

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Michael Kelly,



Reference Number: DED 669  
Application Received: 28<sup>th</sup> February 2024  
Name of Applicants: Michael Kelly  
Agent: Padraic Durkan, Main Street, Elphin, Co. Roscommon.

**WHEREAS** a question has arisen as to whether the construction of a 4 bay hay/straw storage shed and all associated works at Carnakitt, Tulsk, 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 new 4 bay hay/straw storage shed and all associated works as described in this case is an 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 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 4 bay hay/straw storage shed and all associated works at Carnakitt, Tulsk, 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: 11<sup>th</sup> April 2024**

## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Thursday 11 April 2024 14:47  
**To:** padraic.durkan1@gmail.com  
**Subject:** DED669 - Michael Kelly  
**Attachments:** DED669 - Notification of Decision.pdf; DED669 - Plans.pdf

Dear Padraic,

Please find attached Notification of Decision together with stamped Plans for DED Application 669. A hard copy will be issued to the applicant today.

Regards,

Carmel

**Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98  
☎: (090) 6637100**

✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**MAP LOCATION**



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

**Reference Number:** DED 669

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a new 4 bay hay/straw storage shed and all associated works under the Planning & Development Act (Exempt Development) Regulations 2018 at Carnakitt, Tulsk, Co. Roscommon.

**Applicants:** Michael Kelly

**Date:** 11<sup>th</sup> April 2024 (Inspection 10<sup>th</sup> April 2024)

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WHEREAS a question has arisen as to whether to construct a new 4 bay hay/straw storage shed and all associated works at Carnakitt, Tulsk, 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 Carnakitt, Tulsk, County Roscommon and appears to be in agricultural use. The site is accessed via an existing agricultural entrance off L-5661 Local Primary Road.

The proposed development consists of the construction of:

- (a) A four bay hay/straw storage shed structure with all associated works. The area of this structure is stated in documents lodged as 184.3m<sup>2</sup> and its overall height is stated as 6.055m.

The stated proposed use is agricultural. The structures are proposed to a building line stated as 55.4m 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 Mullygollan Turlough SAC (Site Code 000612) which is located circa 2.3km to the south and Bellanagare Bog SAC (Site Code 000592) which is located circa 7.6km to the northwest.

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, no recent planning history has been traced relating 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". 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 4 bay hay/straw storage shed and all associated works constitutes development, as defined in Section 3 of the said Act.

#### **The proposed storage shed (184.3m<sup>2</sup> stated):**

The construction of a proposed 4 bay hay/straw storage shed and all associated works 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 the storage of hay/straw, it is stated as having floorspace of 184.3m<sup>2</sup> 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. Letter from neighbour within 100m of the proposed structure provided stating no objection to the development.
6. Painted sheet cladding is proposed.

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 new 4 bay hay/straw storage shed and all associated works 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 new 4 bay hay/straw storage shed and all associated works at Carnakitt, Tulsk, 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 new 4 bay hay/straw storage shed and all associated works as described in this case is an 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 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: 11<sup>th</sup> April 2024

  
Signed:  
Senior Executive Planner

Date: 11<sup>th</sup> April 2024













## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Wednesday 28 February 2024 15:29  
**To:** padraic.durkan1@gmail.com  
**Subject:** DED 669 - Michael Kelly  
**Attachments:** DED 669 - Ack & Receipt.pdf

Dear Padraic,

Please see attached acknowledgement for Application for Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development – reference number DED 669 for Michael Kelly.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98  
☎: (090) 6637100

✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Michael Kelly,



**Date:** 28<sup>th</sup> February 2024

**Planning Reference:** DED 669

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

**Development:** Permission to construct a new 4 bay hay/straw storage shed and all associated works under the Planning & Development Act (Exempt Development) Regulations 2018 Carnakitt, Tulsk, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 28<sup>th</sup> 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. **L01/0/227299** dated 28<sup>th</sup> February 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 669**  
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  
09066 37100

28/02/2024 12:19:58

Receipt No : L01/0/227299

MICHAEL KELLY  
C/O PADRAIC DURKAN  
MAIN ST.  
ELPHIN  
CASTLEREA

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 689

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
000554

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office





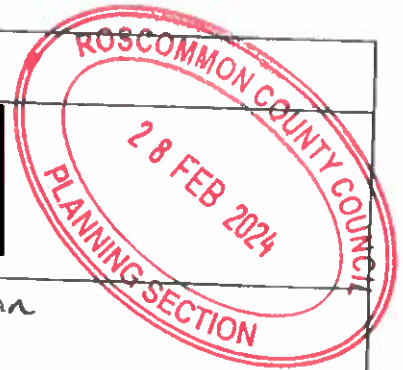
Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

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

## Roscommon County Council

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

Name:	Michael KELLY
Address:	[REDACTED]
Name & Address of Agent:	Padraic Dueran Main ST Elphin Castlerea Co Roscommon
Nature of Proposed Works	To Construct a new 4 Bay Hay/STRAW storage shed and all associated works @
Location (Townland & O.S No.)	CARNAKIT Td OS No:
Floor Area	184.3 M <sup>2</sup>
Height above ground level	6.05 M
Total area of private open space remaining after completion of this development	N/A.
Roofing Material (Slates, Tiles, other) (Specify)	Agri cladding to Dept of Agriculture Specifications
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Agri cladding to within 0.8 metres from floor level to eaves with Dept of Agriculture Specifications.
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	N/A
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 Hay/Straw Store
Distance of proposed building line from edge of roadway	55.4 meters
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:

*Michel KBB*

Date:

20/2/24

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

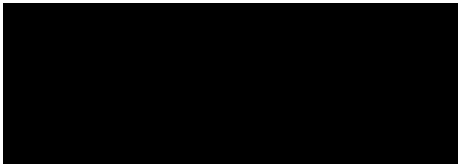


21<sup>st</sup> February 2024

Carnakit  
Tulsk  
Co Roscommon

To Whom it May Concern

I, [REDACTED] have no objection to the construction of a New 4 Bay Hay/Straw Storage Shed on the lands of Michael Kelly. 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



Tailte  
Éireann

CENTRE  
COORDINATES:

ITM 578989,782016

PUBLISHED:  
20/02/2024

ORDER NO.:  
50384124\_1

MAP SERIES:  
1:5,000

MAP SHEETS:  
2160

COMPILED AND PUBLISHED BY:

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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781801

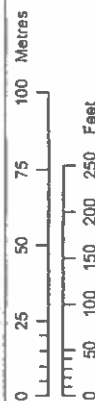
579260



LEGEND:  
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'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:

OUTPUT SCALE: 1:2,500



578697

57

# Site Location Map



Tailte  
Éireann

**CENTRE COORDINATES:**  
ITM 578989,782016

**PUBLISHED:**  
20/02/2024

**ORDER NO.:**  
50384124\_1

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster  
RN021  
RN022

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

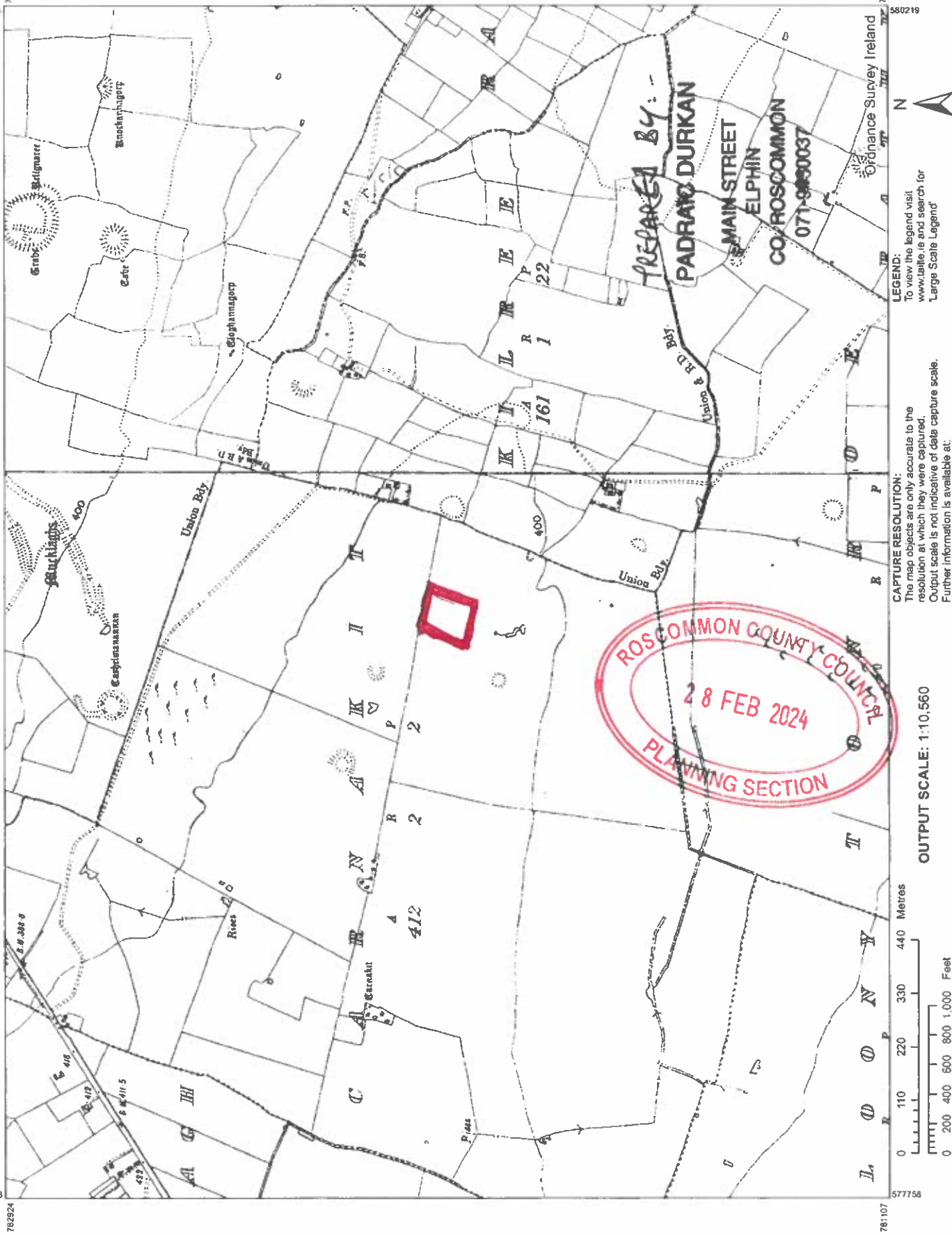
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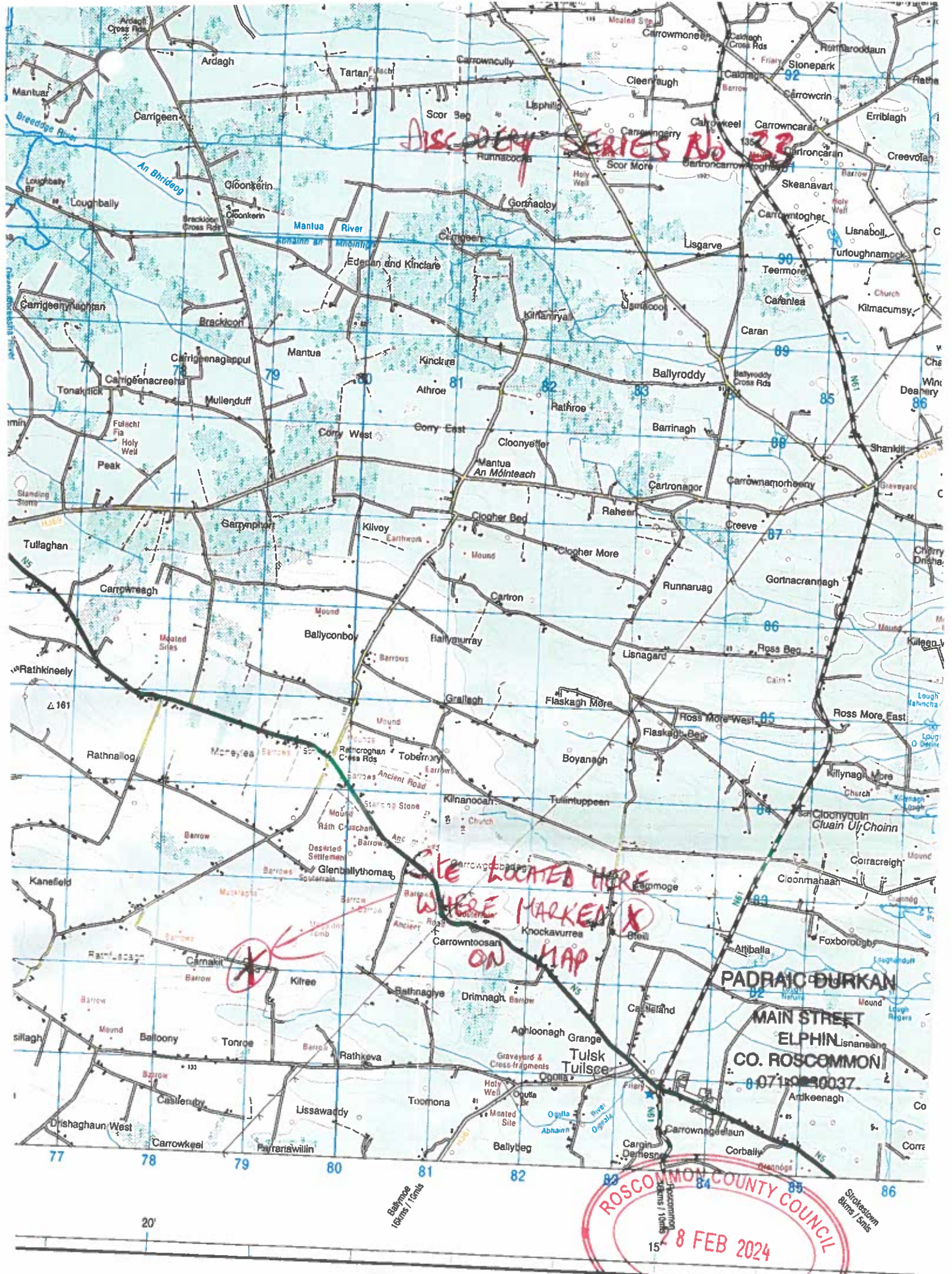


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Further information is available at:  
[www.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

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

**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'





DISCOVERY SERIES No 32

SITE LOCATED HERE  
WHERE MARKED X  
ON MAP

PADRAIC DUKAN  
MAIN STREET  
ELPHIN  
CO. ROSCOMMON  
0719010037

ROSCOMMON COUNTY COUNCIL  
8 FEB 2024  
PLANNING SECTION

LC  
Crosaire comhréach  
Level Crossing  
Passage à niveau

Scale 1:50,000  
1:50,000



# Planning Exemption Drawing

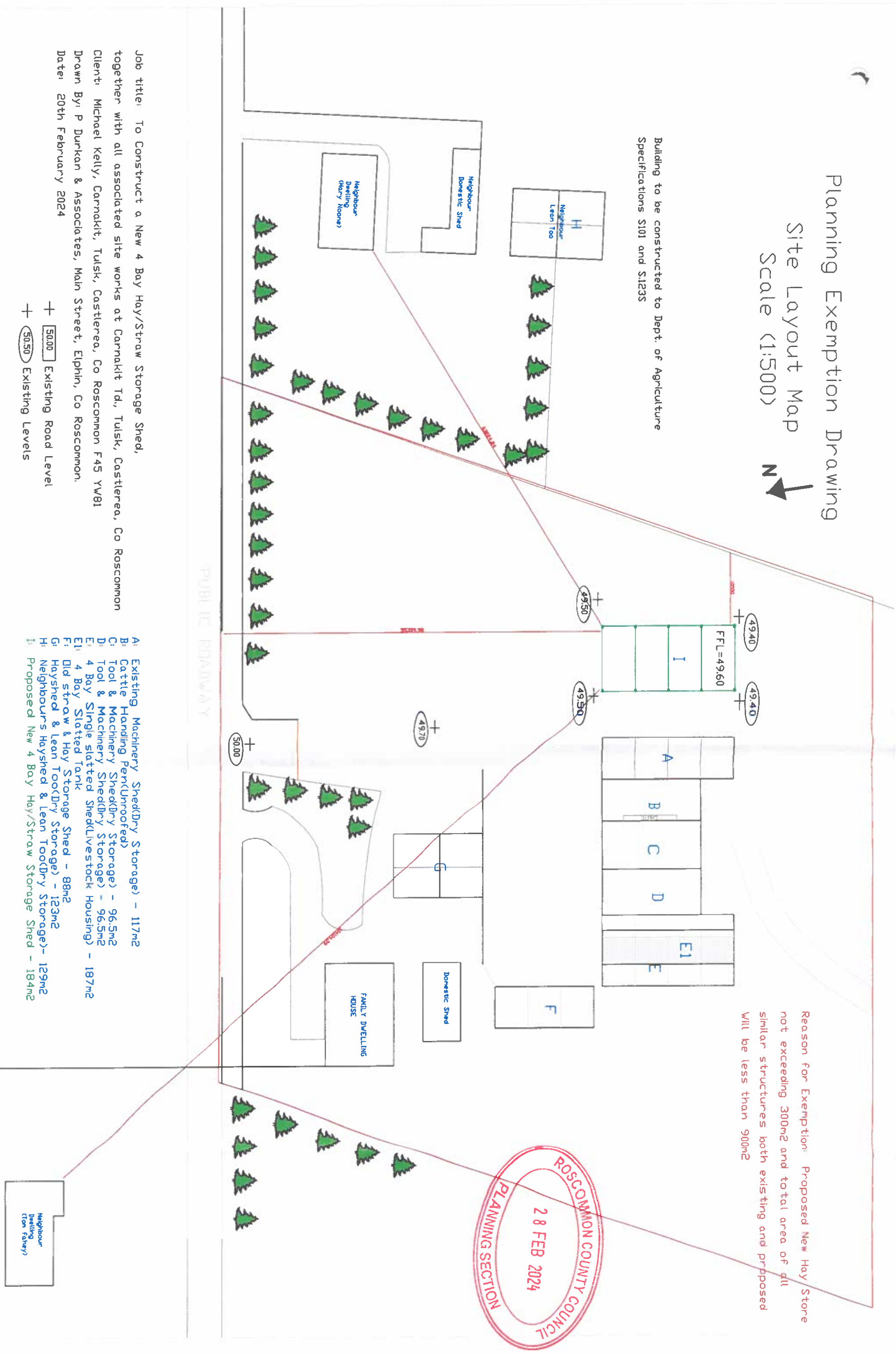
## Site Layout Map

Scale (1:500)



Building to be constructed to Dept. of Agriculture Specifications S101 and S123S

Reason for Exemption: Proposed New Hay Store not exceeding 300m<sup>2</sup> and total area of all similar structures both existing and proposed will be less than 900m<sup>2</sup>



- A: Existing Machinery Shed(Dry Storage) - 117m<sup>2</sup>
- B: Cattle Handling Pen(Unroofed)
- C: Tool & Machinery Shed(Dry Storage) - 96.5m<sup>2</sup>
- D: Tool & Machinery Shed(Dry Storage) - 96.5m<sup>2</sup>
- E: 4 Bay Slatted Shed(Livestock Housing) - 187m<sup>2</sup>
- E1: 4 Bay Slatted Tank
- F: Hayshed & Hay Storage Shed - 88m<sup>2</sup>
- G: Hayshed & Lean To(Dry Storage)- 123m<sup>2</sup>
- H: Neighbours Hayshed & Lean To(Dry Storage)- 129m<sup>2</sup>
- I: Proposed New 4 Bay Hay/Straw Storage Shed - 184m<sup>2</sup>

- + 50.00 Existing Road Level
- + 50.50 Existing Levels

Job title: To Construct a New 4 Bay Hay/Straw Storage Shed, together with all associated site works at Carnakit Td, Tulsk, Castlereagh, Co Roscommon  
 Client: Michael Kelly, Carnakit, Tulsk, Castlereagh, Co Roscommon F45 YW81  
 Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon.  
 Date: 20th February 2024

