

ROSCOMMON COUNTY COUNCIL

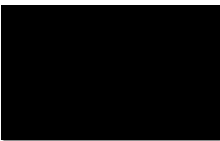
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James Beirne,



Reference Number: DED 706
Application Received: 15th May 2024
Name of Applicants: James Beirne
Agent: Rathcroghan Design, Ballyconboy, Ballinagare, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a manure pit and all associated site works at Carrownagashel, Boyle, Co. Roscommon, F52 X489, 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 mature pit 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 manure pit and all associated site works at Carrownagashel, Boyle, Co. Roscommon, F52 X489, 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: 17th June 2024

cc agent via email: **Martin Dowd**
rathcroghandesigns@gmail.com

Carmel Curley

From: Carmel Curley
Sent: Monday 17 June 2024 12:50
To: Martin Dowd
Subject: DED706 - James Beirne
Attachments: DED706 - Maps.pdf; DED706 - Notification of Decision.pdf

Hi Martin,

Please see attached Notification of Decision for DED Application 706 for James Beirne. I have also attached the stamped Maps. A hard copy will issue 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 | 🌐 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 706

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a mature pit and all associated works under the Planning & Development Act (Exempt Development) Regulations at Carrownagashel, Boyle, Co. Roscommon (F52 X489).

Applicants: James Beirne

Date: 17th June 2024 (Inspection 12th June 2024)

WHEREAS a question has arisen as to whether to construct a mature pit and all associated works at Carrownagashel, Boyle, 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 Carrownagashel, Boyle, Co. Roscommon and appears to be in agricultural use. The site is accessed via an existing agricultural entrance off L-5060 Local Primary Road.

The proposed development consists of the construction of:

- (a) A mature pit with all associated works. The area of this structure is stated in documents lodged as 72m² and its overall height is stated as 5.53m.

The stated proposed use is agricultural. The structures are proposed to a building line stated as 74.22m 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 Fin Lough PNHA (Site Code 001636) which is located circa 3.2km to the north east and Drumman's Island (Lough Key) PNHA (Site Code 001633) which is located circa 3.6km to the north.

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, recent planning history relating to the subject site.

- 18/386 – Construction of a 3 bay slatted shed.

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 mature pit and all associated works constitutes development, as defined in Section 3 of the said Act.

The proposed storage shed (72m² stated):

The construction of a proposed mature pit 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.

Class 9 of Part 3 of Schedule 2: Exempted development - Rural

Description of Development	Conditions and Limitations
CLASS 9 <i>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.</i>	<ol style="list-style-type: none">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.

	<ol style="list-style-type: none"> 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.
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Assessment:

The proposed development is a roofed structure intended for the storage of mature, it is stated as having an area of 72m² 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. Structure within 100m of the proposed structure is stated to be the applicants family home.
6. Prepainted sheeting 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 mature pit 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 mature pit and all associated works at Carrowmagashel, Boyle, 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 mature pit 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: 17th June 2024


Signed:
Senior Executive Planner

Date: 17th June 2024







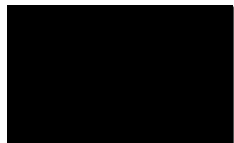




Comhairle Contae
Ros Comáin
Roscommon
County Council



James Beirne,



Date: 15th May 2024
Planning Reference: DED 706

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct a manure pit and all associated site works under the Planning & Development Act (Exempt Development) Regulations 2018 at Carrownagashel, Boyle, Co. Roscommon, F52 X489.

A Chara,

I wish to acknowledge receipt of your application which was received on the 9th May 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. L01/0/228581 dated 15th May 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 706**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc agent via email: Martin Dowd
rathcroghandesign@gmail.com

Roscommon County Council
Ara an Chontae
Roscommon
09086 37100

15/05/2024 12:22:00

Receipt No.: L01/0/228581

JAMES BEIRNE
C/O MARTIN DOWD
BALLINAGARE
CASTLEREA
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 706	

Total	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
8236	

Change	0.00
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Issued By: Bernadine Duignan
From: Central Cash Office

Rathcroghan Designs

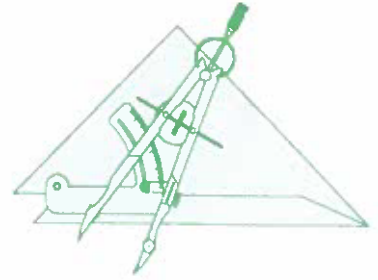
BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

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.



07/05/2024

Exempted Development

Dear Sir or Madam,

Please find enclosed Application for Exempted development for my client, [REDACTED]

I would appreciate if you could please call me at the above number, to make payment of fees via card details.

Yours Sincerely

Martin Dowd Assoc SCSi
Bsc (Construction Management)



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100
Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding Exempted Development

Name of Applicant(s)	JAMES BEIRNE
Name of Agent	MARTIN DOWD
Nature of Proposed Works	CONSTRUCT LAURE PIT AND ASSOCIATED SITE WORKS
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CARROWNAGASHEL BOYLE CO. ROSCOMMON F52X489
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>830 m²</u> b) <u>72 m²</u>
Height above ground level:	5.53 m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED SHEETING

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	KAP PLASTER
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	PD/18/386
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL
Distance of proposed building line from edge of roadway	74.22 m
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.

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: Mark Del (AGENT)

Date: 7/5/24

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) Detailed specification of development proposed



Planning Pack Map

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



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CENTRE
COORDINATES:
ITM 584792.80 174119.9

PUBLISHED:
07/05/2024
ORDER NO.:
50398955_1

MAP SERIES:
1:5,000
1:5,000
MAP SHEETS:
1741
1802



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800684

585083

Site Boundary
Land In Ownership

Carrownagashel

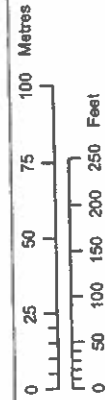
Rushen

Carrowmore

LEGEND:
To view the legend visit
www.taite.ie and search for
'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
www.taite.ie; search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



800684

584500

Client

James Beirne






Title



Site Layout

Scale: 1:500 UNLESS NOTED	Sheet	Dwg. No.
Drawn: MARTIN DOWD	1 OF 1	24-128
Date: 16-02-2024		

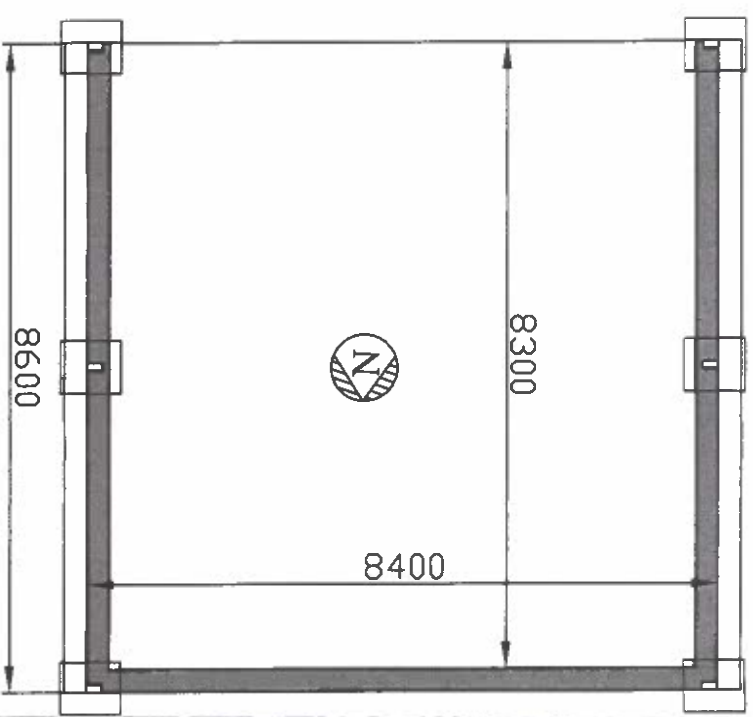


Site Area 0.478Ha

- Existing Buildings 
- Proposed Building 
- Proposed Level 
- Storm Sewer 
- Soakpit 

- Schedule**
- Existing Slatted Shed Pre PD/18/386
 - Existing Cattle Pen Pre PD/18/386
 - Existing Storage Shed Pre PD/18/386
 - Existing Storage Shed Pre PD/18/386
 - Existing Slatted Granted under PD/18/386
 - Proposed Manure Pit Class 8 Rural 72m²
 - Proposed Ancillary Concrete
 - Applicants family Home
- Storm Water Sewer 
- Soakpit 

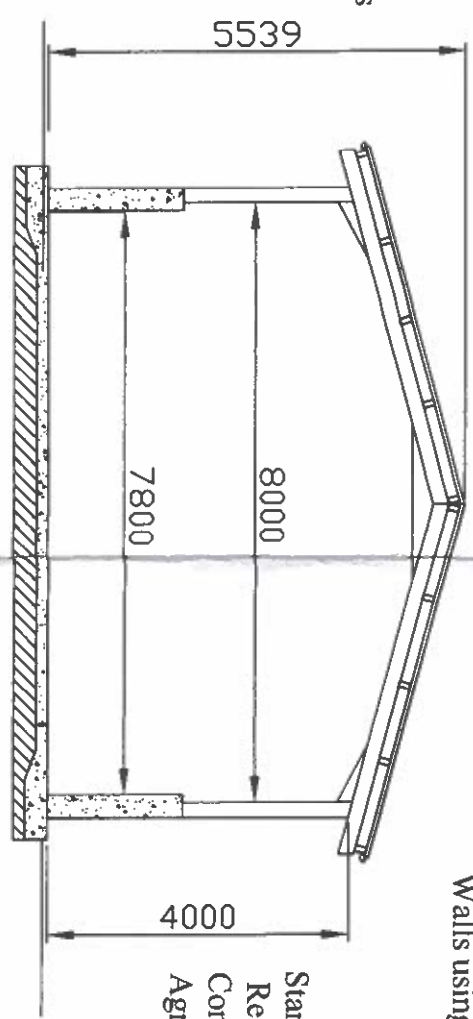




Sectional Floor Plan



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



SECTIONAL ELEVATION

External to be Mass Concrete
Walls using 35N concrete

Stanchions to be to
Reinforced Concrete Floor
Constructed to Dept of
Agriculture Specifications

RATHCROGHAN DESIGN

Ballyconboy, Ballymore, Castlereagh, Co. Roscommon
Ph: 086 23284164 E-mail: rathcroghan@rathcroghan.com

Client
James Beirne

Title
Manure Pit

No.	Revision	Date

Scale: 1:100 (ARCHITECT)	Sheet	Dwg. No.
Drawn: MATHY 0008	2 OF 2	04-123
Date: 18-06-2017		