

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

John Smyth,

Reference Number: DED 583

Application Received: 27th June, 2023

Location: Ardgallagher, Kilmore, Carrick on Shannon, Co. Roscommon.

WHEREAS a question has arisen as to whether the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgallagher, Kilmore, Carrick on Shannon, 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 13 of Part 1 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 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 installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgallagher, Kilmore, Carrick on Shannon, Co. Roscommon is development and is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:

Tracy Davis

Senior Executive Officer,
Planning.

Date: 21st July, 2023

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

Reference Number: DED 583

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgallagher, Kilmore, Carrick on Shannon, Co. Roscommon.

Applicant: John Smyth
Date: 21st July 2023

WHEREAS a question has arisen as to whether the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgallagher, Kilmore, Carrick on Shannon, 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 13 of Part 1 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 eastern side of the L-5066-0. The subject site is an agricultural field. There are no environmental designations attached to the subject site. The question raised in this Declaration of Exempted Development is whether the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock is or is not development and is or is not exempted development.

Planning History

No planning history attached to the subject site.

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". It is considered that the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock constitutes development, as defined in Section 3 of the Planning and Development Act 2000 (as amended).

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....” The proposed development is considered to be the carrying out of works.

PART 1 - Article 6 - Exempted Development –General

Description of Development	Conditions and Limitations
<p>CLASS 13</p> <p>The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</p>	<p>The width of any such private footpath or paving shall not exceed 3 metres.</p>

It is proposed to construct a private farm roadway in order to allow for safe traffic of farm machinery and livestock, the roadway will be a distance of c.150m and will run along the southern boundary of the site.

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 9.6km away from Annaghmore Lough (Roscommon) SAC. 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

WHEREAS a question has arisen as to whether the installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgalagher, Kilmore, Carrick on Shannon, 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 13 of Part 1 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 I have concluded that

- a) The works are development.
- b) The installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgalagher, Kilmore, Carrick on Shannon, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Assistant Planner

Date: 21st July 2023







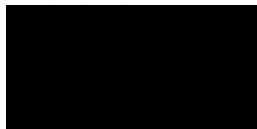




Comhairle Contae
Ros Comáin
Roscommon
County Council



John Smyth,



Date: 28th June, 2023.

Planning Reference: DED 583

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: The installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgallagher, Kilmore, Carrick on Shannon, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 27th 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. L01/0/223429 dated 27th June, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 583**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,
Planning.



Mary Dolan

From: Planning Department
Sent: Wednesday 28 June 2023 17:40
To: [REDACTED]
Subject: RCC Planning Ref. No. DED 583 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.
Attachments: DED 580 Receipt.pdf; DED 580 - Application for a Section 5 Declaration.pdf

A Chara,

Please find attached, scanned copy of letter of acknowledgement in respect of your request for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), reference no. DED 580.

Hard copy is being issued by post.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.
☎ (090) 6637176 ✉ marydolan@roscommoncoco.ie
🌐 www.roscommoncoco.ie



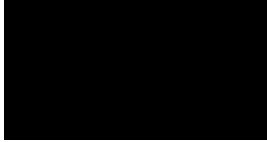
Comhairle Contae
Ros Comáin
Roscommon
County Council



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.

John Smyth,



Date: 28th June, 2023.

Planning Reference: DED 583

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: The installation of a new farm roadway to allow for safe traffic of farm machinery and livestock at Ardgalagher, Kilmore, Carrick on Shannon, Co. Roscommon.

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This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

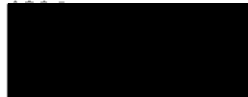
Administrative Officer,
Planning.

Roscommon County Council
Aras an Chuntae
Roscommon
09066 37100

27/06/2023 11:41:06

Receipt No : L01/0/223429

JOHN SMYTH



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 583

Total 80.00 EUR

Tendered
Credit/Debit Card 80.00
7501

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office





Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	JOHN SMYTH
Address:	[REDACTED]
Name & Address of Agent:	JOHN SMYTH - SELF CONSTRUCTION
Nature of Proposed Works	INSTALLATION OF A NEW FARM ROADWAY TO ALLOW FOR SAFE TRAFFIC OF FARM MACHINERY AND LIVESTOCK
Location (Townland & O.S No.)	FIELD 1 - T1630200021, FIELD 2 T163020008
Floor Area	TOTAL .25HECTARES, FIELD WITH ROADWAY
Height above ground level	0
Total area of private open space remaining after completion of this development	FIELD1 - 1.72HECTARES FIELD2 3.52 HECTARES
Roofing Material (Slates, Tiles, other) (Specify)	0
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	0
Is proposed works located at front/rear/side of existing house.	0