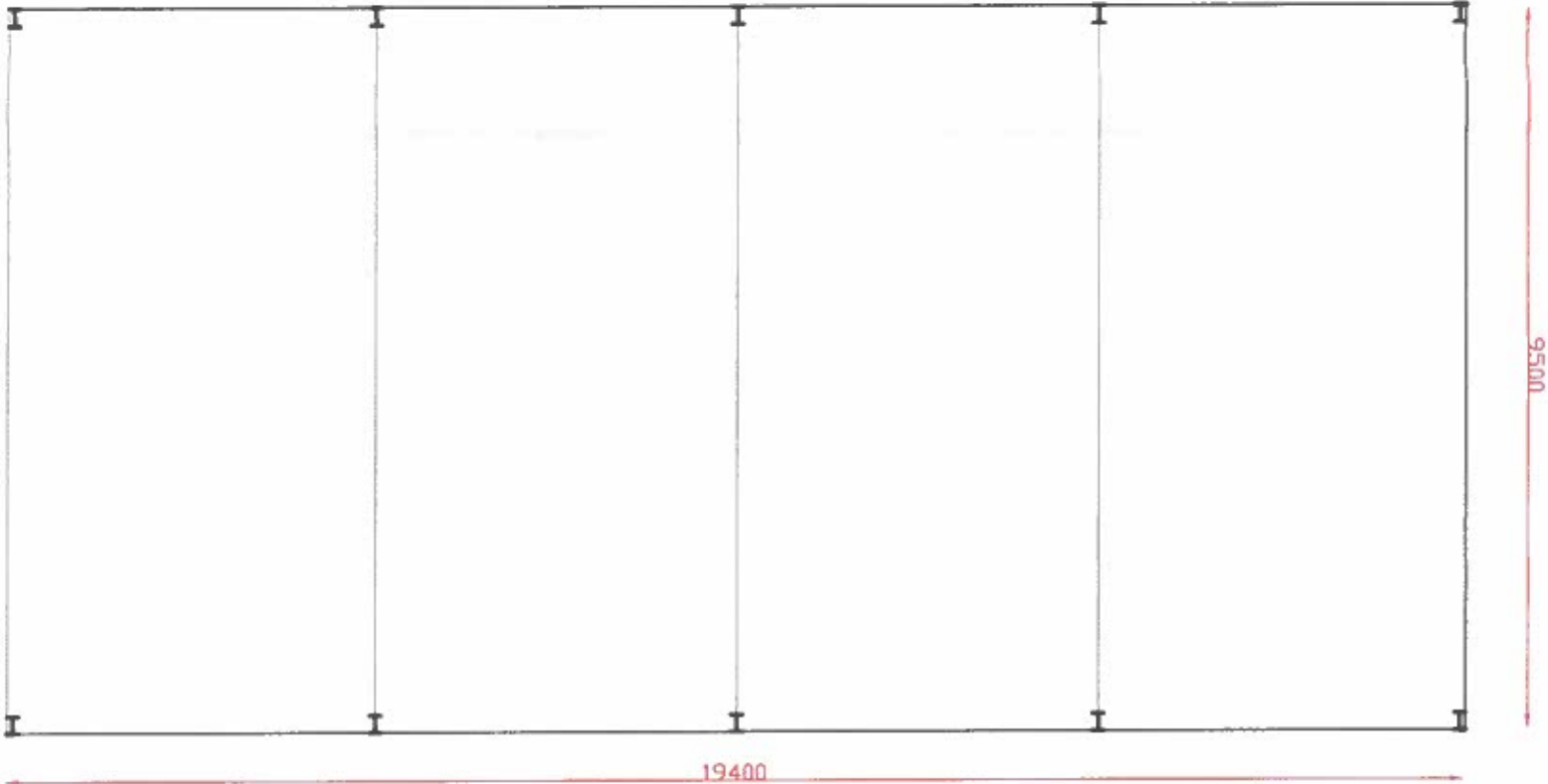
Planning Exemption Drawing  
Plan View



Scale 1:100

Job Title: To Construct a New 4 Bay Hay/Straw Storage Shed,  
together with all Associated Site Works at Carnakit Townland.  
Client: Michael Kelly, Carnakit, Tusk, Castlereagh, Co Roscommon F45 YW81  
Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon  
Date: 20th February 2024

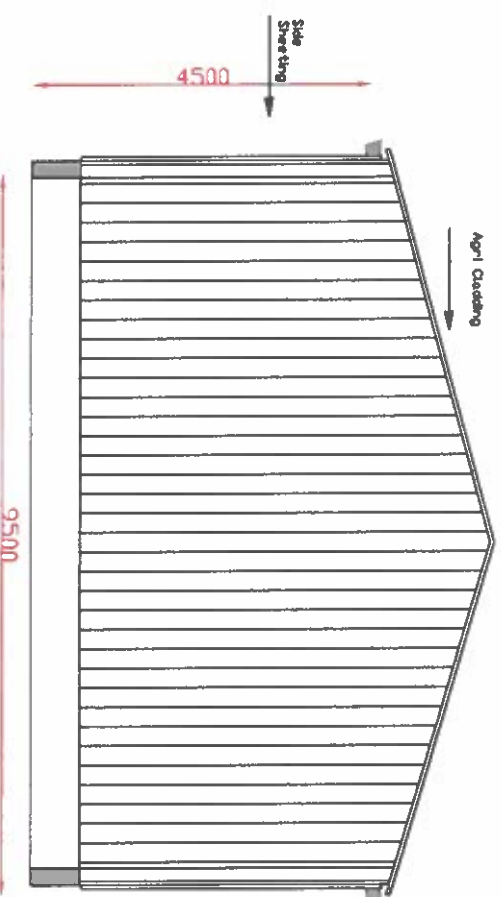
Building to be constructed to Dept  
of Agriculture Specifications S101 & S104



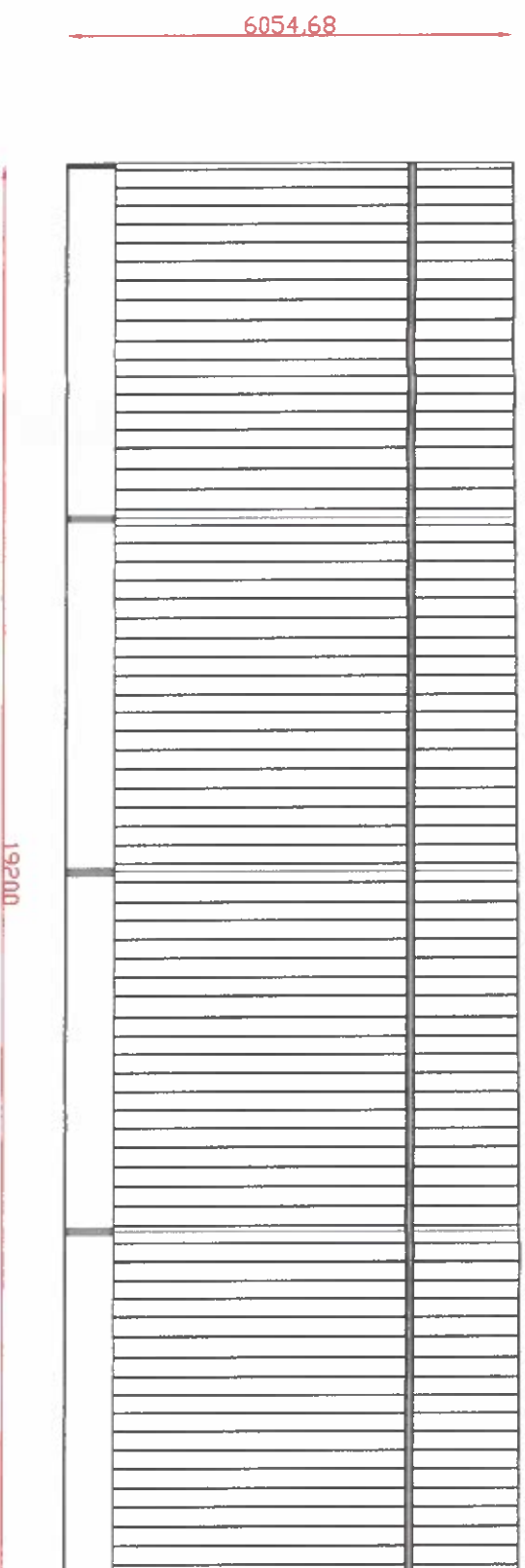
# Planning Exemption Drawing End & Side Elevation

