ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Cathal Dunning,



Reference Number:

DED 797

Application Received:

11th November 2024

Name of Applicant:

Cathal Dunning

Agent:

Mark Gallagher

WHEREAS a question has arisen as to whether the construction of an agricultural development with all ancillary site works and services at Clonown Td, 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) 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 proposed development individually and in combination with other plans or projects would likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000 and therefore is not an exempted development.

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 agricultural development with all ancillary site works and services at Clonown Td, Athlone, Co. Roscommon., is development that is <u>not exempted development</u> 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: 16th January 2025

cc agent via email:

Mark Gallagher

gallagher.mark83@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 797

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an agricultural development under the Planning & Development Act (Exempt Development) Regulations

2018 at Cloonown, Athlone, Co. Roscommon.

Applicants:

Cathal Dunning

Date:

16th January 2025 (Site Inspection on 14/01/2025)

WHEREAS a question has arisen as to whether to construct an agricultural development in Cloonown, 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) 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 Cloonown, Athlone, Co. Roscommon and the land is in agricultural use. The site is accessed via a private laneway which leads off the L-2035. The laneway is approx. 160m in length and at the end is access to a dwelling house and around the back is the farmyard to which the proposed structure is located to the north west of the site behind the existing structures.

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 of the proposed development are Carrickynaghtan Bog NHA (Site Code 001623) which the proposed development is located partly within and River Shannon Callows PNHA (Site Code 000216) and Middle Shannon Callows SPA (Site Code 004096) which are located circa .85km to the 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

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(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

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 to construct an agricultural development constitutes development, as defined in Section 3 of the said Act.

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. However, the restrictions on exemption Art 9 (1)(a) (viiC) exclude development which would have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

Recommendation

WHEREAS a question has arisen as to whether the construction of an agricultural development in Cloonown, 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) 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 proposed development individually and in combination with other plans or projects would likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000 and therefore is not an exempted development.

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

Signed:

Civil Technician

Date: 16th January 2025

Signed:

Senior Executive Planner

San Murray

Date: 16th January 2025













Carmel Curley

From: Carmel Curley

Sent:Friday 22 November 2024 15:17To:gallagher.mark83@gmail.comSubject:DED797 - Cathal Dunning

Attachments: DED 797 - Ack Letter & Receipt.pdf

A Chara,

Please find attached acknowledgement letter & receipt for DED Application 797 for Cathal Dunning. 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

MAP LOCATION







Comhairle Contae Ros Comáin Roscommon County Council



Cathal Dunning,



Date:

22nd November 2024

Planning Reference:

DED 797

Re:

Application for a Declaration under Section 5 of the Planning & Development Act 2000

(as amended), regarding Exempted Development.

Development:

Permission to construct an agricultural development with all ancillary site works and

services under the Planning & Development Act (Exempt Development) Regulations 2018

at Cloonown Td, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 11th 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. L01/0/231581 dated 15th November 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 797

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:

Mark Gallagher

gallagher.mark83@gmail.com





Roscommon County Council Aras an Chontae Roscommon 09086 37100

15/11/2024 12:10:45

Receipt No | L01/0/231581

MARK GALLAGHER OLDTOWN CLONOWN CO. ROSCOMMON

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 797

80.00

Total :

80.00 EUR

Tendered ::
Credit/Debit Card

80.00

9175

Change :

0.00

Issued By | Bernadine Duignan From | Central Cash Office

Sharon Kelly

From:

Mark Gallagher < gallagher.mark83@gmail.com>

Sent:

Monday 11 November 2024 22:17

To:

Planning Department

Subject:

Section 5 Application for Agricultural Development for Cathal Dunning

Attachments:

24.100 Section 5 Application Form.pdf; 24.100 Letter of Consent from Owner.pdf; 24.100-A002 Site Location Map.pdf; 24.100-A010 Slatted House Plan.pdf; 24.100-

A003 Site Layout Plan.pdf; 24.100-A011 Slatted House Front and Rear

Elevations.pdf; 24.100-A001 Site Location Map.pdf; 24.100-A012 Slatted House Side

Elevations and Section.pdf

Morning

Please see attached Section 5 Application for Agricultural Development for Cathal Dunning in Clonown, Athlone, Co. Roscommon. Attached is the Section 5 Application Form, letter of consent from Applicants Father to make the application, site location maps, site layout plan at 1:500, floor plans elevations and section. If you can contact me and I can organise payment.

Thanks and have a good day.

Mark Gallagher





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)	Cathal Dunning
Name of Agent	Mark Gallagher
Nature of Proposed Works	Proposed Agricultural Development with all ancillary site works and services.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Cloonown Townland, Athlone, Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure Height above ground level:	a) None with this application b) 199m2
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Green/Grey Roof Cladding



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	2.4m High Plastered RC Walls with wall cladding and ventilated sheeting above this.
Is proposed works located at front/rear/side of existing house.	Rear
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	189m to L2035
Does the proposed development involve the provision of a piped water supply	No (Existing well being used on site)
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature:

Date:

11th November 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 Officer,
Planning & Development Department,

Roscommon County Council,

Aras an Chontae,

Roscommon



10th November 2024

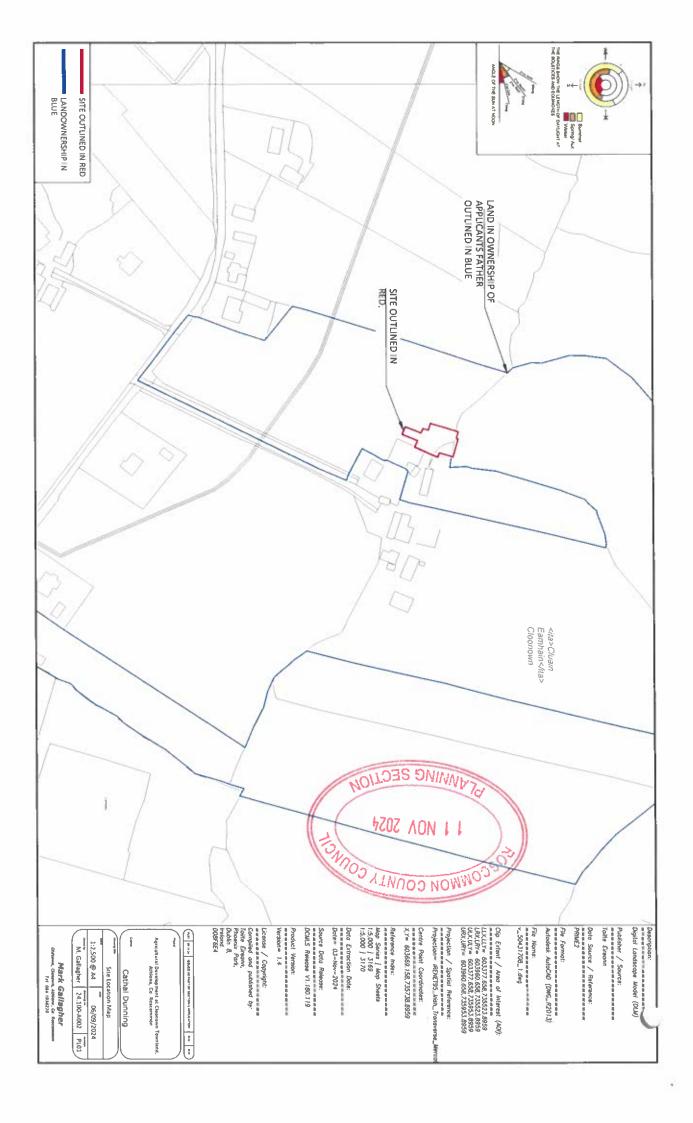
Re: Agricultural Development at Cloonown Townland, Athlone, Co. Roscommon.

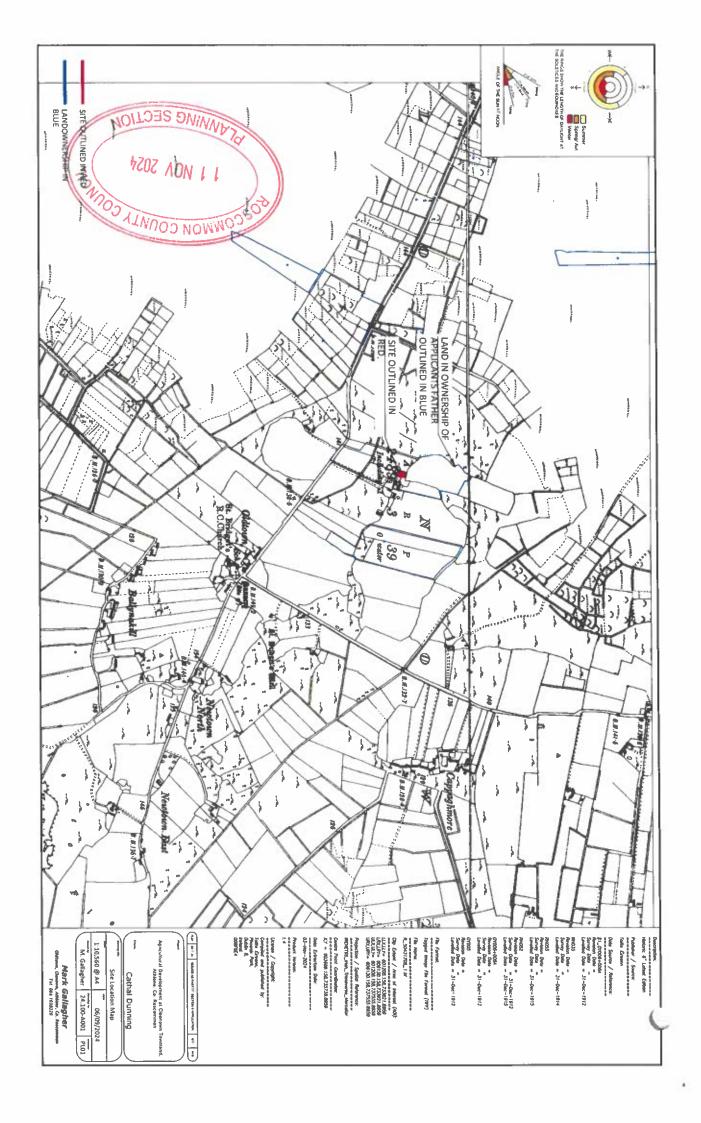
To Whom it May Concern,

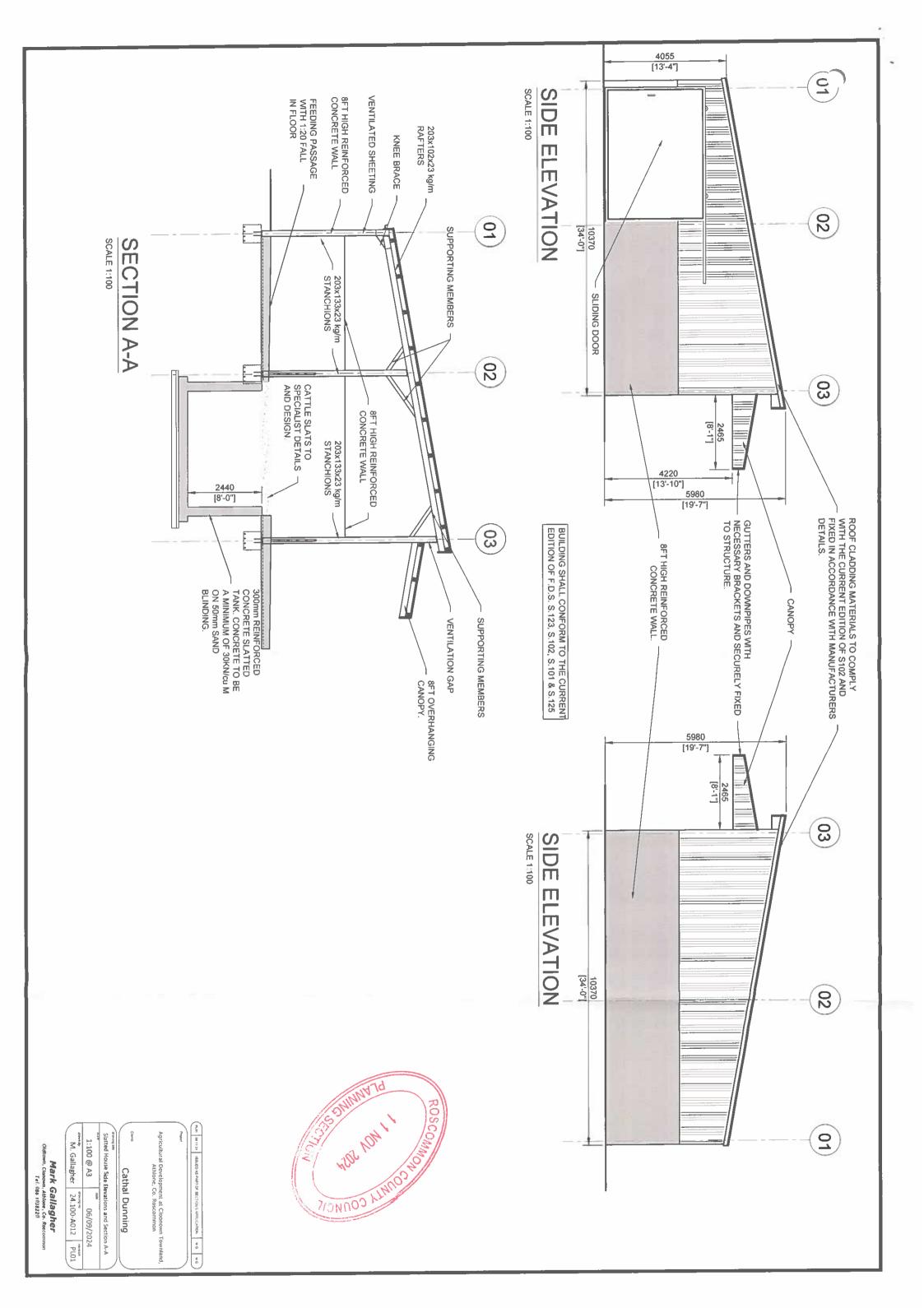
In respect of lands at the above I confirm that I am the registered owner of these lands, and I hereby give my permission and consent for Mr. Cathal Dunning, New Row, Clonown, Athlone, Co. Roscommon for an agricultural development at Cloonown Townland, Athlone, Co. Roscommon.

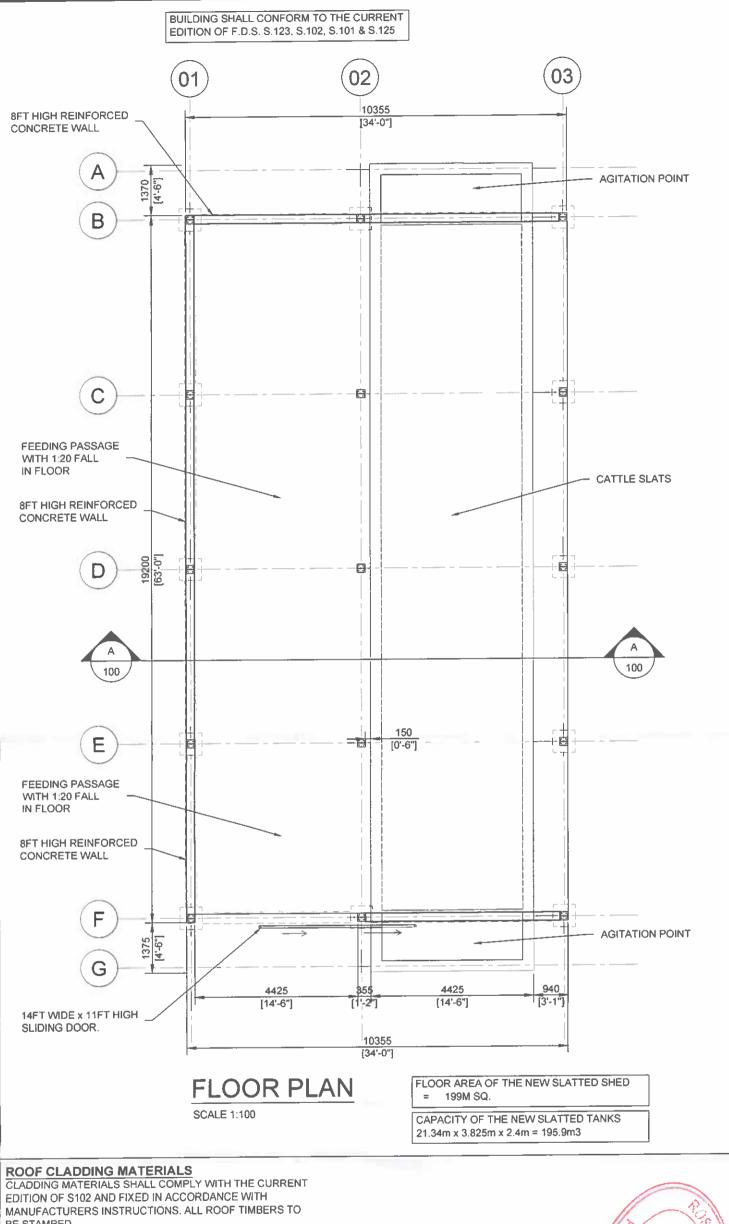
I trust you find the above in order but should you need any further information please don't hesitate to contact the undersigned.

Yours Sincerely









SAFETY NOTICES

IT IS RECOMMENDED THAT AT LEAST ONE SAFETY NOTICES SHOULD BE PUT ON THE SIC OF A BUILDING NEXT TO WHICH A SLURRY AGITATION POINT IS SITUATED. NOTICES ARE AVAILABLE FROM TEAGASC

FLOOR

A SOLID FLOOR IS PREFERRED. FLOOR SHALL BE OF 150MM CONCRETE ON 150MM WELL COMPACTED HARDCORE INCORPORATING 1,000 GAUGE POLYTHENE DPC. FLOOR FALL SHALL BE 1 IN 48.

SLAT'S

SHALL COMPLY WITH IS 249: 1993 CATTLE SLATS. A CERTIFICATE OF SLAT MANUFACTURE FROM A SUPPLIER SHOULD BE OBTAINED.

CREEP FLOOR

A SOLID FLOOR IS PREFERRED. FLOOR SHALL BE OF 100MM CONCRETE ON 150MM WELL COMPACTED HARDCORE INCORPORATING 1,000 GAUGE POLYTHENE DPC. FLOOR FALL SHALL BE 1 IN 20.

AGITATION

THE DESIGN OF THE TANK AT THE AGITATION ENDS, SHOULD BE OUTSIDE THE BUILDING AND COVERED BY REINFORCED SOLID CONCRETE SLABS.

REINFORCEMENT

SHALL CONSIST TO HIGH YIELD (H.Y) STEEL WITH RIBBED FINISH COMPLYING WITH THE CURRENT EDITION OF B.S. 4449, ALL STEEL SHALL BE FREE FROM MILL SCALE AND HEAVY DEPOSITS OF RUST: STEEL BARS SHALL NOT BE STRAIGHTENED AND RE-BENT. WHERE THE LENGTH OF THE BAR REQUIRED EXCEEDS THE LENGTH SUPPLIED, A LAPPED JOINT SHALL BE ADOPTED THE OVERLAP SHALL BE AT LEAST 40 TIMES THE DIAMETER IN TANKS WHERE THE OUTER WALLS ARE MORE THAN 4M APART, AND/OR WHERE TANKS ARE SUBJECT TO ANY GROUNDWATER PRESSURE THEN THE WHOLE FLOOR SHALL BE REINFORCE WITH STEEL MESH 200MM ON EACH SIDE, MESH SHALL ALSO BE OVERLAPPED 200MM ACROSS FOOTING STEEL MESH SHALL BE LAID CLOSE TO THE TOP OF THE SLAB WITH A MIN. 75MM COVER.

SLIDING DOORS

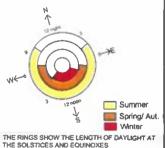
DOOR TO PASSAGES SHALL BE SLIDING, THE SLIDING GEAR SHALL BE FITTED AND ERECTED AS PER MANUFACTURERS INSTRUCTIONS FOR THE SIZE AND WEIGHT OF THE DOORS FITTED. A SLIDING DOOR SHALL PREFERABLY INCORPORATE A HINGED TYPE **OUTWARDOPENING SINGLE PERSONNEL DOOR** WITH A MINIMUM HEAD-ROOM OF 2.2 METRES ABOVE GROUND LEVEL CLADDING MATERIALS FOR DOORS SHALL CONFORM TO THE STANDARDS SPECIFIED IN S.102 FOR ANIMALS HOUSES.

SPACED SHEETING

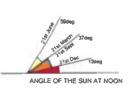
SPACED SHEETING IS MANDATORY FOR ANY NEW ROOF IN EXTENSION OR CONVERSION WORK WHERE A FULL VENTILATION OUTLET IS NOT AVAILABLE. NOTE ALSO THAT SPACED SHEETING IS NOT PERMITTED FOR INLET VENTILATION.

HEIGHT AND ROOF SLOPE

NEW SLATTED LIVESTOCK UNITS SHALL HAVE A MAXIMUM HEIGHT AT EAVES OF 4.0M. ROOF WITH VENTED SHEETING 1.5M FROM EAVES, ROOF SHALL HAVE A MINIMUM OF A 6° SLOPE.



THE RINGS SHOW THE LENGTH OF DAYLIGHT AT THE SOLSTICES AND EQUINOXES



181 98 11 24 ISSUED AS PART OF SECTION 5 APPLICATION 4 8 8 8

Cathal Dunning

06/09/2024

24.100-A010

PL01

Agricultural Development at Cloonown Townland, Athlone, Co. Roscommon

Slatted House Floor Plan

1:100 @ A3

M. Gallagher

Mark Gallagher Tel. 086 1038220

BE STAMPED.

GUTTERS AND DOWN PIPES

ROOFS SHALL BE FITTED WITH GUTTERS AND DOWN PIPES COMPLETE WITH NECESSARY BRACKETS AND SECURELY FIXED.

VENTILATION OF STRUCTURE PERMANENT OPEN VENTILATION SHALL BE PROVIDED, AS SPECIFIED IN S.123. AS A STRICT CONDITION OF GRANT-AID, IN ORDER TO PROTECT ANIMAL HEALTH AND THE WORKING LIFE OF STRUCTURE.

LIGHTING DAY LIGHTING

SHOULD BE RELIED ON TO THE MAXIMUM BY FITTING TRANSLUCENT SHEETS ON EACH ROOF SLOPE AS FOLLOWS IN SECTION 7: SERVICES. TRANSLUCENT SHEETS MAY BE OMITTED WHERE SPACED SHEETING IS USED.



