

ROSCOMMON COUNTY COUNCIL

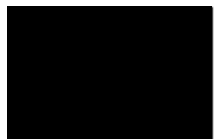
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Francis O'Connell,



Reference Number: DED 851
Application Received: 27th February, 2025
Name of Applicant: Francis O'Connell
Agent: Mark Ward

WHEREAS a question has arisen as to whether the construction of a slatted cattle shed at Ballygortagh, Creagh, Ballinasloe, 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 slatted cattle shed as described in this case is 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 slatted cattle shed at Ballygortagh, Creagh, Ballinasloe, 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: 13th March, 2025

cc agent via email:

Mark Ward
markward38@hotmail.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.

Carmel Curley

From: Carmel Curley
Sent: Friday 14 March 2025 09:09
To: Mark Ward
Subject: DED 851 - Francis O'Connell
Attachments: DED 851 - Plans & Elevations - Stamped.pdf; DED 851 - Notification of Decision.pdf

Hi Mark,

Please find attached Notification of Decision for DED Application 851 for Francis O'Connell.

Please find attached Stamped Plans & Elevations should you require them for grant purposes.

Regards,

Carmel

Carmel Curley, 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 851

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct a slatted cattle shed under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballygortagh, Creagh, Ballinasloe, Co. Roscommon.

Applicants: Francis O'Connell

Date: 13th March 2025 (Site Inspection on 13/03/2025)

WHEREAS a question has arisen as to whether to construct a slatted cattle shed in Ballygortagh, Creagh, Ballinasloe, 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 Ballygortagh, Creagh, Ballinasloe, Co. Roscommon and the land is in agricultural use. The site is accessed off the R357, down a farm road that goes through a couple of fields. The proposed site is currently an agricultural field with livestock handling facilities to the side of the proposed structure.

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 Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 1km 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, planning history has been traced relating to the subject site.

- 07/1219 – To construct a seven bay double loose shed with creep area - Conditional.

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 shed (170m² stated):

The construction of a new slatted 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

<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, 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.
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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 construction of a new slatted cattle shed constitutes development, as defined in Section 3 of the said Act.

The proposed development of a new slatted cattle shed, is stated as having floorspace of 170m² 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 is the housing of cattle.
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. No other structures on the land.
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 249m 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 cladded sheeting.

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 a new slatted cattle shed as described in this case is considered to be an 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 to construct a new slatted cattle shed in Ballygortagh, Creagh, Ballinasloe, 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 new slatted cattle shed as described in this case is 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: 13th March 2025

Signed: 
Senior Executive Planner

Date: 13th March 2025







Comhairle Contae
Ros Comáin
Roscommon
County Council



Mark Ward,
Ruane,
Creagh,
Ballinasloe,
Co. Galway.

Date: 4th March, 2025
Planning Reference: DED 851 – Francis O’Connell

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

Development: Permission for the construction of a cattle slatted shed under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballygortagh, Creagh, Ballinasloe, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application submitted on behalf of Francis O’Connell which was received on the 27th February, 2025, 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. **L/01/0/233379** dated 28th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 851**
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
00086 37100

28/02/2025 13:53:08

Receipt No. : L01/0/2333/9

FRANCIS O'CONNELL
C/O MARK WARD
RAUNE, CREAGH
BALLINASLOE
CO. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED851	

Total :	80.00 EUR
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Tendered :	
Cheque	80.00
501859	

Change :	0.00
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Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

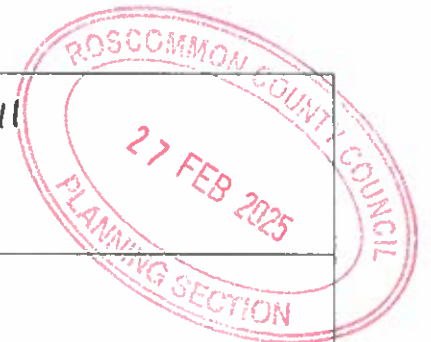
Email: planning@roscommoncoco.ie

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)	Francis O'Connell
Name of Agent	Mark Ward
Nature of Proposed Works	Construction of a slatted cattle shed.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ballygortugh, Craagh, Ballinasloe, Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>0 m²</u> b) <u>170 m²</u>
Height above ground level:	5.55 m
Total area of private open space remaining after completion of this development	Remaining 30 acres Farmland
Roofing Material (Slates, Tiles, other) (Specify)	Cladded Sheeting



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 Walls
Is proposed works located at front/rear/side of existing house.	No
Has an application been made previously for this site	PD 07/1219 Planning Permission grant 2007.
If yes give ref. number (include full details of existing extension, if any)	PD 07/1219 Not-Constructed
Existing use of land or structure	Farmland
Proposed use of land or structure	House Livestock for Winter
Distance of proposed building line from edge of roadway	249m
Does the proposed development involve the provision of a piped water supply	Yes. Existing Water Supply Available
Does the proposed development involve the provision of sanitary facilities	No.

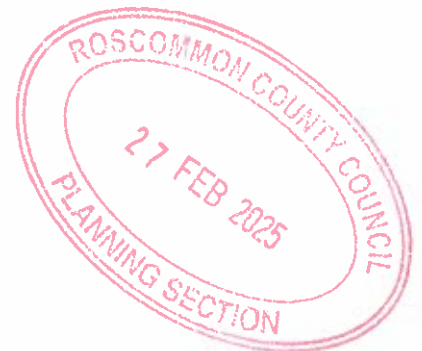
Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:



Date:

26-2-2025



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

Ruane,
Creagh,
Ballinasloe,
Co. Galway.



26/02/2025

Planning section,
Roscommon County Council,
County Buildings,
Roscommon,
Co Roscommon.

**Re Application for declaration of exempted development for Francis Connell at Ballygortagh,
Ballinasloe, Co. Roscommon**

To whom it may concern

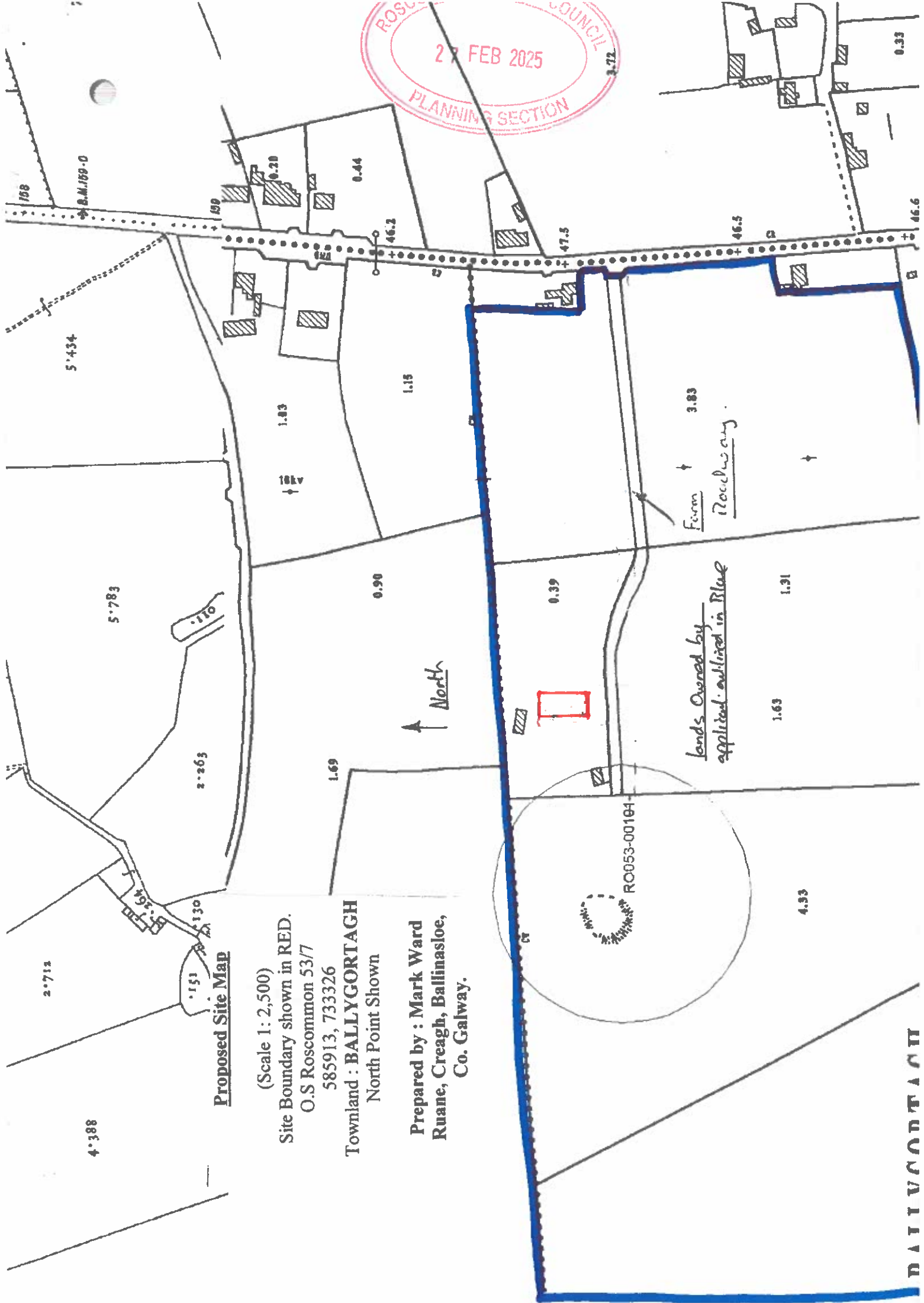
Please note the following

- There are no dwelling houses within 100 metres of the proposed shed
- There are no other animal housing buildings within 100 metres of the proposed shed
- The proposed shed as part of this application for exempted development has a floor area of 170m².
- The proposed shed is situated close to the adjoining animal handling facilities to allow for the safe control of livestock for animal husbandry reasons
- There is a recorded monument in the adjoining lands. However, the proposed shed is 103metres from the outline of this monument.
- The applicant was issued with planning permission on this site in 2007 (Reference number PD07/1219) with a floor area of 706m². [REDACTED]
- Please note that the applicant is currently outwintering his livestock on the lands in question. This is no longer acceptable as part of the current Nitrates requirements and therefore he requires the correct animal housing facilities with adequate slurry storage included.

Regards

Mark Ward

A handwritten signature in black ink, appearing to be "Mark Ward", written over a white background.



Proposed Site Map

(Scale 1:2,500)

Site Boundary shown in RED.

O.S Roscommon 53/7

585913, 733326

Townland : **BALLYGORTAGH**

North Point Shown

Prepared by : Mark Ward
Ruane, Creagh, Ballinasloe,
Co. Galway.

*Lands Owned by
applicant outlined in Blue*

*Farm
Roadway*

BALLYGORTAGH

Field Boundary

Field Boundary

Field Boundary

↑ N

40000

20000

10000

Post + Wire Fence

Existing Cattle
Handling Pen

Proposed Shed is 10.3 m
From recorded Monument.

Sporadic Mature Holgerow

Field Boundary

Field Boundary

164 m to Rd.

Farm Road to Public Rd



Farmer/Client:

Francis O'Connell
Atticorra, Creagh,
Ballinasloe
Co. Galway

Date 26/02/25

Scale 1:500

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway

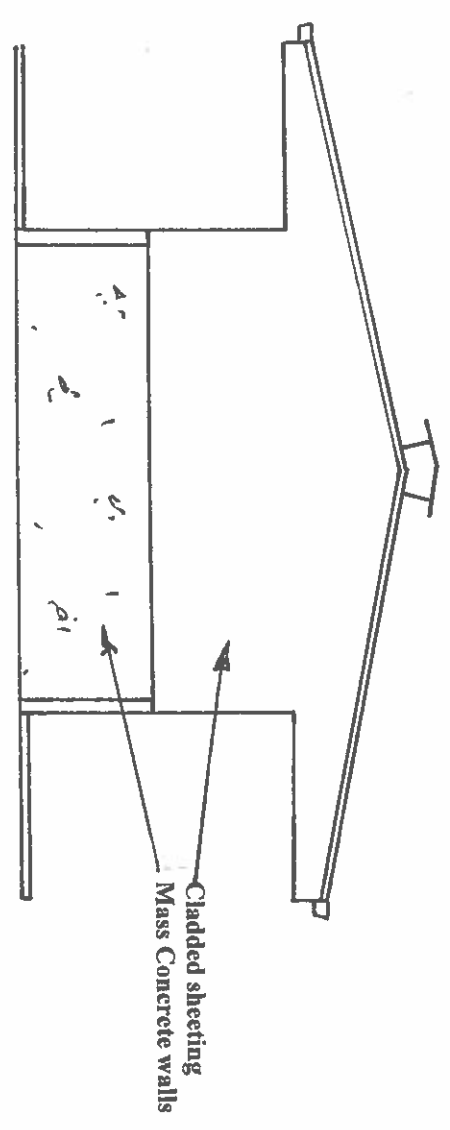
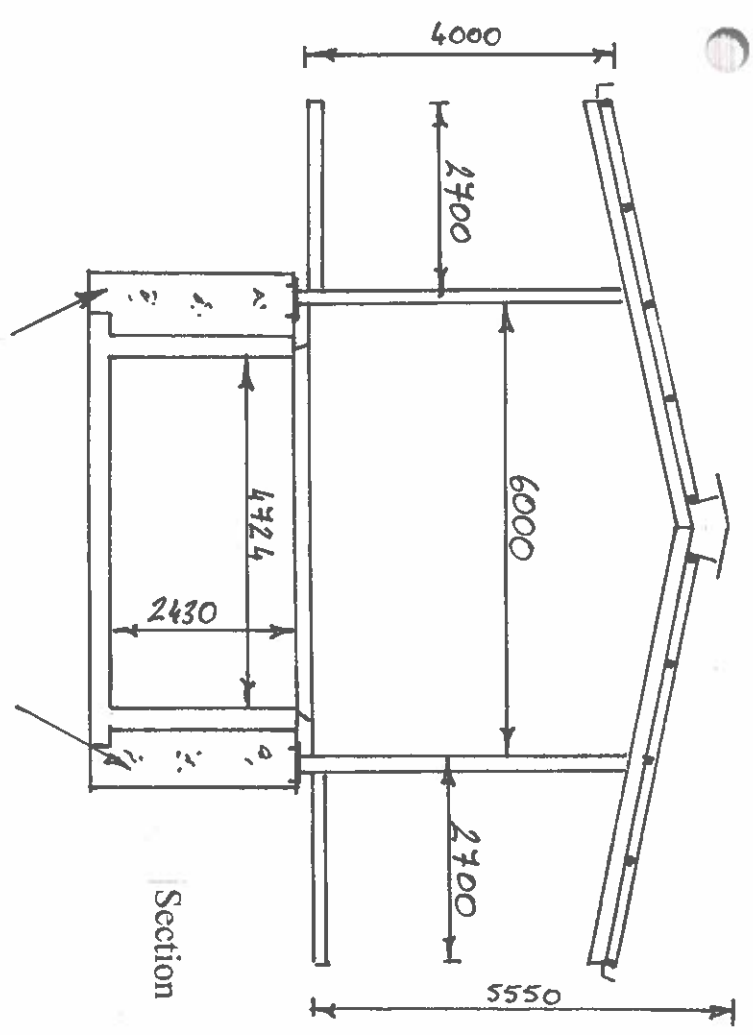
Farmer/Client: Francis O'Connell
Atticorra, Creagh,
Ballinasloe
Co. Galway

Date 26/02/25 Scale 1:100

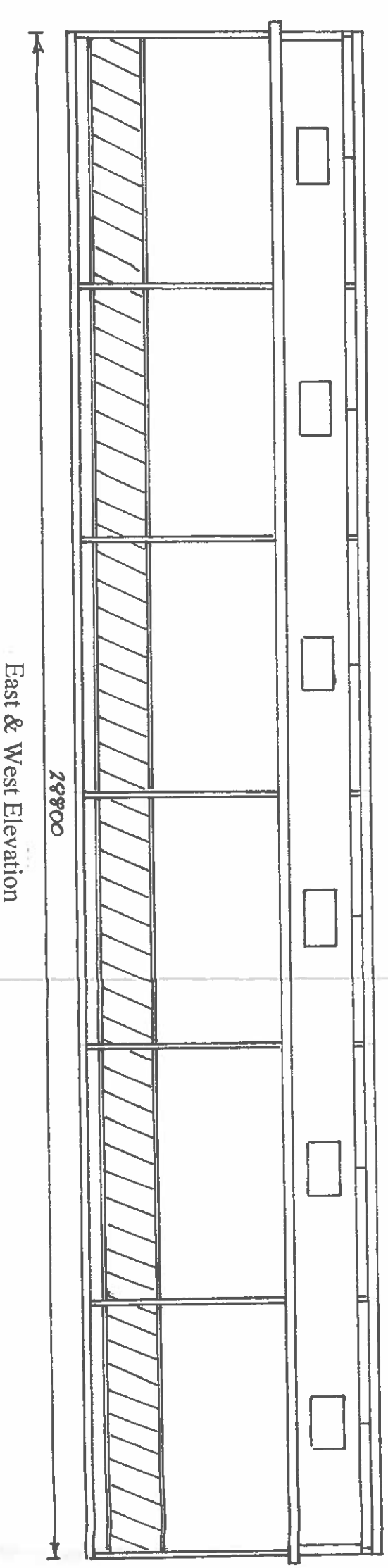
Drawn By: Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway

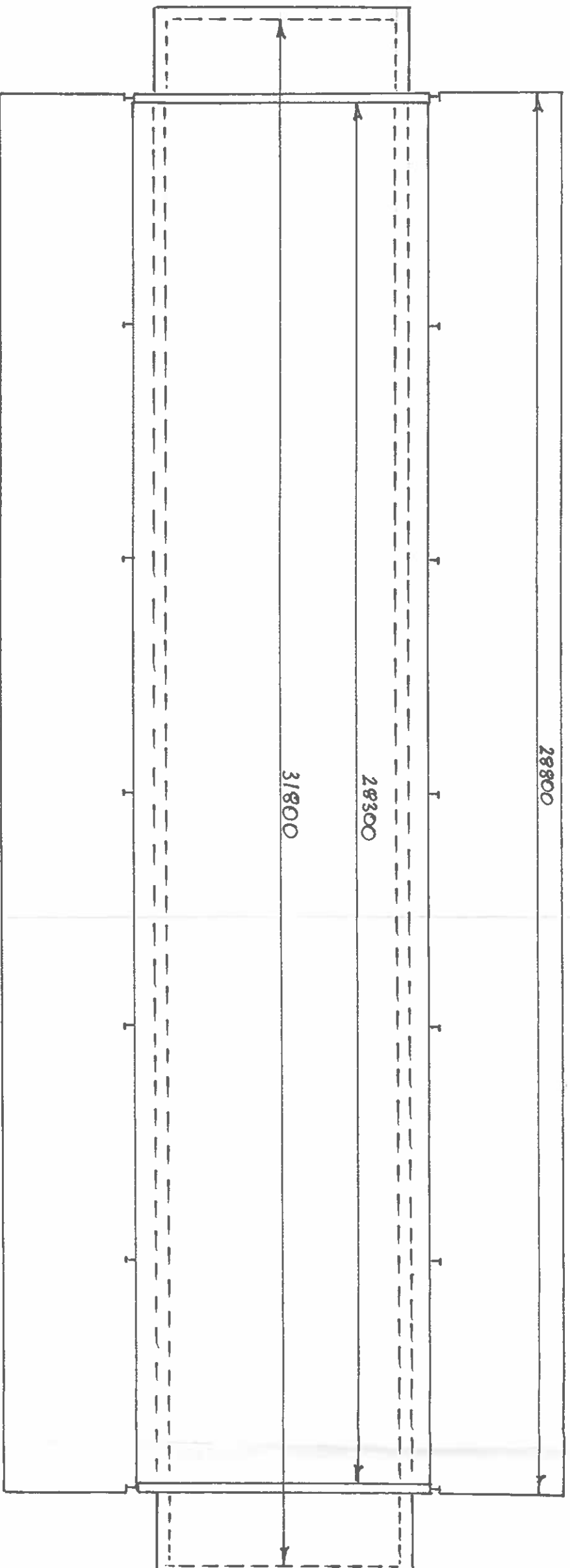


Proposed building to be constructed in
accordance with current Department of
Agriculture S101 & S123 farm building
specifications for Animal housing



North & South Elevation





North

Floor Plan



Farmer/Client:

Francis O'Connell
Atticorra, Creagh,
Ballinasloe
Co. Galway

Date 26/02/25

Scale 1:100

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe
Co. Galway