Scale 1:100

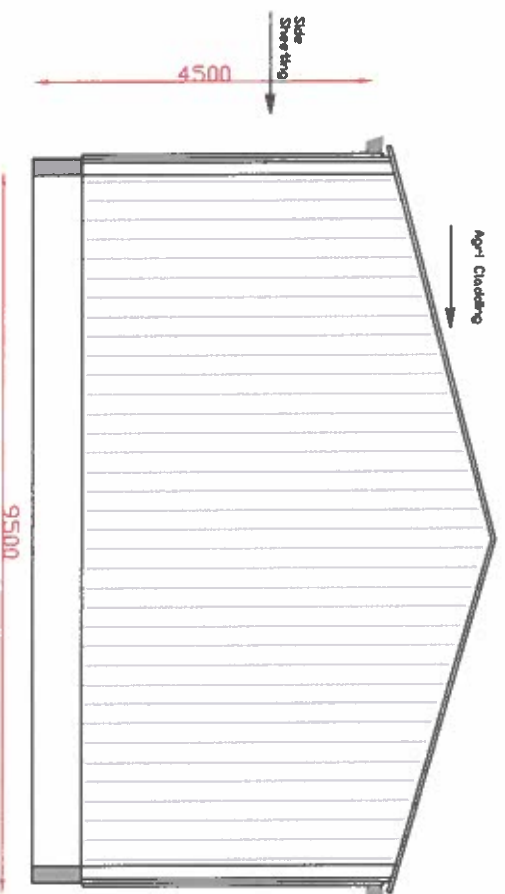
## End Rear Elevation



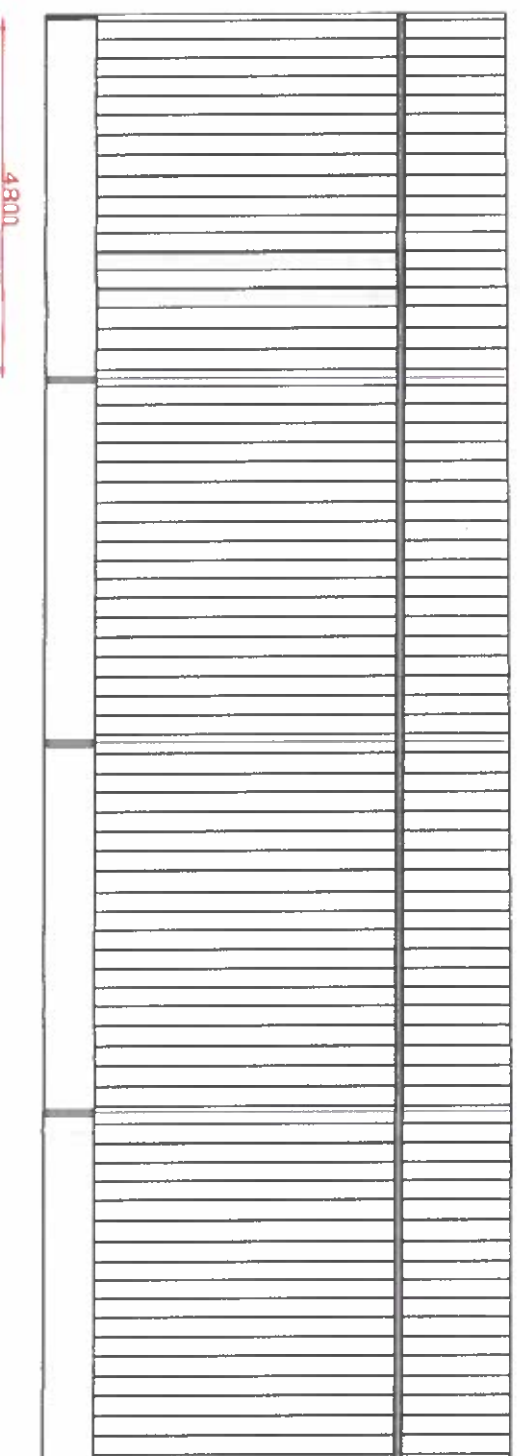
## Side Rear Elevation



## End Front Elevation



## Side Front Elevation



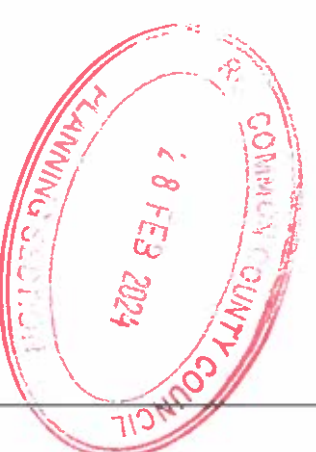
Job Title: To Construct a New 4 Bay Hay/Straw Storage Shed, together with all Associated Site Works at Carnakit Townland.

Client: Michael Kelly, Carnakit, Tusk, Castlereagh, Co Roscommon F45 YW81

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

Date: 20th February 2024

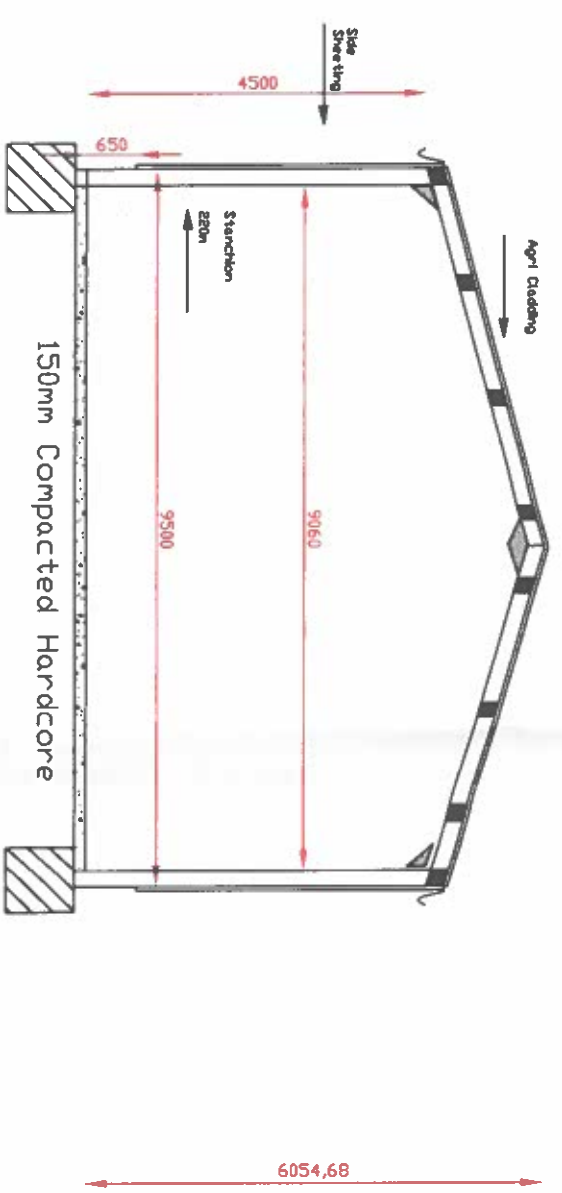
Building to be constructed to Dept of Agriculture Specifications S101, S104 any relevant Specifications



# Planning Exemption Drawings

## Cross Section

Scale 1:100



Job Title: To Construct a New 4 Bay Hay/Straw Storage Shed,  
together with all Associated Site Works at Carnakit Townland.  
Client: Michael Kelly, Carnakit, Tuisk, Castierea, Co Roscommon F45 YW81  
Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon  
Date: 20th February 2024

Building to be constructed to Dept  
of Agriculture Specifications S101, S104  
and any relevant Specifications

