

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

John Joe Dolan,

**Reference Number:** DED 616

**Application Received:** 11<sup>th</sup> September, 2023.

**Applicant:** John Joe Dolan

**Location:** Cloonfree Townland, Co. Roscommon

**Agent:** AOL Design Ltd., Consulting Engineers, Killeenboy, Kiltewan,  
CO. ROSCOMMON

WHEREAS a question has arisen as to whether to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Townland, 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 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:

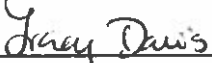
- a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- b) The proposed development to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Townland, Co. Roscommon, is not 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 to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Townland, Co. Roscommon, is development that is not 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: 6<sup>th</sup> October, 2023**

**CC:** AOL Design Ltd.,  
Consulting Engineers,  
Killeenboy,  
Kilteevan,  
CO. ROSCOMMON

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

**Reference Number:** DED 616

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Td., Co. Roscommon.

**Applicant:** John Joe Dolan

**Date:** 03<sup>rd</sup> October 2023

---

WHEREAS a question has arisen as to whether to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Td., 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 northern side of the L-6092-0. An agricultural field and an old vacant single storey dwelling house is situated on the subject site. There are no environmental designations attached to the subject site. The question raised in this Declaration of Exempted Development is whether to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed is or is not development and is or is not exempted development. It was noted that from site inspection there is no evidence of an existing farm lane.

**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 to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed 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><b>CLASS 13</b></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 the to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed and will run along the eastern boundary of the site. However, from site inspection there is no evidence that a farm lane exists on this lands, furthermore, farmyard (which is not located within the red line boundary) has an established entrance from the N5. Therefore, as no form of lane exists, to repair and improve it, it cannot be considered to be exempted development.

**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 1.3km 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 to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Td., 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) To repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Td., Co. Roscommon is not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:   
Assistant Planner

**Date:** 04<sup>th</sup> October 2023













Mr. John Joe Dolan,



Date: 13<sup>th</sup> September, 2023.

Planning Reference: DED 616

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

Development: Permission to repair and improve existing private farm lane (as indicated on 6 inch ordnance survey map) from existing agricultural gate to existing farm yard and shed at Cloonfree Td., Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 11<sup>th</sup> September, 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. **L01/0/224540** dated 12<sup>th</sup> September, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 616**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



---

Tracy Davis,  
Senior Executive Planner,  
Planning Department.

CC: AOL Design Ltd.,  
Consulting Engineers,  
Killeenboy,  
Kilteevan,  
CO. ROSCOMMON.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

12/09/2023 08 31 30

Receipt No : L01/0/224540

JOHN JOE DOLAN  
C/O AOL DESIGN LTD  
KILLEENBOY  
KILTEEVAN  
ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 616	

Total : 80.00 EUR

Tendered	80.00
Cheque	
504315	

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

Issued By : Louis Carroll  
From : Central Cash Office



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)

DEP 616

## Roscommon County Council



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

Name:	JOHN JOE DOWAN
Address:	[REDACTED]
Name & Address of Agent:	AOK DESIGN LTD, CONSULTING ENGINEERS, C/O ALBERT LOOBY B.E., KILLERNOY, KILTERRAN, CO. ROSCOMMON FH2 K400.
Nature of Proposed Works	REPAIR AND IMPROVEMENT OF EXISTING PRIVATE FARM LANE (AS INDICATED ON 6 INCH ORDNANCE SURVEY MAP) FROM EXISTING AGRICULTURAL GATE TO EXISTING FARM YARD & SHED.
Location (Townland & O.S No.)	CHOONFREE TOWNLAND, CO. ROSCOMMON 6 INCH RNO23, RNO29 & 1:2500 2163-D
Floor Area	N/A
Height above ground level	0 (AT GROUND LEVEL)
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
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)	N/A
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL
Distance of proposed building line from edge of roadway	N/A
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:

Albert Kelly (Agent)

Date:

10/9/2023

**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



Surveyed 1994  
Revised 2006  
Levelled 1964

# Rural PLACE Map



ITM CENTRE PT COORDS

590467,780267

DESCRIPTION

MAP SHEETS

1:2500  
2163-D

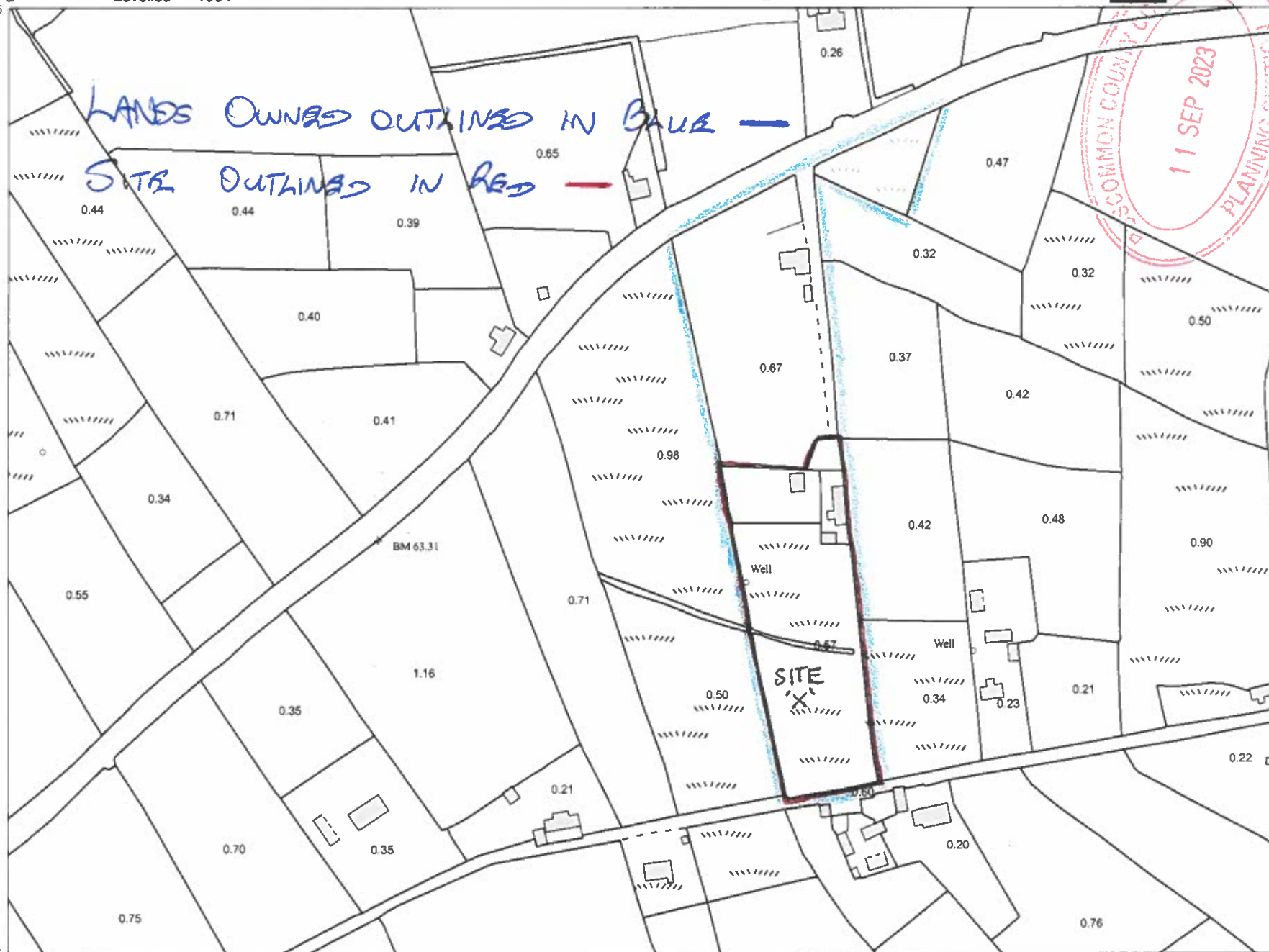


Produced by The Map Store,  
Chapel Street, Castlebar, Co. Mayo  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8.

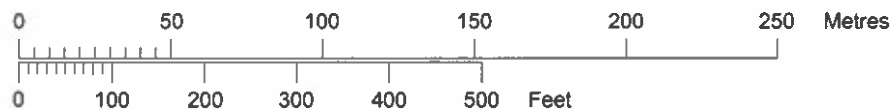
Sáraíonn atáirgeadh neamhúdaraithe cóipeacht  
Shuirbhéireacht Ordnáis Éireann agus  
Rialtas na hÉireann.  
Unauthorised reproduction infringes Ordnance  
Survey Ireland and Government of Ireland  
copyright.

Gach cead cosnamh. Ní ceadmhach aon chuid  
den thoilseachán seo a chóipeáil, a stáirgeadh nó  
a tharchur in aon thiom ná ar aon bhealach gan  
cead i scríbhann roimh ré ó úinéirí an chóipchait.  
All rights reserved. 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 owners.

© Suirbhéireacht Ordnáis Éireann, 2010  
© Ordnance Survey Ireland, 2010



Scale:- 1:2,500  
Scála:- 1:2,500



Plot Ref. No. 1403735\_1\_5  
Plot Date 28-MAY-2010

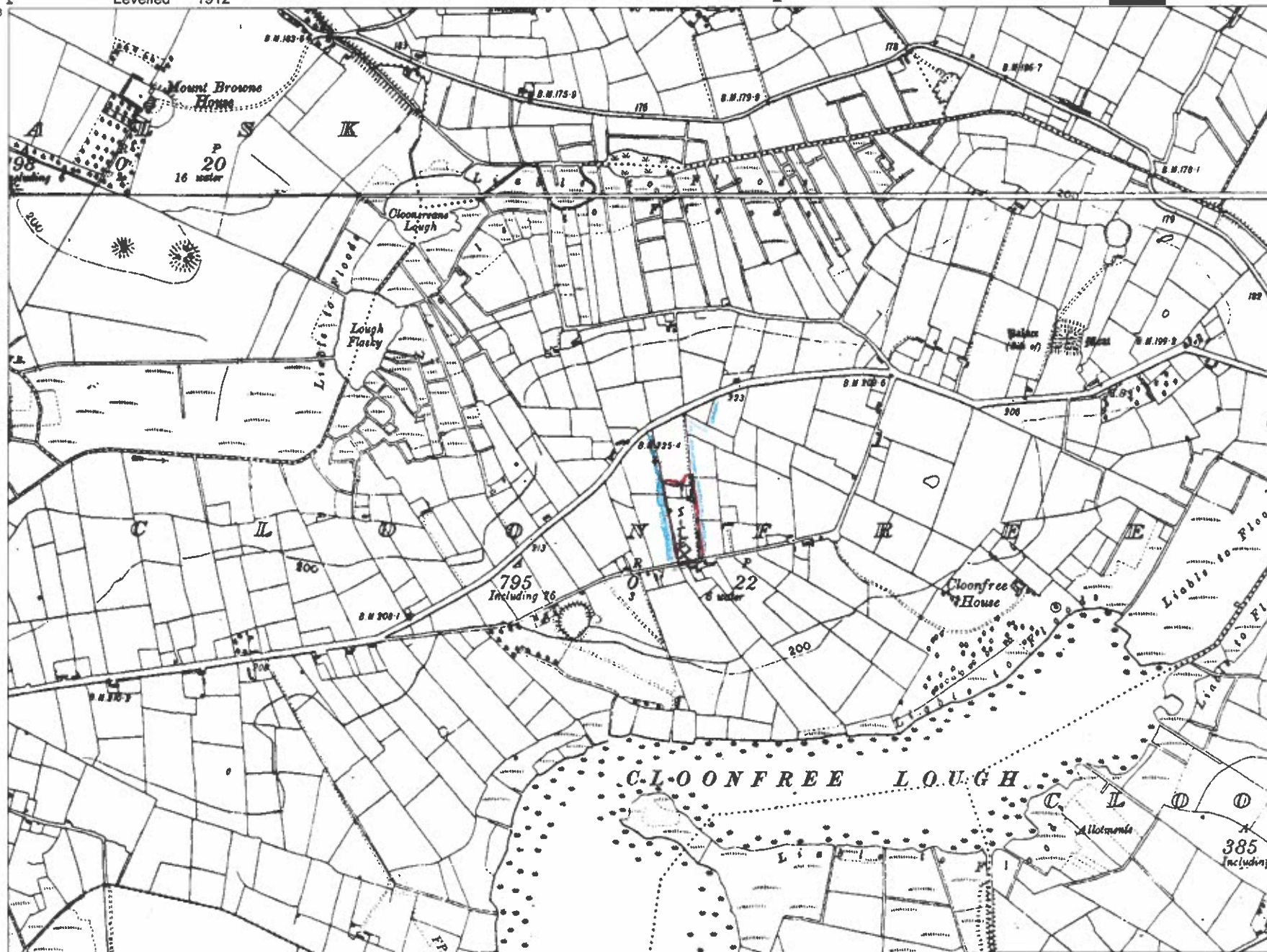
Surveyed 1837  
Revised 1912-1913  
Levelled 1912

# Record PLACE Map



189234

281158



279342

189234

Scale:- 1:10,560  
Scála:- 1:10,560

0 200 400 600 800 1,000 Metres  
0 500 1,000 1,500 2,000 2,500 Feet

Plot Ref. No. 1403735\_1  
Plot Date 28-MAY-2010

281158

ITM CENTRE PT COORDS

590467,780267

DESCRIPTION

MAP SHEETS

6 inch  
RN023 RN029



Produced by The Map Store,  
Chapel Street, Castlebar, Co. Mayo  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8.

Sáiríonn atáirgeadh neamhdaraíthe coipchirt  
Shuirbhíreachtaí Ordánais Éireann agus  
Riadas na hÉireann.  
Unauthorised reproduction infringes Ordnance  
Survey Ireland and Government of Ireland  
copyright.

Gach cead cosnamh. Ní ceadmhaic aon chuid  
den thoisíseachán seo a chóipeáil, a atáirgeadh nó  
a tharchur in aon fhórm ná ar aon bhealach gan  
cead i scríbhinn roimh ré ó uinseirí an chóipchirt.  
All rights reserved. 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 owners.

© Suirbhíreachtaí Ordánais Éireann, 2010  
© Ordnance Survey Ireland, 2010

279342

189234



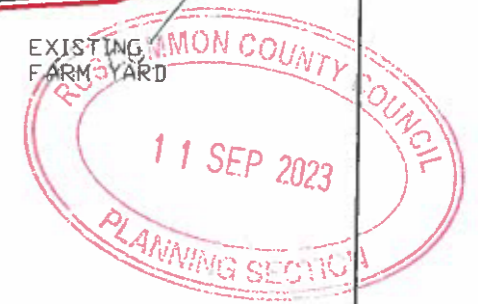
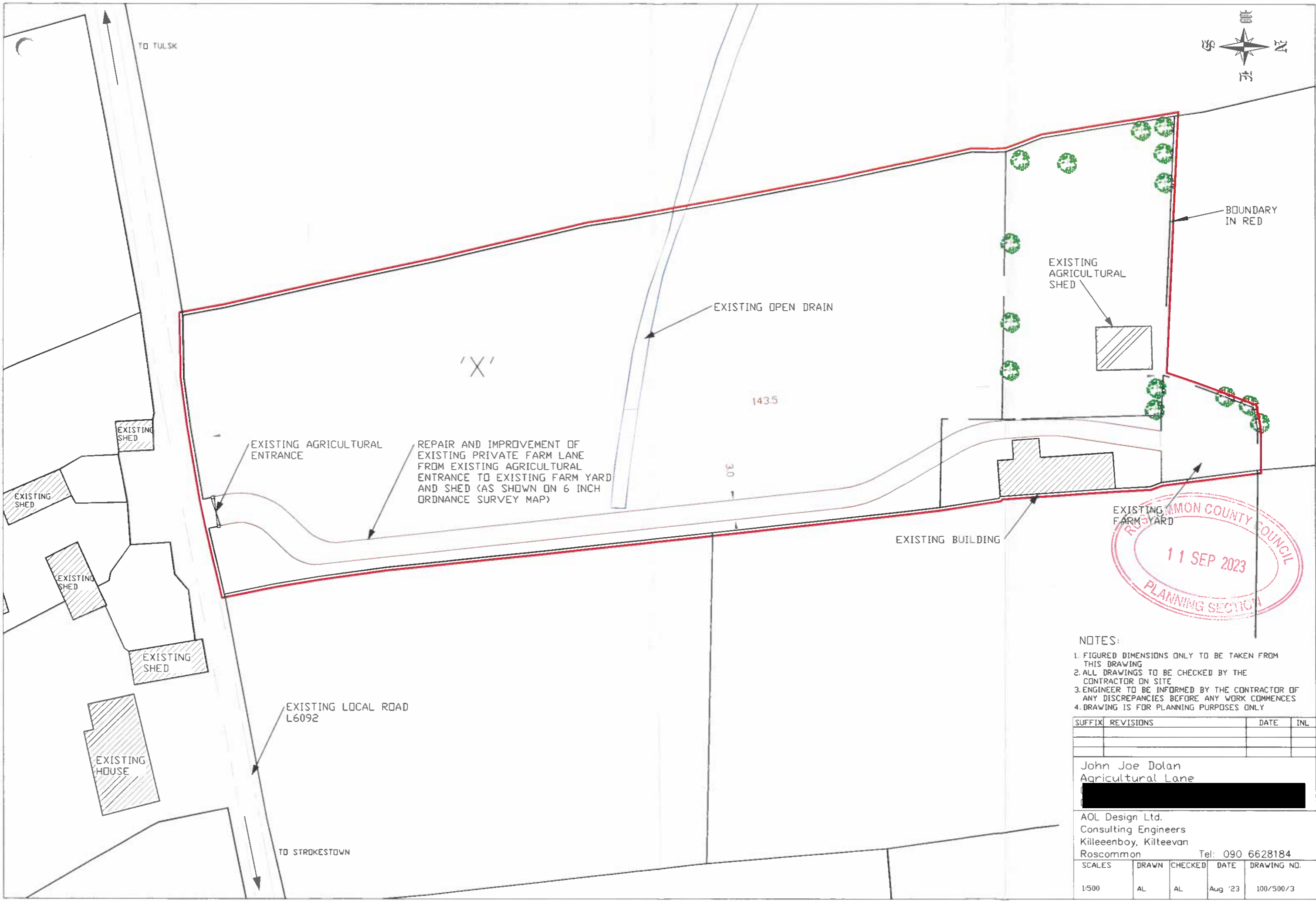
## **Detailed Specification of Development Proposed**

The proposed development will consist of the repair and improvement of an existing private farm lane from an existing agricultural entrance to an existing farm yard and shed, shown existing on the 6 inch ordnance survey map for the area. The lane is from an existing agricultural entrance onto local road number L6092 to an existing agricultural yard and shed.

The repair and improvement of the lane will follow the contours of the existing ground level and will consist of a layer of stone that will be approximately 150mm in depth with a layer of stone blinding material on top.

*Photograph No. 1: Existing Street View showing Existing Agricultural Entrance Gate*





- NOTES:
- 1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
  - 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
  - 3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
  - 4. DRAWING IS FOR PLANNING PURPOSES ONLY

SUFFIX	REVISIONS	DATE	INL

John Joe Dolan  
Agricultural Lane  
[Redacted]

AOL Design Ltd.  
Consulting Engineers  
Killeenboy, Kiltewan  
Roscommon Tel: 090 6628184

SCALES	DRAWN	CHECKED	DATE	DRAWING NO.
1:500	AL	AL	Aug '23	100/500/3