

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

John Gormley,



Reference Number: DED 764
Application Received: 16th September 2024
Name of Applicant: John Gormley
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a new dry bed cattle shed at Cloonreliagh Td, Castlerea, 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 new dry bed cattle shed 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 – 2024 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 new dry bed cattle shed at Cloonreliagh Td, Castlerea, 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: 18th October 2024

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 764

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a new dry bed cattle shed at Cloonreliagh Townland, Castlerea, County Roscommon

Applicants: John Gormley

Date: 18th October 2024

WHEREAS a question has arisen as to whether to construct a new dry bed cattle shed at Cloonreliagh Townland, Castlerea, County 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 Cloonreliagh Townland, Castlerea, County Roscommon and is accessed off the L-6579 Local Secondary Road. As per the Roscommon County Council GIS, there are no known heritage related sites/structures in very close proximity to the subject site. The closest European designated site is the Corliskea/Trien/Cloonfelliv Bog SAC (Site Code: 002110), which is approximately 4.4km from the subject site.

The proposed development consists of the construction of a new dry bed cattle shed (194sqm). As per the submitted details, the proposed roofing material is blue/grey corrugated sheeting. The stated existing and proposed use of the land or structure is agriculture.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on 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 new dry bed cattle shed area constitutes development, as defined in Section 3 of the said Act.

The construction of a proposed new dry bed cattle shed 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

CLASS 6

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.

Column 2 - Conditions and Limitations

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, 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.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

With regard to the proposed construction of a new dry bed cattle shed and its compliance with the conditions and limitations of Class 6 of Part 3 of Schedule 2 (*Exempted Development - Rural*) the following sets out how these apply to the current proposal:

1. As per the submitted details the structure will be used for 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 will not be situated within 10 metres of any public road.
5. The proposed structure does not exceed 8 metres in height.
6. The structure will not be situated within 100 metres of any house (other than the house of the person providing the structure).
7. Cladded sheeting is proposed.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 and Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a new dry bed cattle shed 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 Statement or Appropriate Assessment 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 an AA is required.

Recommendation

WHEREAS a question has arisen as to whether to construct a new dry bed cattle shed at Cloonreliagh Townland, Castlerea, County 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 new dry bed cattle shed 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: 
Assistant Planner

Date: 18th October 2024


Signed: _____
Alan O'Connell
Senior Executive Planner

Date: 18th October 2024



Comhairle Contae
Ros Comáin
Roscommon
County Council



John Gormley,



Date: 17th September 2024

Planning Reference: DED 764

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

Development: Permission to erect a new dry bed cattle shed under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonreliagh Td, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 16th September 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. L01/0/230577 dated 17th September 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

Note: Please note your Planning Reference No. is **DED 764**.
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
00066 37100

17/09/2024 09:31:40

Receipt No : 101/0/230577

MR. JOHN GORMLEY

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED 764

Total 80 00 EUR

Tendered :
Cheque 80 00
000032

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) 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)	Mr. John Gormley
Name of Agent	N/A
Nature of Proposed Works	Erection of a new dry bed cattle shed
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Cloonreliagh Td., Castlerea, Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A</u> b) <u>194m2</u>
Height above ground level:	6.8m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Blue/Grey Corrugated Sheetting

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastered/Poured Concrete (light grey)
Is proposed works located at front/rear/side of existing house.	100m away from neighbouring dwelling
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	Agriculture
Proposed use of land or structure	Agriculture
Distance of proposed building line from edge of roadway	Minimum 15m
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: John Gormley

Date: 10 September 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



Planning Pack Map



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Éireann

CENTRE
COORDINATES:
ITM 561119,774421

PUBLISHED:
21/08/2024

ORDER NO.:
50417873 1

MAP SERIES:
1:5,000

MAP SHEETS:
2282

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Tailte Éireann,
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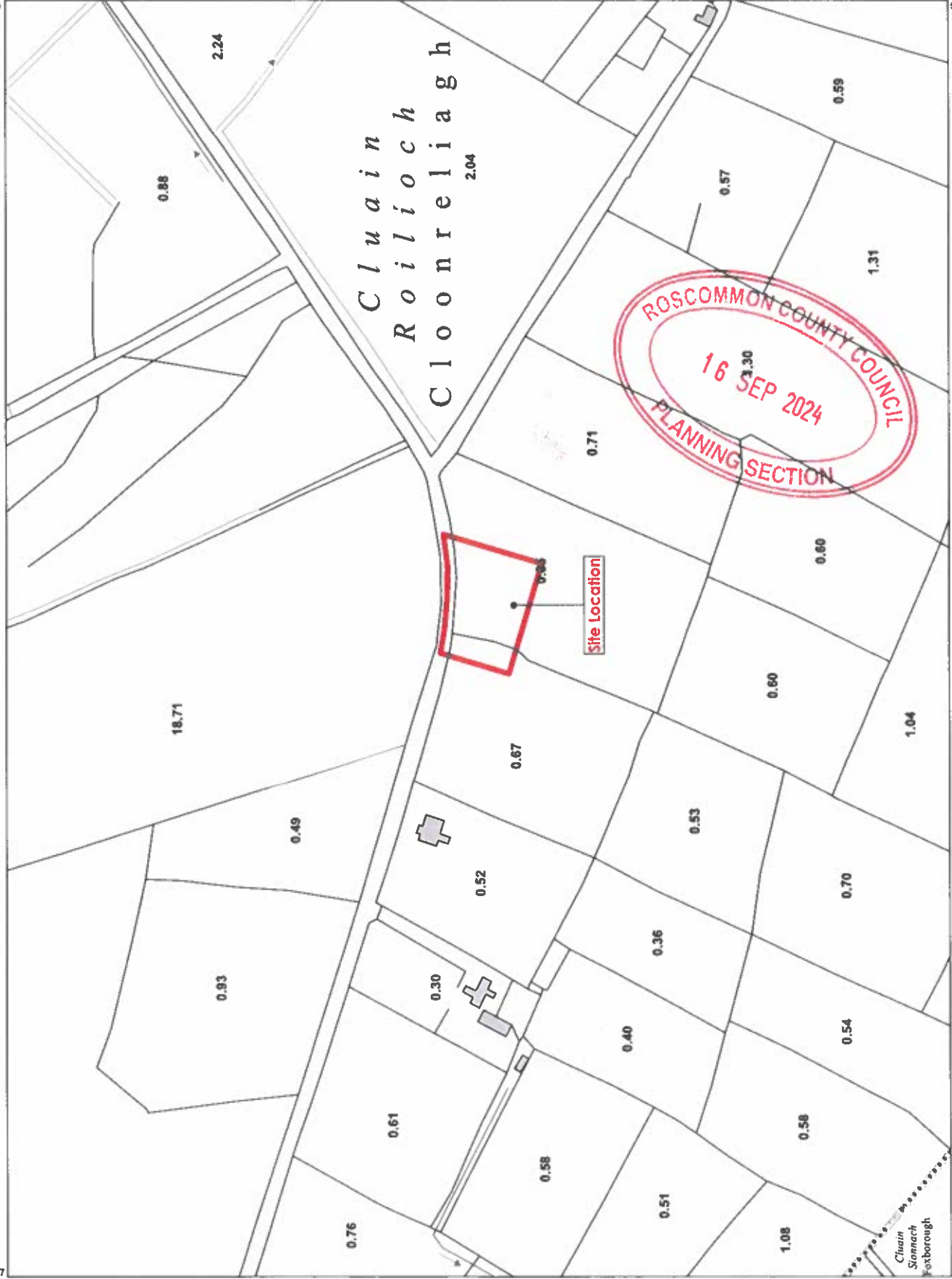
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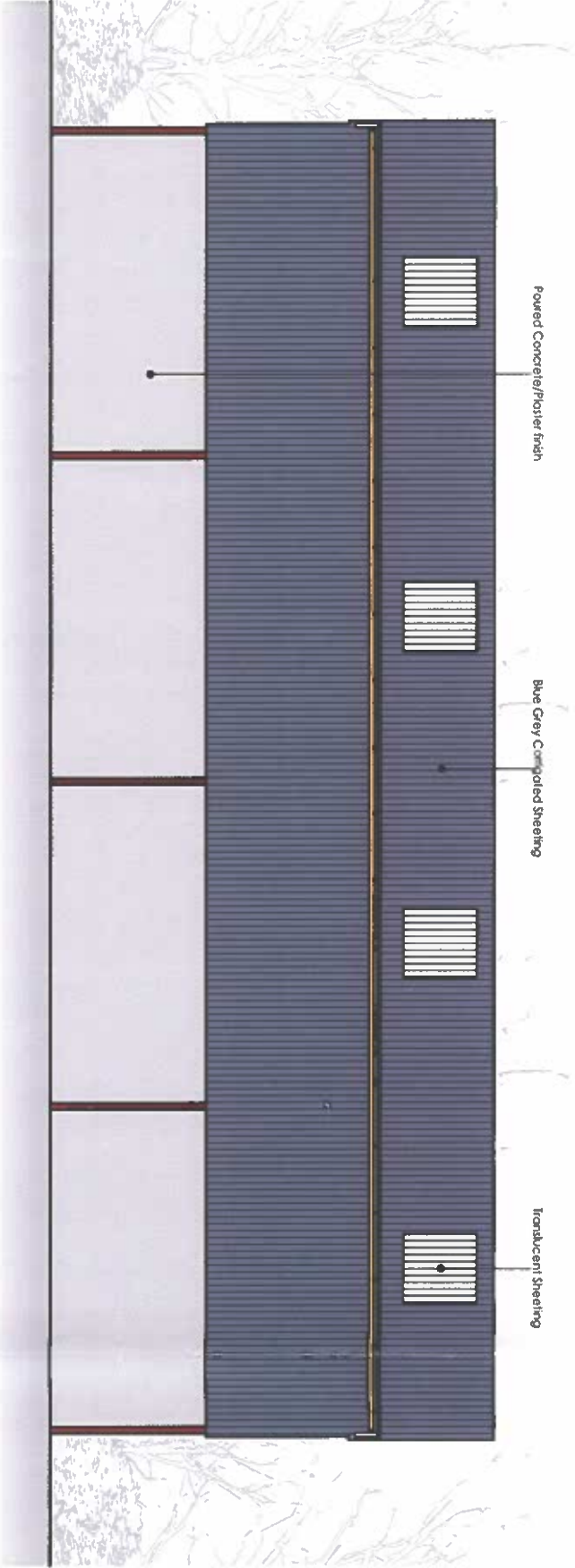
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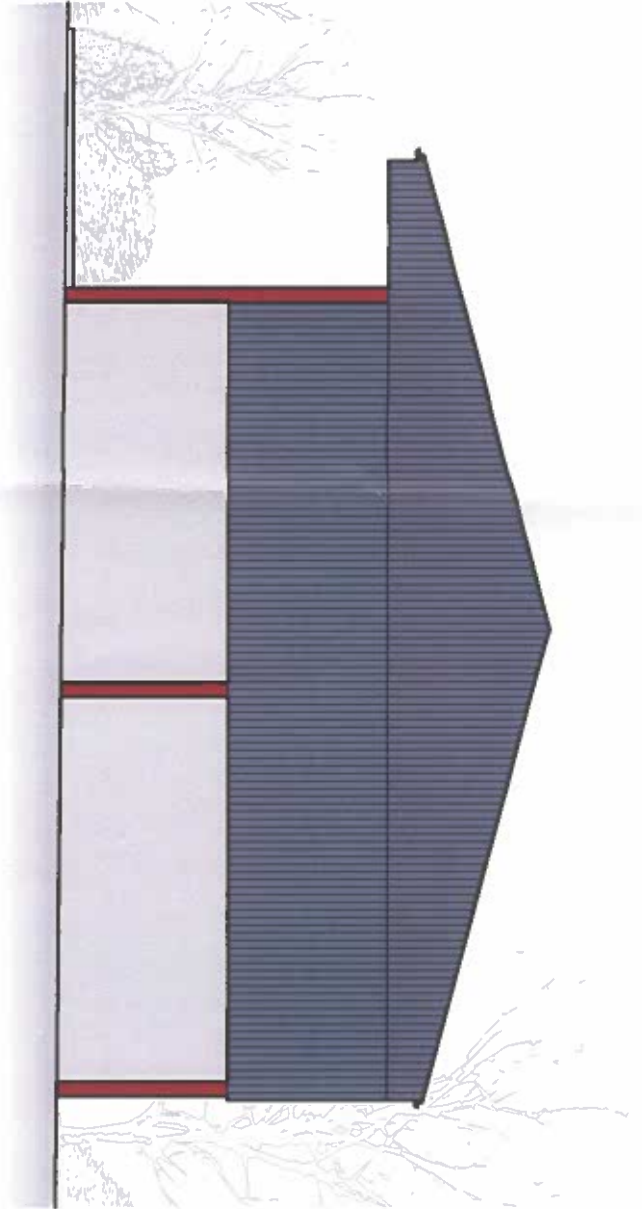


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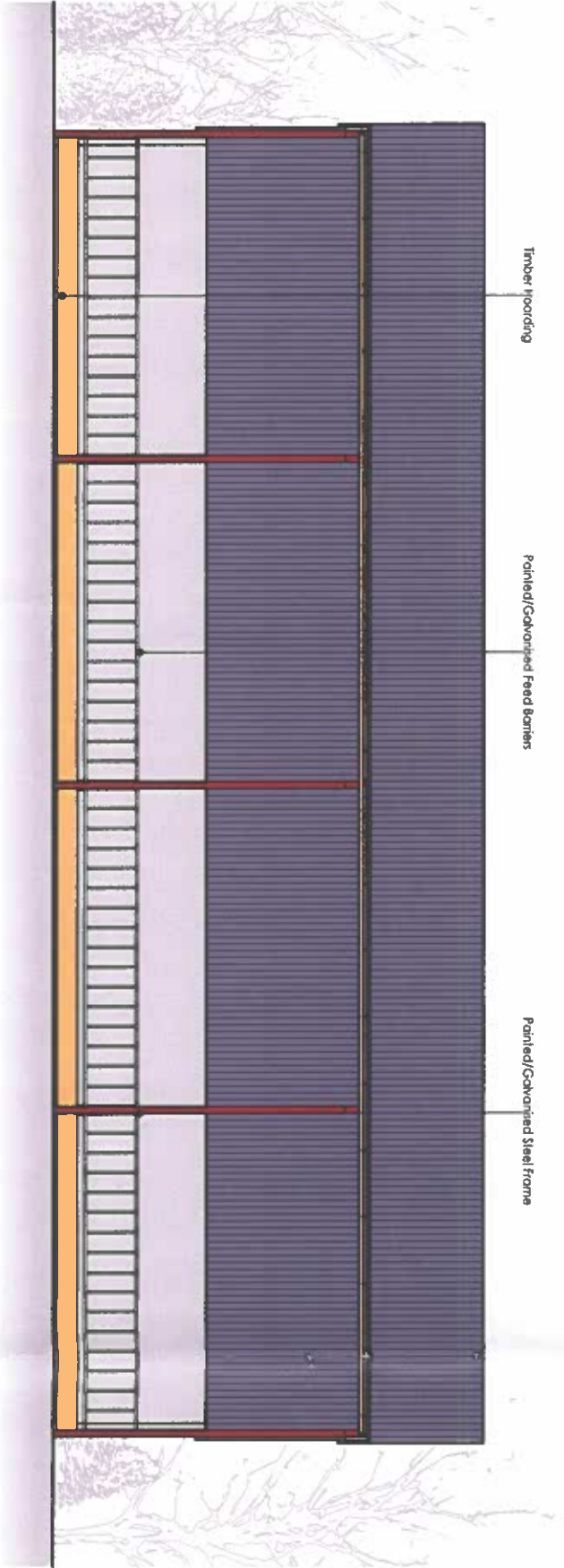


