

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Aidan Garvey



Reference Number: DED 734
Application Received: 2nd July 2024
Name of Applicant: Aidan Garvey
Agent: Mark Ward, Ruane, Creagh, Ballinasloe, Go. Galway.

WHEREAS a question has arisen as to whether permission to construct a manure pit, seepage tank and a horse exercise area at Drumalagagh Park, Drumalagagh, Oldtown, Athlone, 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) Classes 8 and 10 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) That manure pit, seepage tank and a horse exercise area as described in this case are exempted developments.
- 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 **for permission to construct a manure pit, seepage tank and a horse exercise area at Drumalagagh Park, Drumalagagh, Oldtown, Athlone, 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: 21st August, 2024

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

Reference Number: DED 734

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for permission to construct a manure pit, seepage tank and a horse exercise area under the Planning & Development Act (Exempt Development) Regulations at Drumlagagh Park, Drumlagagh, Oldtown, Athlone, Co. Roscommon.

Applicants: Aidan Garvey

Date: 16th August 2024 (Inspection 15th August 2024)

WHEREAS a question has arisen for permission to construct a manure pit, seepage tank and a horse exercise area at Drumlagagh Park, Drumlagagh, Oldtown, Athlone, 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) Classes 8 and 10 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 Drumlagagh, Oldtown, Athlone, Co. Roscommon. The site is accessed off the L-2041 Local Primary Road. The site consists of an existing agricultural entrance and access road which leads to existing agricultural sheds. Existing sheds are stables, store and an indoor exercise/training area all for agricultural purposes. The proposed works are a seepage tank, manure pit and horse exercise/sand arena.

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 are Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 3.1km to the south and River Shannon Callows PNHA/SAC and Middle Shannon Callows SPA (Site Code 000216/004096) which is located circa 3.9km to the east.

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 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 manure pit, seepage tank and a horse exercise area constitutes development, as defined in Section 3 of the said Act.

The proposed manure pit and seepage tank (20m² stated):

The proposed manure pit and seepage tank appears to come within the scope of Class 8 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

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

Description of Development	Conditions and Limitations
CLASS 8 Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate	1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structures 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. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with

<p>gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.</p>	<p>Department of Agriculture, Food and Rural Development and the 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> <p>6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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The proposed manure pit and seepage tank, it is stated as having an area of 20m² and therefore appears to be within the criteria for consideration as exempted development under Class 8 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 8 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 does not exceed 300 square metres gross floor space in aggregate.
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. Onus on applicant to comply with this.
4. Proposed structure is more than 10 metres of the public road.
5. Proposed structure is less than 8 metres in height.
6. Based on information provided and site inspection the structure will not 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
7. Proposed structure is exposed concrete.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 8 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the proposed manure pit and seepage tank as described in this case is considered to be exempted development.

The proposed horse exercise arena:

The proposed horse exercise arena appears to come within the scope of Class 10 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

Class 10 of Part 3 of Schedule 2: Exempted development - Rural

Description of Development	Conditions and Limitations
CLASS 10 The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.2. No such area shall be used for the staging of public events.3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.4. The height of any such structure shall not exceed 2 metres.

The proposed horse exercise arena is stated as having an area of 1150m², with regard to the compliance with the conditions and limitations of Class 10 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 information the proposed use is for exercise/training of horses.
2. As per the submitted information the proposed arena is for private use only.
3. As per the submitted information the proposed arena is more than 10m from the public road and is not accessed directly off the public road.
4. Proposed height of the fence is stated at 1.8m.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 10 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the proposed horse exercise arena 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 permission to construct a manure pit, seepage tank and a horse exercise area at Drumalagagh Park, Drumalagagh, Oldtown, Athlone, 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) Classes 8 and 10 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) That manure pit, seepage tank and a horse exercise area as described in this case are exempted developments.
- 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: 16th August 2024

Signed:

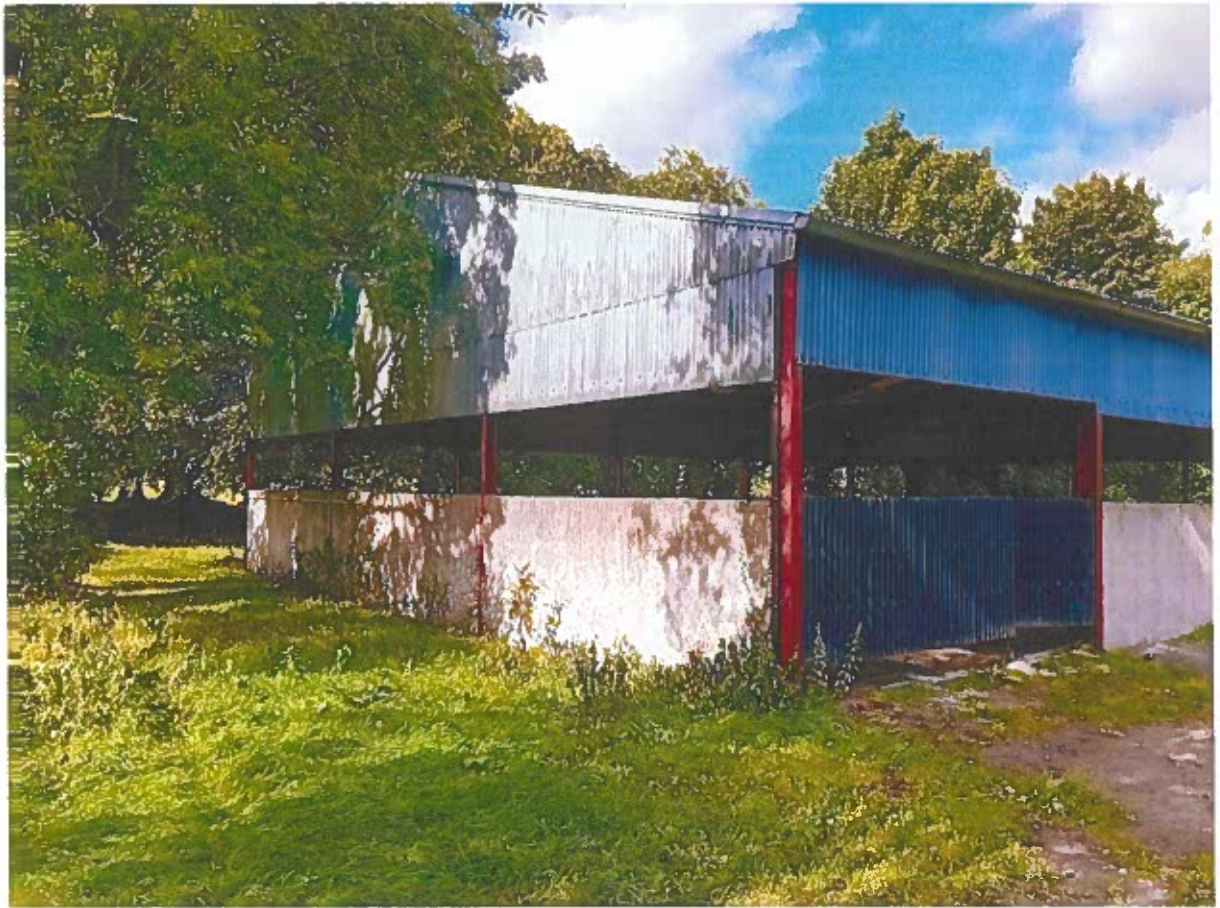


Senior Executive Planner

Date: 16th August 2024













Comhairle Contae
Ros Comáin
Roscommon
County Council



Mark Ward,
Ruane,
Creagh,
Ballinasloe,
Co. Galway.

Date: 3rd July 2024
Planning Reference: DED 734 – Aidan Garvey

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, seepage tank and a horse exercise area under the Planning & Development Act (Exempt Development) Regulations 2018 at Drumluga Park, Drumluga, Oldtown, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 2nd July 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. L01/0/229425 dated 2nd July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 734**.
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
08066 37100

02/07/2024 14:43.26

Receipt No. : L01/0/229425

AIDAN GARVEY
C/O MARK WARD
RUANE
CREAGH BALLINASLOE
EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED734	

Total	80.00 EUR
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Tendered :	
Cheque	80.00
501904	

Change :	0.00
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Issued By : Louis Carroll
From : Central Cash Office

Ruane,
Creagh,
Ballinasloe,
Co. Galway.



01/07/2024

Planning section,
Roscommon County Council,
County Buildings,
Roscommon,
Co. Roscommon.

