

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Niall Roche,

Reference Number: DED 780
Application Received: 10th October 2024
Name of Applicant: Niall Roche
Agent: Paul Moreton

WHEREAS a question has arisen as to whether the construction of an open fronted slatted shed house, creep area for calves & a slatted tank at Ardcarne, Boyle, 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 an open fronted slatted house, creep area for calves & a slatted tank 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 – 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 an open fronted slatted shed house, creep area for calves & slatted tank at Ardcarne, Boyle, 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: 27th November 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.

Carmel Curley

From: Carmel Curley
Sent: Wednesday 27 November 2024 16:18
To: [REDACTED]
Cc: paulmoreton.agri@gmail.com
Subject: DED 780 - Niall Roche
Attachments: DED 780 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 780. A hard copy will also issue via registered post.

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 780

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an open fronted slatted house, creep area for calves & a slatted tank under the Planning & Development Act (Exempt Development) Regulations 2018 at Ardcarne, Boyle, Co. Roscommon.

Applicants: Niall Roche

Date: 27th November 2024 (Site Inspection on 26/11/2024)

WHEREAS a question has arisen as to whether to construct an open fronted slatted house, creep area for calves & a slatted tank in Ardcarne, 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 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 Ardcarne, Boyle, Co. Roscommon and the land is in agricultural use. The site is accessed via a private laneway which leads on to the N4. The laneway is accessed via a dwelling entrance which appears to be associated with the applicant, the laneway is approx. 400m in length on which the protected structure Ardcarne House (00600106) is located, the site/farmyard is to the southwest of the house and the proposed structure is approx. 90m from the proposed structure. To access the farmyard you go passed the house and through a couple of sets of gates, the farmyard consists of an existing cattle shed, general storage shed and old stone building/shed been used from domestic use. The proposed development consists of the construction of an open fronted slatted house, creep area for calves & a slatted tank. Part of the proposed site is located within Roscommon County Development Plan 2022-2028 - Zone 2, the proposed structure is located outside of this zone.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. Protected structure Ardcarne House (00600106) and listed in the National Inventory of Architectural Heritage (31906032) is approx. 90m from the proposed structure but no works are in relation to the protected building is proposed.

Appropriate Assessment

The closest European site to the site of the proposed development are Fin Lough (Roscommon) PNHA (Site Code 001636) which is located circa 1.5km to the north and Lough Drumharlow PNHA (Site Code 001643) which is located circa 2.7km to the west of the proposed site.

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 (131.2m² stated):

The construction of an open fronted slatted house, creep area for calves & a slatted 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.
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	<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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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 open fronted slatted house, creep area for calves & a slatted tank 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 131.2m² 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. Existing shed for housing of cattle is 161m², this is stated and confirmed on-site inspection.
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 approx. 325m 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 apart from Ardcarne house which is in ownership by the applicant's family and was derelict at the time of inspection.
7. Based on information provided, the sheeting is pre-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 open fronted slatted house, creep area for calves & a slatted tank 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 the construction of an open fronted slatted house, creep area for calves & a slatted tank in Ardcarne, 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 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 an open fronted slatted house, creep area for calves & a slatted tank 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 EIA does not apply with respect to the current case.

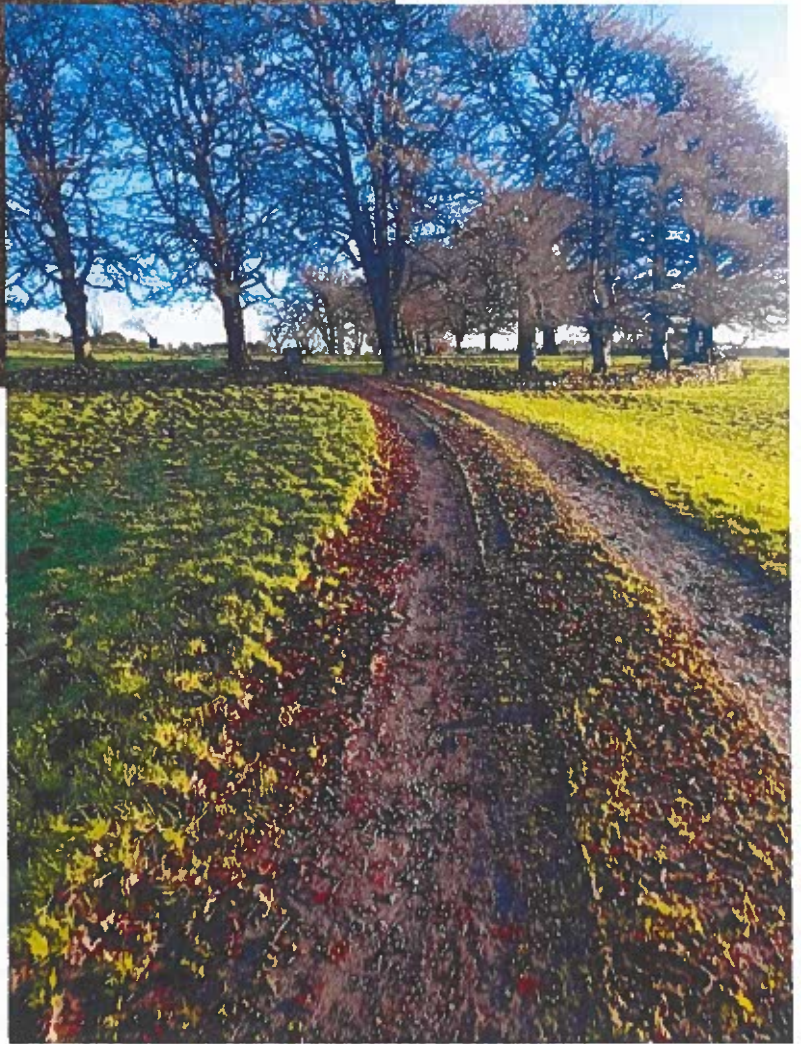
and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Civil Technician