Proposed - South Elevation 1:100

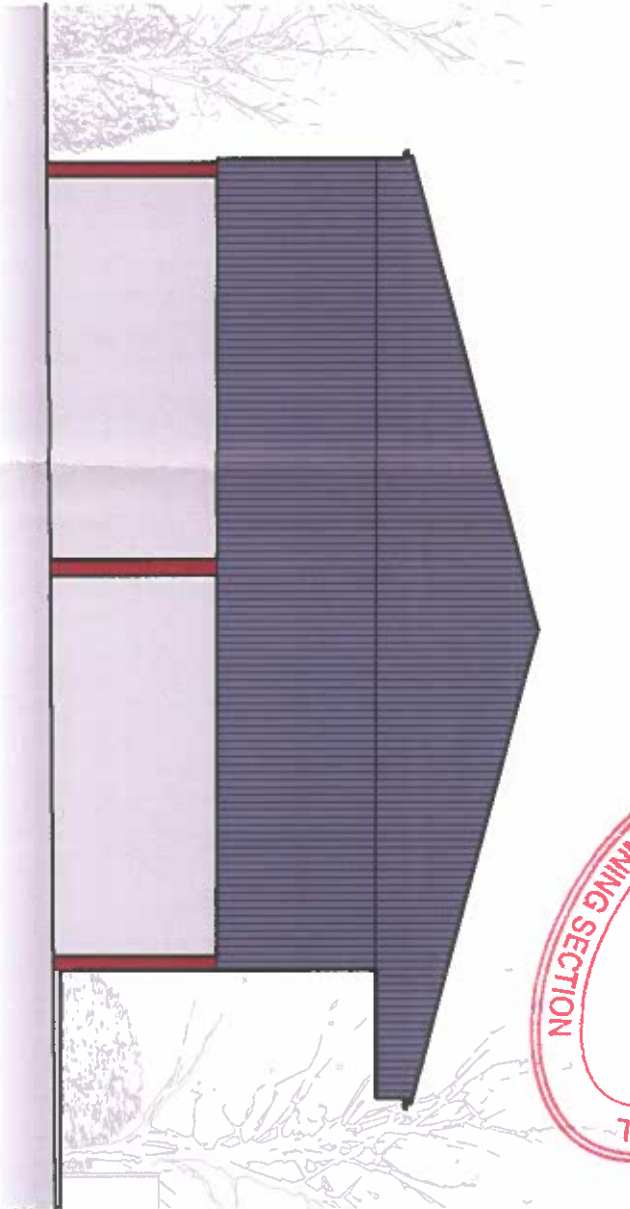


Proposed - West Elevation 1:100

Please Note: These drawings are not to be used for Construction Purposes



Proposed - North Elevation 1:100



Proposed - East Elevation 1:100



Client: - Mr. John Gormley		Project Title: - Proposed New Cattle Shed at Cloonreilagh Td., Castlereagh, Co. Roscommon	Drawing Title: - Proposed Elevations		Date: - Tuesday 3 September 2024	Drawing Author: - Shane O'Connor	Project Status: - EXEMPTION Purposes ONLY	
					Drawing Scale: - As Shown @ A3			