

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Bernard Egan,

Reference Number: DED 740
Application Received: 16th July 2024
Name of Applicants: Bernard Egan
Agent: Kerrigan Agri Consultancy

WHEREAS a question has arisen as to whether the construction of a 3 bay slated shed with creep area, underground tanks, associated concrete aprons and construction of new access road at Gortnacannagh, Elphin, 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 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 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 3 bay slated shed with creep area, underground tanks, associated concrete aprons and construction of a new access road as described in this case is 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 3 bay slated shed with creep area, underground tanks, associated concrete aprons and construction of new access road at Gortnacannagh, Elphin, 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: 12th September 2024

agent via email: **Kerrigan Agri Consultancy**
mark.kerriganagri@gmail.com

ADVICE NOTE

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.

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

Reference Number: DED 740

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of a new access road under the Planning & Development Act (Exempt Development) Regulations 2018 at Gortnacannagh, Elphin, Co. Roscommon.

Applicants: Bernard Egan

Date: 30th August 2024 (Site Inspection on 28th August 2024)

WHEREAS a question has arisen as to whether to construct a 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of a new access road in Gortnacannagh, Elphin, 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 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 Act, 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject site is located in Gortnacannagh, Elphin, Co. Roscommon and the land is in agricultural use. The site is accessed via a laneway which leads on to the N61. There was no access to the location of the proposed shed as it is in an agricultural field in which there is no current access at the proposed entrance but there doesn't appear to be any existing structures in the proposed location. The proposed development consists of the construction of a 3 bay slatted shed with an underground slurry storage tank, concrete aprons and a new access road off the current laneway. The proposed site is located within a number of NRDO areas such as the 'N61 Gortnacannagh to Tulsk Study Area', 'N61 Boyle to Fourmilehouse' and 'N5 Scramoge to Ballaghaderreen Emerging Preferred Route Corridor'.

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 site to the site of the proposed development is Annaghmore Lough PNHA/SAC (Site Code: 001626/001626) which is located circa 4.5km to the south 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, no recent planning history has been traced relating to the subject site.

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 (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.

The proposed slated shed (197m² stated):

The construction of an agricultural slated shed with underground tank appears to come within the scope of Class 6 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

<p><i>Agricultural Structures</i> CLASS 6</p> <p>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.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 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. 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. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored,
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	<p>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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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 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of a new access road constitutes development, as defined in Section 3 of the said Act.

The proposed development is a roofed structure intended for the housing of livestock, is stated as having floorspace of 197m² and therefore appears to be within the criteria for consideration as exempted development under Class 6 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 6 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 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. The structure is stated to be situated 224m from the public road.
5. The proposed structure does not exceed 8 metres in height.
6. Based on information provided and site inspection there are no buildings within 100m of the proposed structure.
7. Based on information provided, the sheeting is painted.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of an agricultural slatted shed with underground tank as described in this case is considered to be exempted development.

Having reviewed the proposed new access road and entrance onto the laneway which leads to the N61 road with regard to Article 9 (1)(a)(ii), the existing laneway is less than 4m in width and therefore is considered to be exempted development.

As the proposed development is in close proximity to the 'N5 Scramoge to Ballaghaderreen Emerging Preferred Route Corridor'. The NRDO were consulted on the proposed development to ensure there were no conflicts between the proposed entrance/access off a laneway off the N61 and the new proposed access to farmland to be created in this area included with the new N5. To which the following correspondence was received *"In summary, it is not anticipated that the proposed access will result in any conflict with the works proposed as part of the N5 Ballaghaderreen to Scramoge Road Project."*

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 the construction of a 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of a new access road in Gortnacannagh, Elphin, 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 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 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 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of a new access road as described in this case is 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: 12th September 2024

Signed: 
Senior Executive Planner

Date: 12th September 2024









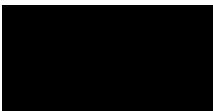




Comhairle Contae
Ros Comáin
Roscommon
County Council



Bernard Egan,



Date: 16th July 2024
Planning Reference: DED 740

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct a 3 bay slatted shed with creep area, underground tanks, associated concrete aprons and construction of new access road under the Planning & Development Act (Exempt Development) Regulations 2018 at Gortnacannagh, Elphin, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 16th 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. L01/0/229631 dated 16th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 740**.
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: **Kerrigan Agri Consultancy**
mark.kerriganagri@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09088 37100