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	0
If yes give ref. number (include full details of existing extension, if any)	0
Existing use of land or structure	LIVESTOCK GRAZING
Proposed use of land or structure	SAFE TRAFFIC OF MACHINERY AND LIVESTOCK
Distance of proposed building line from edge of roadway	4METRES
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:



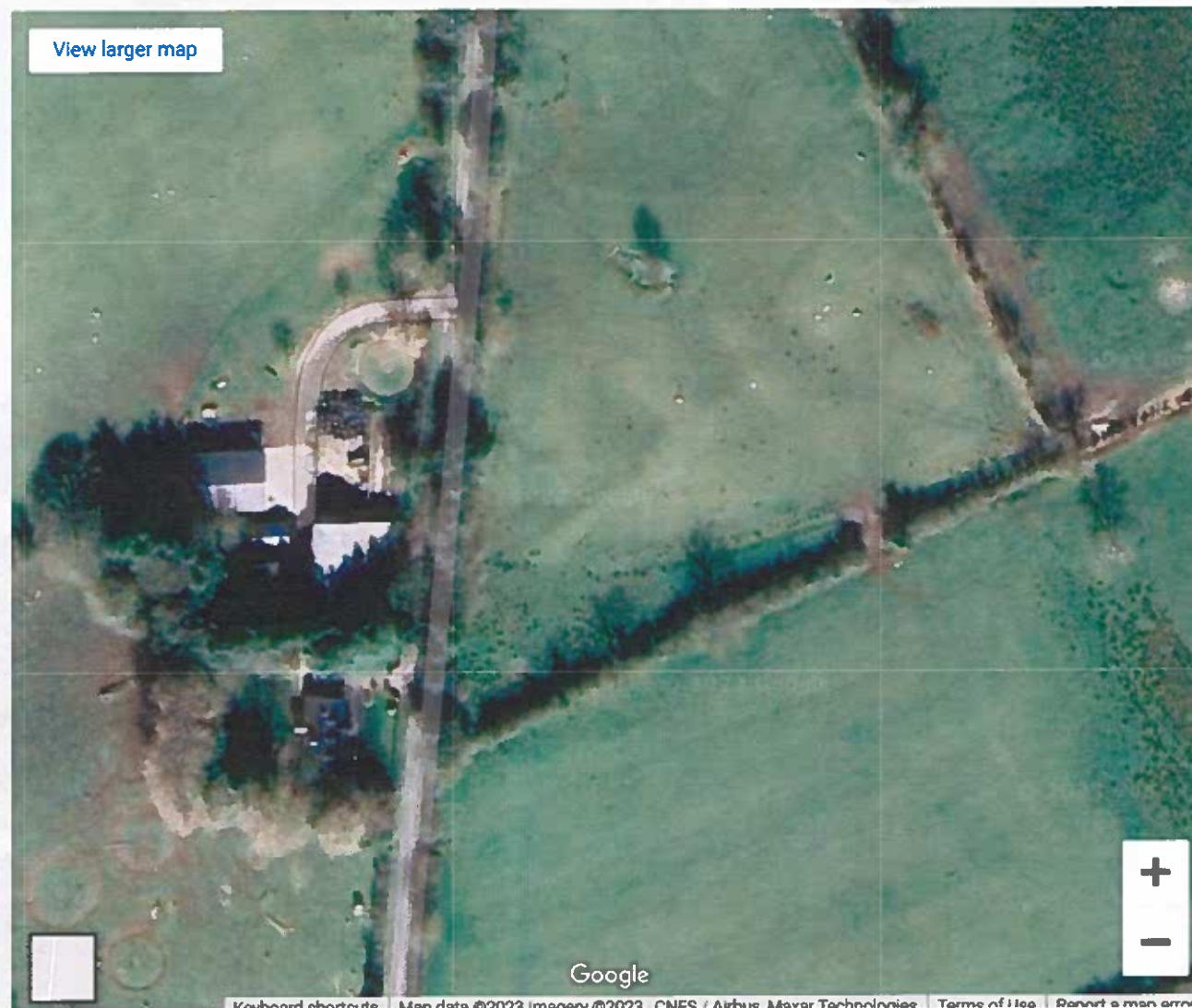
Date:

16.06.2023

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





Existing Site



PROPOSED WORKS



PROPOSED WORKS



T1630200021
TOTAL AREA 1.82HECTARE
PROPOSED WORKS
137METRES X 8METRES
REMAINING AREA
1.72HECTARE

T1630200021
TOTAL AREA 3.64 HECTARES
PROPOSED WORKS
36METRES X 36METRES
REMAINING AREA
3.52HECTARE



Beirnes Design Ltd

**Patrick Beirne. C.Eng/Tech. Dip. H. Eng I.E.I.
Magheraveen,
Lanesboro,
Co. Longford.
Phone No 086-8701876**



Re- proposed farm road through farmland at Ardgallagher, Kilmore, Ck-on-Shannon,
Co. Roscommon. Folio RN 9746
Owner: John Smyth.

