

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Michael McDonnell,

Reference Number: DED 601

Application Received: 17<sup>th</sup> August, 2023

Location: Newtown, Strokestown, Co. Roscommon.

**WHEREAS** a question has arisen as to whether to construct 1 no. agricultural shed with stables and 1 no. hayshed at Newtown, Strokestown, County 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 and Class 9 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:

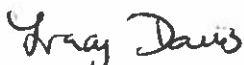
- (a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- (b) The proposed development to construct 1 no. agricultural shed with stables and 1 no. hayshed is exempted development as defined in the Planning and Development 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 **construct 1 no. agricultural shed with stables and 1 no. hayshed at Newtown, Strokestown, County 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:



Senior Executive Planner,  
Planning.

Date: 12<sup>th</sup> September, 2023.



**Mr. Martin Dowd,  
Rathcroghan Design,  
Ballyconboy,  
Ballinagare,  
Castlerea,  
CO. ROSCOMMON.**

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

**Reference Number:** DED 601

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct 1 no. agricultural shed with stables and 1 no. hayshed at Newtown, Strokestown, County Roscommon

**Applicants:** Michael McDonnell

**Date:** 11<sup>th</sup> September 2023

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WHEREAS a question has arisen as to whether to construct 1 no. agricultural shed with stables and 1 no. hayshed at Newtown, Strokestown, County 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 and Class 9 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 undeveloped property is located in Newtown, Strokestown, County Roscommon and appears to be in agricultural use. It is accessed off a section of private road off the L60456 Local Tertiary Road. The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Annaghmore Lough (Roscommon) SAC (Site Code: 001626), which is approximately 3.1km north west of the subject site.

The proposed development consists of the construction of 1 no. agricultural shed with stables (189sqm) and 1 no. hayshed (100.8sqm). As per the submitted details, the proposed roofing material is pre-painted sheeting. The stated existing and proposed use of the land or structure is agriculture.

**Planning History**

As per the Roscommon County Council GIS, there is no recent planning history on 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". 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 proposed 1 no. agricultural shed with stables (189sqm) and 1 no. hayshed (100.8sqm) constitutes development, as defined in Section 3 of the said Act.

The construction of a proposed agricultural shed with stables (189sqm) appears to come within the scope of Class 6 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

### PART 3 - Article 6 - Exempted Development - Rural

#### Column 1 - Description of Development

##### *Agricultural Structures*

#### CLASS 6

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.

#### Column 2 - 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 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.
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.
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.

With regard to the proposed construction of an agricultural shed with stables (189sqm) 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. As per the submitted details the structure will be used for agriculture.
2. The gross floor space of the structure together with any other such structures situated within 100 metres will 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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. Onus on applicant to comply with this.
4. The structure will not be situated within 10 metres of any public road.
5. The proposed structure does not exceed 8 metres in height.
6. The structure will not be situated within 100 metres of any house.
7. Pre-painted sheeting is proposed.

The construction of a proposed hayshed (100.8sqm) appears to come within the scope of Class 9 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

#### **Class 9**

<b>Description of Development</b>	<b>Conditions and Limitations</b>
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</li> <li>2. The gross floor space of such 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 900 square metres gross floor space in aggregate.</li> <li>3. No such structure shall be situated within 10 metres of any public road.</li> <li>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>5. No such structure shall be situated 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.</li> <li>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>

With regard to the existing proposal for the construction of a hayshed (100.8sqm) and its compliance with the conditions and limitations of Class 9 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 (storage of hay), is not for the housing of animals or the storing of effluent and falls under Class 9, the provisions of which are outlined above.
2. The proposed structure would not exceed the cumulative total that the conditions and limitations permit.
3. The structure will be situated in excess of 10 metres of any public road.
4. The proposed structure will not exceed 8 metres in height.
5. The structure will not be situated within 100 metres of any house.
6. The proposed roofing material is pre-painted sheeting.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 and Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a 1 no. agricultural shed with stables (189sqm) and 1 no. hayshed (100.8sqm) in this case is considered to be exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

### **Recommendation**

**WHEREAS a question has arisen as to whether to construct 1 no. agricultural shed with stables and 1 no. hayshed at Newtown, Strokestown, County 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 and Class 9 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 I have concluded that**

- a) The works are development.
- b) The construction of an agricultural shed with stables and a hayshed in this case is exempted development.
- c) 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 EIA does not apply with respect to the current case.

and I recommend that a declaration to that effect should be issued to the applicant.

