

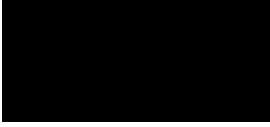
**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

John Greene,



Reference Number: DED 576

Application Received: 20<sup>th</sup> June, 2023

Location: Silverfield, Lisacul, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a new 3 bay slatted cattle shed, together with associated site works at Silverfield, Lisacul, Castlerea, Co. Roscommon is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3 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:

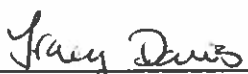
- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.

**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 the construction of a new 3 bay slatted cattle shed, together with associated site works at Silverfield, Lisacul, Castlerea, 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.

Signed on behalf of the Council:

  
\_\_\_\_\_  
Senior Executive Planner,  
Planning.

Date: 13<sup>th</sup> July, 2023

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

<b>Reference Number:</b>	DED 576
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a slatted cattle shed building
<b>Name of Applicant:</b>	John Greene
<b>Location of Development:</b>	Silverfield, Lisacul, Castlerea, Co. Roscommon

**WHEREAS a question has arisen as to whether the following works; the construction of a cattle housing building at the above address 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 as amended.
- (e) The planning history of the site

**Site Location & Development Description**

The subject site is located in Silverfield, Lisacul, Castlerea, Co. Roscommon. The subject site contains the applicant's dwelling and associated ancillary buildings. There is an occupied dwelling house immediately to the east of the site. There are no existing cattle housing sheds on site. There is a small hen house/coupe on site which falls under Class 7 and is therefore considered a separate use class. There are no European designated sites in, adjoining or in close proximity to the subject site. There is 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 3 bay slatted cattle shed. Proposed Specifications:

- Floor Area: 196sqm
- Maximum Height of proposed building: 6.7m
- Construction Material finishes: Metal cladding and concrete

**Planning History**

16/70 – Current applicant was granted permission to refurbish existing dwelling house on 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.

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;

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 as amended

#### 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.

#### Article 9 (1) applies:

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

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

Description of Development	Conditions and Limitations
<i>Agricultural Structures</i>  <b>CLASS 6</b>  <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>	<ol style="list-style-type: none"><li>1.No such structure shall be used for any purpose other than the purpose of agriculture.</li><li>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.</li><li>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.</li><li>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li><li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li><li>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</li></ol>

	<p>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>
--	---

The question to be determined in this Section 5 referral is whether the proposed development to construct a new 3 bay slatted cattle shed at Silverfield, Lisacul, 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, 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.

#### **Assessment of information received:**

With regard to the existing proposal for the construction of a 3 bay slatted shed, together with associated site works, and its compliance with the conditions and limitations of Class 6 of Part 3 of Schedule 2 (Exempted Development - Rural) the following sets out how these apply to the current proposal:

1. The structure is proposed for agricultural use.
2. 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 such structures within the same farmyard complex, or within 100 metres of complex.
3. A slatted tank of 183m<sup>3</sup> is proposed which is adequate to serve the size of the structure proposed.
4. The proposed structure is to be located c.80m away from the public road.
5. The height of the proposed structure is a maximum of 6.7m which is within the conditions and limitations outlined under Class 6 above.
6. A letter citing no objection has been received from the neighbouring dwelling house.
7. The finish of the proposed slatted shed consists of agri-cladding and a concrete block wall which is within the conditions and limitations outline in class 6 above.

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 for cattle, at Silverfield, Lisacul, Castlerea Co. Roscommon falls within Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations.
- The proposal constitutes exempted development.

#### **Recommendation**

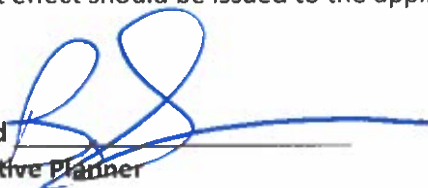
**WHEREAS** a question has arisen as to whether a proposed development to construct a 3 bay slatted shed at Silverfield, Lisacul, Castlerea, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (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).
- (e) The planning history of the site

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

- The works to construct a 3 bay slatted shed and associated works are development.
- The works to construct a 3 bay slatted shed and associated works at Silverfield, Lisacul, 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 3 bay slatted shed for cattle at Silverfield, Lisacul, Castlerea Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed   
Executive Planner

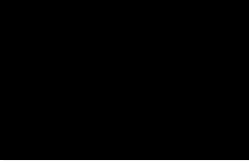
Date: 13<sup>th</sup> July 2023



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



John Greene,



Date: 22<sup>nd</sup> June, 2023.

Planning Reference: DED 576

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

**Development:** To construct a new 3 bay slatted cattle shed, together with associated site works at  
Cloonargid Td, Lisacul, Castlerea, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 20<sup>th</sup> 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. **L01/0/223316** dated 20<sup>th</sup> June, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 576**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

---

Administrative Officer,  
Planning.

cc. Padraic Durkan,  
Main St,  
Elphin,  
Co. Roscommon.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

23/576

000 000

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:	JOHN GREENE
Address:	[REDACTED]
Name & Address of Agent:	Padraic Dukan Main ST Elphin Co Roscommon
Nature of Proposed Works	Construct a NEW 3 Bay SLATED CATTLE SHED, together with associated site works at
Location (Townland & O.S No.)	CLOONARGID Td, Lisacul, OS No: 13/11 Co Roscom.
Floor Area	196M <sup>2</sup>
Height above ground level	6.71 Metres
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Agri - cladding to Dept of Agriculture Specifications
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	MASS Concrete finish
Is proposed works located at front/rear/side of existing house.	N/A

Stamp: ROSCOMMON COUNTY COUNCIL  
PLANNING SECTION  
20 JUN 2020

## 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, Animal housing
Distance of proposed building line from edge of roadway	81 metres
Does the proposed development involve the provision of a piped water supply	Existing water supply present
Does the proposed development involve the provision of sanitary facilities	N/A

Signature:

John Green

Date:

10/5/23

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



# Site Location Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 556504.789587

**PUBLISHED:** 04/05/2023  
**ORDER NO.:** 50332748.1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** MO082  
RN013

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

[www.tailte.ie](http://www.tailte.ie)

Any unauthorised reproduction  
infringes Tailte Éireann's copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

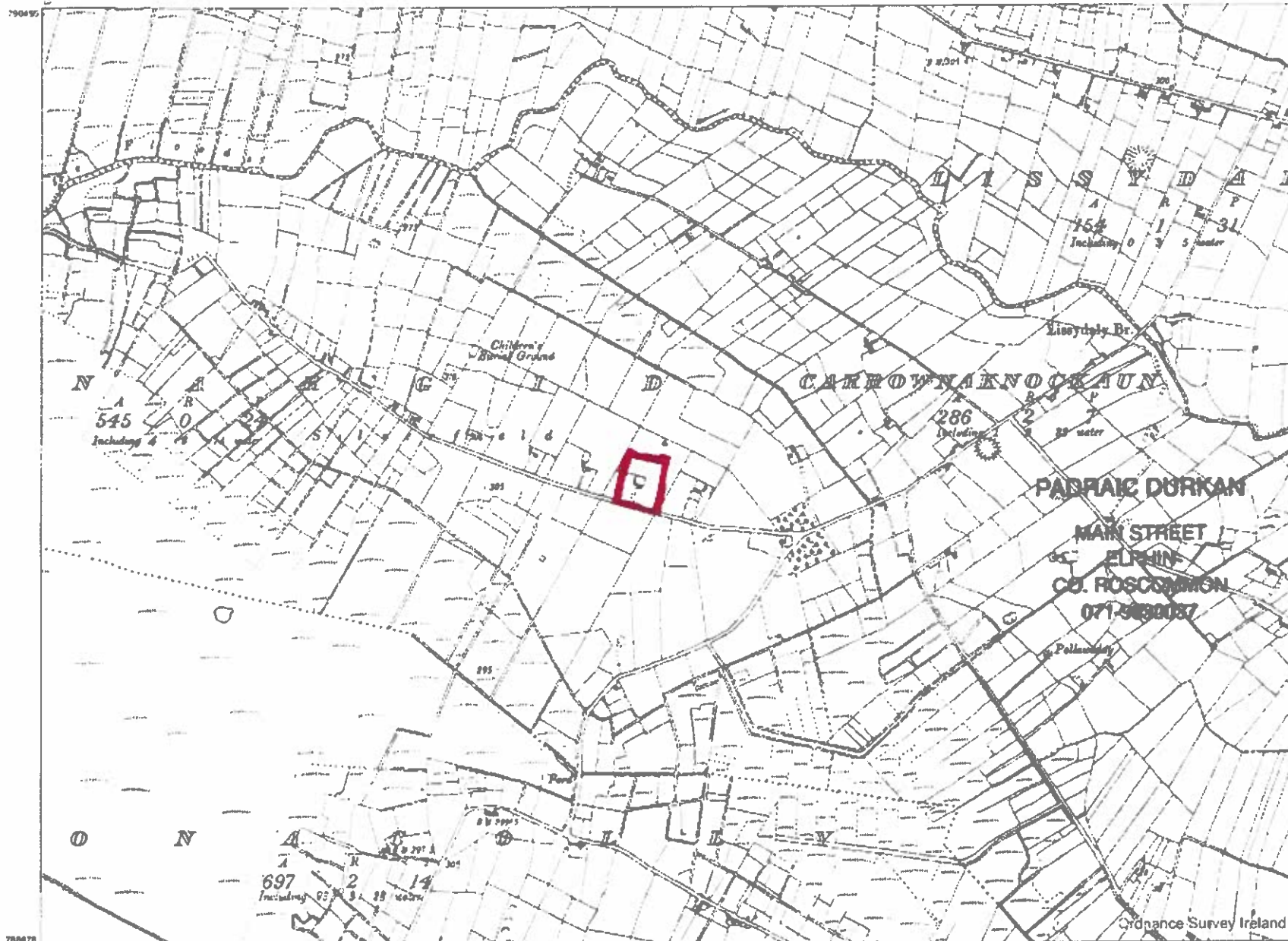
The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

Topographic maps produced by the  
National Mapping Division of Tailte  
Éireann never show legal property  
boundaries, nor do they show  
ownership of physical features.

© National Mapping Division of Tailte  
Éireann, 2023. All rights reserved.



This map was produced by  
the National Mapping Division of  
Tailte Éireann, formerly  
Ordnance Survey Ireland (OSI)



**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  
[www.osi.ie](http://www.osi.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'



# Planning Pack Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 556504,789587

**PUBLISHED:** 04/05/2023 **ORDER NO.:** 50332748\_1

**MAP SERIES:** 1:5,000 **MAP SHEETS:** 1975

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

[www.tailte.ie](http://www.tailte.ie)

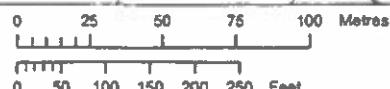
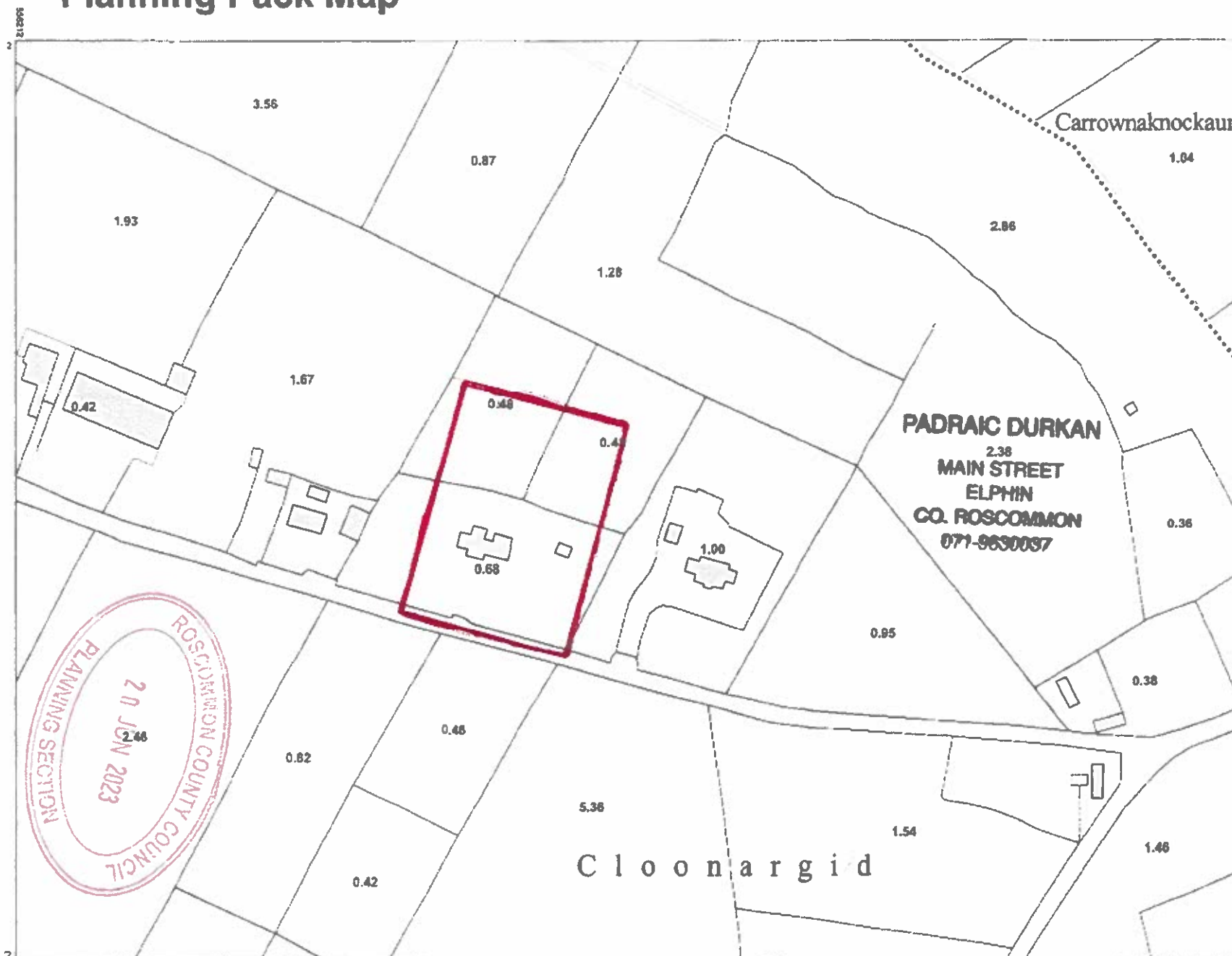
Any unauthorised reproduction  
infringes Tailte Éireann copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

Topographic maps produced by the  
National Mapping Division of Tailte  
Éireann never show legal property  
boundaries, nor do they show  
ownership of physical features.

© National Mapping Division of Tailte  
Éireann, 2023. All rights reserved.



**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:

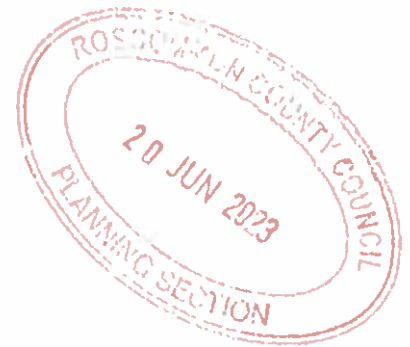
**LEGEND:**  
To view the legend visit  
[www.os.ie](http://www.os.ie) and search for  
'Large Scale Legend'





29.05.2023

Planning Office,  
Roscommon County Council,  
Roscommon.



**Re: Planning application for construction of 3 bay slatted cattle shed  
and associated works on the lands of John Greene at Silverfield,  
Lisacul, Castlerea, Co. Roscommon.**

To whom it concerns,

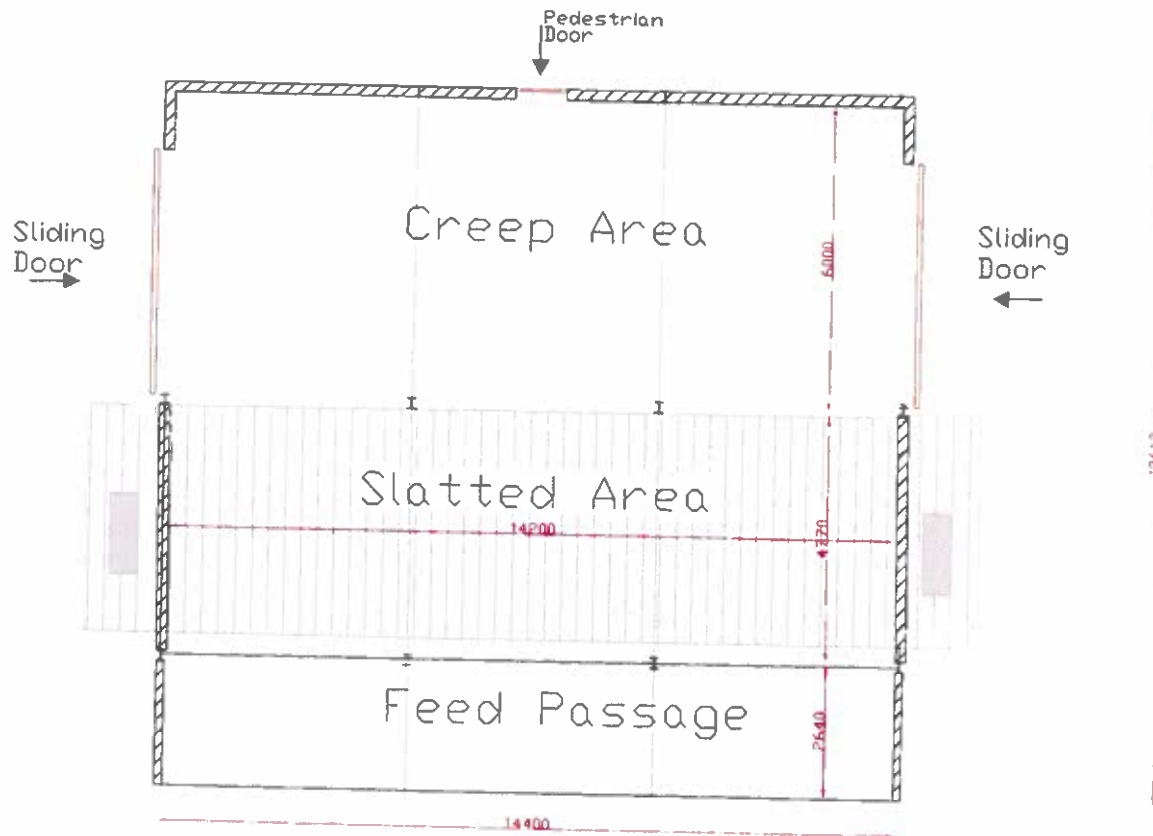
We hereby confirm that we have no objection to the construction of the  
above described cattle shed upon lands adjacent to our dwelling house  
as it will be constructed at a minimum of 62 meters from same and we  
have seen the Plans and drawings in relation thereto.

We trust the within is in order but if you have any query, please do not  
hesitate to contact us.

Yours sincerely,



Planning Exemption Drawing  
Plan View  
Scale 1:100



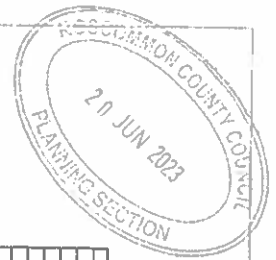
Job Title: To Construct a New 3 Bay Slatted Cattle Shed, together  
with all associated Site Works at Cloonargid Td., Lisacul, Castlerea, Co. Roscommon.  
Client: John Greene, [REDACTED]  
Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon  
Date: 10th May 2023

Building to be constructed to Dept  
of Agriculture Specifications S101 & S123

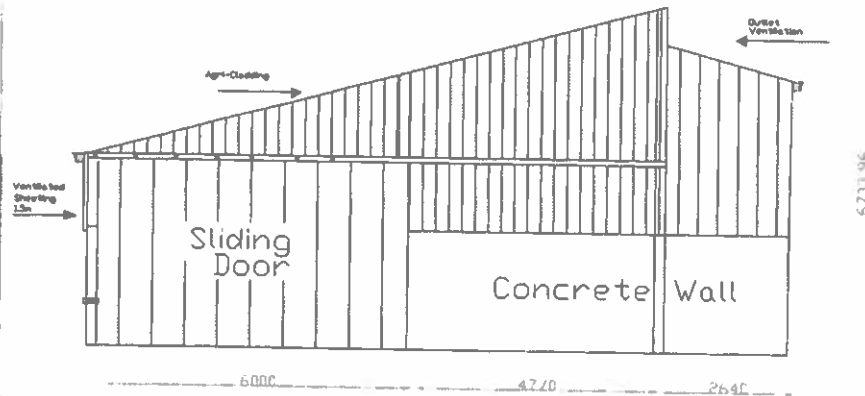
# Planning Exemption Drawing

## End & Side Elevation

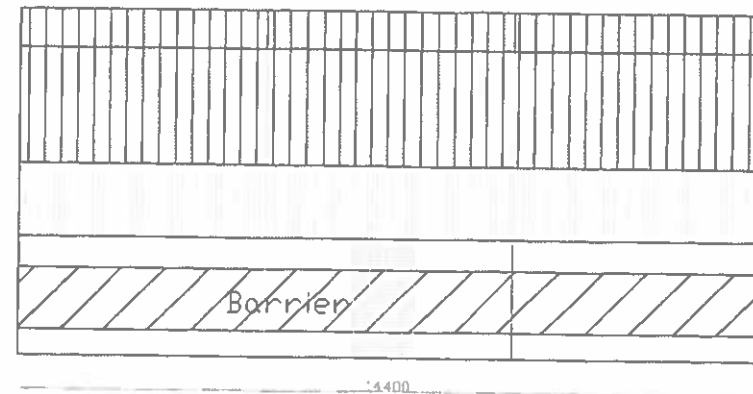
Scale 1:100



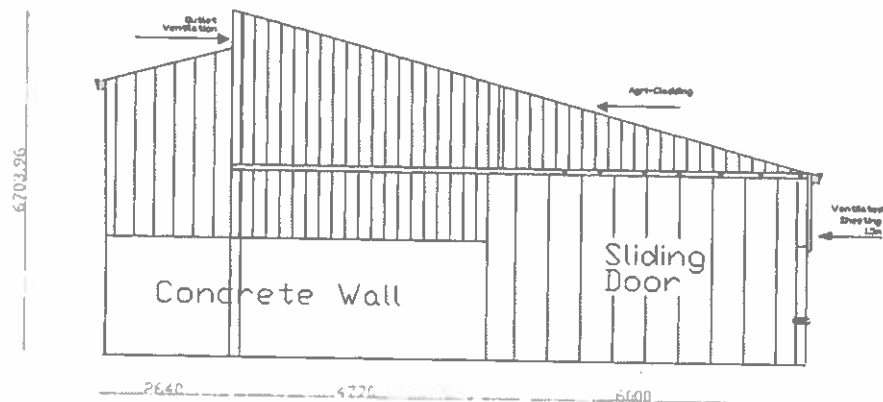
End Elevation (Front)



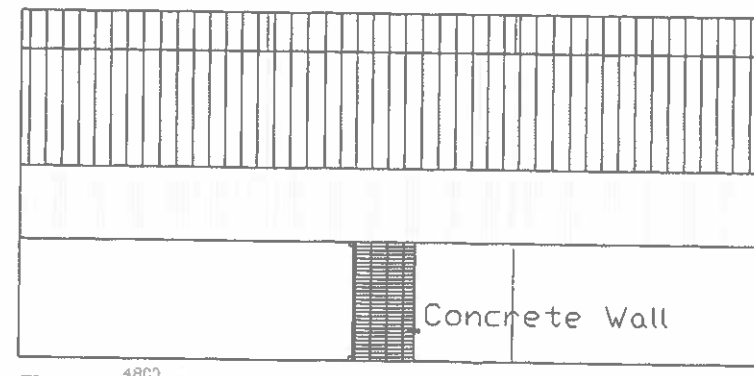
Side Elevation (Front)



End Elevation (Rear)



End Elevation (Rear)



Job Title: To Construct a New 3 Bay Slatted Cattle Shed, together with all associated Site Works at Cloonard Id., Lisacul, Castlerea, Co. Roscommon.

Client: John Greene, [REDACTED]

Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon

Date: 10th May 2023

Building to be constructed to Dept of Agriculture Specifications S101 & S123

Roscommon County Council  
Aras an Chontae  
Roscommon  
00086 37100

20/06/2023 10:11:55

Receipt No. : L01/0/223316

JOHN GREENE



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 576	

Total	80.00 EUR
-------	-----------

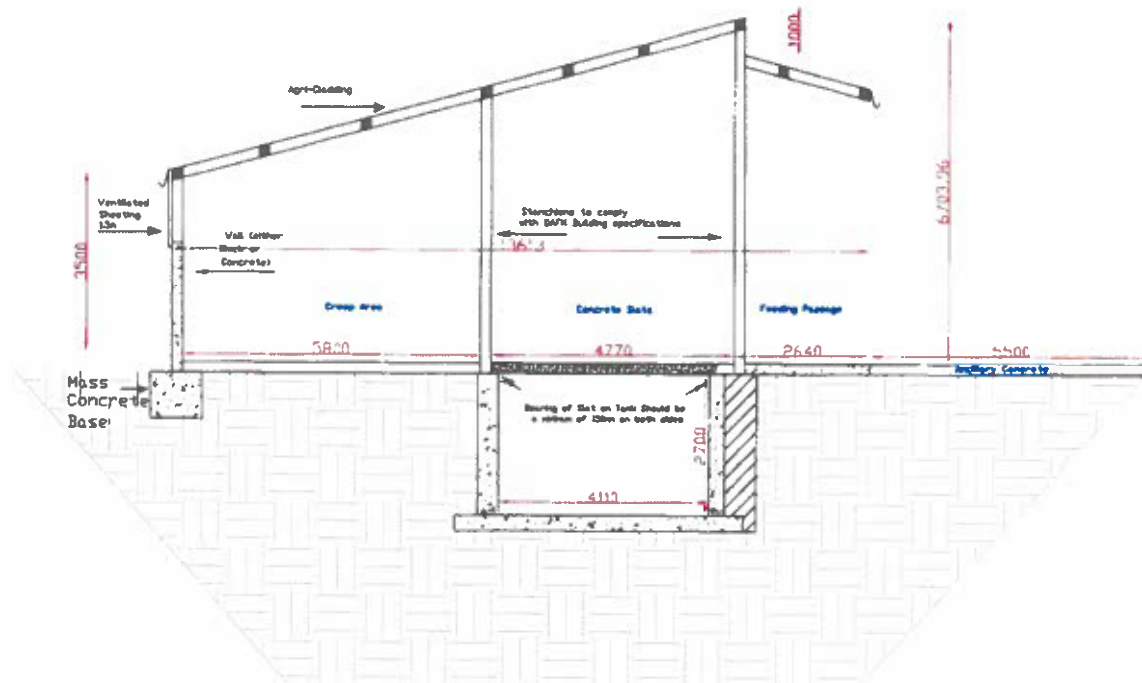
Tendered	
Cheque	80.00
000526	

Change	0.00
--------	------

Issued By : Aine McDermott  
From : Central Cash Office

# Planning Exemption Drawing Cross Section

Scale 1:100



Job Title: To Construct a New 3 Bay Slatted Cattle Shed, together with all associated Site Works at Cloonargid Td., Lisacul, Castlerea, Co. Roscommon.

Client: John Greene, [REDACTED]

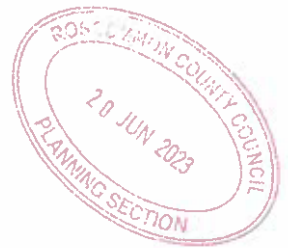
Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon

Date: 10th May 2023

Building to be constructed to Dept  
of Agriculture Specifications S101 & S123



Planning Exemption Drawing  
Site Layout Map  
Scale (1:500)



Job Title: To Construct a New 3 Bay Slatted Cattle Shed, together with all Associated Site Works at Cloanargld Td, Lisacul, Castlerea, Co Roscommon

Client: John Greene, Silverfield, Lisacul, Castlerea Co. Roscommon

Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon.

Date: 10th May 2023

