

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Liam Larkin,

Reference Number: DED 632

Application Received: 27th November, 2023

Name of Applicant: Liam Larkin

Agent: Rathcroghan Designs, Ballinagare, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a straw bedded shed and ancillary concrete area at Shankoagh 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 Acts 2000 (as amended);
- b) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 6 and Class 8, Part 3, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- d) Article 9 of the Planning and Development Regulations 2001 (as amended)
- e) 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);
- f) 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 of the construction of a straw bedded shed and ancillary concrete area, 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 **the construction of a straw bedded shed and ancillary concrete area at Shankoagh 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.

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:



Senior Executive Planner,
Planning.

Date: 20th December, 2023

cc. Rathcroghan Designs,
Ballinagare,
Castlerea,
Co. Roscommon.

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

| | |
|---------------------------------|--|
| Reference Number: | DED 632 |
| Re: | Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a proposed straw bedded shed and ancillary concrete area |
| Name of Applicant: | Liam Larkin |
| Location of Development: | Shandoagh, Castlerea, Co. Roscommon |

WHEREAS a question has arisen as to whether the following works; the construction of a proposed straw bedded shed and ancillary concrete area 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 Shandoagh, Castlerea, Co. Roscommon. The subject site contains a dwelling house, general purpose shed, and a cattle holding pen as well as a silage storage area. There are no occupied dwellings in the sites vicinity. There are no existing animal housing sheds on site. 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 and ancillary concrete area. The proposed specifications are as follows:

- Floor Area: 129sqm (actual floor area)
- Maximum Height of proposed building: 4.7m
- Construction Material finishes: Metal cladding and concrete
- Ancillary concrete area of 152m²

Planning History

95/215 – John Larkin was granted permission for an extension to the existing dwelling house on site and the construction of a septic tank.

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 and Class 8 of Part 3 of Schedule 2: Exempted development -Rural

| Description of Development | Conditions and Limitations |
|---|--|
| <p><i>Agricultural Structures</i></p> <p>CLASS 6</p> <p><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></p> | <p>1.No such structure shall be used for any purpose other than the purpose of agriculture.</p> <p>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.</p> <p>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.</p> <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> |

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 proposed straw bedded shed, 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 300 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. There are no effluent management concerns
4. The proposed structure is to be located c.40m away from the public road.
5. The height of the proposed structure is a maximum of 4.7m which is within the conditions and limitations outlined under Class 6 above.
6. The development is not to be located within 100m of any 3rd party 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.

It is noted that an ancillary concrete hardstand is proposed as part of the development based on the site layout submitted. This needs to be assessed under Class 8 of Part 3 of Schedule 2: Exempted development – Rural, as follows:

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 300 square metres gross floor space in aggregate.
3. There are no effluent management concerns
4. The proposed structure is to be located c.50m away from the public road.
5. The height of the proposed structure is a maximum of 4.7m which is within the conditions and limitations outlined under Class 8 above.
6. The development is not to be located within 100m of any 3rd party 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 8 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 proposed straw bedded shed and ancillary concrete area at Shandoagh, Castlerea, Co. Roscommon falls within Class 6 and Class 8 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 proposed straw bedded shed and ancillary concrete area at Shandoagh, 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 and Class 8 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 construct a proposed straw bedded shed and ancillary concrete area at Shandoagh, Castlerea, Co. Roscommon is development.
- The works to construct a proposed straw bedded shed and ancillary concrete area at Shandoagh, Castlerea, Co. Roscommon fall within Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- Given that the development is within the exempted development provisions of Class 6 and Class 8 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 proposed straw bedded shed and ancillary concrete area at Shandoagh, 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: 20th December 2023



Liam Larkin,

Date: 28th November, 2023.

Planning Reference: DED 632

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

Development: Proposed straw bedded shed at Shankoagh, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 27th November, 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. **L01/0/225788** dated 27th November, 2023 refers.