Date: 27th November 2024

Signed: 
Senior Executive Planner

Date: 27th November 2024





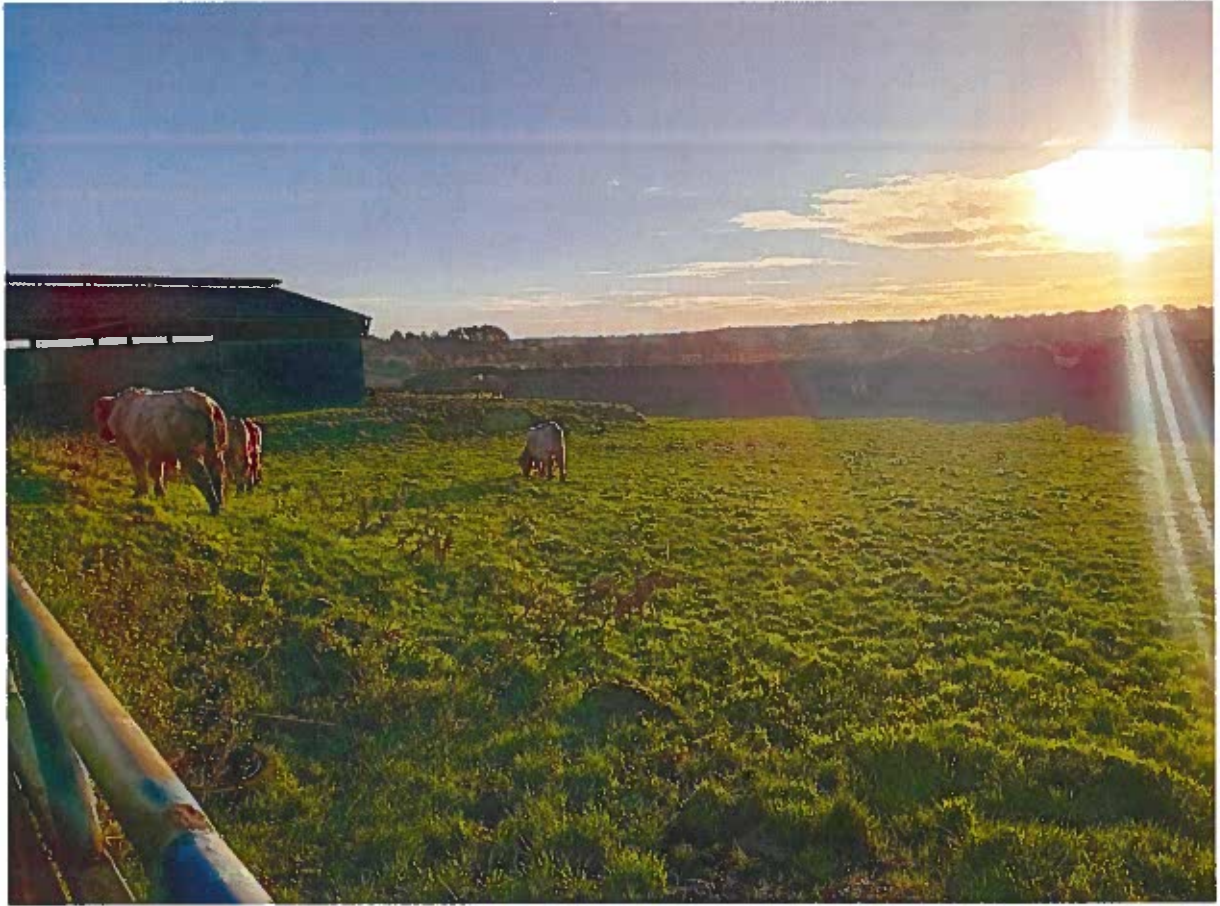










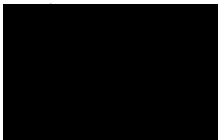




Comhairle Contae
Ros Comáin
Roscommon
County Council



Niall Roche,



Date: 15th October 2024
Planning Reference: DED 780

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct an open fronted slatted house, creep area for calves & a slatted tank under the Planning & Development Act (Exempt Development) Regulations 2018 at Ardcarne, Boyle, Co. Roscommon, F52 HW98.

A Chara,

I wish to acknowledge receipt of your application which was received on the 10th October 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. L01/0/231005 dated 11th October 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 780**.
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: Paul Moreton
paulmoreton.agri@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
00086 37100

11/10/2024 14:33:14

Receipt No. L01/0/231005

NIALL ROCHE

RE: DED 780

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 780	

Total : 80.00 EUR

Tendered :
Cheque 80.00
000084

Change 0.00

Issued By : Geraldine Murren
From : Central Cash Office

Carmel Curley

From: Carmel Curley
Sent: Tuesday 15 October 2024 14:27
To: paulmoreton.agri@gmail.com
Subject: DED780 - Niall Roche
Attachments: DED 780 - Ack Letter & Receipt.pdf

A Chara,

Please find attached acknowledgement letter & receipt for DED Application 780 – Niall Roche. 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 | 🌐 www.roscommoncoco.ie

MAP LOCATION





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)	Niall Roche,	
Name of Agent	Paul MORETON	
Nature of Proposed Works	(B) Open fronted Slatted House	164 x 3.8m
	(C) Creep Area for calves	164 x 4.2m
	(B1) Slatted Tank 19.2m x 3.5 x 1.8m	= 120.96m
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ardcarne, Boyle, Co. Roscommon use F52 HW98 for Access	
Floor Area:		
a) Existing Structure	a) 161 m ² = A.	
b) Proposed Structure	b) 131. m ² = B & C	
	c) Slatted Tank. 121 m ³	
Height above ground level:	d) Feed PASSAGE 16.4 x 5M.	
Total area of private open space remaining after completion of this development	45 Ha	
Roofing Material (Slates, Tiles, other) (Specify)	Prepainted 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)	MASS concrete
Is proposed works located at front/rear/side of existing house.	REAR. at farmyard
Has an application been made previously for this site	No.
If yes give ref. number (include full details of existing extension, if any)	NA.
Existing use of land or structure	farming
Proposed use of land or structure	Cattle Housing
Distance of proposed building line from edge of roadway	3-400 M.
Does the proposed development involve the provision of a piped water supply	NA.
Does the proposed development involve the provision of sanitary facilities	NA.

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

Signature:

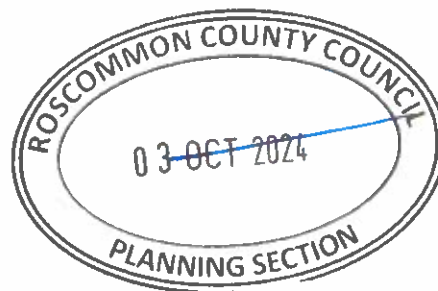
Niall Roche

Date:

21/5/2024

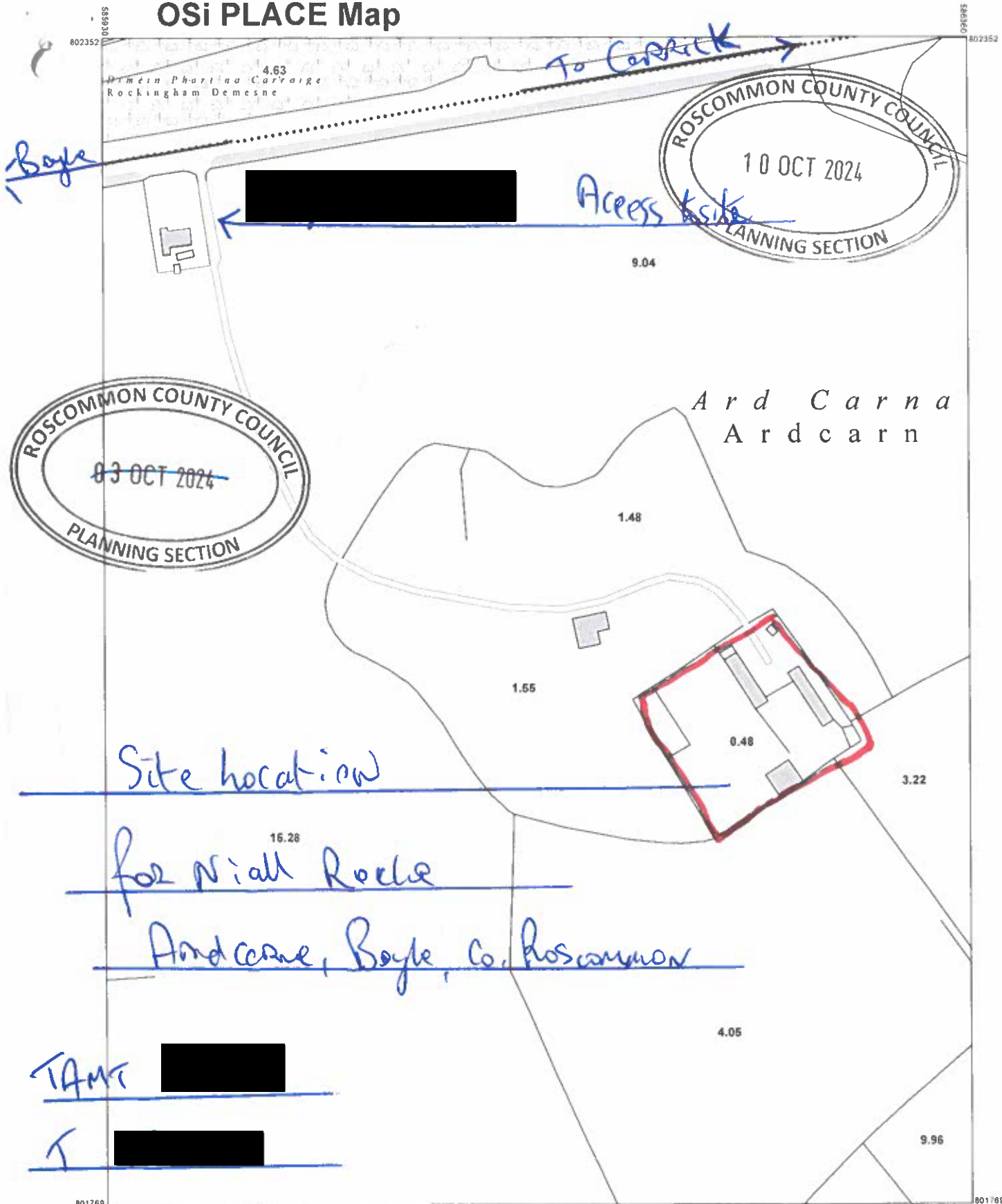
Note: This application must be accompanied by: -

- (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



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OSi PLACE Map



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

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OUTPUT SCALE: 1:2,500

CENTRE COORDINATES:
 ITM 586145.802061

PUBLISHED: 23/05/2024
 MAP SERIES: 1:5,000
 ORDER NO.: 50402323_1
 MAP SHEETS: 1741

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 LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'.

www.tailte.ie

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Tailte Éireann

A = Existing Slatted House $14 \times 11.5 \text{m}$
= 161m^2

A2 Existing Tank $14 \times 11.5 \times 1.8 \text{m} = 290 \text{m}^3$

B = Proposed shed $16.4 \times 3.8 = 62.4 \text{m}^2$

C = Proposed Deep Area = $16.4 \times 4.2 = 68.8 \text{m}^2$

Internal shed Area = $16.4 \times 8 \text{m} = 131.2 \text{m}^2$

B1 = Proposed Slatted Tank

$19.2 \text{m} \times 3.5 \times 1.8 \text{m} = 120.96 \text{m}^3$

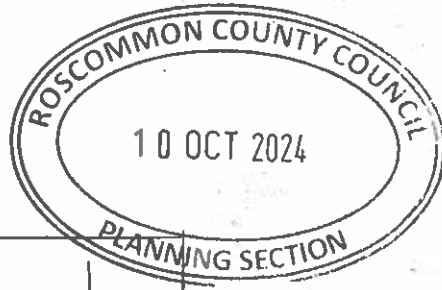
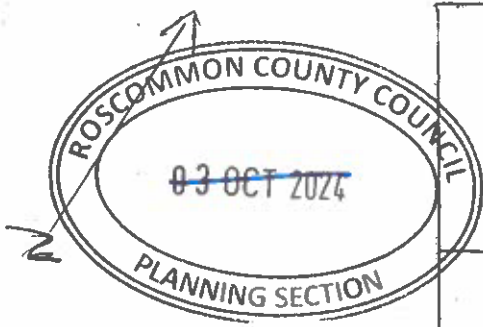
D = Proposed Feed Passage

$16.4 \times 5 \text{m} = 82 \text{m}^2$

Niall Roche.

1:250

Herd No.



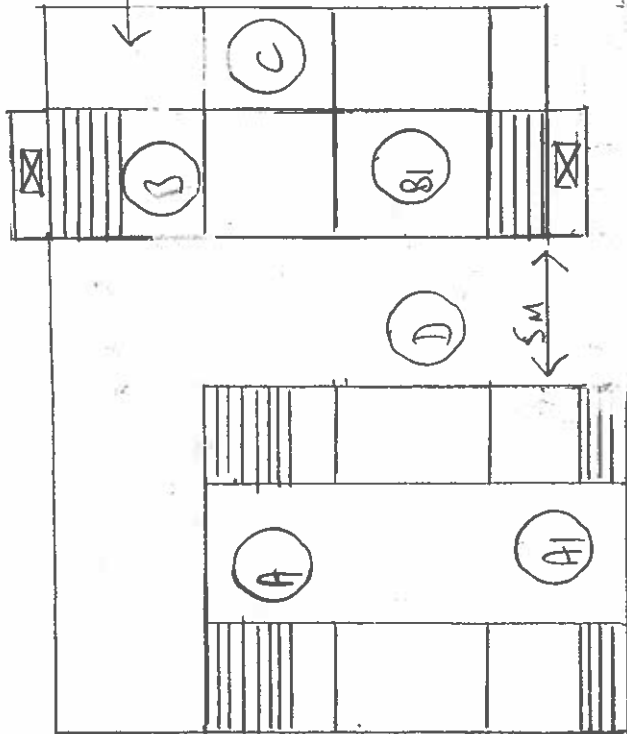
Silage Slab $20 \times 11 \text{m}$

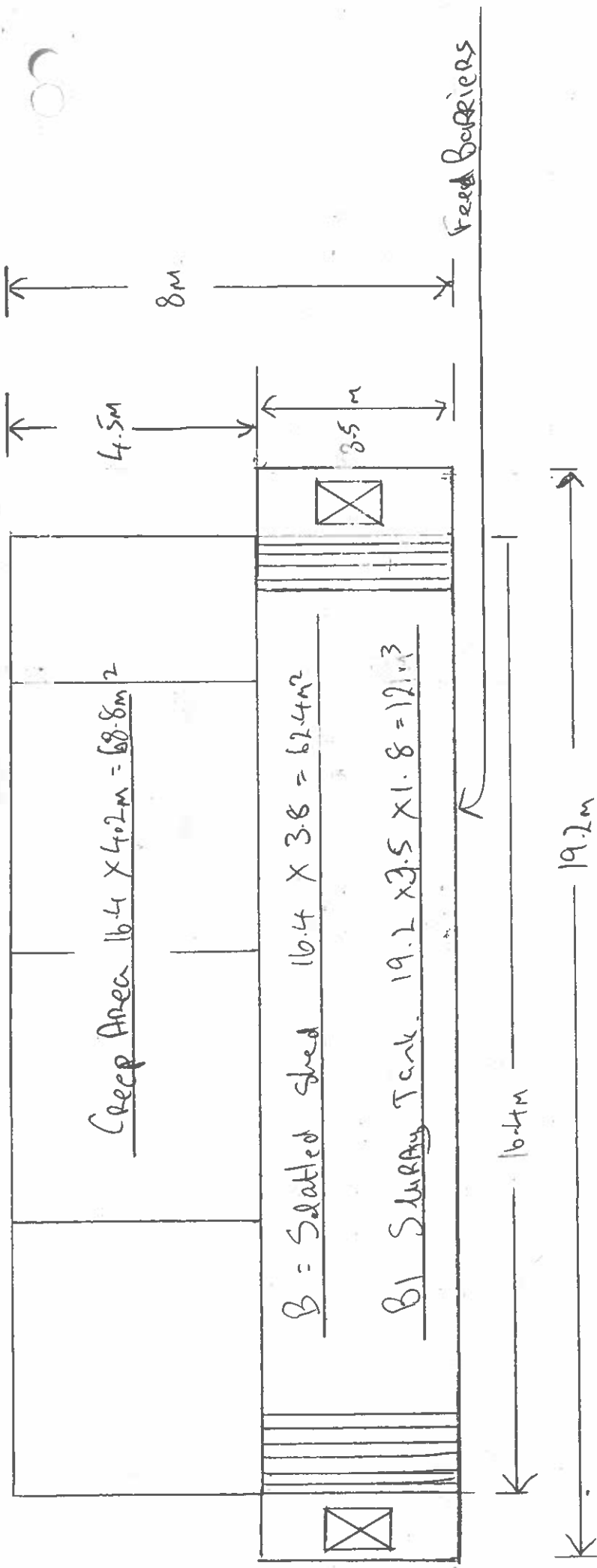
= 220m^2

St. Layout

General Purpose Bldg

$32 \text{m} \times 6.5 \text{m}$





Plan: Niall Rodue



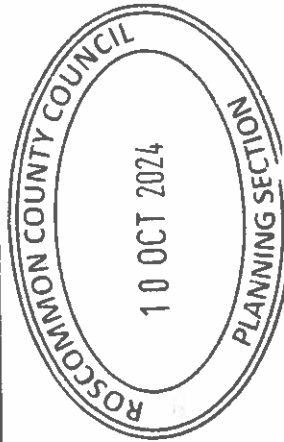
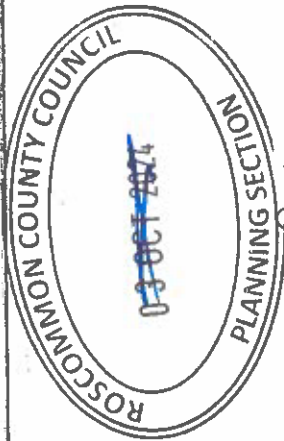
16/00

TAM



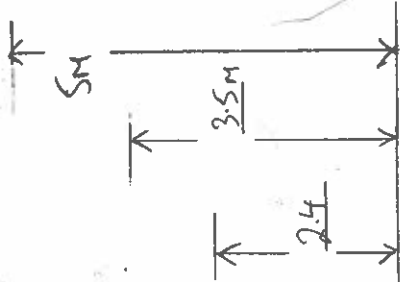
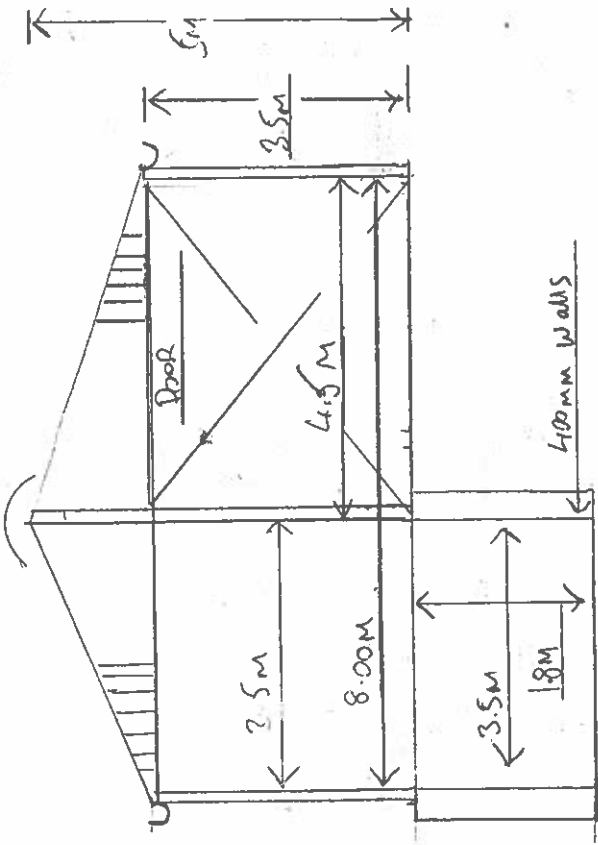
Front Elevation

Roof Pre-painted sheeting



REAR ELEVATION

End Elevation



Roof			
Air		Vent/Space	
Wall		Wall	
Wall		Wall	



1:100



TAMT



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only
Year: 2024

Name: NIAL RÓCHE
Address: [REDACTED]

Herd No: [REDACTED]
Townland Code: T18101
Townland Name: ARDCARN

Parcel	Digitised	Eligible Hectares	Claimed
T1810100017	0.3	0	0
T1810100018	0.16	0	10.49
T1810100024	10.51	8.67	8.67
T1810100025	8.69	3.23	3.23
T1810100026	3.23	14.97	14.97
T1810100027	14.97	8.53	8.53
T1810100028	8.53	3.98	3.98
T1810100029	3.98	0	0
T1810100058	0.02	0	0

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
T1810100024	0013	0.71	100	0	0	Scho
T1810100024	0033	0.02	100	0	0	Impasse
T1810100025	0014	0.02	100	0	0	Building

Ortho Used: VSCR_LATEST_ORTHO

All areas displayed above are in hectares

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Imagery Dates: 26/05/2012, 18/07/2017
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T1810310

Page 1 of 2 Sat Dec 23 13:14:27 2023



Site

AMK 06158



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AGRICULTURAL & ACCOUNTANCY SERVICES.

Paul Moreton,
Cloghbrack,
Ballivor,
Co Meath
C15 A2Y1

Mobile: 087-2987369
paulmoreton.agri@gmail.com

Date: 24/05/2024.

- Roscommon Co. Council.

To whom it concerns

Re: Application for a Section 5 exemption for a slatted house for,
Niall Roche, [REDACTED]

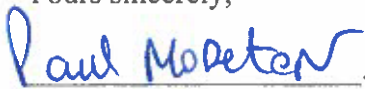


Dear Sirs,

- (1) I attach a Section 5 Application for the above Niall Roche.
- (2) The Department of Agriculture require a copy of the drawings that were submitted to the council "stamped by the council stamp" to ensure that the building that were exempt from planning, are in fact the exact same drawings that are submitted to the department of agriculture for grant aid.
- (3) I attach a spare copy of the drawings and I would appreciate if you can post to me a copy of these "stamped drawings" with your response to the application if the section 5 exemption is successful.

If you require any other assistance do not hesitate to contact me.

Yours sincerely,


Paul Moreton.



A = Existing Slatted House $14 \times 11.5m$
= $161 m^2$

A2 Existing Tank $14 \times 11.5 \times 1.8m = 290m^3$

B = Proposed shed $16.4 \times 3.8 = 62.4m^2$

C = Proposed Deep Area = $16.4 \times 4.2 = 68.80m^2$
Internal shed Area = $16.4 \times 8m = 131.2m^2$

B1 = Proposed Slatted Tank

$19.2m \times 3.5 \times 1.8m = 120.96m^3$

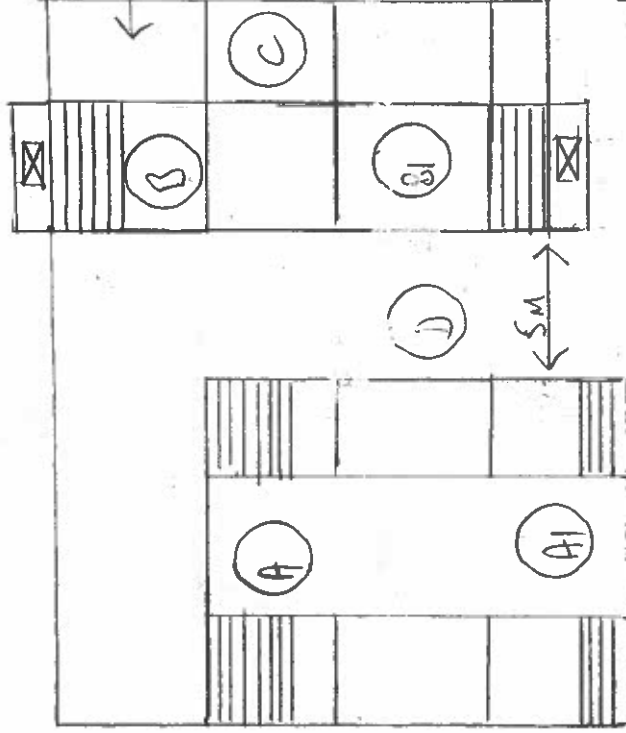
D = Proposed feed Passage

$16.4 \times 5m = 82m^2$

Niall Roche

1:250

Herd No

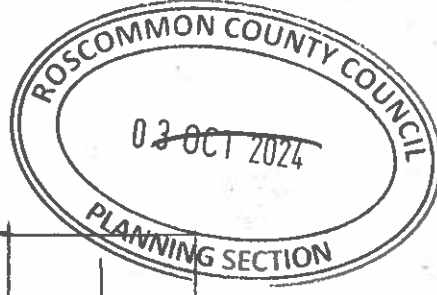


Proposed Bldg B/B1/C



Silage Silo $20 \times 11m$

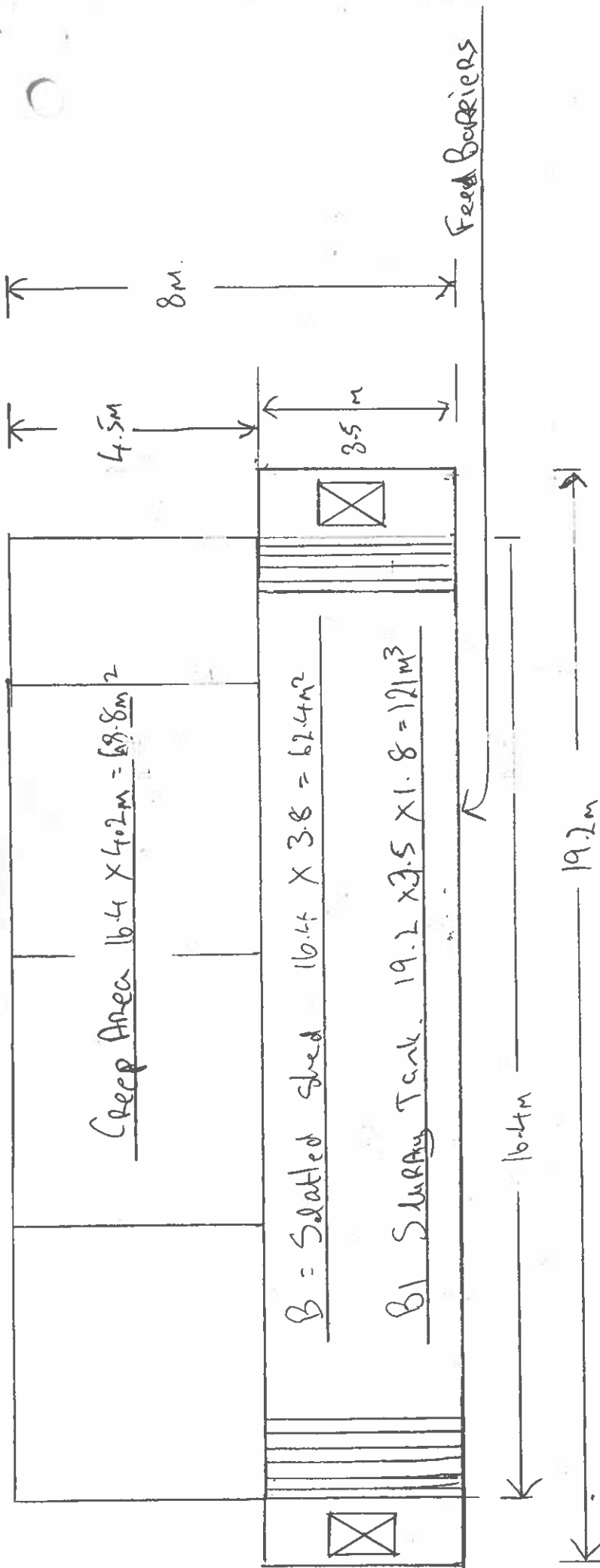
= $220m^2$



Site Layout

General Purpose Bldg

$32m \times 6.5m$



Plan. Niall Roche

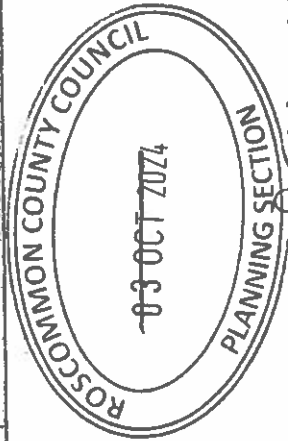
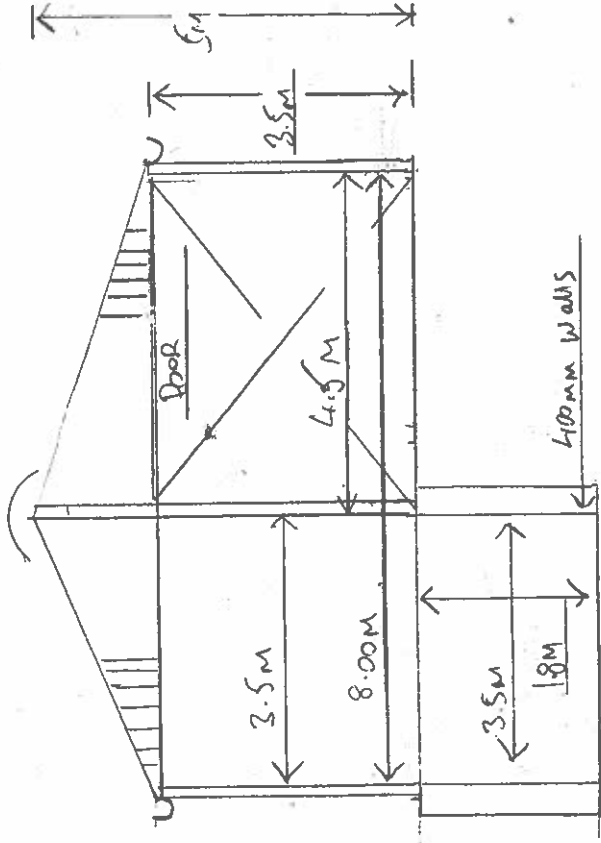


