

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Joseph Gill,



Reference Number: DED 667
Application Received: 23rd February 2024
Name of Applicants: Joseph Gill
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a steel two bay lean-to-shed for general farm storage & machinery at Anrittabeg, Lanesboro, 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 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 works are development.
- (b) The construction of a steel two bay lean-to shed for general farm storage & machinery as described in this case is an exempted development, subject to the metal cladding been painted.
- (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 EIAR does not apply with respect to the current case.

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 development **to construct a steel two bay lean-to-shed for general farm storage & machinery at Anrittabeg, Lanesboro, Co. Roscommon., is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 11th April 2024

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

Reference Number: DED 667

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a steel two bay lean-to shed for general farm storage & machinery under the Planning & Development Act (Exempt Development) Regulations 2018 at Anratabeg, Lanesboro, Co. Roscommon.

Applicants: Joseph Gill

Date: 11th April 2024 (Inspection 10th April 2024)

WHEREAS a question has arisen as to whether to construct a steel two bay lean-to shed for general farm storage & machinery at Anratabeg, Lanesboro, 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 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 site is located in the townland of Anratabeg, Lanesboro, County Roscommon and appears to be in agricultural use. The site is accessed via an existing agricultural entrance off N-63 National Primary Road.

The proposed development consists of the construction of:

- (a) A steel two bay lean-to shed for general farm storage & machinery. The area of this structure is stated in documents lodged as 73m² and its overall height is stated as 4.26m.

The stated proposed use is agricultural. The structures are proposed to a building line stated as 18m from the public road edge.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are Lough Ree SPA (Site Code 004064) which is located circa 1.3km to the east and Corbo Bog SAC (Site Code 002349) which is located circa 1.2km to the west.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, planning file 12/120 is relating or beside the subject site. This file is in relation to the demolition and reconstruction of a dwelling house and associated works.

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 steel two bay lean-to shed for general farm storage & machinery constitutes development, as defined in Section 3 of the said Act.

The proposed storage shed (73m2 stated):

The construction of a proposed steel two bay lean-to shed for general farm storage & machinery appears to come within the scope of Class 9 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 9

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.

Column 2 - Conditions and Limitations

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.
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.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
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.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Assessment:

The proposed development is a roofed structure intended for general farm storage & machinery, it is stated as having floorspace of 73m² and therefore appears to be within the criteria for consideration as exempted development under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

With regard to the compliance with the conditions and limitations of Class 9 of Part 3 of Schedule 2 (Exempted Development - Rural) the following assessment sets out how these apply to the current proposal:

1. As per the submitted details the proposed use of the structure is agriculture.
2. The gross floor space of the structure together with any other such structures situated within 100 metres will not exceed 900 square metres gross floor space in aggregate.
3. Proposed structure is stated to be more than 10 metres of the public road.
4. Proposed structure is stated to be less than 8 metres in height.
5. The structure will not be situated within 100 metres of any house (other than a house on the opposite side of the public road which the applicant has stated in documents provided is the applicants family home).
6. Metal cladding is proposed, this metal cladding must be painted.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a steel two bay lean-to shed for general farm storage & machinery as described 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 Assessment Report or Natura Impact Statement 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 a NIS is required.

Recommendation

WHEREAS a question has arisen as to whether to construct a steel two bay lean-to shed for general farm storage & machinery at Anratabeg, Lanesboro, 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 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 a steel two bay lean-to shed for general farm storage & machinery as described in this case is an exempted development, subject to the metal cladding been painted.
- 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 EIAR 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: 
Civil Technician

