 August 2023 17:20

To: Planning Department

Subject: Out of Office Re: RCC Planning Ref. No. DED 573 - Notification of decision

Thank you for your email, I am on leave until 28th August. I will reply to you on my return.

Best Regards Martin Dowd

Martin Dowd AssocSCSI

Rathcroghan Designs

Ph. 086 2328484

Email-rathcroghandesigns@gmail.com <Email-rathcroghandesigns@gmail.com>





Tracy Davis

Planning Department From:

Sent: Thursday 24 August 2023 17:20

rathcroghandesigns@gmail.com To:

Subject: RCC Planning Ref. No. DED 573 - Notification of decision **Attachments:**

DED 573 Notification of Decision - Exempted Development.pdf

A Chara

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 573 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,

Tracy Davis | Planning Department

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

☎ (090) 6637100 ☑ planningenforcement@roscommoncoco.ie

www.roscommoncoco.ie





Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

Also set by part
25/8/2023
1. Davs

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Seamus Bennett,



Reference Number:

DED 573

Application Received:

14th June, 2023

Location:

Cloonmore, Tarmonbarry, Co. Roscommon

WHEREAS a question has arisen as to whether the construction of a manure pit together with all associated site works at Cloonmore, Tarmonbarry, 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 8 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 as amended.
- e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- b) The proposed development is exempted development as defined in the Planning and 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 manure pit together with all associated site works at Cloonmore, Tarmonbarry, Co. Roscommon is 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.

Signed on behalf of the Council:

Facy Davis

Senior Executive Planner,
Planning.

Date: 24th August, 2023.

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

Reference Number: DED 573

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development the construction of a manure pit together with all

associated site works at Cloonmore, Tarmonbarry, Co. Roscommon.

Applicant: Seamus Bennett

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 10th July 2023 which amongst other matters details and considers:

Development proposal and site assessment

Relevant statutory provisions

Further information requested: 10th July 2023

Further information response received: 09th August 2023

2.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

• Details of the effluent control measures for proposed structure.

Assessment of further information received:

In relation to FI point 1, the applicant has specified details of the effluent control measures, it is stated that the new manure pit will be constructed adjacent to an existing slatted shed, the proposed manure pit has a effluent chance constructed around the edge to collect all the effluent generated by the stored farmyard manure and delineated on plans and particulars submitted. The effluent will then by directed to the existing underground slatted tank. Details of the volumes of the farmyard waste produced have been included. The further information response was referred to the RCC Environment Department who returned commentary stating that "based on the information submitted there is adequate volume in the existing slatted house to collect and store effluent arising from the proposed development. It would be the preference of the environment department that such facilities are roofed but there is not legal requirement for same at present".

The Planning Authority notes the further information response and report returned from internal consultee and it is considered that the proposal is in compliance with the conditions and limitations set out in Class 8, Part 3 of Article 6 of the Planning and Development Regulations 2001 (as amended).

Recommendation

WHEREAS a question has arisen as to whether the construction a manure pit together with all associated site works at Cloonmore, Tarmonbarry, 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 8 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, (as amended)
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The construction a manure pit together with all associated site works at Cloonmore, Tarmonbarry, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Assistant Blanner

24th August 2023

Date:

2

Tracy Davis

From:

Karen Dunleavy

Sent:

Thursday 24 August 2023 13:14

To:

Tracy Davis

Subject:

FW: DED 573

Hi Tracy,

See below email from Gerard re effluent control.

Karen

From: Gerard Hannon < GHannon@roscommoncoco.ie>

Sent: Wednesday 23 August 2023 16:06

To: Karen Dunleavy < KDunleavy@roscommoncoco.ie>

Subject: RE: DED 573

Hi Karen,

I have review with attached DED request it would appear based on information submitted that there is adequate volume in the existing slatted house too collected and store effluent arising from the proposed development. It would be the preference of the environment department that such facilities are roofed but there is not legal requirement for same at present.

Regards, Gerard.

Gerard Hannon | Chief Technician | Environment.

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98.

2 (090) 6632523 087 1256335 M ghannon@roscommoncoco.ie

www.roscommoncoco.ie

Please consider the Environment before printing this email.



