

## Tracy Davis

---

**From:** Planning Department  
**Sent:** Wednesday 16 August 2023 16:43  
**To:** padraic.durkan1@gmail.com  
**Subject:** DED592 - Notification of decision  
**Attachments:** DED 592 Notification of Decision.pdf

A Chara

Please find attached, decision documentation in respect of RCC Planning Ref. No. DED592 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 the 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](mailto:planningenforcement@roscommoncoco.ie)  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



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**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Peter Connellan,

Reference Number: DED 592  
Application Received: 27<sup>th</sup> July, 2023  
Location: Rattinagh Td, Co. Roscommon.

WHEREAS a question has arisen as to whether the following works; the construction of a new 2 bay loose house together with all associated site works at Rattinagh Td., 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, 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.

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed works to construct a 2 bay loose house and associated works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- b) The proposed development to construct a 2 bay loose house and associated works meets the conditions and limitations of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations and is therefore 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 new 2 bay loose house together with all associated site works at Rattinagh Td., 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:

*Tracy Davis*

Senior Executive Planner, Planning.

Date: 16<sup>th</sup> August, 2023.

CC: Padraic Durkan,  
Main St., Elphin,  
Co. Roscommon.

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

<b>Reference Number:</b>	DED 592
<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>	Peter Connellan <i>a new 2 bay loose house together with all associated site works</i>
<b>Location of Development:</b>	Rattinagh, Strokestown, Co. Roscommon

**WHEREAS** a question has arisen as to whether the following works; the construction of a ~~cattle housing~~ *a new 2 bay loose house together with all associated site works* 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 Rattinagh, Strokestown Co. Roscommon and is adjacent to the applicant's dwelling house. There is a small cluster of agricultural buildings on the site as follows:

- A slatted shed measuring a stated 130m<sup>2</sup>.
- An adjoining "loose house" measuring a stated 72m<sup>2</sup>.
- A two bay hay shed measuring approx 70m<sup>2</sup>.
- A concrete yard.

There is an existing third party dwelling house c. 55m to the northwest of the proposed shed location. There is a separate 3<sup>rd</sup> party dwelling house c.110m to the east of the proposed shed location.

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 slatted cattle shed. Proposed Specifications:

- Floor Area: 58sqm
- Maximum Height of proposed building: 4.66m
- Construction Material finishes: Metal cladding and concrete

#### **Planning History**

No planning history on site as per the RCC GIS system.

DED 427 – The current applicant had a similar declaration made previously that the existing slatted shed immediately adjacent to the proposed shed would be development and would be exempt development.

## 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

viiiB) 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**

<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></ol>
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	<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> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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The question to be determined in this Section 5 referral is whether the proposed development to construct a 2 bay loose house at Rattinagh, Strokestown, 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 2 bay loose house, 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 and I'm satisfied its use falls under Class 6, the provisions of which are outlined above.
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 300 square metres gross floor space in aggregate. On inspection of the site, it would appear that cumulatively, the existing Class 6 structures, and the proposed structure, would not exceed the 300sqm cumulative total that the conditions and limitations allow for.
3. The proposed structure is to be located c.62m away from the public road.
4. The height of the proposed structure is a maximum of 4.7m which is within the conditions and limitations outlined under Class 6 above.
5. There is 1 neighbouring dwelling house within 100m of the proposed building. A letter of consent from its occupier has been included with the referral.
6. 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 2 bay loose house for cattle at Rattinagh, Strokestown, 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 2 bay loose house at Rattinagh, Strokestown, 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 as amended.
- (e) The planning history of the site.

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

- The works to construct a 2 bay loose house and associated works are development.
- The works fall within Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations.
- Given that the development is within the conditions and limitations of 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 2 bay loose house at Rattinagh, Strokestown, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed \_\_\_\_\_  
Executive Planner