Note: Please note your Planning Reference No. is **DED 632**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,



Tracy Davis,
Senior Executive Planner,
Planning Department.

c.c. Martin Dowd,
Rathcroghan Designs,
Ballinagare,
Castlerea,
Co. Roscommon.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

27/11/2023 15 24 05

Receipt No L01/0/225/88

MARTIN DOWD
C/O LIAM LARKIN

| | |
|---------------------------|-------|
| PLANNING APPLICATION FEES | 80 00 |
| GOODS | 80 00 |
| VAT Exempt/Non-vatable | |
| DED 632 | |

Total 80 00 EUR

Tendered
Credit/Debit Card 80 00
8236

Change 0 00

Issued By Bernadine Duignan
From Central Cash Office

Rathcroghan Designs

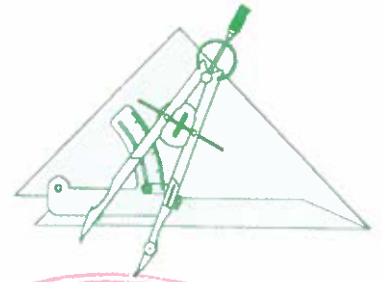
BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

Planning and Building Consultants

Associate Member of The Society Chartered Surveyors Ireland

MOBILE : 086 2328484 TEL/FAX : 071 9639983

Email – rathcroghandesigns@gmail.com



Planning Authority
Roscommon County Council
Aras An Chontae
Roscommon.

November 20th 2023

Dear sir or madam,

Please find enclosed letter of consent in relation to planning application for exempted development on behalf of [REDACTED]. I wish to pay the application fee by debit card. I would be obliged if you could contact me at your convenience so that I can give you card detail for payment.

Yours Sincerely

Martin Dowd Assoc SCSi
BSc (Construction Management)
Rathcroghan Designs
Ph. 086 2328484



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon
Phone: (090) 66 37100
Email: planning@roscommoncoco.ie

Roscommon County Council

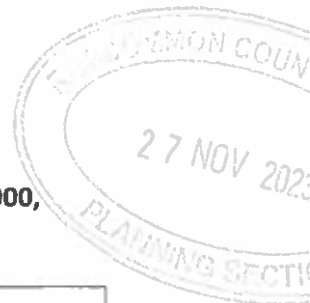
Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development



| | |
|--|---|
| Name: | LIAM LARKIN |
| Address: | [REDACTED] |
| Name & Address of Agent: | MARTIN DOWD RATHCROGHAN DESIGNS BALLINAGARE, CASTLEREA CO. ROSCOMMON |
| Nature of Proposed Works | STRAW BEDDED SHED |
| Location (Townland & O.S No.) | SHANKOAGH RN27 / RN033 / RN034 |
| Floor Area | 128.78 |
| Height above ground level | 4.705 mtrs |
| Total area of private open space remaining after completion of this development | N/A |
| Roofing Material (Slates, Tiles, other) (Specify) | PRE PAINTED SHEETING |
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | NAP PLASTER, GREY |
| 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 | 37.5 mtrs |
| 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:

M. G. O'Connell

Date:

24/11/23

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

PREPARED BY MARTIN DOWD RATHKROGHAN DESIGNS
BALLINAGAKE CASTLEREA CO. ROSCOMMON.



Tailte
Éireann

CENTRE
COORDINATES:
ITM 569467,774647

PUBLISHED: 23/11/2023 ORDER NO.: 50369988_1

MAP SERIES: 6 inch Raster
6 inch Raster
6 inch Raster
6 inch Raster
MAP SHEETS: GY002
RN026
RN027
RN033
RN034

COMPILED AND PUBLISHED BY:
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Phoenix Park,
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D08F6E4

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Site

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

OUTPUT SCALE: 1:10,560

Ordnance Survey Ireland

Planning Pack Map

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



Tailte
Éireann

CENTRE
COORDINATES:
ITM 569467,774647

PUBLISHED: 23/11/2023 ORDER NO.: 50369988_1

MAP SERIES: 1:5,000 MAP SHEETS: 2284

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Site Boundary ———
Land In Ownership ———