Comhairle Contae Ros Comáin Rosponnion County Council

From: Karen Dunleavy < KDunleavy@roscommoncoco.ie >

Sent: Tuesday 22 August 2023 14:56

To: Gerard Hannon < GHannon@roscommoncoco.ie >

Subject: DED 573

Hi Gerard.

As discussed see attached docs relating to the Manure Pit. It is due for decision Friday, I was only made aware that the response was in yesterday, apologies for asking about this so late in the day.

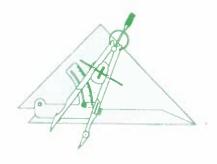
Many thanks,

Karen

Rathcroghan Designs

BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

MOBILE: 086 2328484 TEL/FAX: 071 9639983



DED573 Requesting Further information

Ms Tracey Davis
Planning Authority
Roscommon County Council,
Aras An Chontae,
Roscommon
July 20, 2023.

CERTIFIED A TRUE COPY

0 9 AUG 2023

SIGNATURE

Dear Tracey,

Further to your recent letter requiring further information in relation to the above application we wish to reply as follows.

The proposed development consists of the construction of a new manure pit to be constructed adjacent to an existing slatted shed. The proposed manure pit has an effluent channel constructed around the edge to collect an effluent generated by the stored farmyard manure as shown on the enclosed drawing. This effluent is then directed to the existing underground slatted tank.

I have also included a table showing the volumes of farmyard waste produced on the farm from both the manure pit and from animals housed in the slatted shed over the winter period.

The table shows that there is sufficient capacity in the existing tank to contain all the waste produced.

The farm is a registered organic farm and is operated and in compliant with all the regulations of the scheme.

I hope this answers thew concerns of the planning authority and if you have any further questions please do not hesitate to contact me.