Date: 15<sup>th</sup> August 2023



neighbouring access to their loose shed



Applicants  
dwelling  
+  
Access  
to  
shed at  
rear





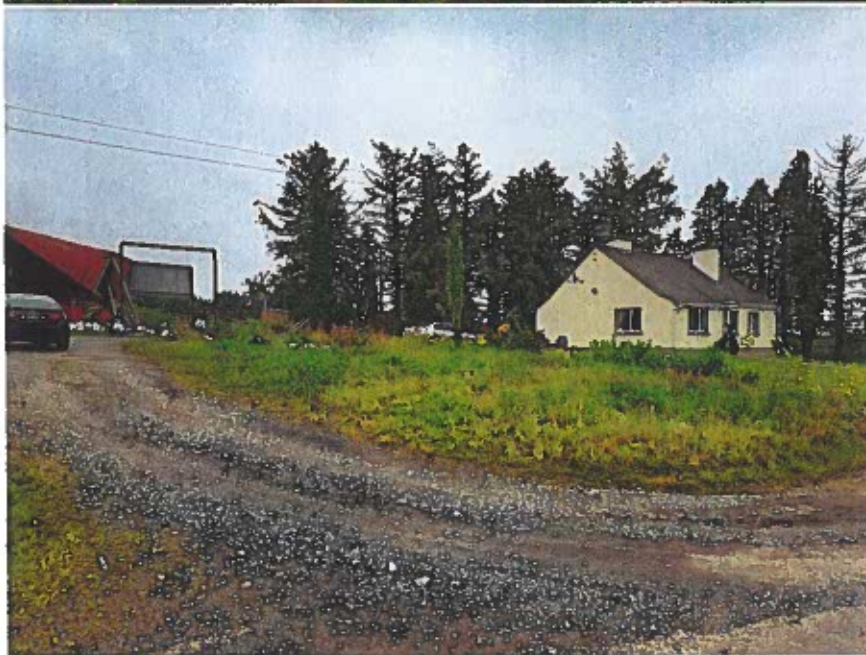


proposed location of shed





Applicants cycle  
shed on left and  
neighbour shed  
on right.



neighbouring house.



## Tracy Davis

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**From:** Planning Department  
**Sent:** Tuesday 1 August 2023 10:23  
**To:** padraic.durkan1@gmail.com  
**Subject:** RCC Planning Ref. No. DED592 - Acknowledgement of Request for DED  
**Attachments:** DED 592 Acknowledgement Letter.pdf; DED 592 Receipt.pdf

A Chara,

Please find attached, 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 592.

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

**Tracy Davis** | Planning Department  
Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98  
☎ (090) 6637100 ✉ [planningenforcement@roscommoncoco.ie](mailto:planningenforcement@roscommoncoco.ie)  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



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Peter Connellan,

Date: 31<sup>st</sup> July, 2023.

Planning Reference: DED 592

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

**Development:** To construct a new 2 bay loose house together with all associated site works at Rattinagh Td, Co. Roscommon.

\*\*\*\*\*  
A Chara,

I wish to acknowledge receipt of your application received on the 27<sup>th</sup> July, 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. L01/0/223925 dated 27<sup>th</sup> July, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 592**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis

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Tracy Davis,  
Senior Executive Planner,  
Planning Department.

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

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37  
\*\*\*\*\*

27/07/2023 12:12:58

Receipt No. : L01/0/223925

PETER CONNELLAN  
C/O PADRAIC DURKIN  
MAIN STREET,  
ELPHIN  
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 592	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
000528

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



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Ros Comáin  
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County Council

Áras an Chontae

Roscommon,

Co. Roscommon

Phone: (090) 66 37100

Email: [planning@roscommonccoco.ie](mailto:planning@roscommonccoco.ie)

27 JUL 2023

PLANNING SECTION

## Roscommon County Council

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

Name:	PETER CONNELLAN
Address:	[REDACTED]
Name & Address of Agent:	Padraic Durkan Main St. Elphin Co Roscommon
Nature of Proposed Works	Construct a New 2 Bay Loose House together with all associated site works @
Location (Townland & O.S No.)	RATTINACH Td OS NO: 23/3 Co Roscommon
Floor Area	57.6m <sup>2</sup>
Height above ground level	4.66
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Agri cladding.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastered Block wall or MASS concrete Finish
Is proposed works located at front/rear/side of existing house.	N/A

95/360  
House 1/3 R/R?

## 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	Application Made and granted for Declaration on Development and Exempted Development Ref: DED 427 Slatted shed.
If yes give ref. number (include full details of existing extension, if any)	DED 427, Construction of 3 Bay Slatted House.
Existing use of land or structure	Agricultural.
Proposed use of land or structure	Agricultural.
Distance of proposed building line from edge of roadway	61.3 metres.
Does the proposed development involve the provision of a piped water supply	Existing Supply Present.
Does the proposed development involve the provision of sanitary facilities	N/A

Signature:

Peter Camellan

Date:

21/7/23

**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

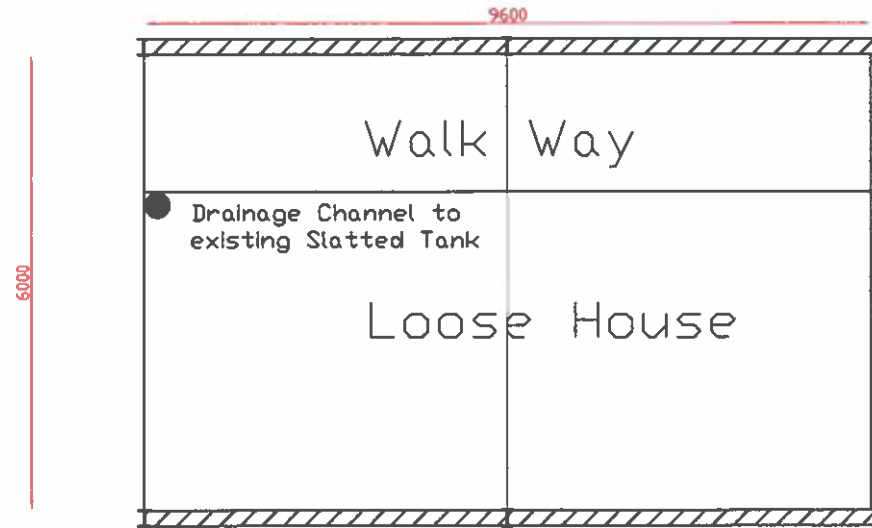
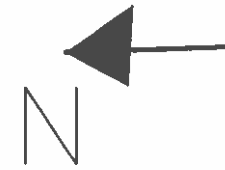




# PLANNING EXEMPTION DRAWING

Plan View

Scale 1:100



Job Title: To Construct a New 2 Bay Loose House, together with all Associated Site Works at Rattinagh Td., Strokestown, Co Roscommon

Client: Peter Connellan, [REDACTED]

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

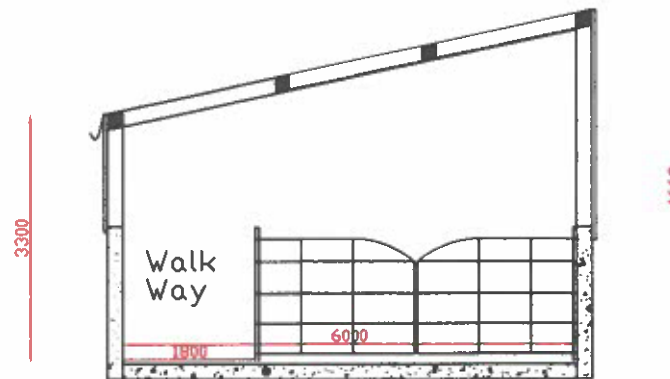
Date: 21st July 2023

Building to be constructed to Department of Agriculture Specifications for Farm Buildings

# PLANNING EXEMPTION DRAWING

## Cross Section

Scale 1:100



Job Title: To Construct a New 2 Bay Loose House, together with all Associated Site Works at Rattinagh Td., Strokestown, Co Roscommon

Client: Peter Connellan, [REDACTED]

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

Date: 21st July 2023

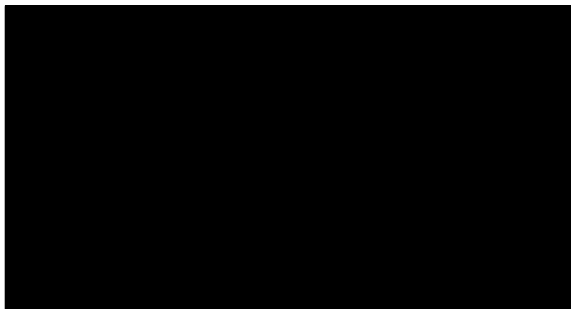
Building to be constructed to Department of Agriculture Specifications for Farm Buildings

20<sup>th</sup> July 2023

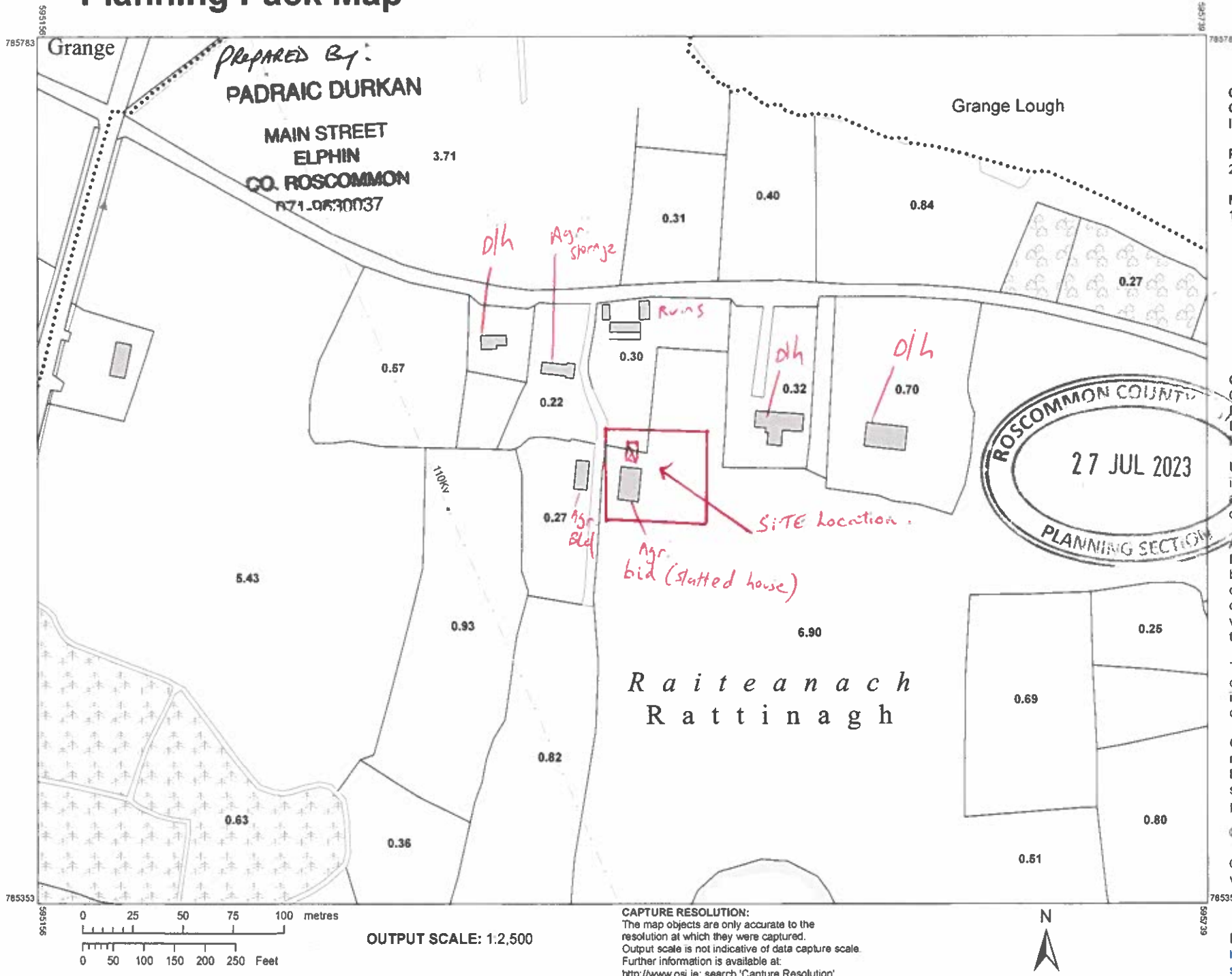
Rattinagh  
Strokestown  
Co Roscommon

To Whom it May Concern

I, [REDACTED], have no objection to the construction of a New Cattle Shed on the lands of Peter Connellan. This new development will be within 100m of my Dwelling House and I have seen Drawings and Plans for the same Development.



# Planning Pack Map



**CENTRE COORDINATES:**  
ITM 595448,785568

**PUBLISHED:** 25/11/2020  
**ORDER NO.:** 50157793\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 2102

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# Site Location Map

**CENTRE COORDINATES:**  
ITM 595448,785568

**PUBLISHED:** 25/11/2020  
**ORDER NO.:** 50157793\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** RN023

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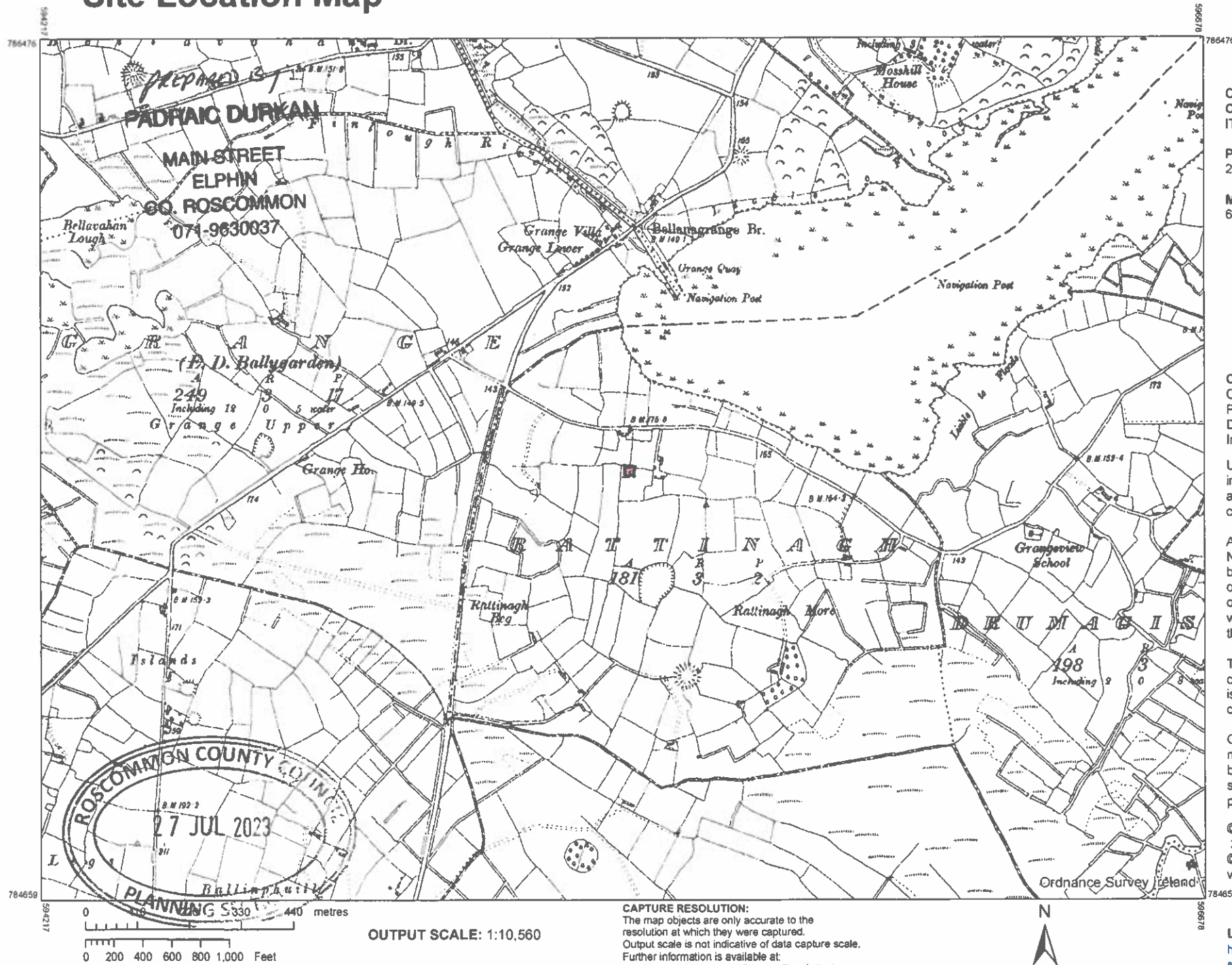
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search 'Large Scale Legend'



**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:  
<http://www.osi.ie>; search 'Capture Resolution'

**OUTPUT SCALE: 1:10,560**



[illegible]

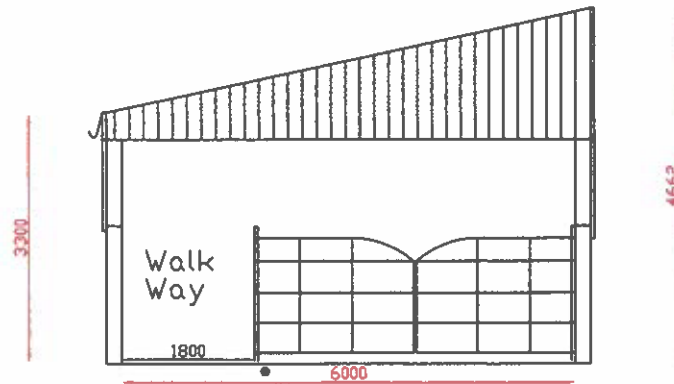


# PLANNING EXEMPTION DRAWING

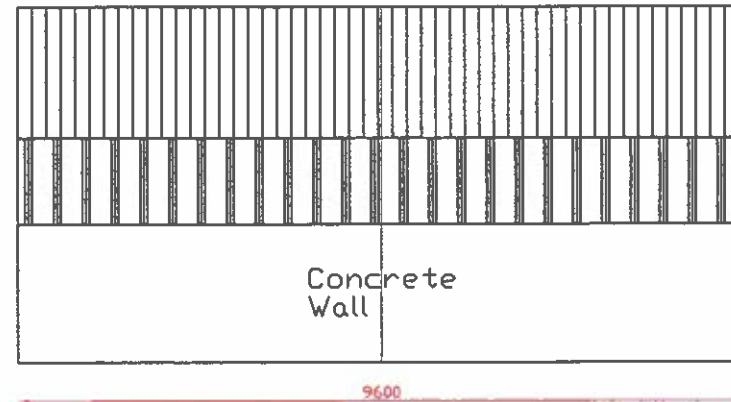
## End & Side Elevation

Scale 1:100

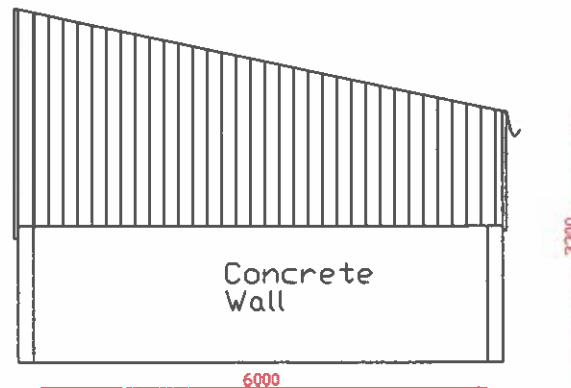
### End Elevation (Front)



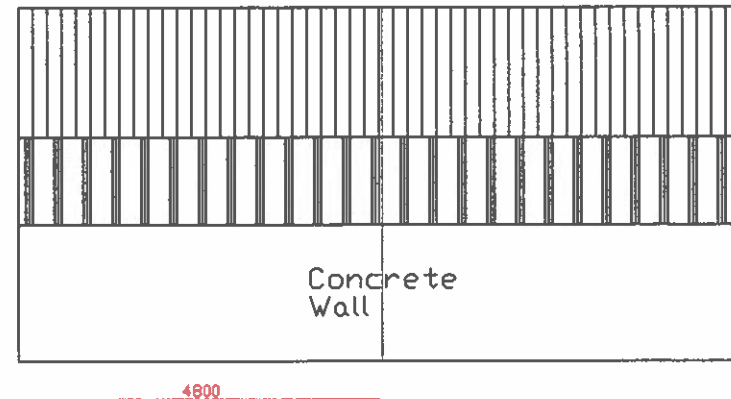
### Side Elevation (Front)



### End Elevation (Rear)



### Side Elevation (Rear)



Job Title: To Construct a New 2 Bay Loose House, together with all Associated Site Works at Rattinagh Td., Strokestown, Co Roscommon

Client: Peter Connellan, [REDACTED]

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

Date: 21st July 2023

Building to be constructed to Department of Agriculture Specifications for Farm Buildings



Site Layout Map  
Scale (1:500)

