

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Edward O'Connor,



Reference Number: DED 796

Application Received: 11<sup>th</sup> November 2024

Name of Applicant: Edward O'Connor

Agent: Rathcroghan Designs

**WHEREAS** a question has arisen as to whether the construction of a new farm roadway at Annaghmore, Strokestown, 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 13 of Part 1 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 farm roadway 4.5m wide as described in this case is not an exempted development.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 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 farm roadway at Annaghmore, Strokestown, Co. Roscommon., is development that is **not 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: 14<sup>th</sup> January 2025

cc agent via email: **Rathcroghan Design**  
[rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@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 796

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a new farm roadway under the Planning & Development Act (Exempt Development) Regulations 2018 at Anaghmore, Strokestown, Co. Roscommon.

**Applicants:** Edward O'Connor

**Date:** 14<sup>th</sup> January 2025 (Site Inspection on 13/01/2025)

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**WHEREAS a question has arisen as to whether to construct a new farm roadway in Anaghmore, Strokestown, 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 13 of Part 1 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 Anaghmore, Strokestown, Co. Roscommon and the land is in agricultural use. The site is partly accessed via a small laneway which leads off the L-6027, a short section of this laneway is accessible with the remainder overgrown and comes to an end in a field in the approximate location of part of the proposed farm roadway. This laneway possibly at some point serviced a derelict house and farm buildings. Approx. 300m down this laneway the proposed new farm roadway is proposed which goes both east and west while passing by the existing derelict buildings. The proposed farm roadway is approx. 400m long and 4.5m wide.

**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 (Roscommon) PNHA (Site Code 001626) which is located circa .15km to the west and south 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.

### Class 13 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<b>CLASS 13</b>  The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving	The width of any such private footpath or paving shall not exceed 3 metres

#### 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 construction of a new farm roadway constitutes development, as defined in Section 3 of the said Act.

The proposed development to construct a new farm roadway appears to be within the criteria for consideration as exempted development under Class 13 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 13 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a new farm roadway as described in this case is considered not to be exempted development as the proposed roadway is greater than 3m wide.

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 new farm roadway in Anaghmore, Strokestown, 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 13 of Part 1 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 farm roadway 4.5m wide as described in this case is not an exempted development.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

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

Signed:



Civil Technician

Date: 14<sup>th</sup> January 2025

Signed:



Senior Executive Planner

Date: 14<sup>th</sup> January 2025













## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Friday 22 November 2024 15:23  
**To:** Martin Dowd  
**Subject:** DED 796 - Edward O'Connor  
**Attachments:** DED 796 - Ack Letter & Receipt.pdf

A Chara,

Please find attached acknowledgement letter & receipt for DED Application 796 for Edward O'Connor. Please note a hard copy has 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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Edward O'Connor,

Date: 22<sup>nd</sup> November 2024  
Planning Reference: DED 796

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to construct a new farm roadway under the Planning & Development Act (Exempt Development) Regulations 2018 at Annaghmore, Strokestown, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 11<sup>th</sup> November 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. L01/0/231484 dated 11<sup>th</sup> November 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 796**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
A/Senior Planner,  
Planning Department.

cc agent via email: Rathcroghan Designs  
[rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@gmail.com)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09086 37100

11/11/2024 15.19.55

Receipt No : L01/0/231484

MARTIN DOWD  
RATHCROGHAN DESIGNS  
BALLYCONBOY  
BALLINAGARE  
CASTLEREA  
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 796	

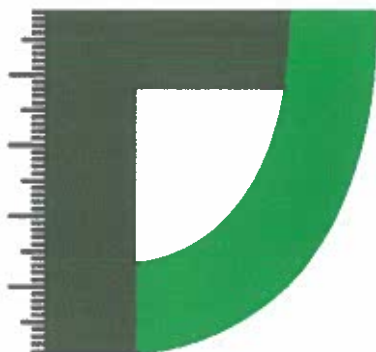
Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
7707

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office





## Rathcroghan Designs

Building and Planning Consultant

Ballyconboy, Ballinagare

Castlerea, Co. Roscommon

Ph: 0862328484

Email: rathcroghandesigns@gmail.com

8<sup>th</sup> Nov 2024

Planning Dept  
Roscommon Co Co  
Aras An Chontae  
Roscommon



### Re – Exempted Development and Associated fee

Dear Sir/Madam,

Please find enclosed Exempted Development application for my client Mr. Edward O'Connor, Annaghmore, Strokestown, Co Roscommon.

I would greatly appreciate it if you could please contact me at the details above, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

Martin Dowd

**Martin Dowd** AssocSCSI, Bsc Construction Management  
**Rathcroghan Designs, Building and Planning Consultant**



Cornhairle Contae  
Ros Comáin  
Roscommon  
County Council



Aras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto: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)	EDWARD O 'CONNOR
Name of Agent	Martin Dowd Rathcroghan Designs
Nature of Proposed Works	Construct new farm Roadway
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Annaghmore Shoeshown Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A</u> b) <u>N/A</u>
Height above ground level:	<u>N/A</u>
Total area of private open space remaining after completion of this development	<u>N/A</u>
Roofing Material (Slates, Tiles, other) (Specify)	<u>N/A</u>



## Roscommon County Council

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	—
Existing use of land or structure	Agricultural
Proposed use of land or structure	Agricultural
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	—
Does the proposed development involve the provision of sanitary facilities	—

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

Signature: M. Orla O'Neil

Date: 8/11/24

**Note:** This application must be accompanied by: -

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

# Planning Pack Map

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



Tailte  
Éireann

**CENTRE COORDINATES:**  
ITM 590346,782958

**PUBLISHED:**  
08/11/2024

**ORDER NO.:**  
50433031\_1

**MAP SERIES:**  
1:5,000  
1:5,000

**MAP SHEETS:**  
2101  
2163

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

[www.tailte.ie](http://www.tailte.ie)

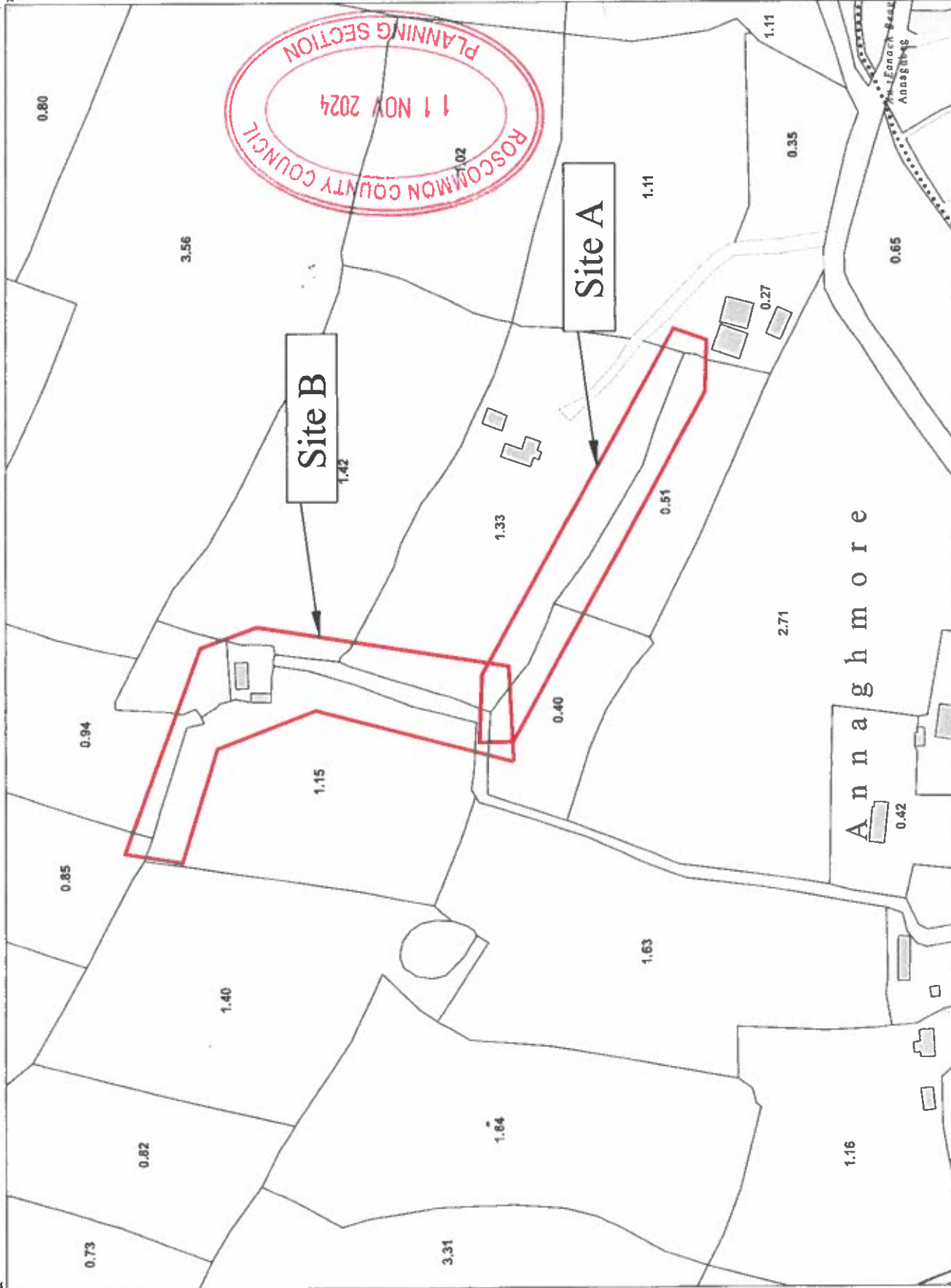
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This topographic map  
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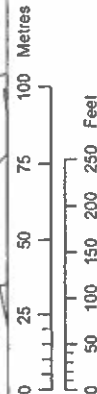
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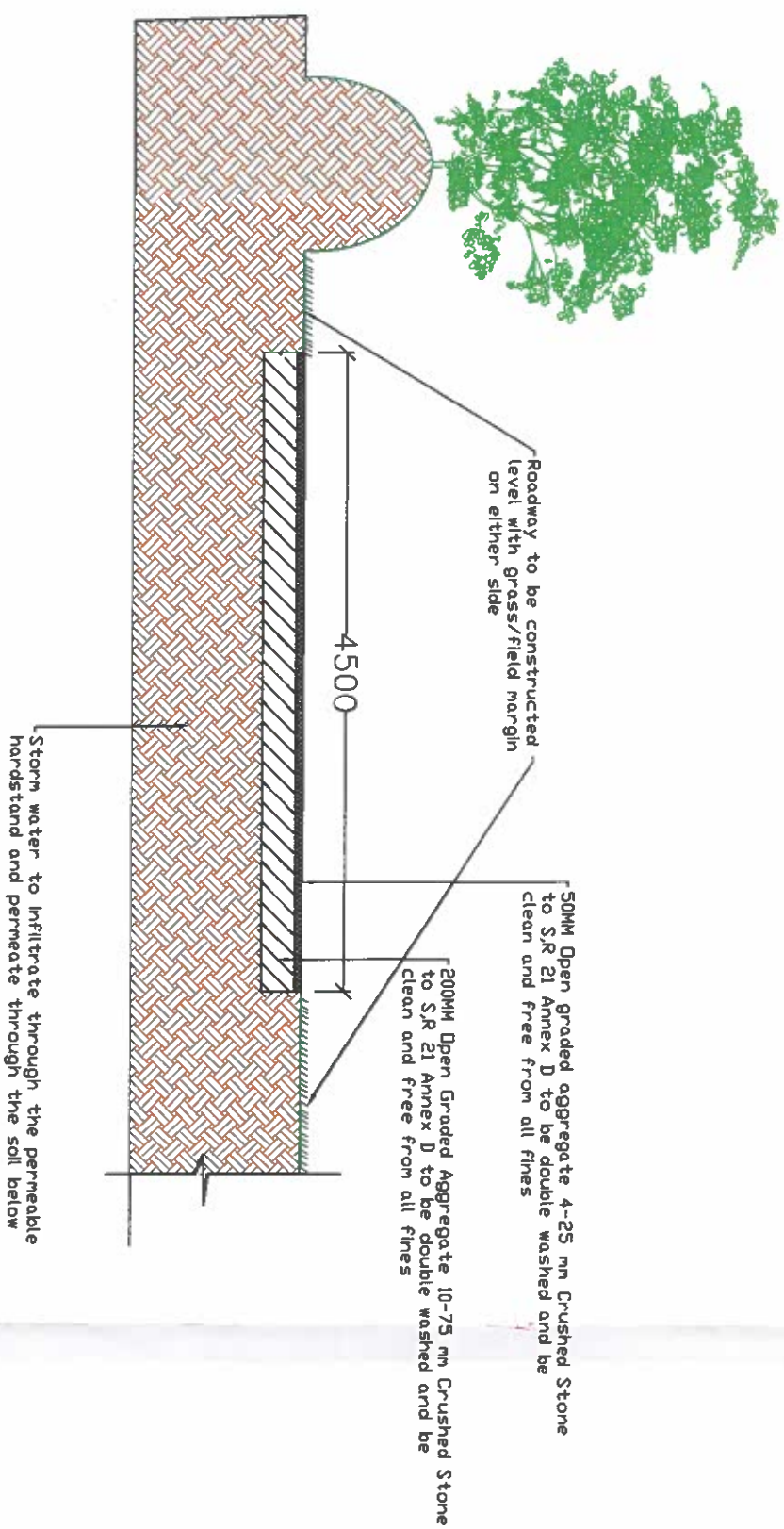
**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

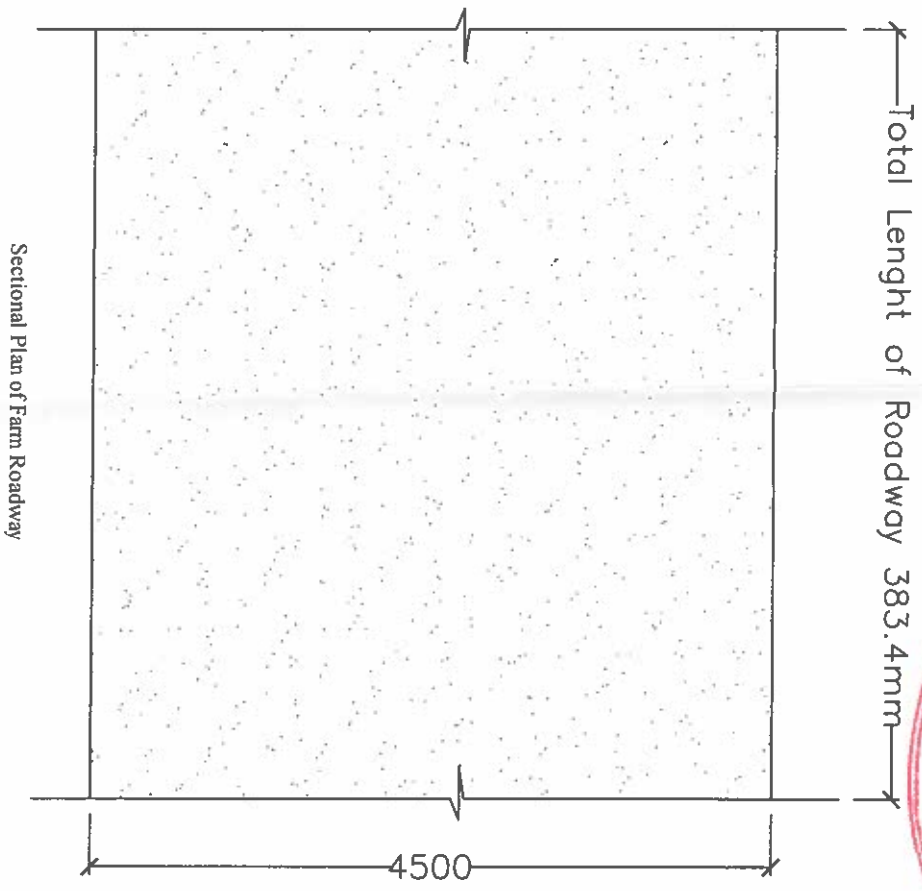
**OUTPUT SCALE: 1:2,500**







Cross Sectional Detail of Farm Roadway



Sectional Plan of Farm Roadway

RATHCROGHAN DESIGN  
Ballyconboy, Ballynagare, Castlereagh, Co. Roscommon  
Ph: 086 8328484 E-mail: rathcroghan@rathcroghan.com



Customer

Ned O'Connor

Title

Proposed Farm Roadway

Date

22/07/2023

Scale

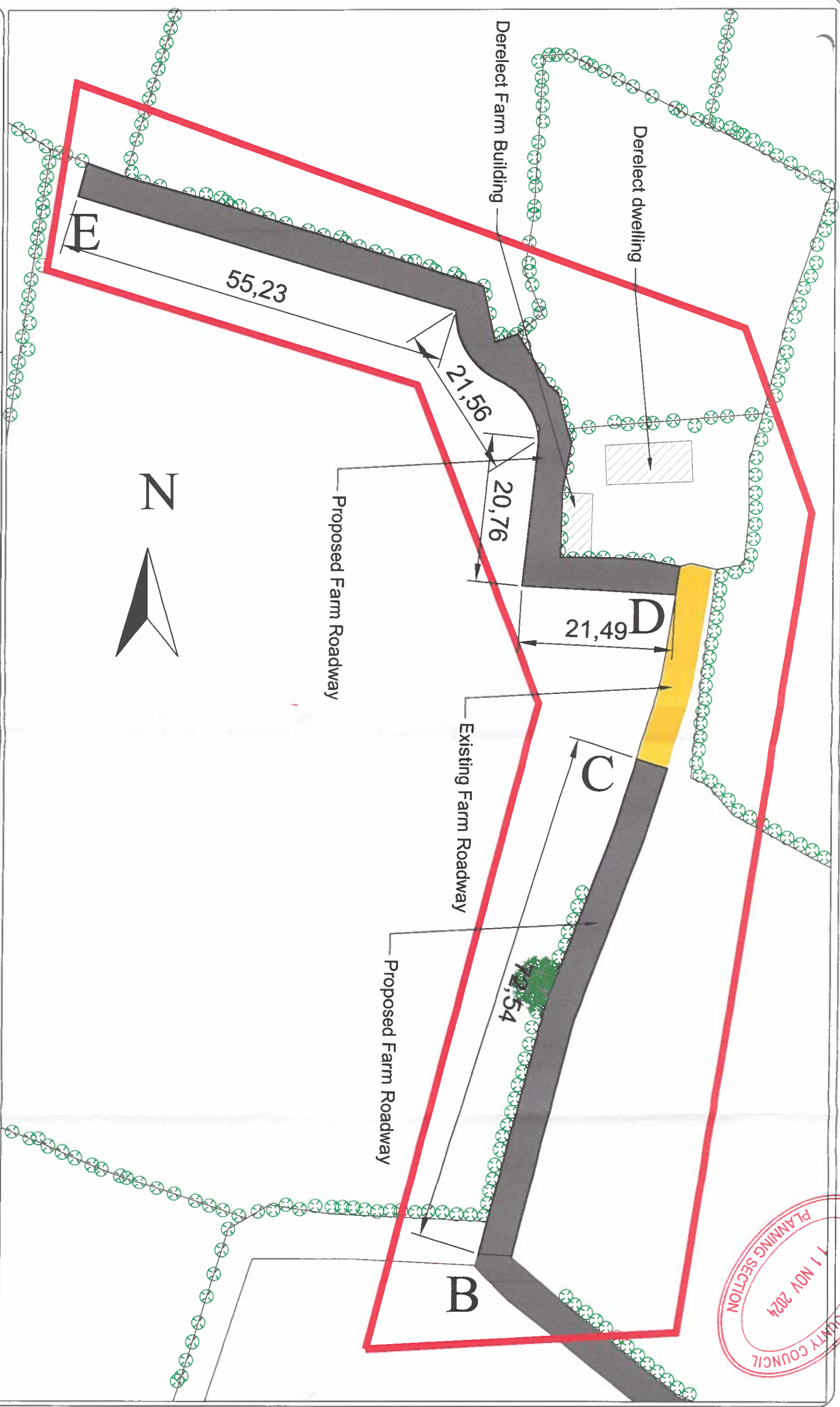
1:50

Unless Noted

Drawn By

Martin Dowd

ROSCOMMON COUNTY COUNCIL  
11 NOV 2024  
PLANNING SECTION



**RATHCROGHAN DESIGN**  
Ballycorboy, Ballylagan, Castlereagh, Co. Roscommon  
Ph: 086 2328484  
E-mail: rathcroghandesign@gmail.com

Client  
**Ned O'Connor**

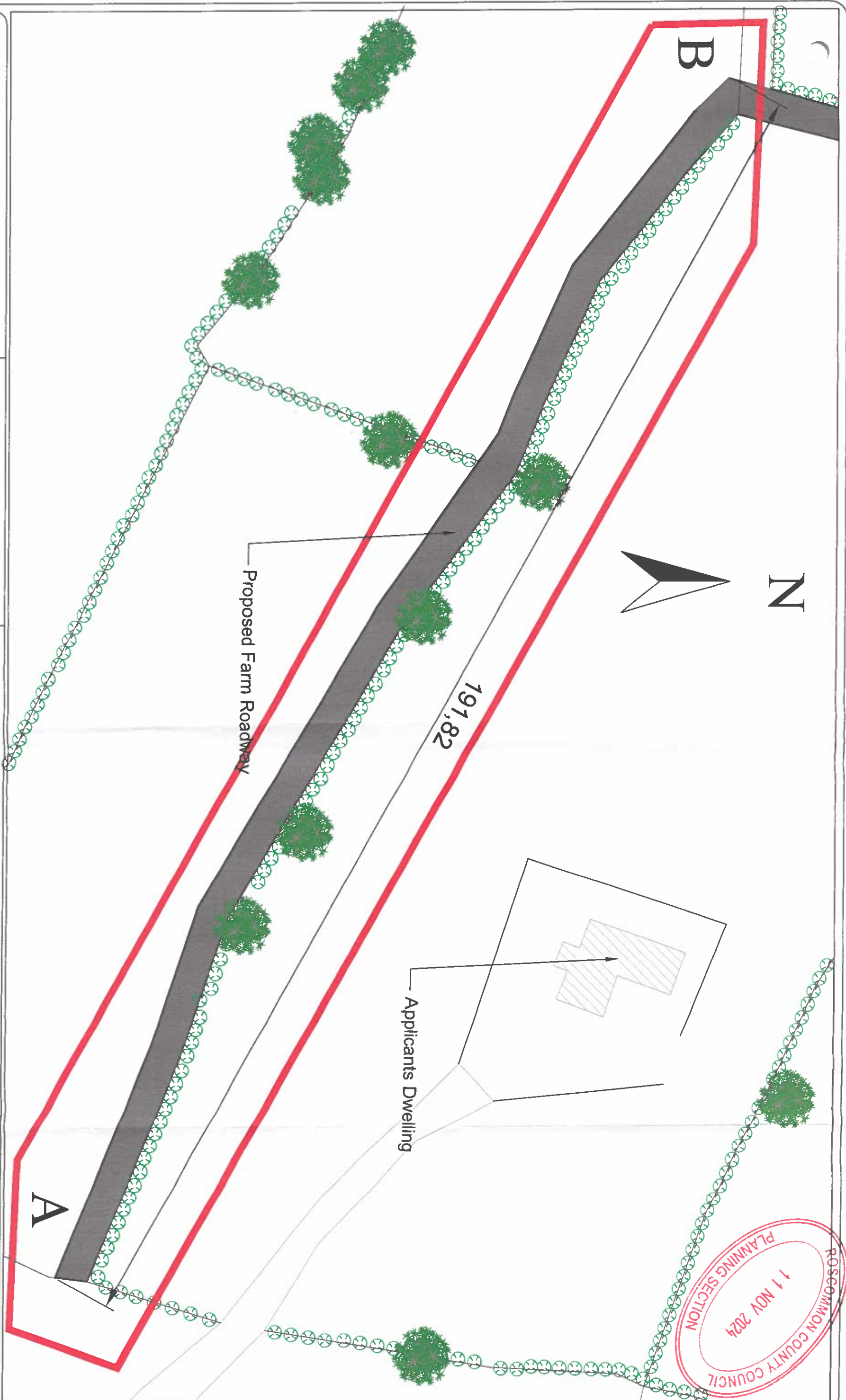
Title  
**Site Layout B  
Proposed farm Roadway Sections B-C & D-E**

Scale: 1:500 UNLESS NOTED  
Drawn: MARTIN DOWD  
Date: 22-10-2024

Sheet  
1 OF 1

Dwg. No.  
24-234





**RATHCROGHAN DESIGN**

Ballyconboy, Ballynagare, Castlereagh, Co. Roscommon  
Ph: 086 2328484  
E-mail: rathcroghandesigns@gmail.com



Client

Ned O'Connor

Title

Site Layout A  
Proposed farm Roadway Section A-B

Scale: 1:500 UNLESS NOTED

Drawn: MARTIN DOWD

Date: 22-10-2024

Sheet

1 OF 1

Drawn No.

24-234