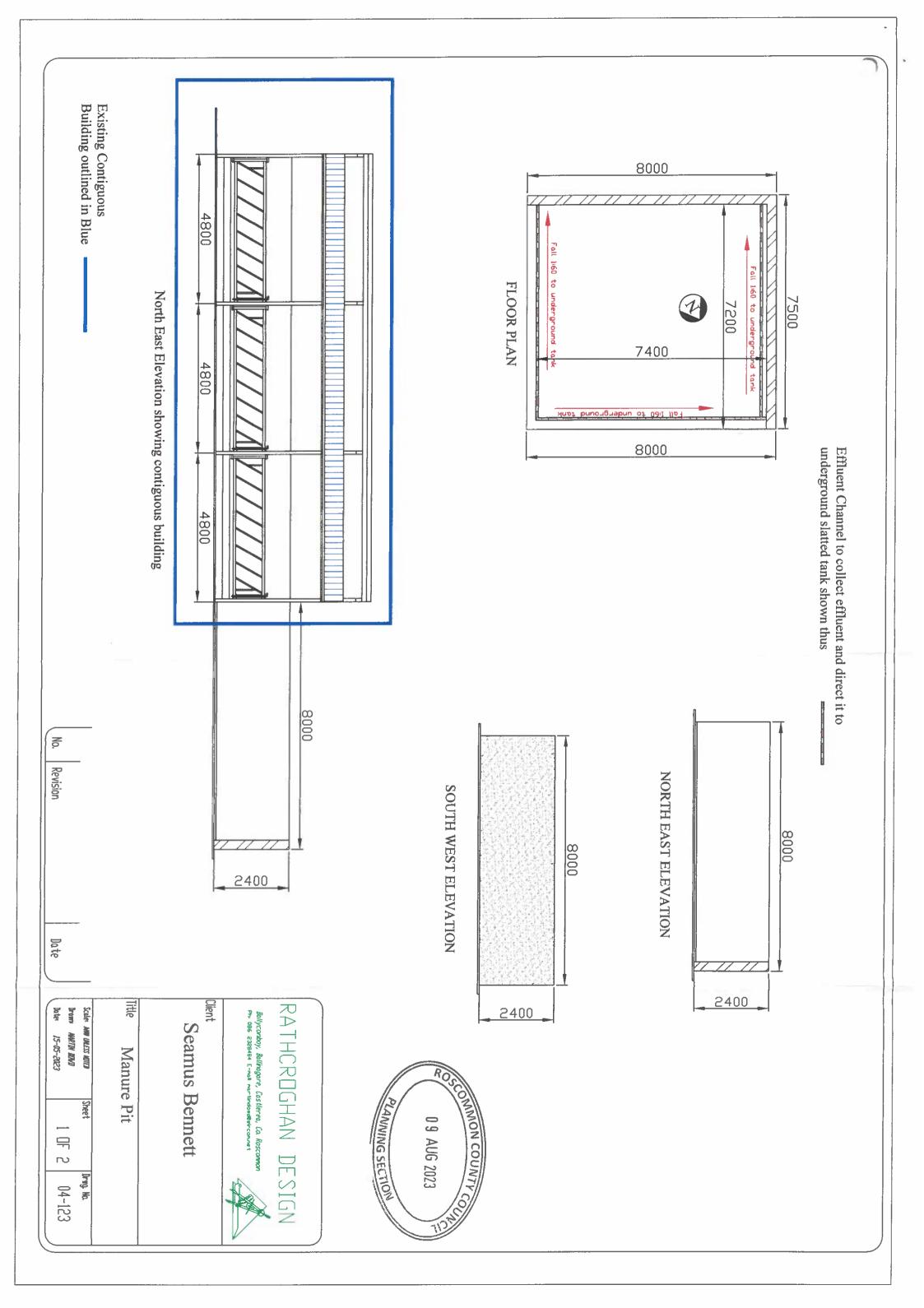
Your sincerely

Martin Dowd Rathcroghan Desig



Slurry Storage Requirements						
Structure	Description	Number	Volume Produced over 22 Weeks	Total volume produced	Tank Capacity after 200mm freeboard	
Existing Slatted Shed No. 3 on site layout	Suckler Cows	15	0.29m ³ /week x 18 weeks	78.30m ³	119.35m ³	
Proposed Manure Pit	Farmyard manure	45m3	0.03m ³ /week x 18 weeks	24.3m ³		
Total Volume o	f Slurry Produced on	the Farm			102.6m ³	





Seamus Bennett,



Date: 10/07/2023 Ref: DED 573

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 manure pit together with all associated site works at Cloonmore, Tarmonbarry, County Roscommon is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 14th June, 2023 and in order for the Planning Authority to determine as to whether the construction of a manure pit together with all associated site works at Cloonmore, Tarmonbarry, County Roscommon is or is not development or is or is not exempted development you are requested to submit the following further information:

1. No details on the effluent storage facilities for the proposed manure pit have been submitted. Please provide details on effluent control measures for the proposed structure.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 573.**

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

Mise le meas,

Senior Executive Planner,

Planning.

CC: Martin Dowd,

Rathcroghan Designs, Ballyconboy, Ballinagare,

Castlerea,

Co. Roscommon.



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

Reference Number:

DED 573

Name and Address of Applicant:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development the construction of a manure pit together with all associated site works at

Cloonmore, Tarmonbarry, Co. Roscommon.

Applicant:

Seamus Bennett

Date:

10th July 2023

WHEREAS a question has arisen as to whether the construction of a manure pit together with all associated site works at Cloonmore, Tarmonbarry, 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 8 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

Site Location & Development Description

The subject site is located on the northern side of the L-1416-62. There is an established farmyard and applicant's dwelling house located on the subject site. There are no environmental designations attached to the subject site. The nearest dwelling to the subject site is c.95m to the south, a letter of consent has been submitted. Upon site inspection, access to the subject site was restricted.

The question raised in this Declaration of Exempted Development is whether the construction of a manure pit together with all associated site works. The maximum height of the structure is stated to be 2.4m and it is proposed to be finished in concrete.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site. It would appear that there are a number of structures greater than the 300m², however from site inspection it was evident that a number of the structures were built prior to 1963.

have been a site for a considerable period

Assessment

In accordance with the Planning and Development Act 2000, (as amended) 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 construction of a manure pit and ancillary concrete constitutes development, as defined in Section 3 of the said Act.

PART 3 - Article 6 - Exempted Development - Rural

Description of Development

CLASS 8

Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

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 structures 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 the 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.