Date: 11th April 2024

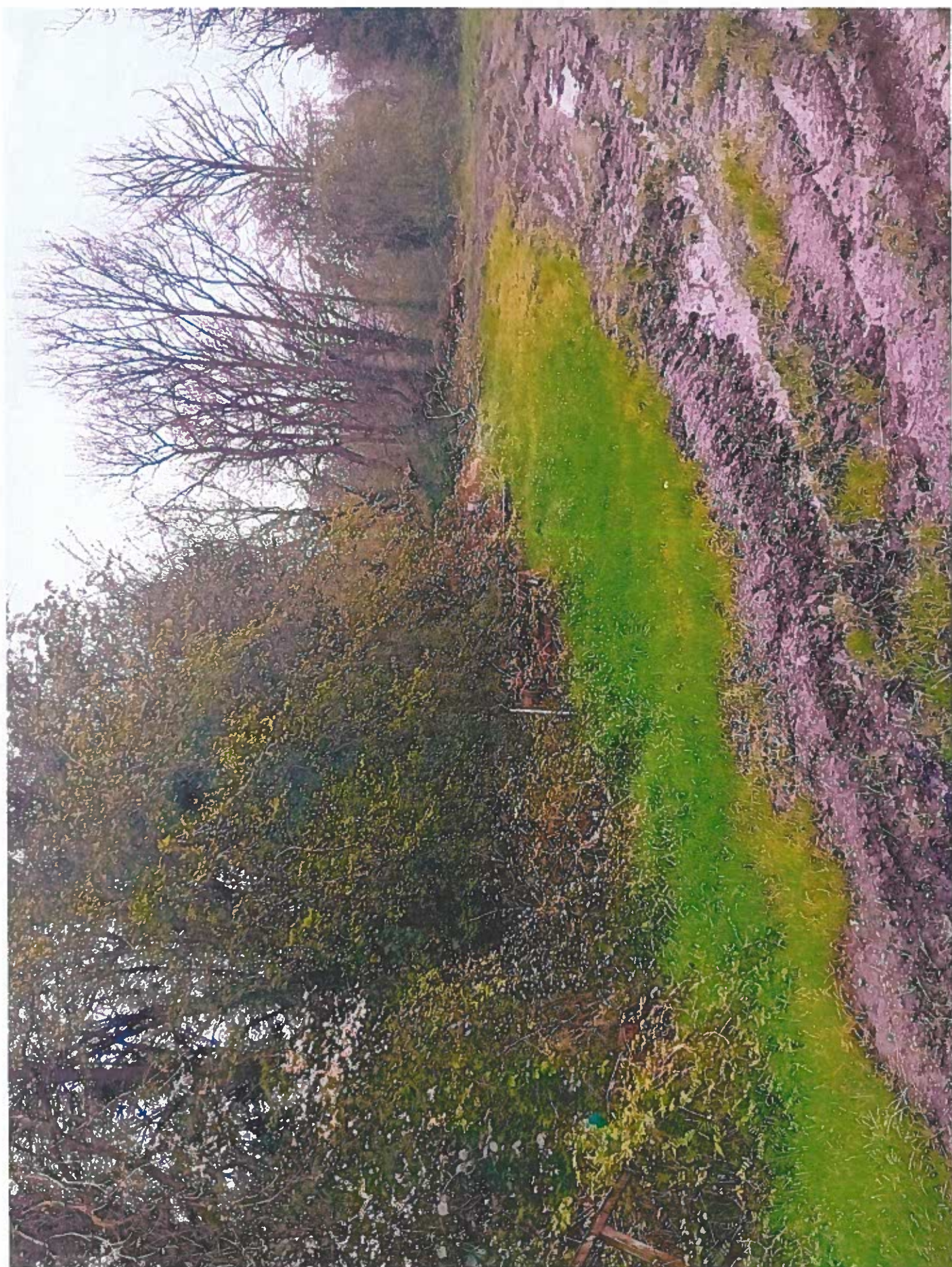

Signed:
Senior Executive Planner

Date: 11th April 2024







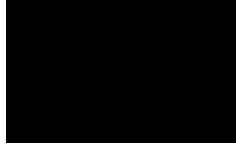




Comhairle Contae
Ros Comáin
Roscommon
County Council



Joseph Gill,



Date: 23rd February 2024

Planning Reference: DED 667

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

Development: Permission to build a steel two bay lean-to shed for general farm storage & machinery under the Planning & Development Act (Exempt Development) Regulations 2018 at Anrittabeg, Lanesboro, Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 23rd February 2024, 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. **L01/0/227241** dated 23rd February 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 667**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