10/100

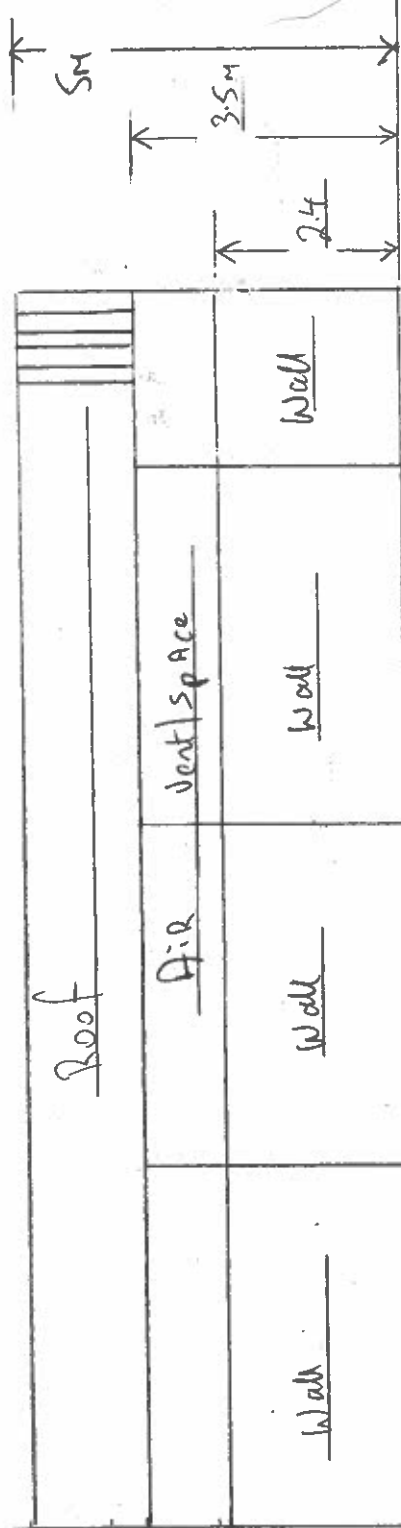
Front Elevation

Roof Pre-painted sheeting

End Elevation

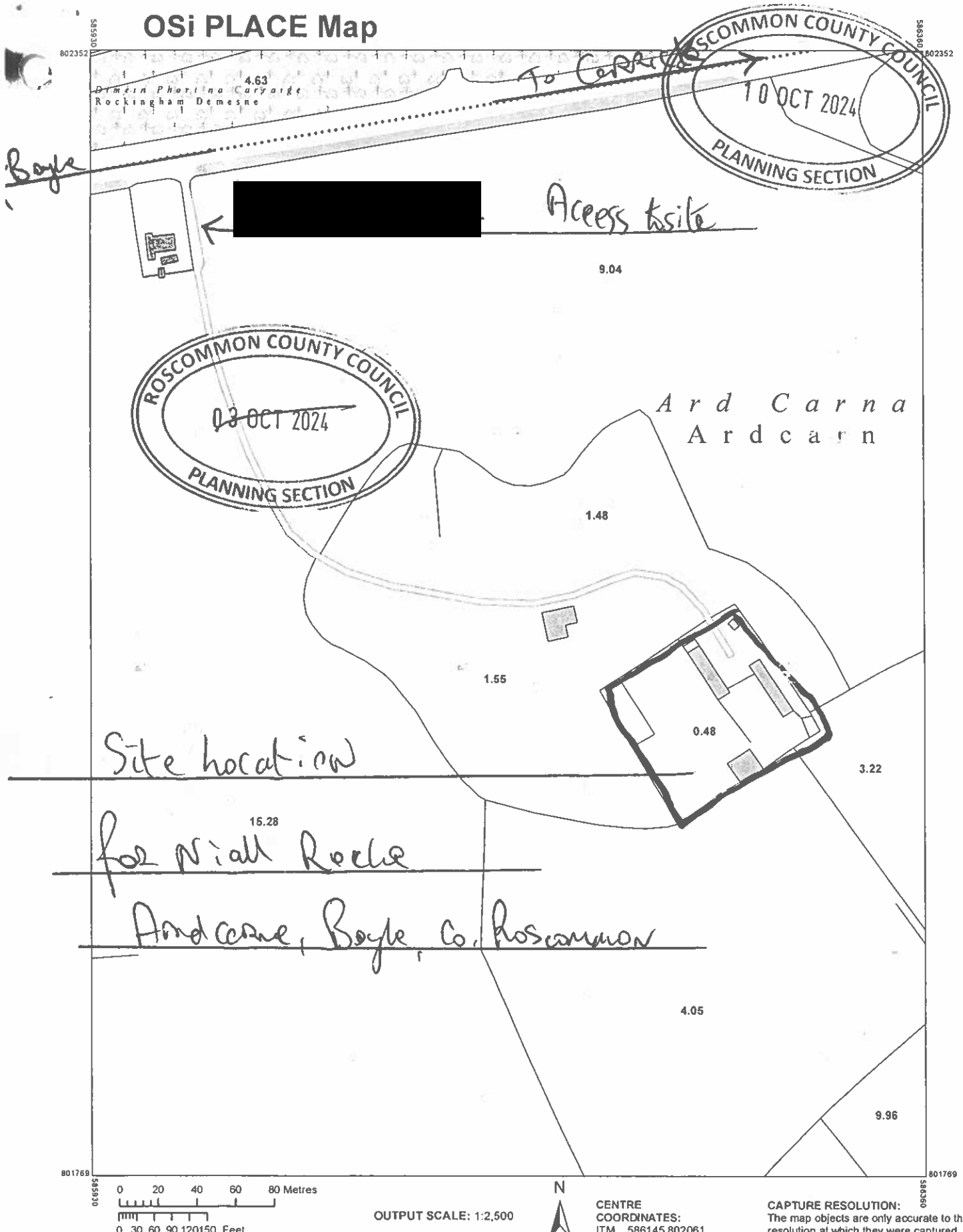


REAR ELEVATION



1:100

OSi PLACE Map



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D08F6E4

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OUTPUT SCALE: 1:2,500

CENTRE
COORDINATES:
ITM 586145,802061

PUBLISHED:
23/05/2024

MAP SERIES:
1:5,000

ORDER NO.:
50402323_1

MAP SHEETS:
1741

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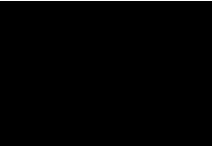
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**Tailte
Éireann**



Niall Roche,



Date: 3rd October 2024

Re: Request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)

A Chara,