Breakdown of structures on the subject site

Building Type	Existing/ Proposed	Class structure falls under (as stated by agent)	Floor area (m²)
2. General storage shed	Existing	9	32 m²
3. General storage shed	Existing	9	27m²
4. Hayshed	Existing	9	215m²
5. General storage shed	Existing	9	46m²
6. Slatted Shed	Existing	6	194m²
7. Manure Pit	Proposed	8	55m²
		la contraction of the contractio	

It is proposed to construct a manure pit with a stated gross floor area of 55m². There are no other such structures stated to be on the subject site. No effluent storage facilities have been provided, it is necessary to request this information by way of further information.

The proposed manure pit is proposed to be located 44m from the public road and a letter of consent has been submitted from nearest neighbouring property.

Environmental Considerations:

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination for EIAR is not required.

The site is located 3.98km away from Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development. A screening determination is not required.

Recommendation

It is recommended that the following further Information is requested:

1. No details on the effluent storage facilities for the proposed manure pit have been submitted. Please provide details on effluent control measures for the proposed structure.

Signed: Law Juleay
Assistant Planner

Date: 10th July 2023



. (







Mary Dolan

From:

Planning Department

Sent:

Monday 26 June 2023 18:32

To:

'rathcroghandesigns@gmail.com'

Subject:

RCC Planning Ref. No. DED 573 - Acknowledgement of Request for Declaration

under Section 5 of the Planning & Development Act.

Attachments:

DED 573 Acknowledgement.pdf; DED 573 Receipt.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Panning & Development Act 2000 (as amended), reference no. DED 573.

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 acknowledgement is provided to the applicant.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,

Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.

1 (090) 6637176 ⊠marydolan@roscommoncoco.ie

www.roscommoncoco.ie



Comhairle Contae Ros Comáin Roscommon County Council



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

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 Roscomman County Council



Seamus Bennett,



Date: 21st June, 2023.

Planning Reference: DED 573

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

(as amended), regarding Exempted Development.

Development: The construction of a manure pit together with all associated site works at Cloonmore,

Tarmonbarry, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 14th June, 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. L01/0/223297 dated 19th June, 2023 refers, scanned copy of receipt enclosed herewith.

573

Note: Please note your Planning Reference No. is DED.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,

Planning.

cc. Martin Dowd,
Rathcroghan Designs,
Ballyconboy,
Ballinagare,
Castlerea, Co. Roscommon.





Roscommon County Council
Aras an Chontae
Roscommon
09066 37100 1810612023 10 43 06 Receipt No LO1101223297 SEAMUS BENNETT
CIO RATHCROGHAN DESIGNS
BALLYCONBOY
BALLINAGARE
CASTLEREA
CO ROSCOMMON 90 00 PLANNING APPLICATION FEES 80 00 GOODS VAT Exempt/Non-varable DED573 80.00 EUR Total 80.00 Tendered Credit/Debit Card 8236

Change

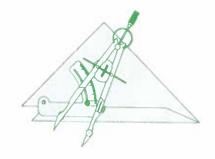
Issued By Bernadine Duignan From : Central Cash Office

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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.

June 12th 2023

RE Planning Application on behalf of Seamus Bennett

Dear sir or madam,

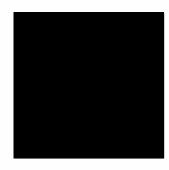
Please find enclosed a planning application for a declaration under Section 5
Exempted development on behalf of Seamus Bennett. I wish to pay the planning fee
by debit card and I would appreciate if you could contact me on 086 2328484 so that I
can give you card details to make payment

I hope this is to your satisfaction and if you have any queries please contact me.

Yours Sincerely

Martin Dowd Rathcroghan Designs Ph. 086 2328484





30th May 2023

Planning Authority,

Roscommon County Council,

Aras An Chontae,

Roscommon.

RE: Consent to Proposed Farm Buildings

Dear sir or madam,

wish to confirm that I have no objection to the proposed agricultural buildings to be constructed by Seamus Bennett on his farmyard at

Signed _

Date _____/____/2023



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:	SEAMUS BENNETT
Address:	
Name & Address of Agent:	MARTIN DOWD RATHCROGHAN DESIGNS BALLINAGAKE CASTLEREA. CO. ROSCOMMON
Nature of Proposed Works	TO CONSTRUCT MANURE PIT TOGETHER WITH ALL ASSOCIATED SITE WORKS
Location (Townland & O.S No.)	CLOONMORE Td. OS. NO RNO30
Floor Area	55 m ²
Height above ground level	2.4 M
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	NONE
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)	NA
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL
Distance of proposed building line from edge of roadway	44.6 M
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:

Mart Da (ACENT)
12/06/2023

Date:

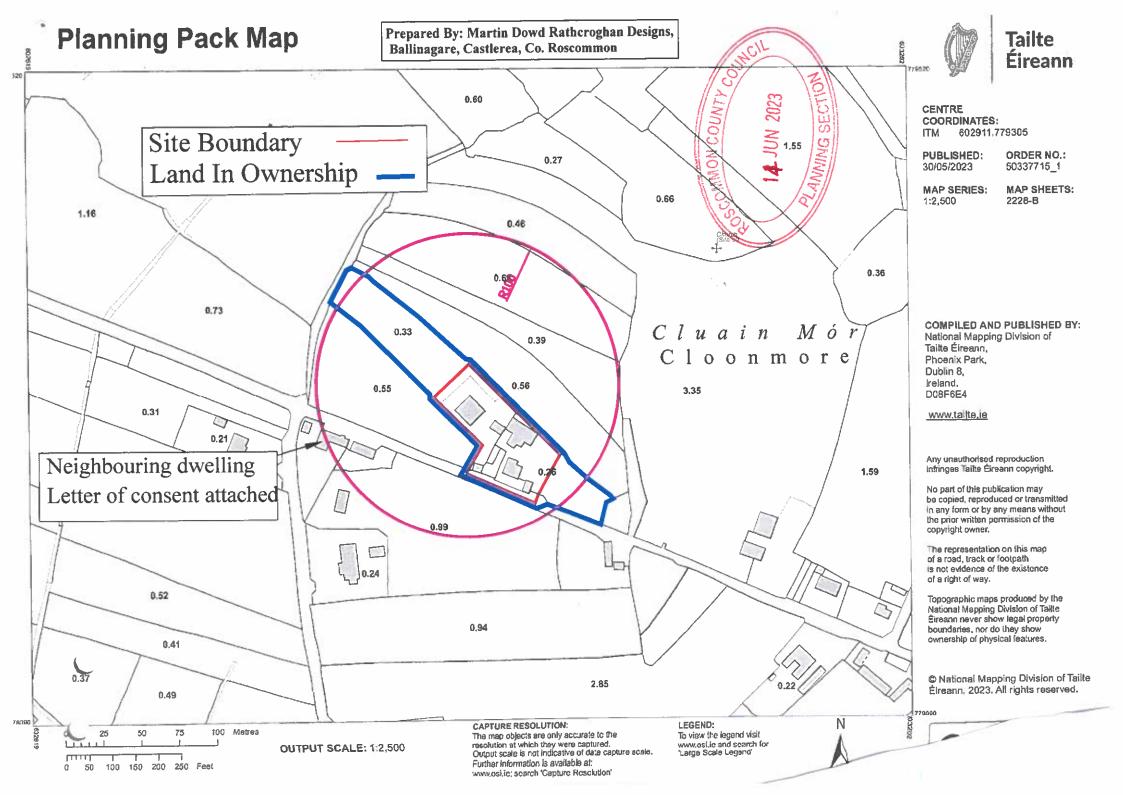
Note: This application must be accompanied by:-

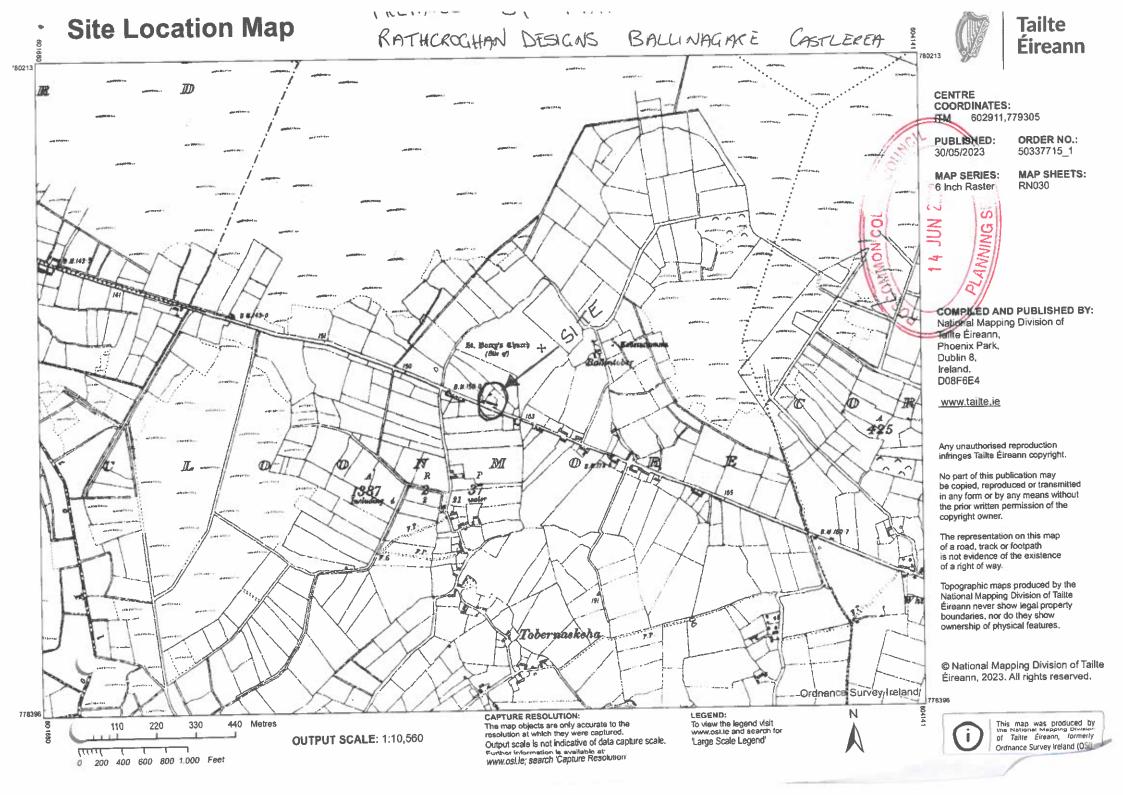
(a) €80 fee

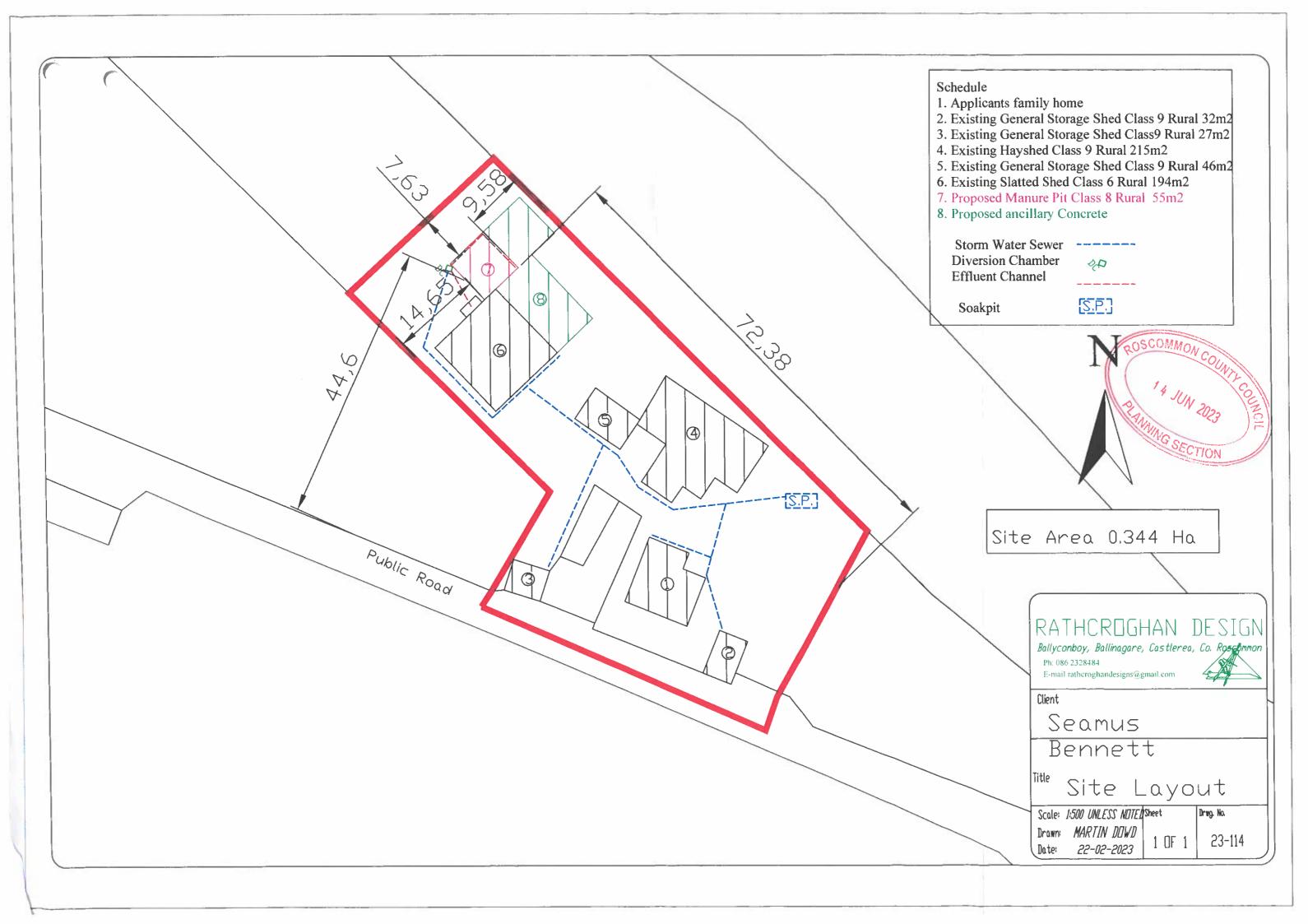
(b) Site Location map to a scale of 1:2500 clearly identifying the location

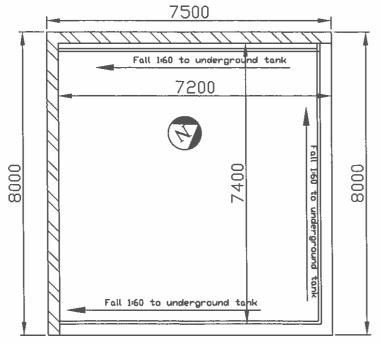
(c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development

(d) Details specification of development proposed

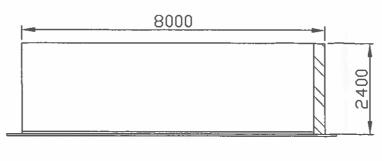




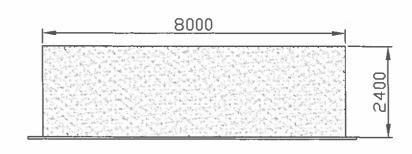




FLOOR PLAN

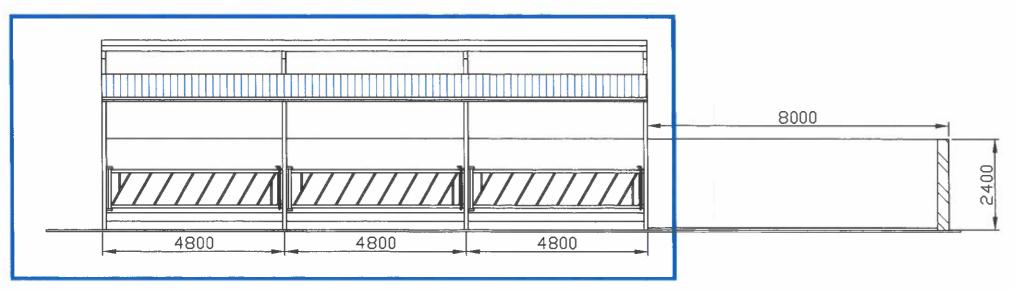


NORTH EAST ELEVATION



SOUTH WEST ELEVATION





North East Elevation showing contiguous building

Existing Contiguous
Building outlined in Blue

No. Revision

Date