To whom it may concern

I refer to the application for declaration of exempted Development for Aidan Garvey, Drumaiga park,
Drumaiga, Oldtown, Athlone, Co. Roscommon

Please note the following

- There are no dwelling houses within 100 metres of the proposed shed.
- There are no other farm waste storage facilities within 100m of the proposed manure pit and seepage tank
- Please note that the horse exercise area is for the applicants own personal use and will not be used commercially

Regards

Mark Ward



Comhairle Contae
Ros Common
Roscommon
County Council



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)	Aidan Garvey [REDACTED]
Name of Agent	Mark Ward Ruane, Creagh, Ballinasloe Co. Galway
Nature of Proposed Works	Construct a Manure Pit and Seepage Tank and also a Horse Exercise area
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Drumalagagh 593233, 728584
Floor Area: a) Existing Structure b) Proposed Structure	Manure Pit 20m ² a) _____ b) _____ Horse Exercise area 1150m ²
Height above ground level:	Horse Exercise area 1.8m
Total area of private open space remaining after completion of this development	Manure Pit 1.8m Seepage Tank - Underground
Roofing Material (Slates, Tiles, other) (Specify)	N/A

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Manure Pit - Mass Concrete Walls Exercise Area - Post + Rail
Is proposed works located at front/rear/side of existing house.	No
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	Farmland
Proposed use of land or structure	Horse Exercise Area
Distance of proposed building line from edge of roadway	90 metres
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

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

Signature:

Mark White Agent

Date:

1-7-2024



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) Detailed specification of development proposed



Proposed Site Map

(Scale 1: 2,500)

Site Boundary shown in RED.

O.S. Roscommon 3932233, 728584

Townland : Drumlagagh

North Point Shown

**Prepared by: Mark Ward
Ruane, Creagh, Ballinasloe,
Co. Galway.**

Farmer/Client:

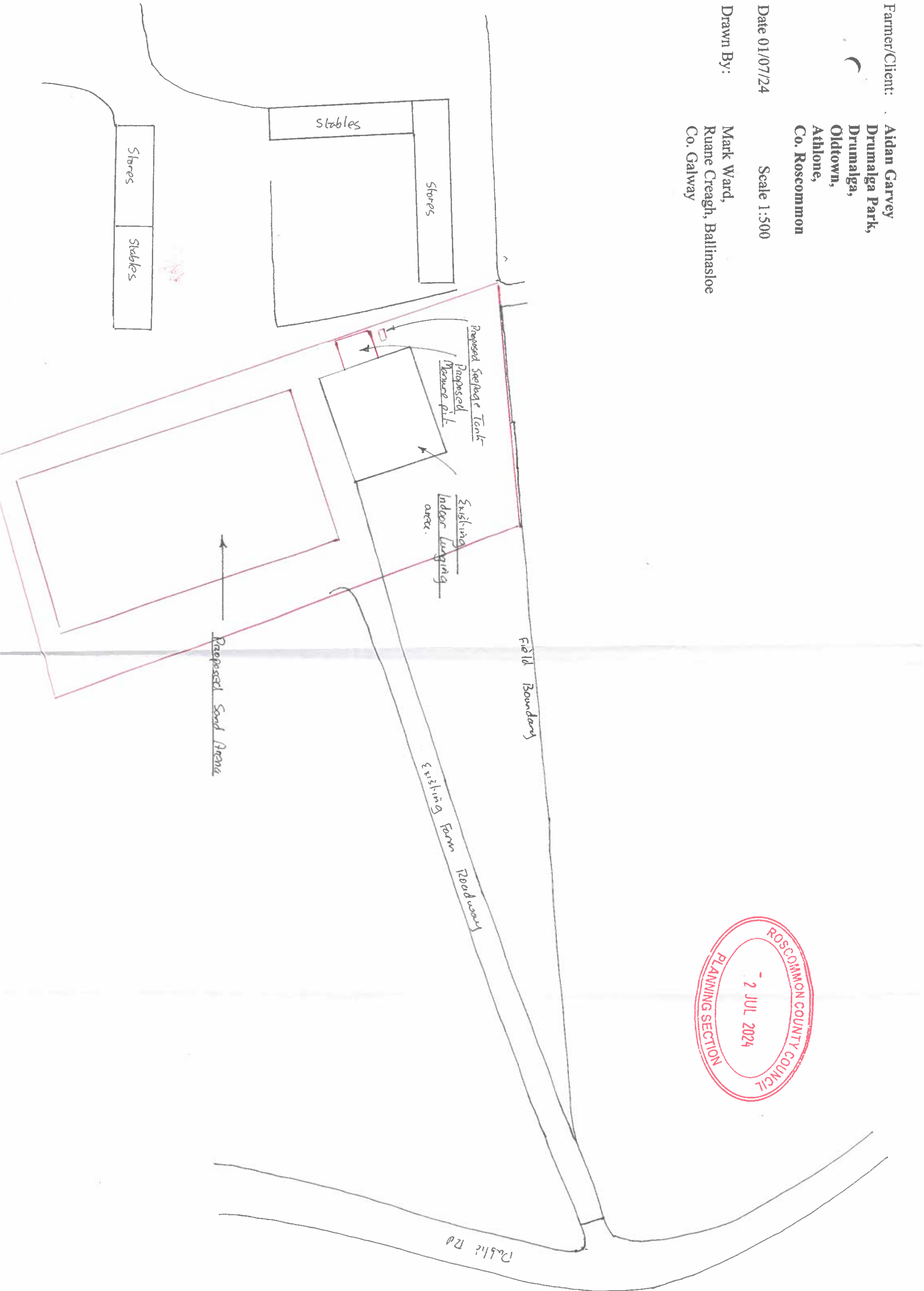
Aidan Garvey
Drumalga Park,
Drumalga,
Oldtown,
Athlone,
Co. Roscommon