16/07/2024 10:37:57

Receipt No : L01/0/229831

BERNARD EGAN
C/O KERRIGAN AGRI CONSULTANCY
DRUMDERGLIN
CARRIGALLIEN
CO. LEITRIM H12 PD32

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 740	

Total :	80.00 EUR
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Tendered :	
Cheque	80.00
000171	

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



Comhairle Contae
Ros Comáin
Roscommon
County Council

16 JUL 2024

PLANNING SECTION

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)	BERNARD EGAN
Name of Agent	MARK KERRIGAN
Nature of Proposed Works	CONSTRUCTION OF A NEW 3 BAY SLATED SHED WITH CREEP AREA C/W UNDERGROUND TANK AND ASSOCIATED CONCRETE APRONS AND CONSTRUCTION OF NEW ACCESS ROAD.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	GORTNACRANNAGH OSI SHEET No. 33 ELPHIN Co. ROSCOMMON (N53.824816 E8.22072 (ITM 585469, 786155))
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A GREEN FIELD SITE</u> b) <u>197 M²</u>
Height above ground level:	6.55M
Total area of private open space remaining after completion of this development	19.67 HA
Roofing Material (Slates, Tiles, other) (Specify)	PAINTED CORRUGATED AGRICULTURAL SHEETING AS PER DEPT OF AGRICULTURE BUILDING SPECIFICATIONS

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	MASS CONCRETE SHUTTERED WALLS
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	LAND CURRENTLY USED AS PASTURE/MEADOW
Proposed use of land or structure	NEW SITE TO HOUSE ANIMALS ON FARM
Distance of proposed building line from edge of roadway	NEW BUILDING IS 224 M FROM ROAD. PROPOSED NEW ACCESS ROAD TO LINK NEW BUILDING TO ROAD
Does the proposed development involve the provision of a piped water supply	FARM ALREADY HAS ITS OWN PRIVATE WATER SUPPLY
Does the proposed development involve the provision of sanitary facilities	UNDERGROUND TANK TO STORE SLURRY/SEEPAGE UNDER ANIMALS

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

Signature:



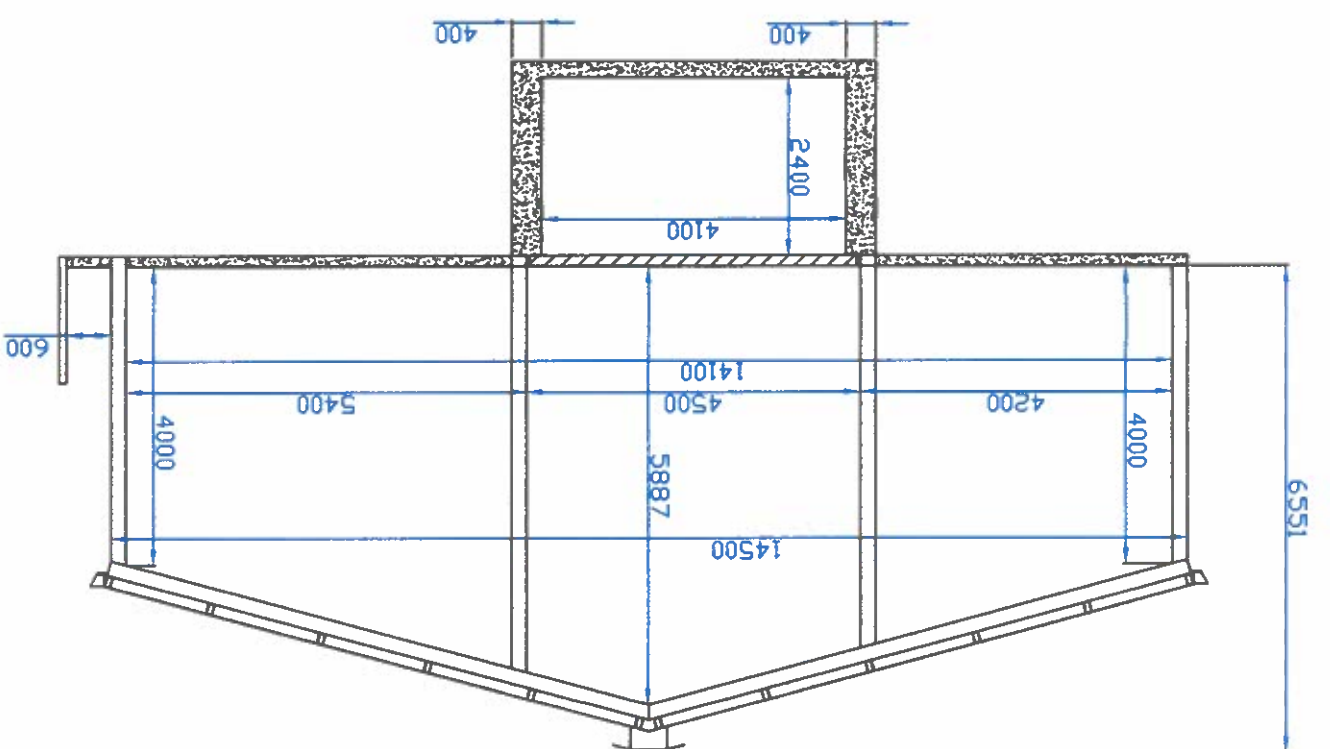
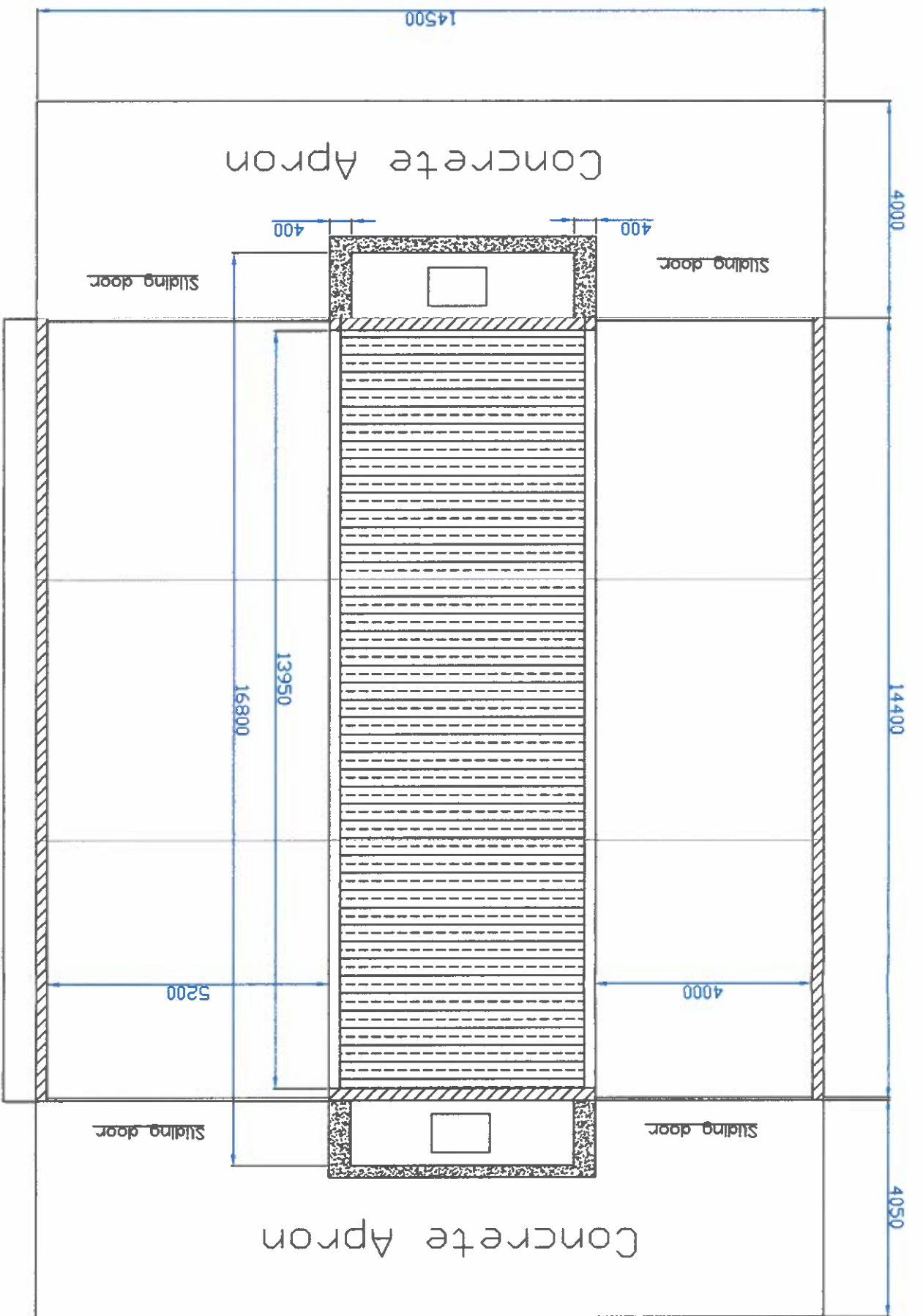
Date:

12/07/2024

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



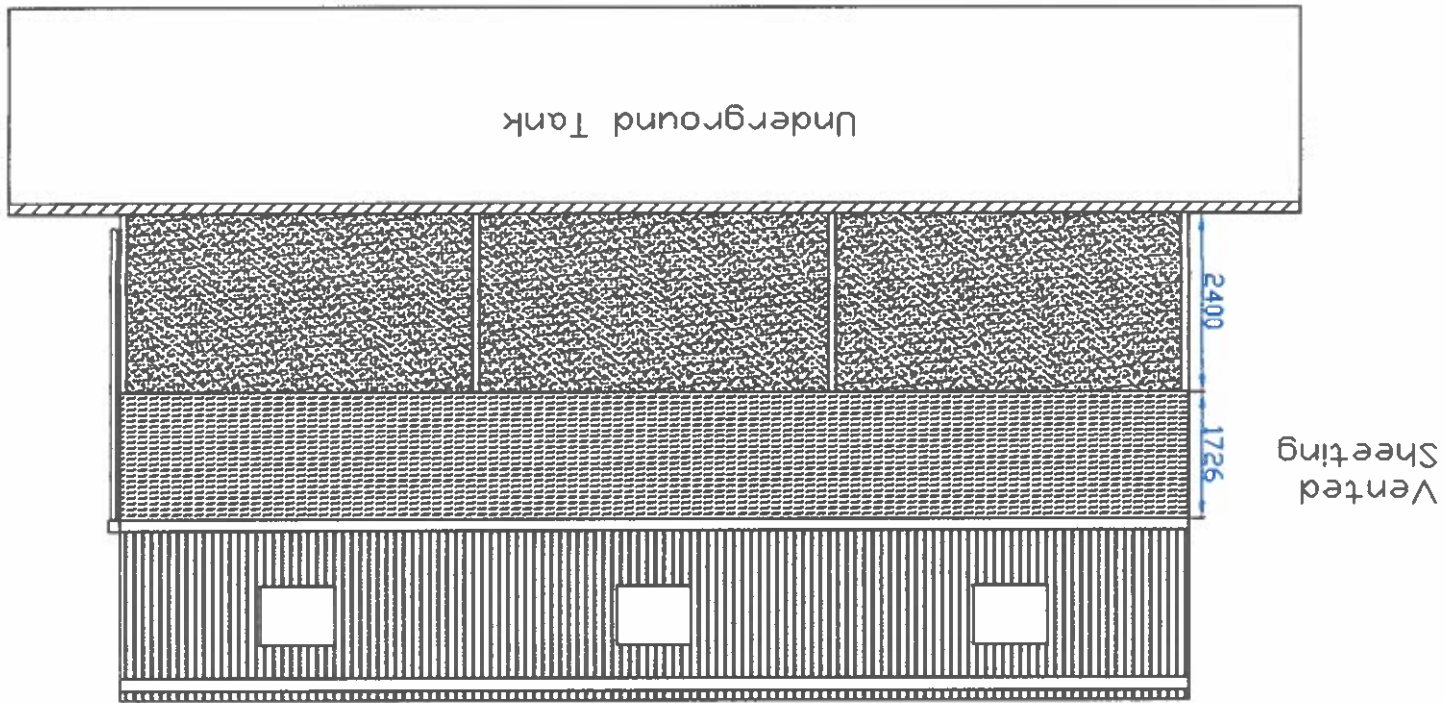
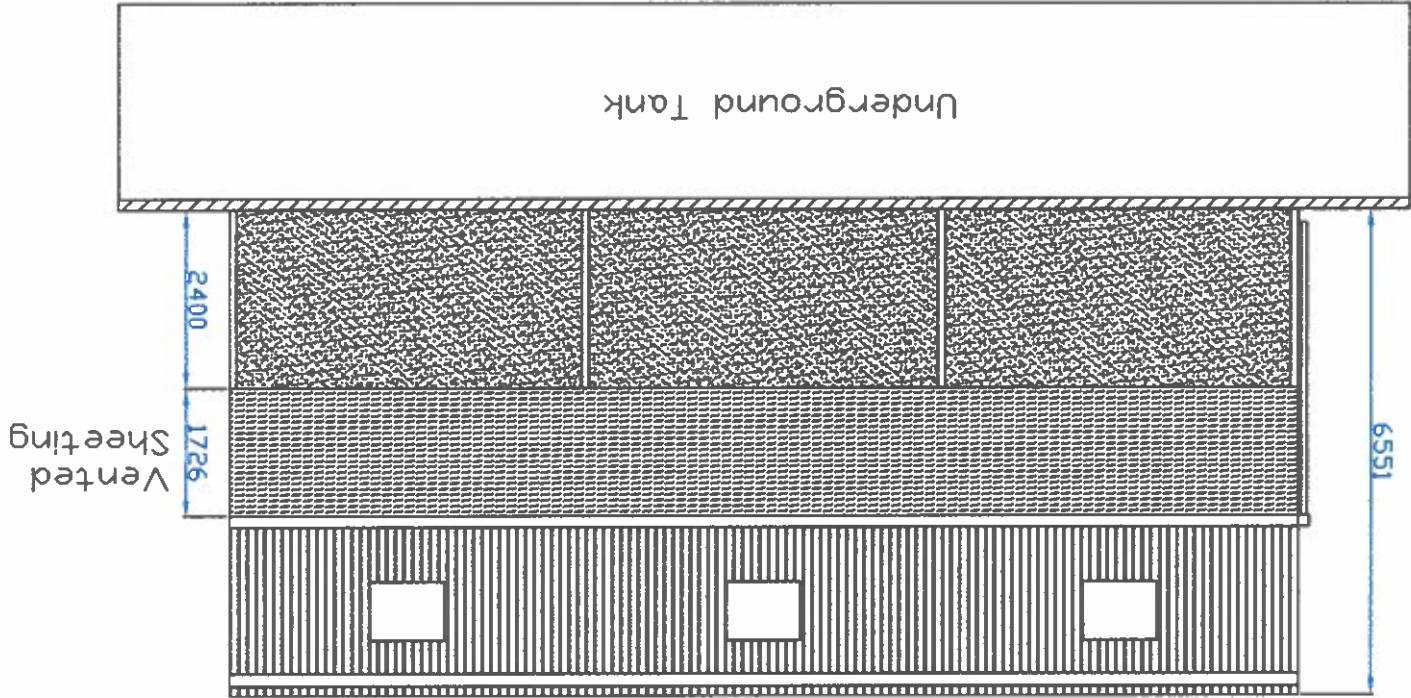


Proposed new cattle crush

Job title: Proposed Shed Plan and Cross Section
 Client: Bernard Egan
 Site address: Gortnacarragh
 Elphin
 Co. Roscommon
 F45DY76
 Drawn By: Mark Kerrigan
 Agricultural Consultant
 Carrigallen
 Co. Leitrim
 086 3859175
 Date: 11/07/2024
 Scale: 1:100



Job title:	Proposed Shed
Client:	Bernard Egan
Site address:	Gortnacranagh Elphin Co. Roscommon F45DY76
Drawn By:	Mark Kerrigan Agricultural Consultant Drumderglin Carrigallen Co. Leitrim 086 3859175
Date:	11/07/2024
Scale:	1:100