Adragool

River Suck
An tSuck

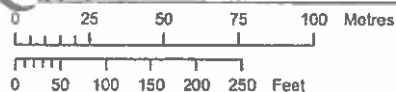
Seanchuach
Shankoaugh

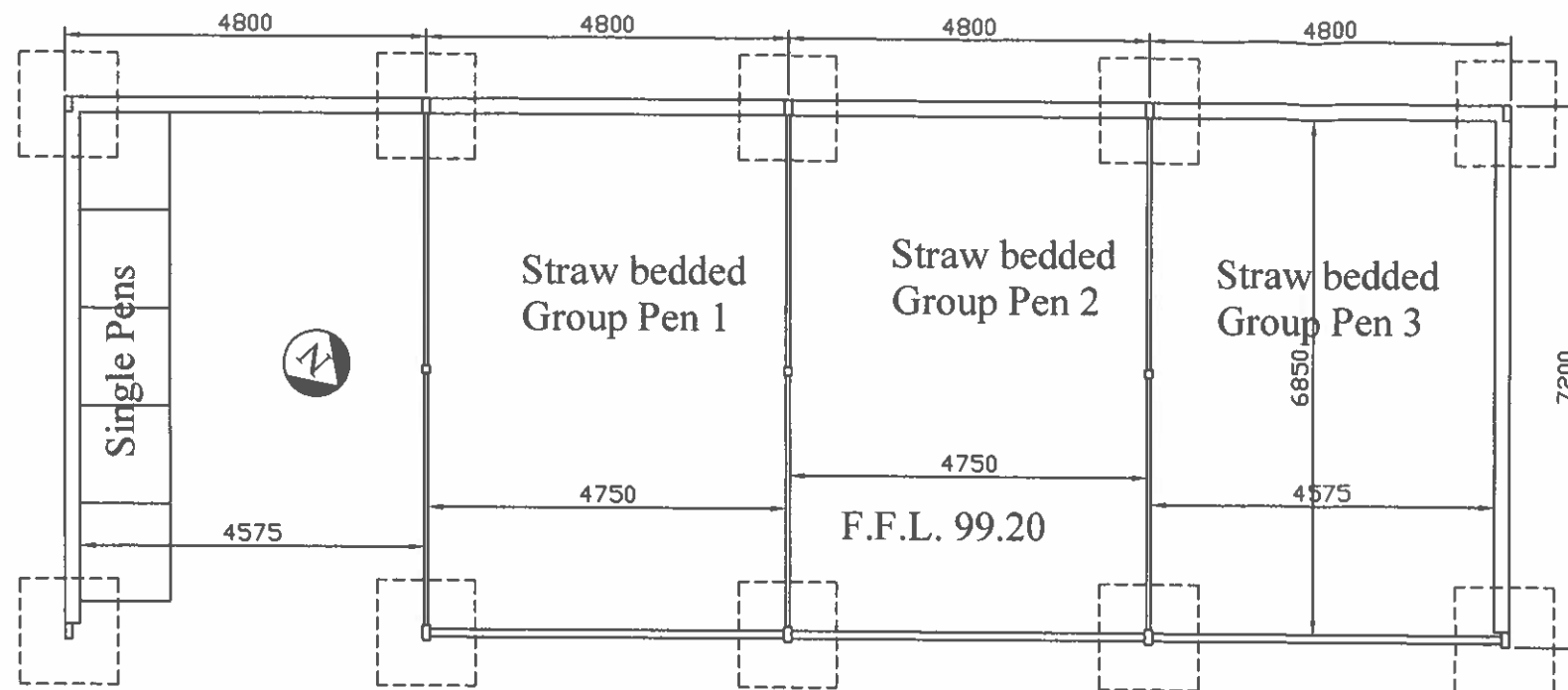
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Further information is available at:
www.osi.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'