I certify that that I carried out an inspection of the above property namely
Folio RN 9746 where it is proposed to construct a private farm roadway as
shown "A" to "B" on attached map.

The proposed works are not within any Special Areas of Conservation or
Special Protection Areas, and no archaeology sites are within the curtilage of
this property.

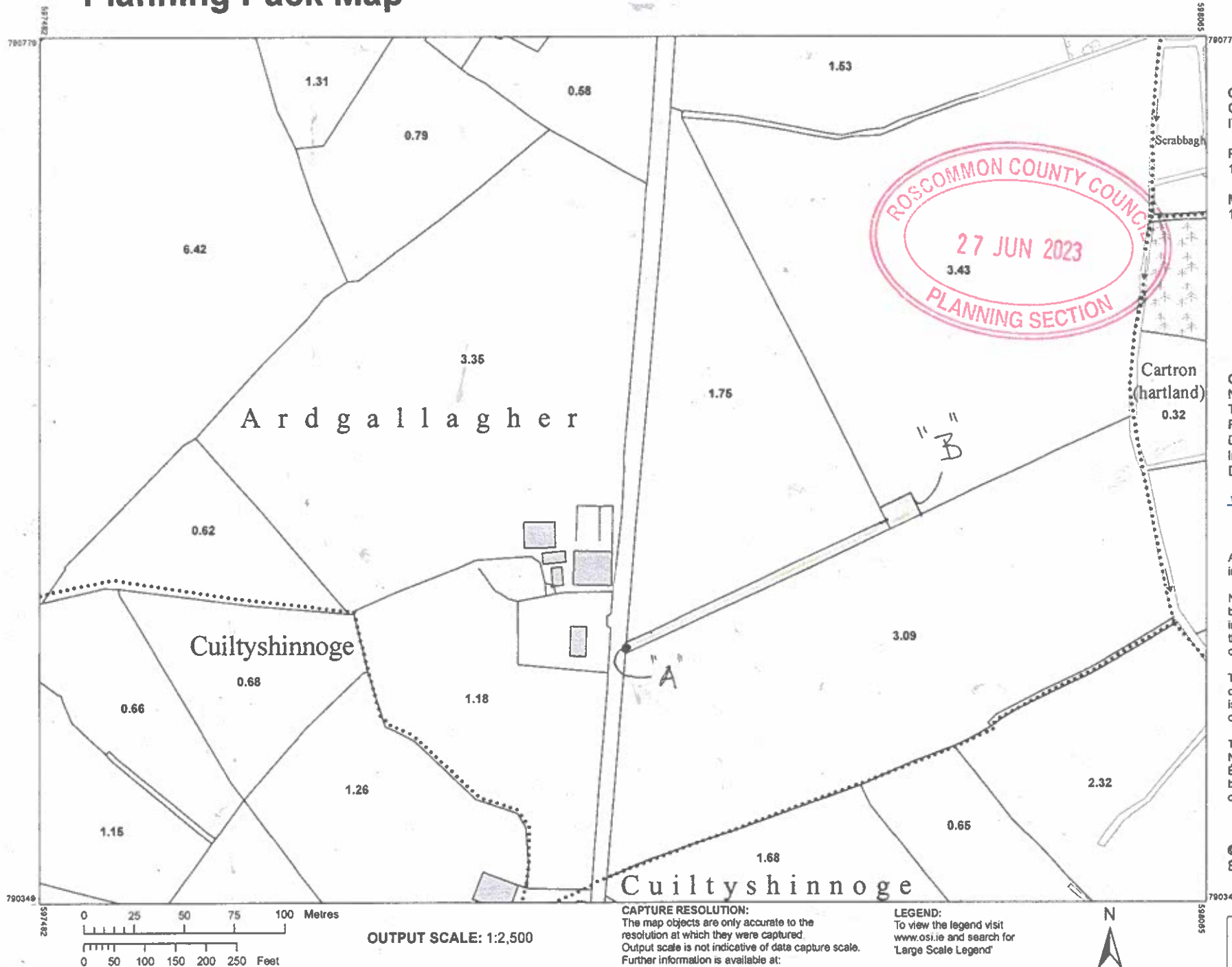
The Construction of the road will consists of Excavation to a depth of 300mm
below ground level, backfilled with 75mm broken stone to a level of 225mm
compacted, finished with 75mm depth of clause 804.