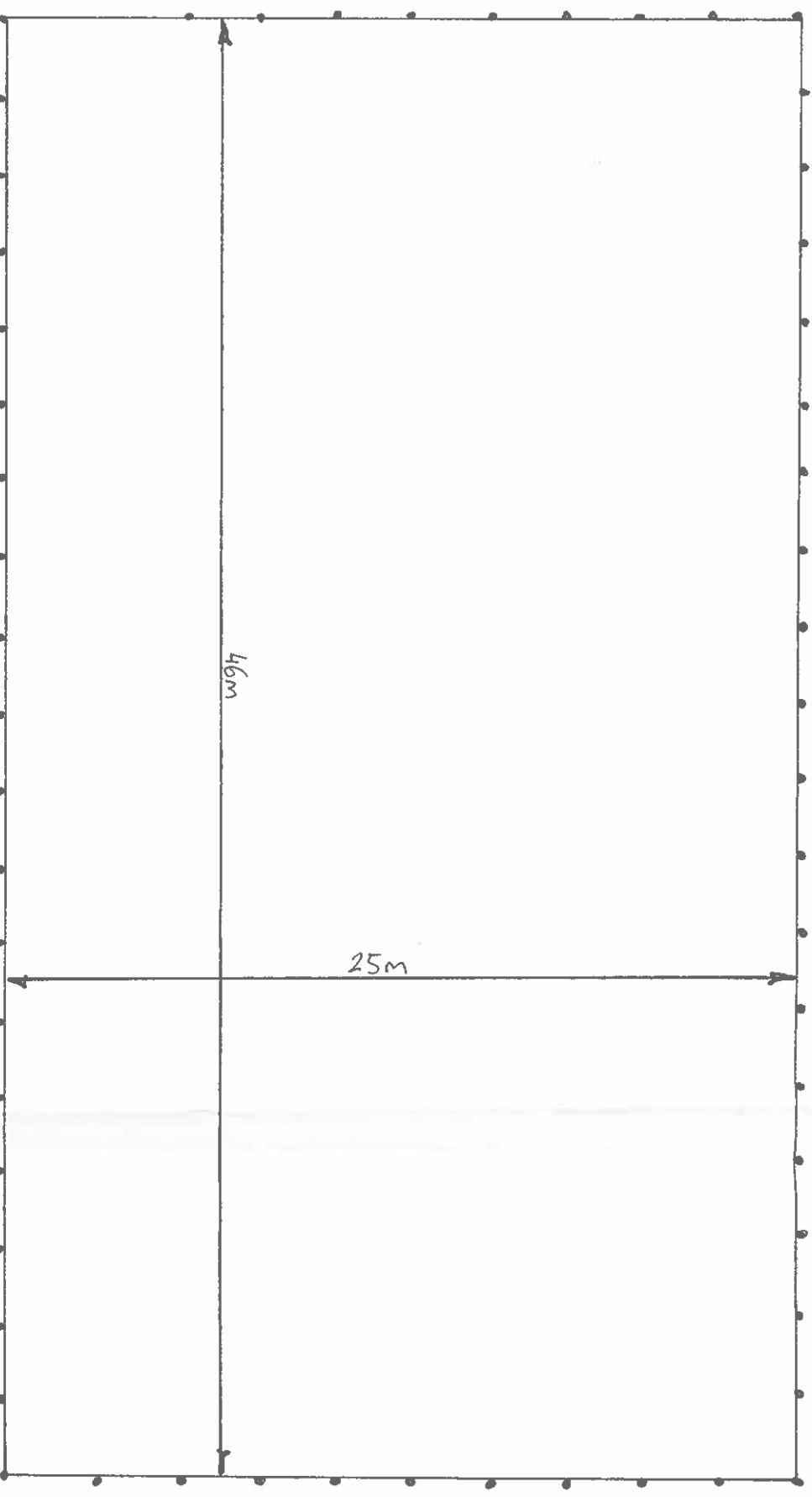
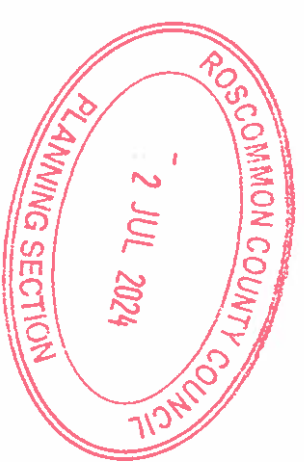
Date 01/07/24