I refer to your application form for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) received on 3rd October 2024.

I wish to advise that the Site Layout Plan submitted with the application is not sufficient, it therefore cannot be considered as a valid application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended).

I am returning herewith your correspondence received on 7th June 2024. On receipt of the site layout plan (to the scale of 1:500) your request will be considered further.

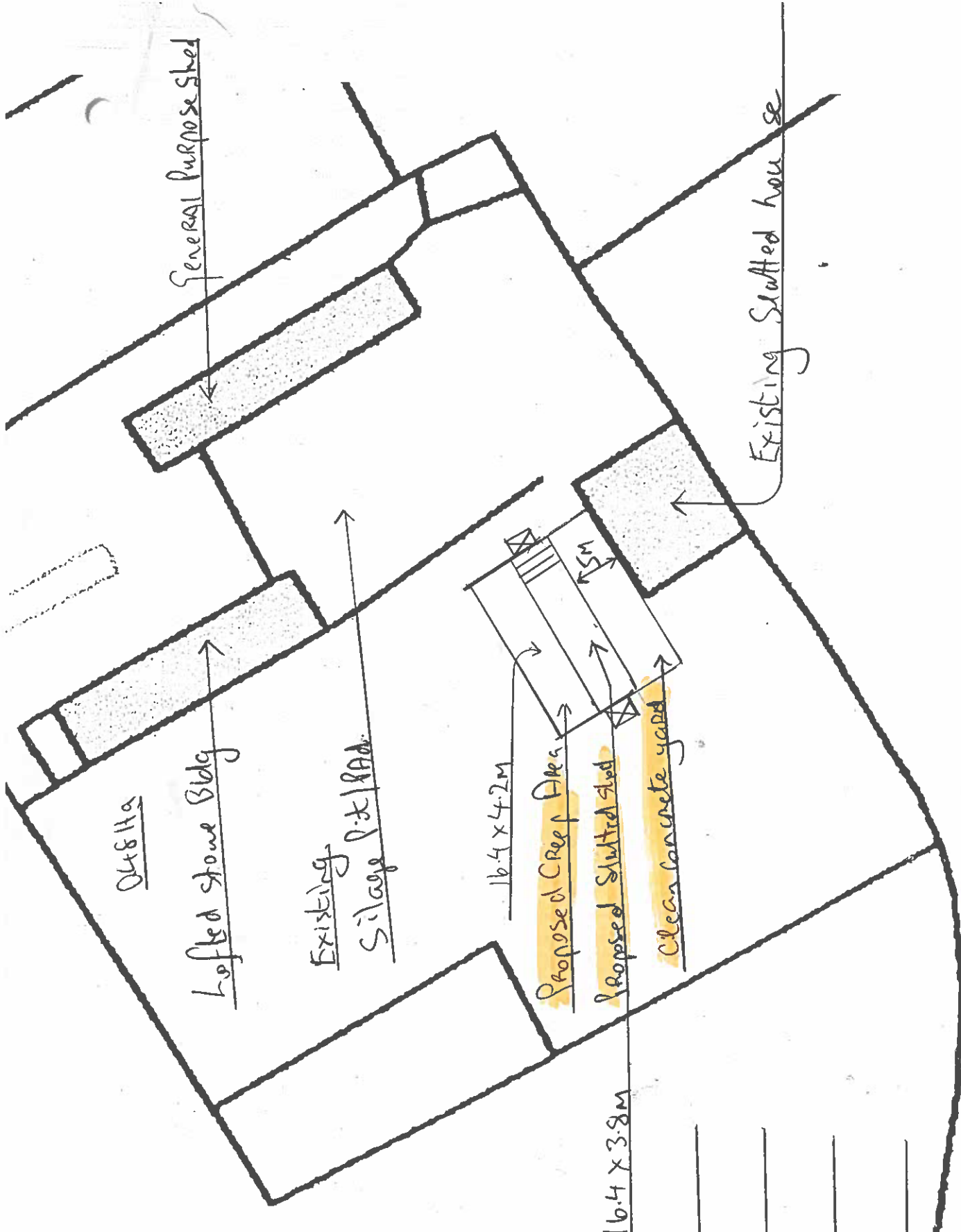
1:500 site layout attached
Paul Moreton 7/10/2024

Mise le meas,



Alan O'Connell,
Senior Executive Planner,
Planning.

cc agent via email: **Paul Moreton**
paulmoreton.agri@gmail.com



Site Layout (Scale 1:500)



Ninth Roche Ardarae