Signed 
Patrick Beirne.
Beirnes Design Ltd

Planning Pack Map



Tailte
Éireann



CENTRE
COORDINATES:
ITM 597774,790564

PUBLISHED: 18/06/2023 ORDER NO.: 50340970_1

MAP SERIES: 1:5,000 MAP SHEETS: 1985

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

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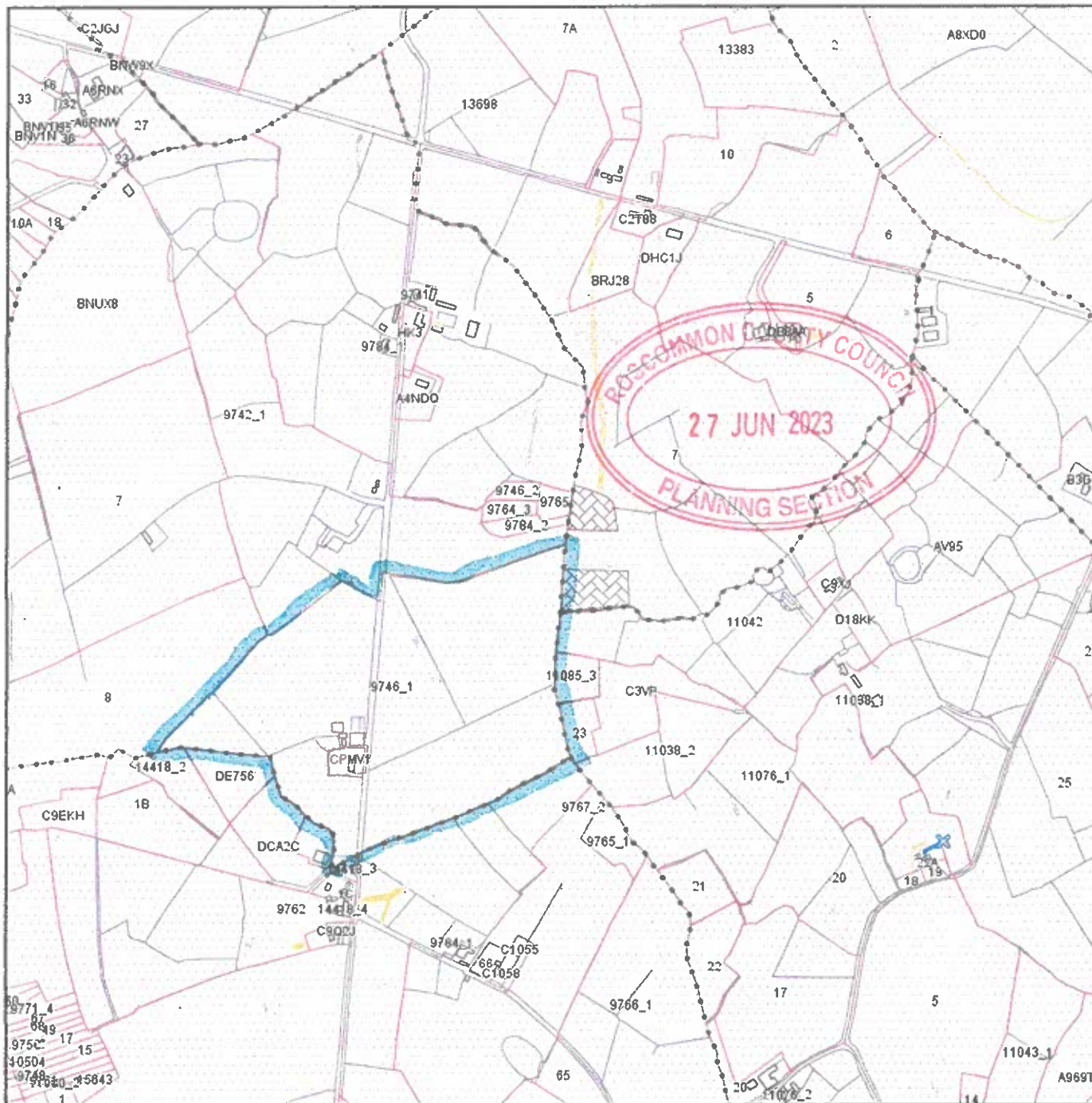
The representation on this map
of a road, track or footpath
is not evidence of the existence
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Creation Date: 27 June 2023 10:37:40

The Property Registration Authority An tÚdarás Clárúcháin Maoine



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale accuracy is limited to that of the original OSi Map Scale.

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Folio Number	RN9746
Title Level	Freehold
Plan Number	9746_1
Property Number	1
Area of selected plans	13.82 hectares.
Number of Plans on this folio:	3
Address	Not Available

Highlight All Plans

Add to Basket

Create Alert

*PRA Boundaries and Plan Area **are not conclusive**. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

stry
ption



Roscommon County Council
Aras an Chuntae
Roscommon
09066 37100

27/06/2023 11:41:06

Receipt No : L01/0/223429

JOHN SMYTH



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 583

Total 80.00 EUR

Tendered
Credit/Debit Card 80.00
7501

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office