Scale 1:500

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway





North
Plan



Left + Right Elevations



Front + Rear Elevations

Horse Exercise Area

Farmer/Client:

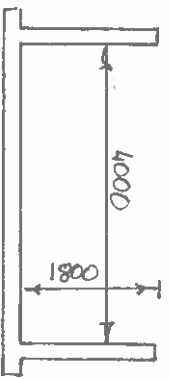
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Drumalga Park,
Drumalga,
Oldtown,
Athlone,
Co. Roscommon

Date 01/07/24

Scale 1:200

Drawn By:

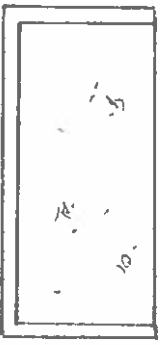
Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway



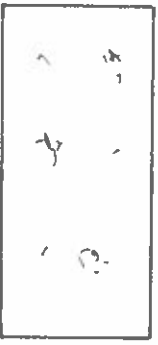
Section



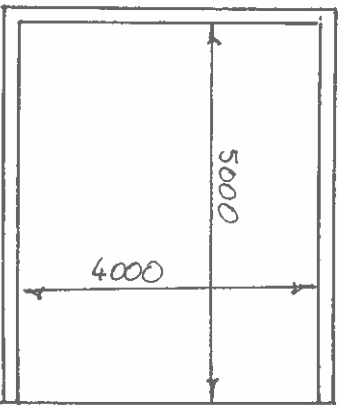
Left + Right Elevations



Front Elevation



Rear Elevation

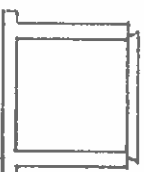


Floor Plan

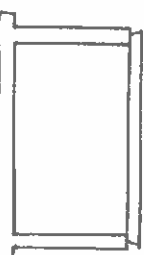
North

Effluent Channel
to Seepage Tank

Manure Pit.



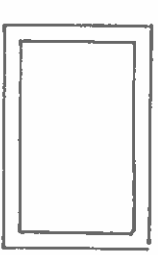
Section



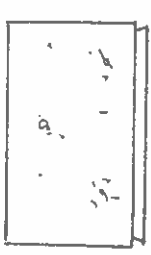
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Front + Rear
Elevations



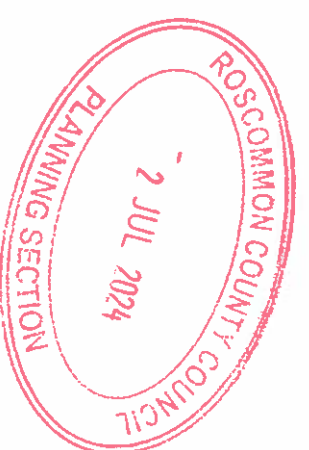
Plan



Left + Right Elevations

North

Seepage Tank



Farmer/Client:

Aidan Garvey
Drumalga Park,
Drumalga,
Oldtown,
Athlone,
Co. Roscommon

Date 01/07/24

Scale 1:100

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway