

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 853
Application Received: 4th March, 2025
Name of Applicant: Edward O'Connor
Agent: Rathcroghan Design Ltd

WHEREAS a question has arisen as to whether the construction of a farm road way 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 3m wide 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 farm road way at Annaghmore, Strokestown, 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:

Brian Farraghe,
Senior Executive Planner,
Planning.

Date: 8th April, 2025

cc agent via email:

Rathcroghan Designs Ltd
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.

Carmel Curley

From: Carmel Curley
Sent: Thursday 10 April 2025 10:14
To: 'Martin Dowd'
Subject: DED 853 - Notification of Decision
Attachments: DED 853 - Notification of Decision.pdf

Hi Martin,

Please see attached Notification of Decision for DED Application 853 for Edward O'Connor.

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 853

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 Annaghmore, Strokestown, Co. Roscommon.

Applicants: Edward O'Connor

Date: 7th April 2025 (Site Inspection on 13/01/2025)

WHEREAS a question has arisen as to whether to construct a farm roadway in Annaghmore, 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 3m 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, recent planning history has been traced relating to the subject site.

- DED 796 - Construct new farm road way (4.5m wide) - Not Exempted

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
CLASS 13 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 of a new farm roadway 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 a farm roadway in Annaghmore, 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 3m wide 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: 7th April 2025

Signed: 
Senior Executive Planner

Date: 7th April 2025





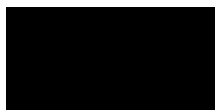




Comhairle Contae
Ros Comáin
Roscommon
County Council



Edward O'Connor,



Date: 6th March, 2025
Planning Reference: DED 853

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 farm road way under the Planning & Development Act (Exempt Development) Regulations 2018 at Annaghmore, Strokestown, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 4th March, 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/01/0/233485 dated 5th March, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 853**
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: [Rathcroghan Designs Ltd
rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@gmail.com)

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

05/03/2025 15:20:19

Receipt No : L01/0/233485

NED O'CONNOR
C/O MARTIN DOWD DESIGN
BALLINCONBOY
BALLINAGARE

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED053	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
6657

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

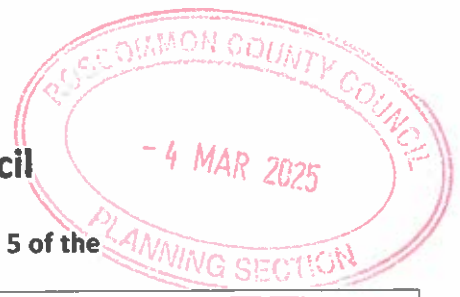
Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	EDWARD O'CONNOR
Name of Agent	RATHCROGHAN DESIGNS LTD c/o MARTIN DOWD
Nature of Proposed Works	FARM ROAD WAY
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	ANNAGHMORE STROKESTOWN Co. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) N/A b) N/A
Height above ground level:	LEVEL WITH EXISTING GROUND
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A

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	YES DED 796
If yes give ref. number (include full details of existing extension, if any)	DED 796
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	—

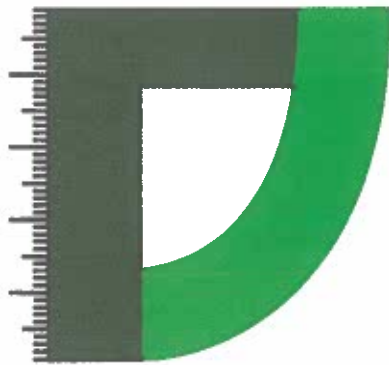
Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: Merlin Dwyer

Date: 3/3/25

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



Rathcroghan Designs

Building and Planning Consultant

Ballyconboy, Ballinagare

Castlerea, Co. Roscommon

Ph: 0862328484

Email: rathcroghandesigns@gmail.com

3RD MARCH 2025

Dear Sir / Madam

Please find enclosed Application
for exempted development.

If you could send me for card
details please for payment.

Many Thanks
Nathan D.,

Planning Pack Map

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



Tailte
Éireann

CENTRE COORDINATES:
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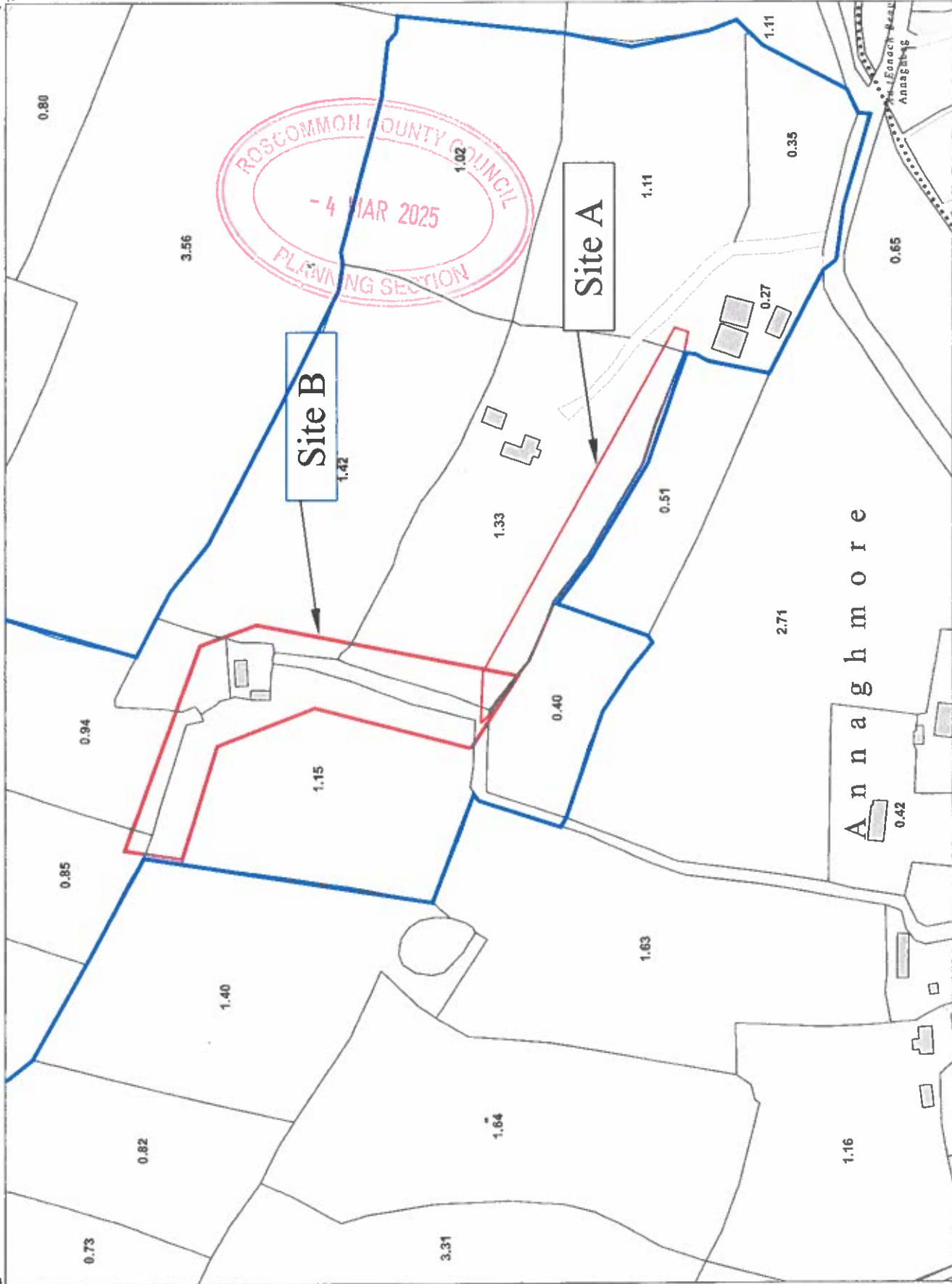
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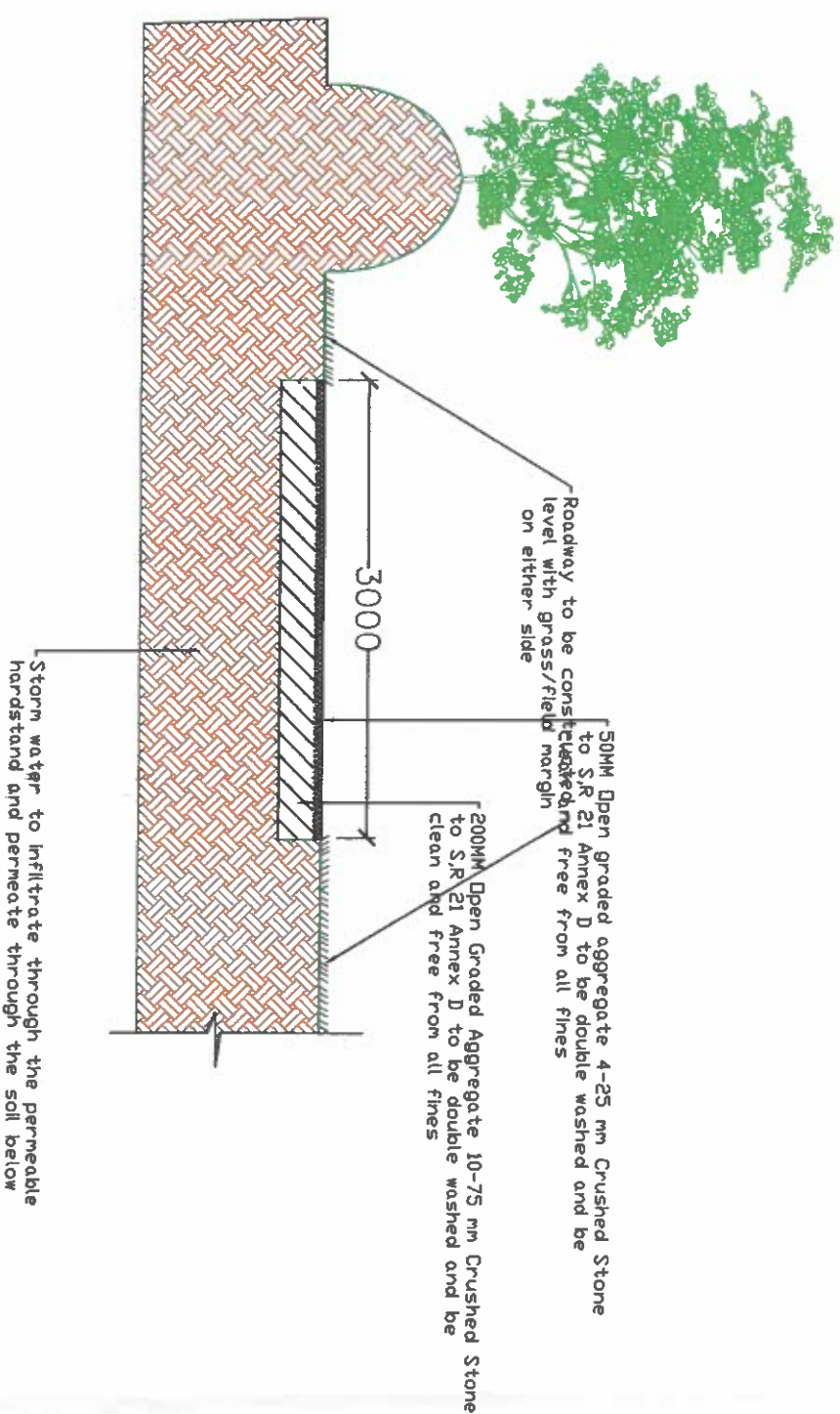


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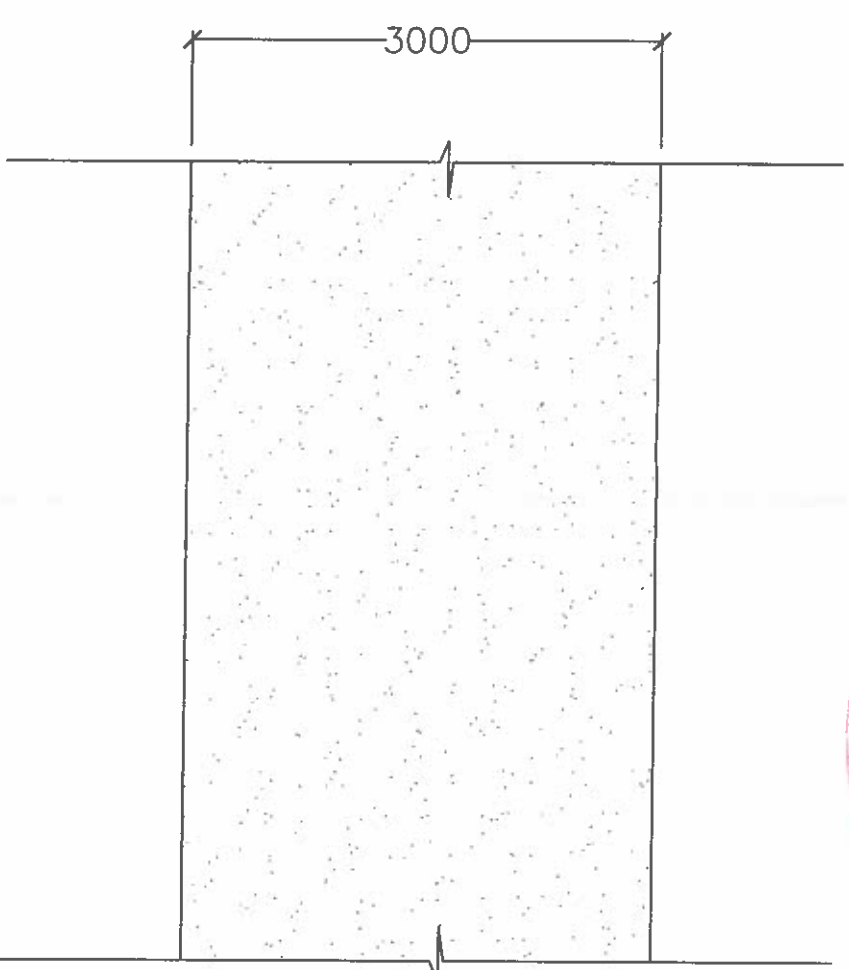
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OUTPUT SCALE: 1:2,500

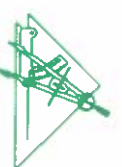




Cross Sectional Detail of Farm Roadway



RATHCROGHAN DESIGN
Ballyconboy, Ballinagare, Castleree, Co. Roscommon
Ph: 086 2328404 E-mail: rathcroghandesign@gmail.com



Customer

Ned O'Connor

Title

Proposed Farm Roadway

Date

22/02/2025

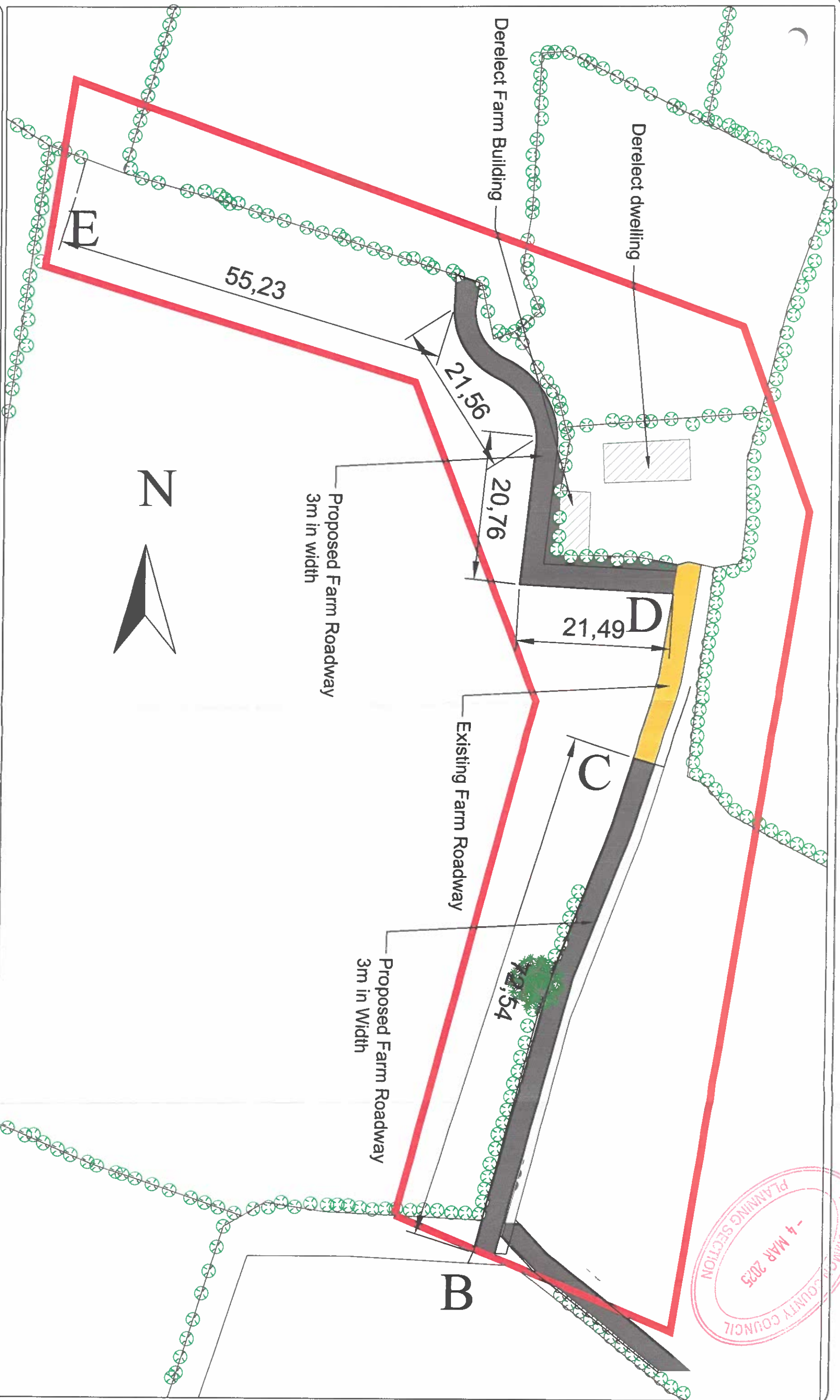
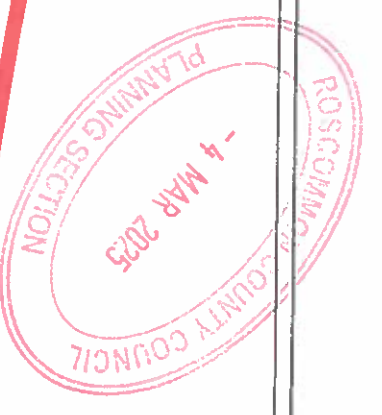
Scale

1:50

Unless Noted

Drawn By

Martin Dowd



RATHCROGHAN DESIGN
Ballyconboy, Ballynagare, Castleroe, Co. Roscommon
Ph: 086 2328484
E-mail: rathcroghandesigns@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: 25-02-2025

Sheet
1 OF 1

Dwg No.
24-234