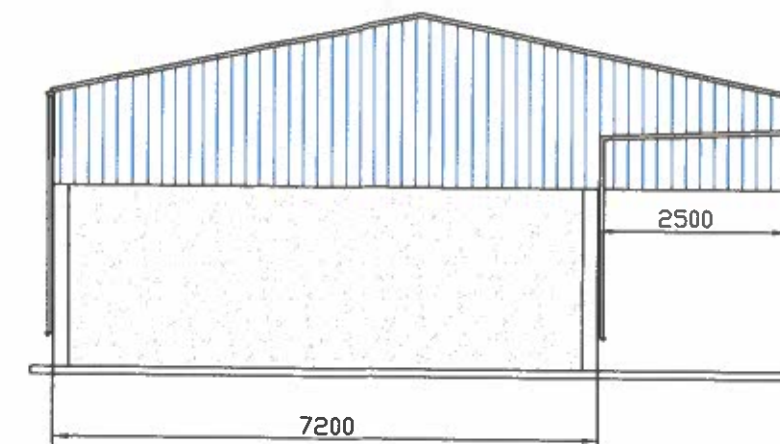


OUTPUT SCALE: 1:2,500

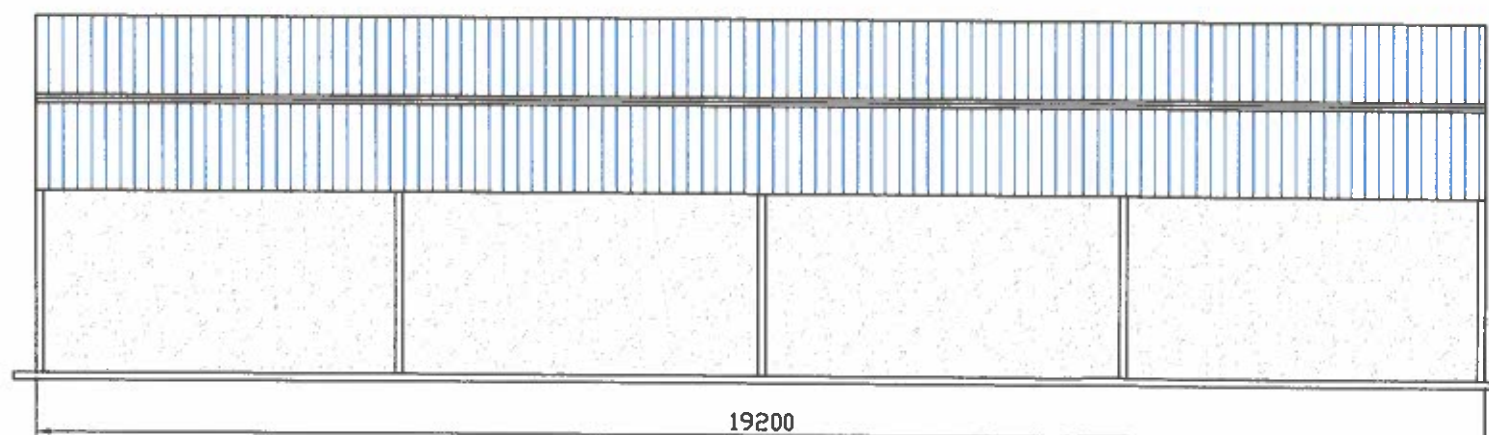




Sectional Floor Plan



South East Elevation



North East Elevation



RATHCROGHAN DESIGN

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



Client

Liam Larkin

Title

Straw Bedded Shed

Scale: *AS SHOWN UNLESS NOTED*

Drawn: *MARTIN DUNN*

Date: *06-09-2023*

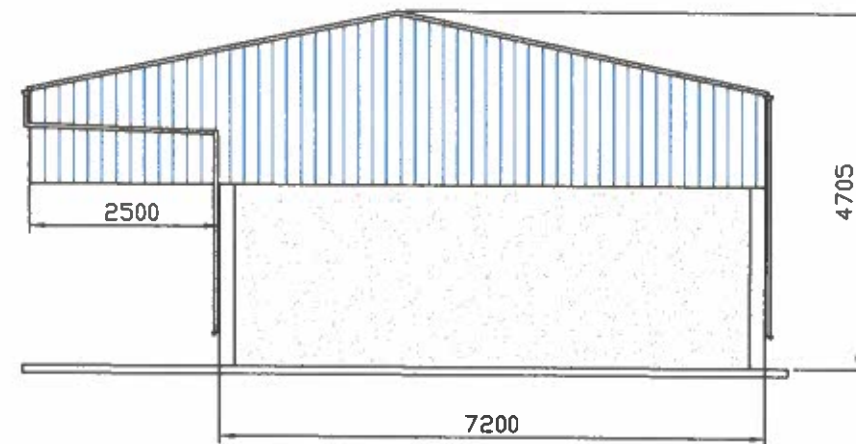
Sheet

2 OF 2

Draw. No.