23/02/2024 14:31:41

Receipt No : L01/0/227241

JOSEPH GILL

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED667	

Total : 80 00 EUR

Tendered : 80 00
Cheque
210

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

Roscommon County Council

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

Name:	J. Gill
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	BUILD OF STEEL TWO BAY LEAN-TO SHED FOR GENERAL FARM STORAGE + MACHINERY
Location (Townland & O.S No.)	ANRITTABEG
Floor Area	73m ²
Height above ground level	MAX 14'
Total area of private open space remaining after completion of this development	DERIVED AREA ADJACENT TO YARD
Roofing Material (Slates, Tiles, other) (Specify)	METAL CLADDING, GREY
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	CONCRETE TO 1.5M FROM FLOOR, METAL CLADDING ABOVE
Is proposed works located at front/rear/side of existing house.	IN SEPARATE YARD

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	N/A
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	UNUSED
Proposed use of land or structure	DRY WOODS + MACHINERY STORAGE
Distance of proposed building line from edge of roadway	CLOSEST CORNER 18 M
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	N/A

Signature:

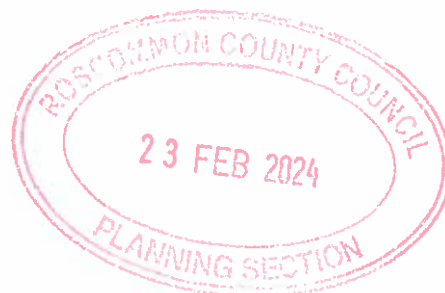
J. Cullen

Date:

22 Feb 2024

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



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CENTRE COORDINATES:
ITM 596729.768548

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MAP SERIES: 1:5,000
MAP SHEETS: 2416

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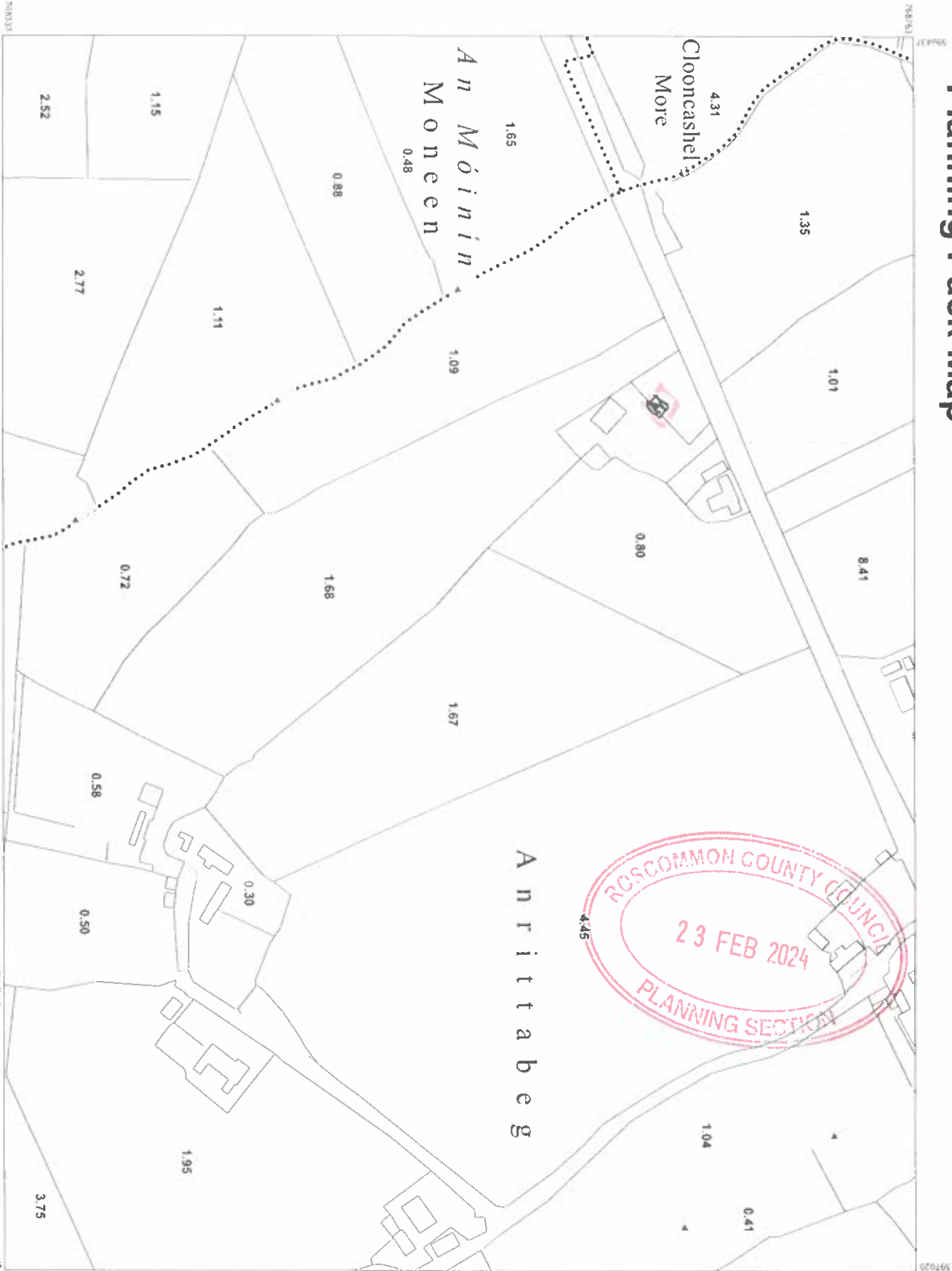
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OUTPUT SCALE: 1:2,500

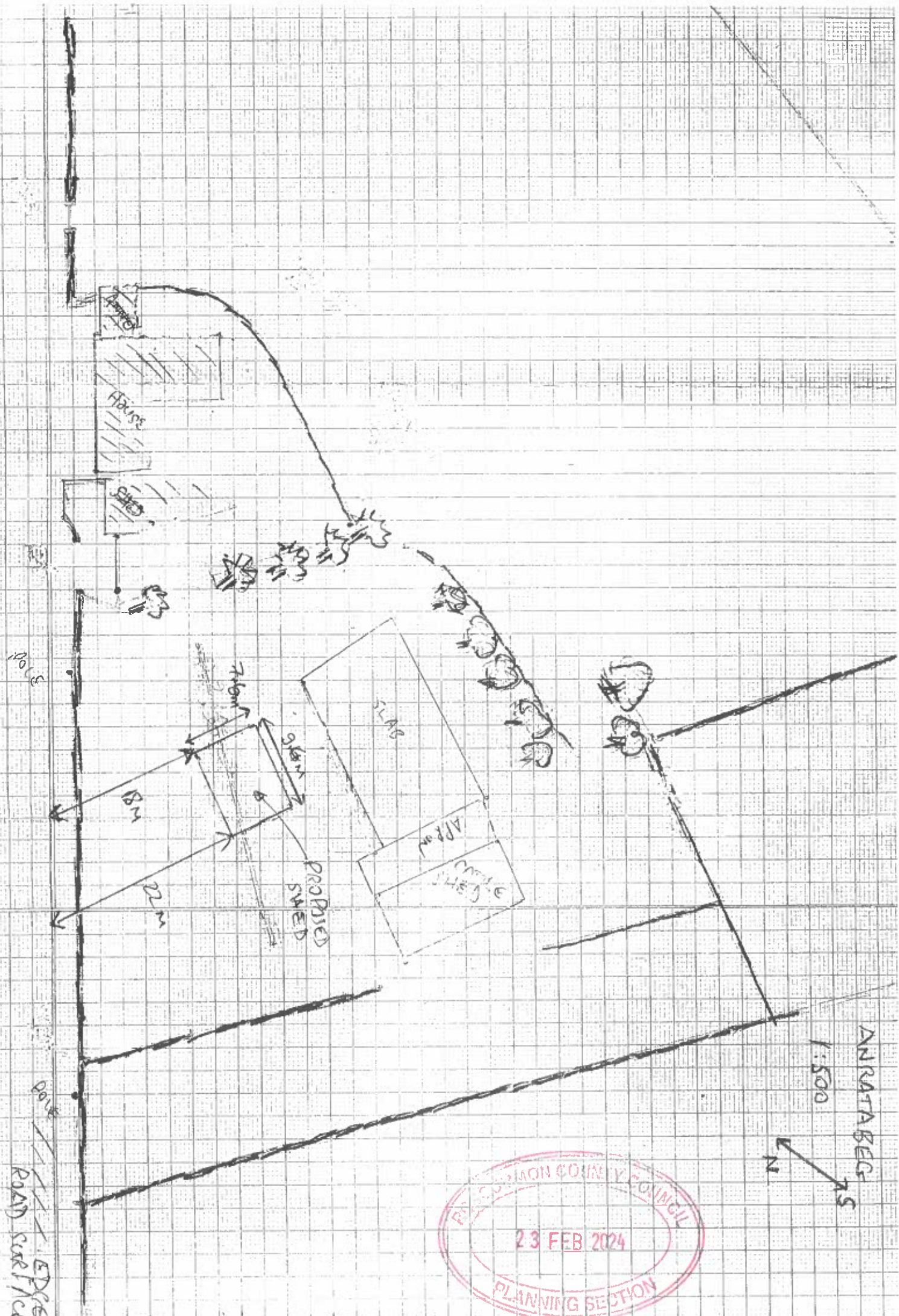
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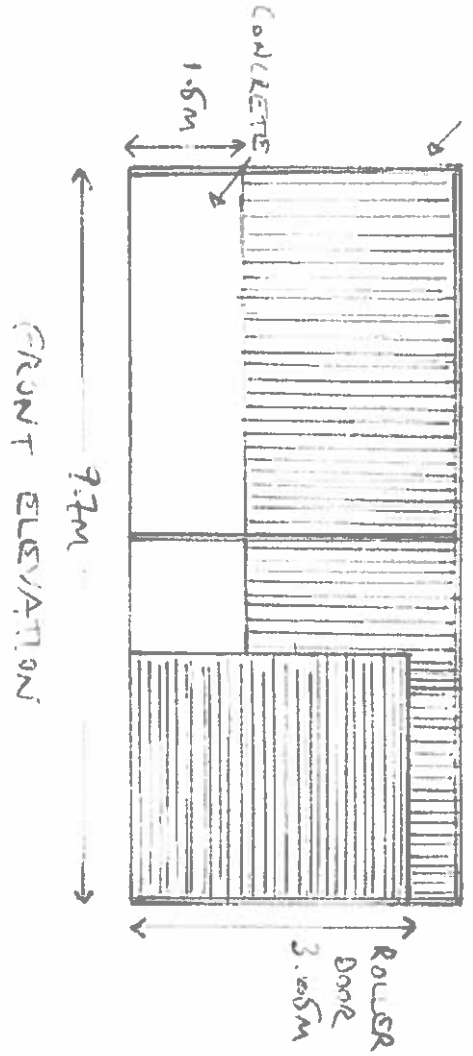
LEGEND:

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METAL CLADDING



ANRATABEG
1:100