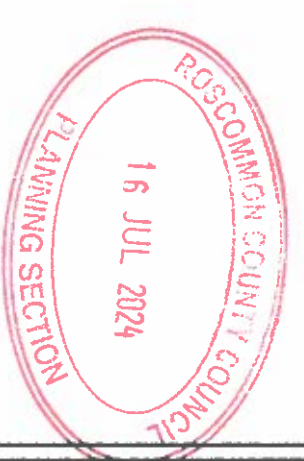


To Boyle



To Tusk

1. Proposed Slatted tank (16.8 x 4.1 x 2.4)m
2. Proposed Slatted shed (13.95 x 8.7)m
3. Proposed dry bedded area (13.95 x 5.4)m
4. Proposed Concrete Apron (14.5 x 4)m
5. Proposed Concrete Apron (14.5 x 4)m
6. Proposed Cattle crush incl headgate and backing gate 14.4m long
7. Proposed new farm Road way 18.5m x 4m



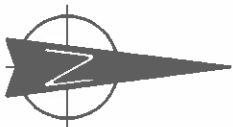
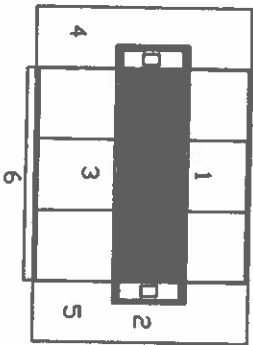
Job title:	Site Location Map
Client:	Bernard Egan
Site address:	Gortnacramagh Elphin Co. Roscommon F45DY76
Drawn By:	Mark Kerrigan Agricultural Consultant Drumderglin Carrigallen Co. Leitrim 086 3859175
Date:	11/07/2024
Scale:	1:2500

Existing Entrance onto laneway
to Main road

185 meters

1. Proposed Slatted tank (16.8 x 4.1 x 2.4)m
2. Proposed Slatted shed (13.95 x 8.7)m
3. Proposed dry bedded area (13.95 x 5.4)m
4. Proposed Concrete Apron (14.5 x 4)m
5. Proposed Concrete Apron (14.5 x 4)m
6. Proposed Cattle crush incl headgate and backing gate 14.4m long
7. Proposed new farm Road way 185m x 4m

GPS Grid Coordinates
Northing 53.82481621332158,
Easting -8.220728714270411



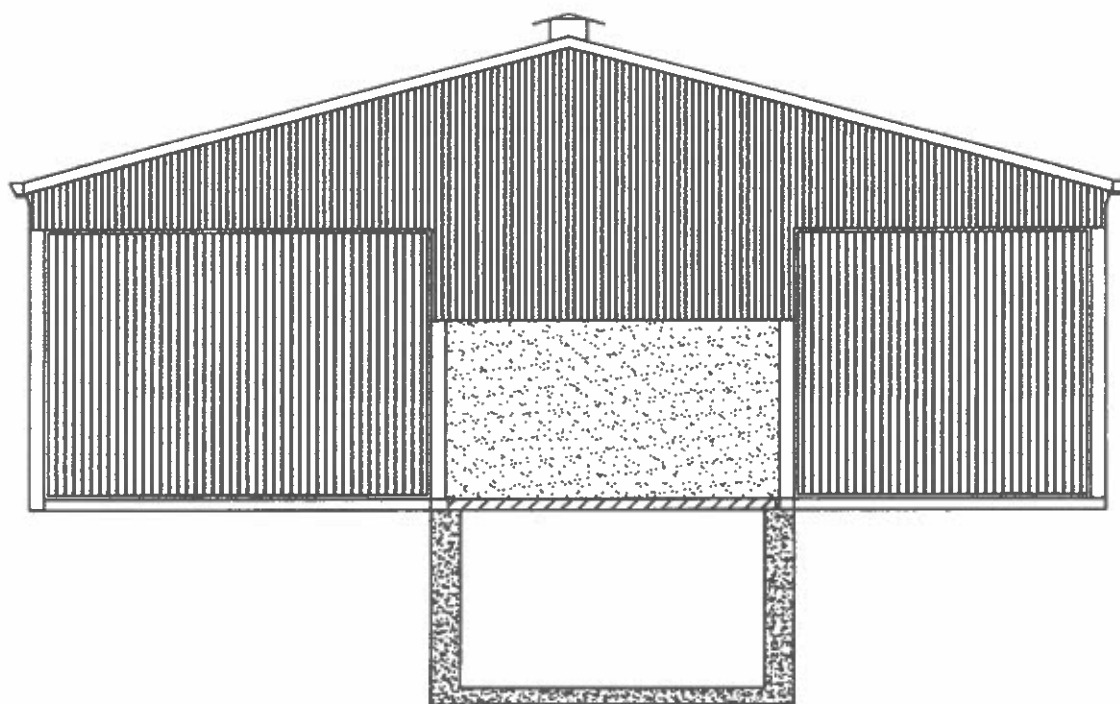
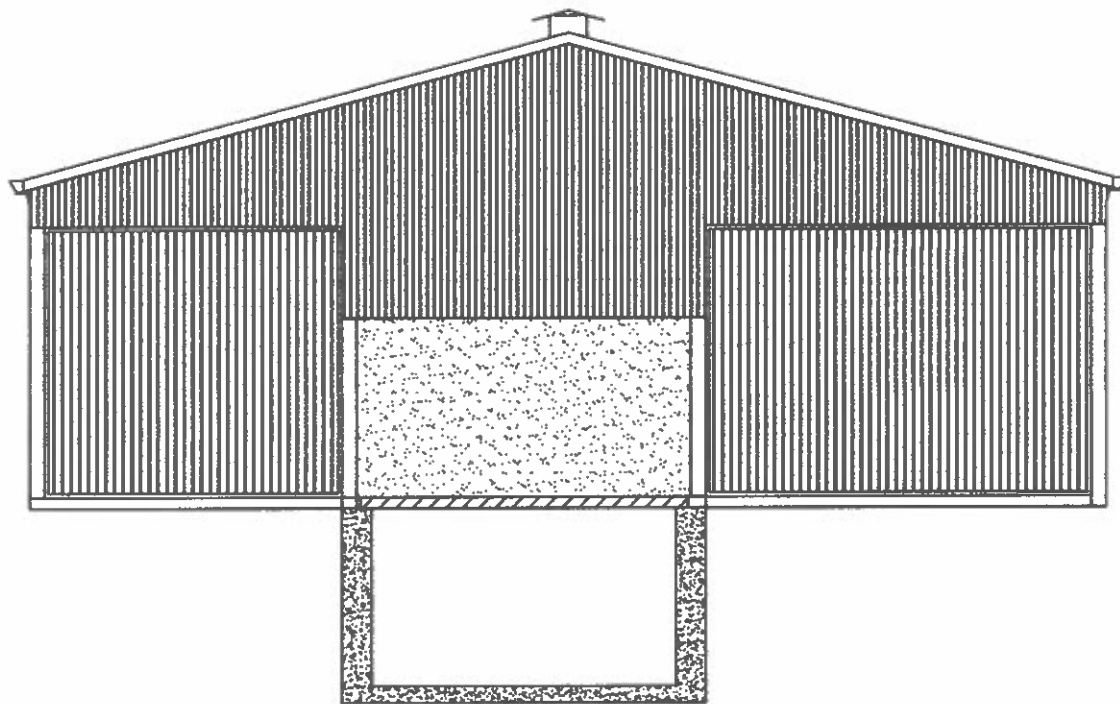
Job title: Site Layout

Client: Bernard Egan

Site address: Gortnacranagh
Elphin
Co. Roscommon
F45DY76

Drawn By: Mark Kerrigan
Agricultural Consultant
Drumderglin
Carrigallen
Co. Leitrim
086 3859175

Date: 11/07/2024
Scale: 1:500



<u>Job title:</u>	Proposed Shed End Elevations
<u>Client:</u>	Bernard Egan
<u>Site address:</u>	Gortnacranagh Elphin Co. Roscommon F45DY76
<u>Drawn By:</u>	Mark Kerrigan Agricultural Consultant Drumderglin Carrigallen Co. Leitrim 086 3859175
<u>Date:</u>	11/07/2024
<u>Scale:</u>	1:100