21-111

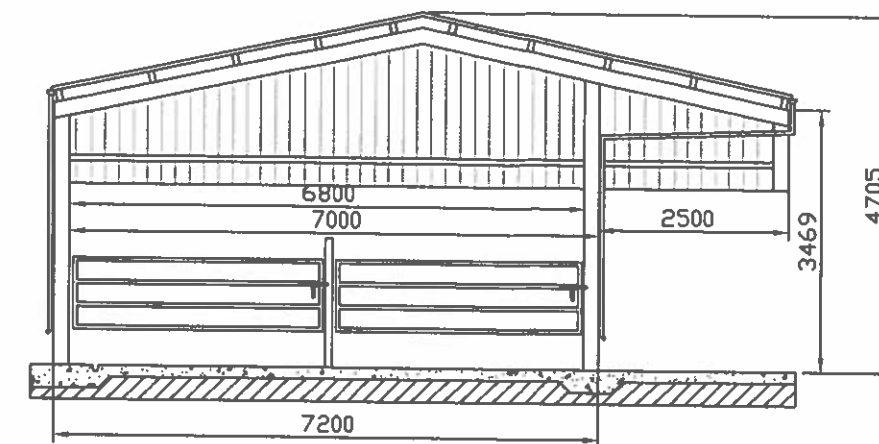
Date



North West Elevation

External Walls to be
Mass Concrete
using 37N concrete

Roof Material to be Prepainted Sheetting
on 150 x 75 Purlins secured to IPE 200 Rafters
carried by IPE 200 Stansions

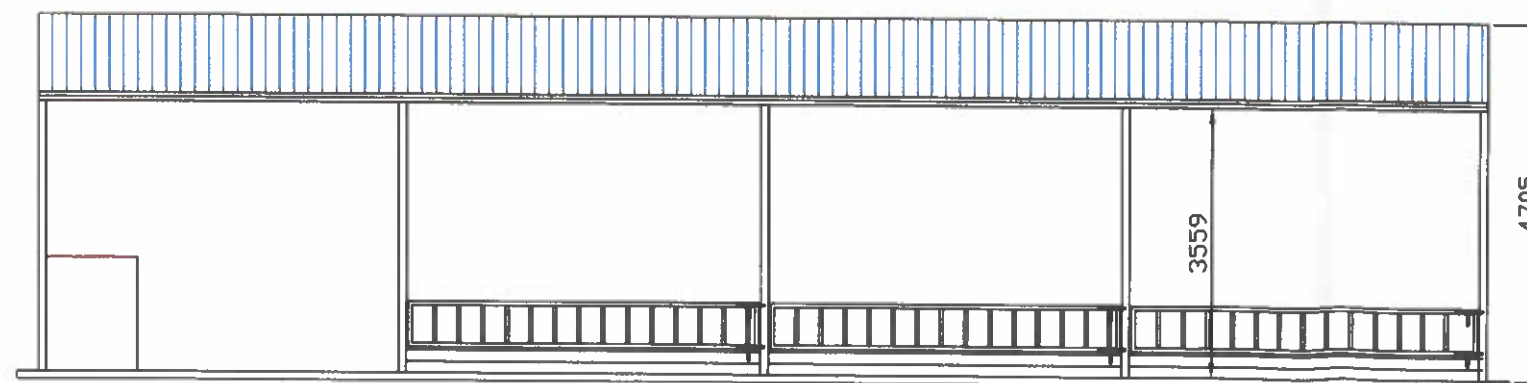


Sectional Elevation

Foundation to be 150 mm
37n concrete base on 150mm
S.R.6 Annex E compacted hardcore
Concrete base to be increased to
450mm under stanchions

Note

To be constructed to Dept of Agriculture
Specification S101 and S123



South West Elevation

RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon
Phn 086 2328484 E-mail rathcrogan@eircom.net



Client

Liam Larkin

Title

Straw Bedded Shed

Scale: **AS SHOWN UNLESS NOTED**

Drawn: **MARTIN DOWD**

Date: **06-09-2023**

Sheet

1 OF 2

Drwg. No.

21-111

Date

Schedule

1. Existing Dwelling Applicants Family Home
2. Existing General Purpose Shed Class 9 Rural 32m²
3. Existing Cattle Pen Class 8 Rural 61m²
4. Proposed Sheep Shed Class 6 Rural 128.78M²
- 5 Ancillary Concrete



N



Site Area 0.410 Ha

Public Road

Existing Entrance

RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon

Ph: 086 2328484

E-mail rathcroghandesigns@gmail.com



Client

Liam Larkin

Title

Site Layout

Scale: 1:500 UNLESS NOTED

Sheet

Draw. No.

Drawn: MARTIN DOWD

1 OF 1

23-214

Date: 22-09-2023