Signed:   
Assistant Planner

Date: 11<sup>th</sup> September 2023







Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Michael McDonnell,

Date: 23<sup>rd</sup> August, 2023.  
Planning Reference: DED 601

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

Development: To construct 1 No agricultural shed with stables and 1 no hayshed at Newtown,  
Strokestown, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 17<sup>th</sup> August, 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. L01/0/224209 dated 22<sup>nd</sup> August, 2023 refers, receipt enclosed herewith.

Due to an administrative error, the reference number on the receipt is DED 600, however please note your Planning Reference No. DED 601. Apologies for any confusion caused.

**Note:** Please note your Planning Reference No. is **DED 601**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

*Tracy Davis*

Tracy Davis,  
Senior Executive Planner,  
Planning Department.

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

Roscommon County Council  
Aras an Chéithe  
Roscommon  
09066 37100

22/08/2023 09:47:18

Receipt No. : L01/0/224209

MICHAEL McDONNELL  
C/O MARTIN DOWD  
RATHCROGHAN DESIGNS  
BALLYCONBOY  
BALLINAGARE, CO. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 600	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
8236

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office

DED 601  
Ling Keady



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

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:	Michael McDonnell
Address:	[REDACTED]
Name & Address of Agent:	Martin Dowd Rathroghan Designs Ballyconboy Ballinagare Castlerea Co Roscommon
Nature of Proposed Works	Construct 1 No Agricultural Shed with Stables and 1 No Hayshed
Location (Townland & O.S No.)	Newtown, Strokestown Co Roscommon
Floor Area	189 m2 (agricultural Shed with stables) 100.8m2 (Hayshed)
Height above ground level	6.78 m2 (agricultural Shed with stables) 6.2m2 (Hayshed)
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Prepainted sheeting

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)	
Existing use of land or structure	Agricultural
Proposed use of land or structure	Agricultural
Distance of proposed building line from edge of roadway	42.2m2
Does the proposed development involve the provision of a piped water supply	Yes - existing
Does the proposed development involve the provision of sanitary facilities	No



Signature: Mark [Signature]

Date: 10/08/2023

**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



# Planning Pack Map

Prepared By: Martin Dowd Rathcroghan Designs,  
Ballinagare, Castlerea, Co. Roscommon



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 593751,780061

PUBLISHED: 10/08/2023 ORDER NO.: 50351014\_1

MAP SERIES: 1:5,000 2164  
1:2,500 2164-C  
1:2,500 2226-A  
1:2,500 2226-B

COMPILED AND PUBLISHED BY:  
National Mapping Division of  
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D08F6E4

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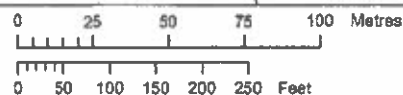
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Site Boundary  
Land In Ownership



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# Site Location Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 593751.780061

**PUBLISHED:** 10/08/2023  
**ORDER NO.:** 50351014\_1

**MAP SERIES:** 6 inch Series  
**MAP SHEETS:** PH023  
North Easter PH029

17 AUG 2023

**PLANNING SECTION**

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
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Dublin 8,  
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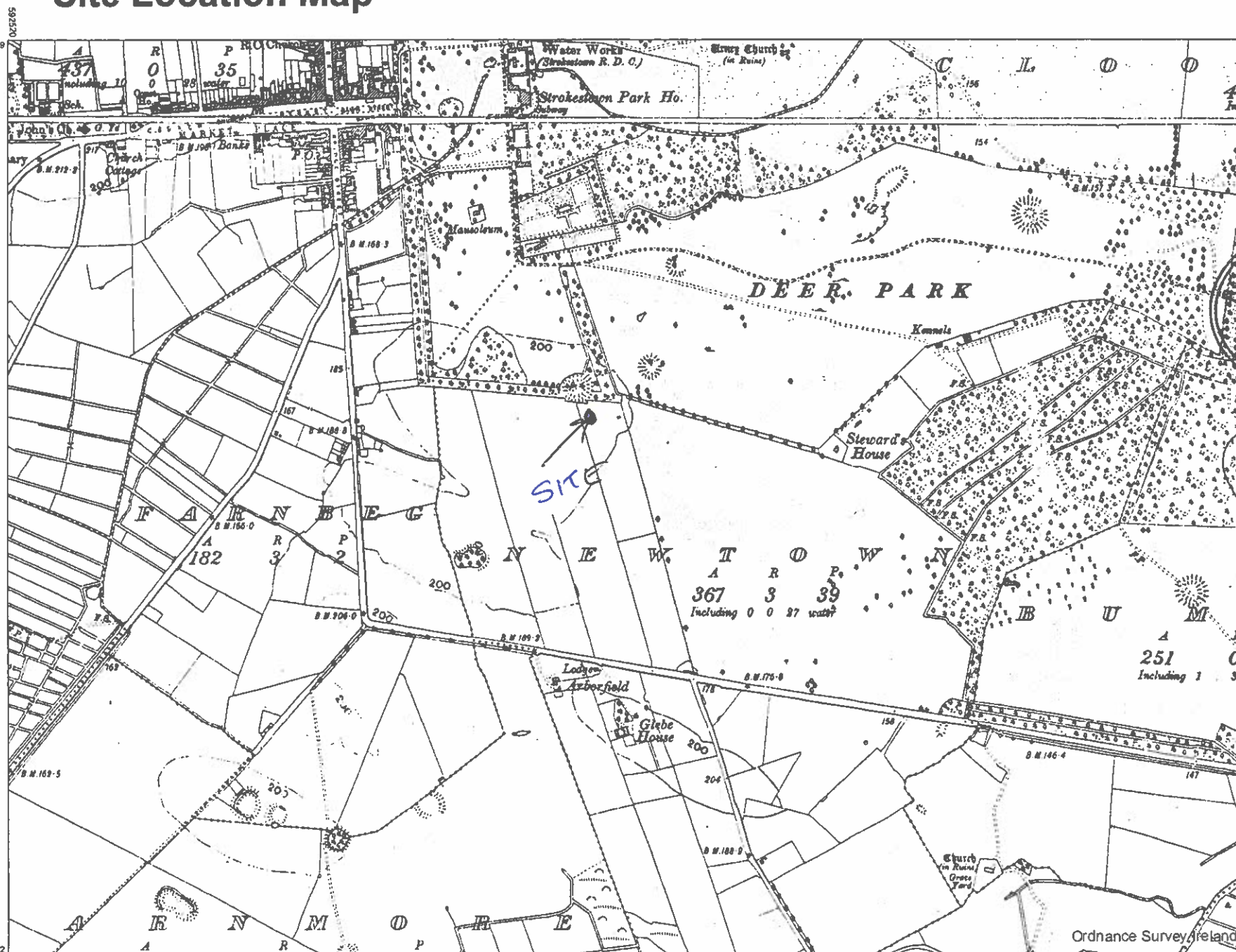
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0 110 220 330 440 Metres  
0 200 400 600 800 1,000 Feet

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

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resolution at which they were captured.  
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[www.osi.ie](http://www.osi.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
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'Large Scale Legend'





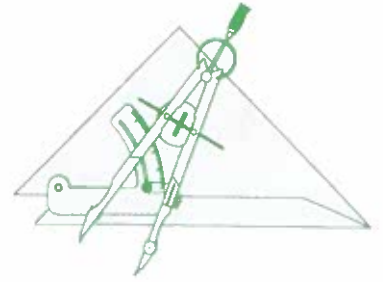
# Rathcroghan Designs

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



August 11<sup>th</sup> 2023

**RE Planning Application on behalf of Michael McDonnell**

Dear sir or madam,

Please find enclosed a planning application on behalf of Michael McDonnell. I wish to pay the planning fee by debit card and I would appreciate if you could contact ME on 086 2328484

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



Public Road

42,27

5,52

Access Road Concrete Hardcore

10

Proposed Shed  
CLASS 9 RURAL  
FLOOR AREA 1028 M<sup>2</sup>

Proposed Shed  
CLASS 6 RURAL  
FLOOR AREA 189 M<sup>2</sup>

[S.P.]

N

Site Area 0.144 Ha



**RATHCROGHAN DESIGN**  
Ballyconboy, Ballinagare, Castlerea, Co. Roscommon  
Ph: 086 2328484  
E-mail: rathcroghandesigns@gmail.com



Client  
Micheal McDonnell

Title  
Site Layout

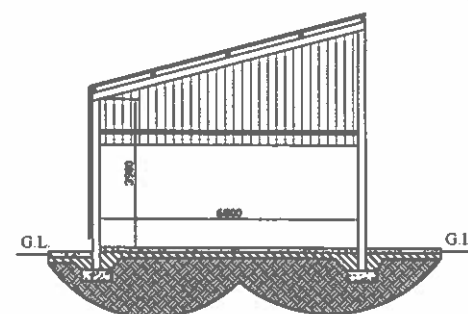
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Drawn: MARTIN DOWD	1 OF 1	23-114
Date: 22-06-2023		



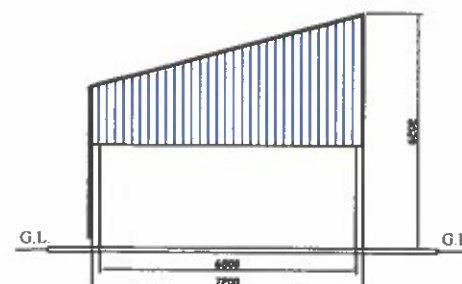
External Walls to be Mass Concrete using 37N concrete

Roof Material to be Pre-painted Sheet piling on 150 x 75 Purlins secured to IPE 220 Rafters carried by IPE 220 Stanchions

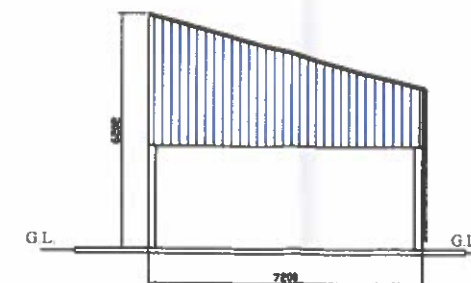
Manufactured horse stables to be installed



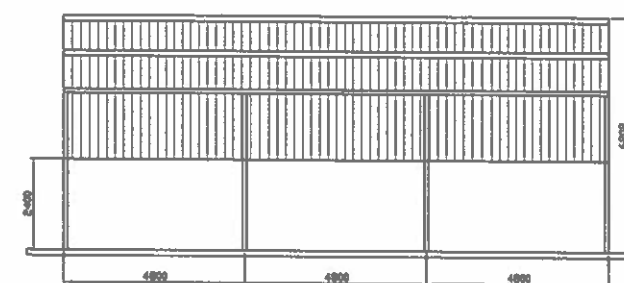
Sectional Elevation



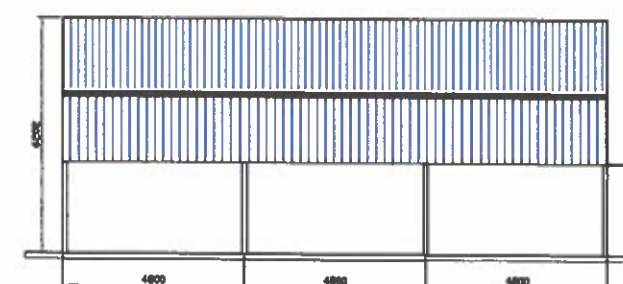
South Elevation



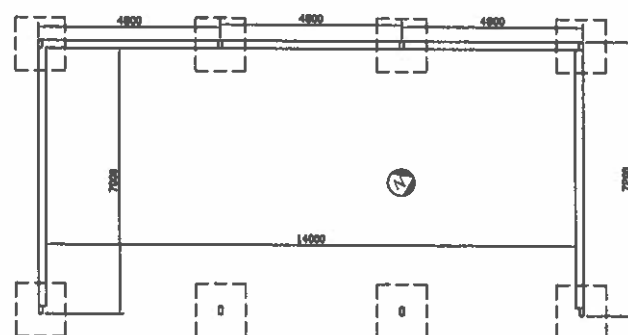
North Elevation



East Elevation



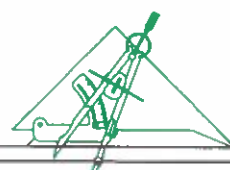
West Elevation



Floor Plan

**RATHCROGHAN DESIGN**

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon  
Ph: 086 2328484 E-mail: martin.dowd@eircom.net



Client

**Michael McDonnell.**

Title

**Agricultural General Storage Shed**

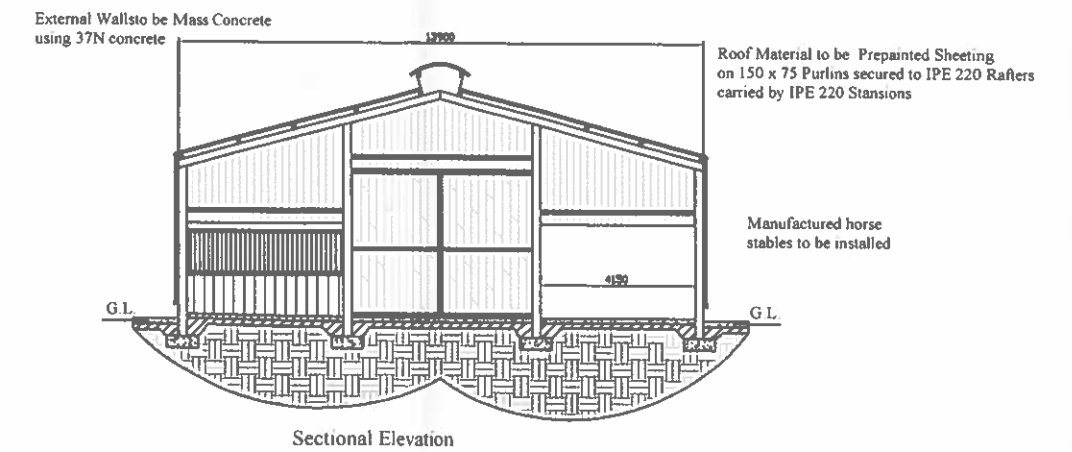
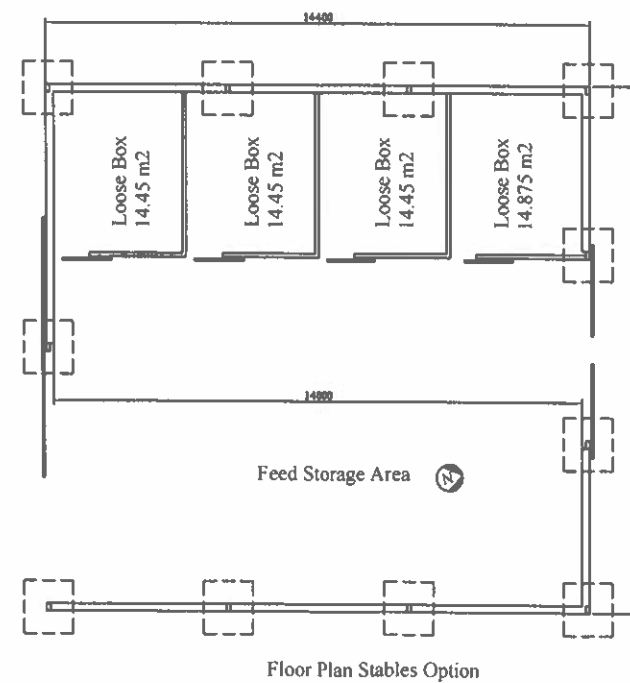
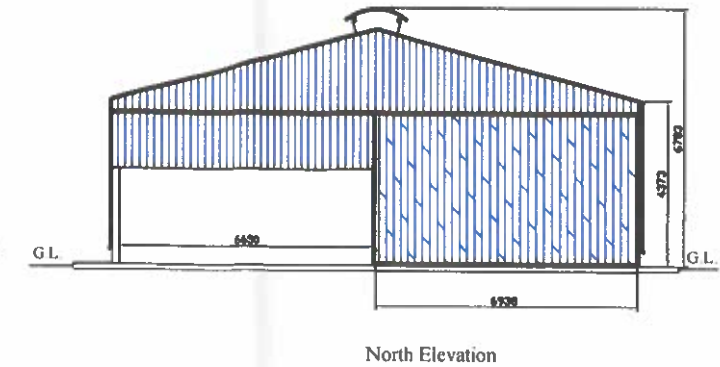
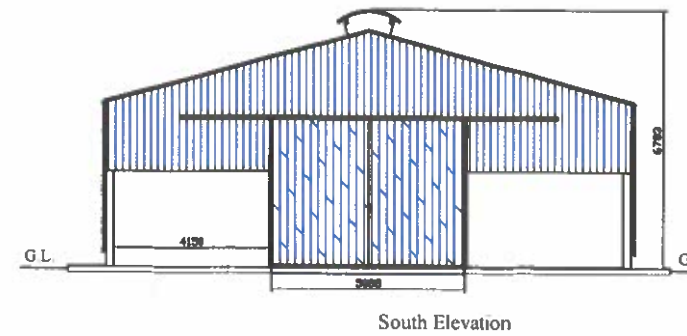
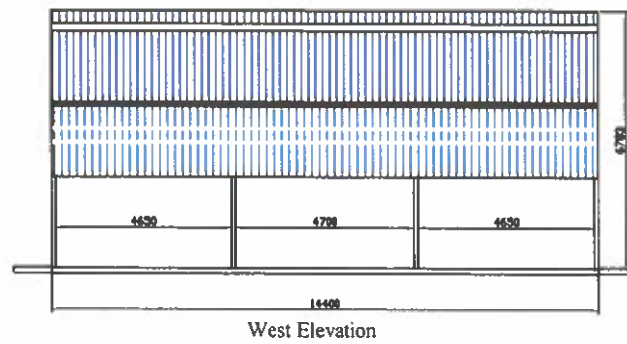
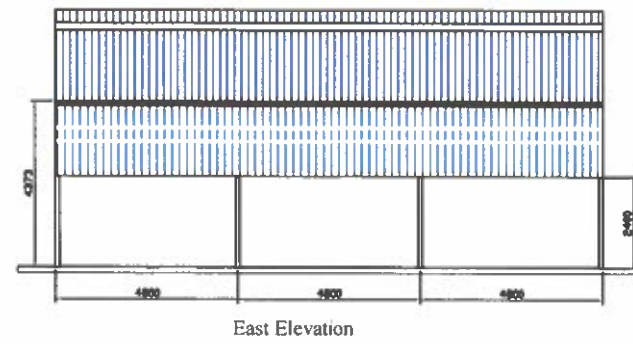
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Date: 03-07-2023

Sheet

1 OF 1

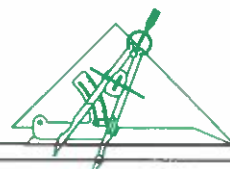
Draw. No.

23-152



**RATHCROGHAN DESIGN**

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon  
Ph: 086 2328484 E-mail: martindowd@eircom.net



Client  
**Michael McDonnell.**

Title  
**Agricultural Shed  
with Stables**

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Date: 03-07-2023

Sheet  
1 OF 1

Drawg. No.  
23-152