

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Sean Jennings,



Reference Number: DED 857
Application Received: 6th March, 2025
Name of Applicants: Sean Jennings
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a holding slurry tank at Currasallagh, Lisacul, Co. Roscommon, F45 Y446., 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) Part 3 of Article 6 - *Exempted Development Rural – Agricultural Structures* 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 Acts 2000 as amended.
- (e) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The construction of a slurry tank 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 holding slurry tank at Currasallagh, Lisacul, Co. Roscommon, F45 Y446, 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:

Brian Farragher,
Senior Executive Planner,
Planning.

Date: 8th April, 2025

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 Act 2000 (as amended)**

Reference Number:	DED 857
Re:	Permission for the construction of holding slurry tank under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Sean Jennings
Location of Development:	Currasallagh, Liscul, Co. Roscommon, F45 Y446
Site Visit:	01/04/2025

WHEREAS a question has arisen as to whether the following works for the construction of holding slurry tank at the above address 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

Site Location & Development Description

The site consists of an existing farmyard in Currasallagh, Liscul, Co. Roscommon, there are a number of agricultural sheds on site. The proposed development consists of the construction of an underground slurry tank.

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 in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the proposed development is Derrinea Bog SAC (Site Code: 000604) which is located circa 2.5km south of the subject 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 can, therefore, be excluded.

Planning History

19/157: Permission granted for the construction of six bay single slatted cattle shed. The construction of this slatted shed did not occur.

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 construction of a new underground slurry tank does not fall within the scope of Class 6, Class 7, Class 8 or Class 9 of Part 3 of Article 6 - *Exempted Development Rural – Agricultural Structures* of the Planning and Development Regulations 2001, as amended.

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 underground slurry tank constitutes development, as defined in Section 3 of the said Act.

The proposed development of a new underground slurry tank, is stated as having a capacity of 250m³. The works which are the subject of this Section 5 application relates to an underground slurry tank for effluent storage with no provision of a roofed structure for the housing of livestock, or any other structure which falls within the Classes of Exempted Development set out in Part 3 of Article 6 - *Exempted Development Rural – Agricultural Structures* of the Planning and Development Regulations 2001, as amended.

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

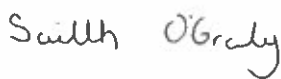
WHEREAS a question has arisen as to whether a proposed development; for the construction of a holding slurry tank as outlined above at Currasallagh, Liscul, Co. Roscommon, F45 Y446, is or is not development and is or is not exempted development, I have considered this question, and I have had regard 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) Part 3 of Article 6 - *Exempted Development Rural – Agricultural Structures* 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 Acts 2000 as amended.
- (e) The planning history of the site


AND WHEREAS I have concluded that

- The works outlined above are development.
- The construction of a slurry tank as described in this case is not an exempted development.
- 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 WHEREAS I have concluded that the said development for the construction of holding slurry tank as outlined above at Currasallagh, Liscul, Co. Roscommon, F45 Y446, is not an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 4th April 2025

Signed: 
Senior Executive Planner

Date: 8th April 2025





















Comhairle Contae
Ros Comáin
Roscommon
County Council



Sean Jennings,



Date: 6th March, 2025
Planning Reference: DED 857

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 holding slurry tank under the Planning & Development Act (Exempt Development) Regulations 2018 at Currasallagh, Lisacul, Co. Roscommon, F45 Y446.

A Chara,

I wish to acknowledge receipt of the application which was received on the 6th 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/01/0/233509** dated 6th March, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 857**
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
09066 37100

06/03/2025 14:50:16

Receipt No : L01/0/233509

SEAN JENNINGS

EXEMPTED DEVELOPMENT

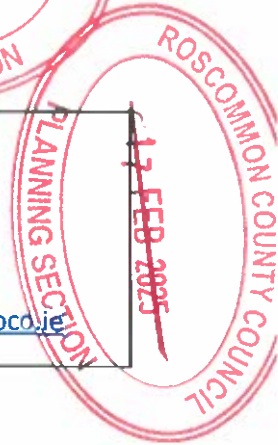
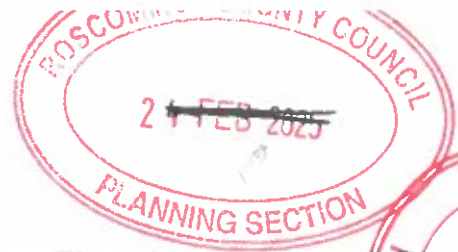
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED857	

Total :	80.00 EUR
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Tendered	
Postal Order	80.00
405910	

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



Áras an Chontae,
Roscommon,
Co. Roscommon.


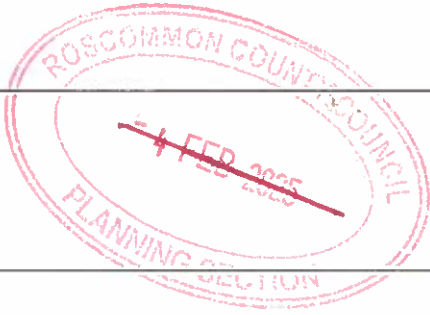
Phone: (090) 6637100

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) SEAN JENNINGS	
Name of Agent 	
Nature of Proposed Works Storing Slurry	
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	F45Y 446 CURRASALLAGH LISACUL
Floor Area: a) Existing Structure 75F x 10F b) Proposed Structure 45F x 10F	a) _____ b) _____
Height above ground level: Level with	Ground
Total area of private open space remaining after completion of this development 12 Feet	
Roofing Material (Slates, Tiles, other) (Specify) None	

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	None
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)	-
Existing use of land or structure	Storing Sherry
Proposed use of land or structure	Storing Sherry
Distance of proposed building line from edge of roadway	1 kilometer
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

Signature:

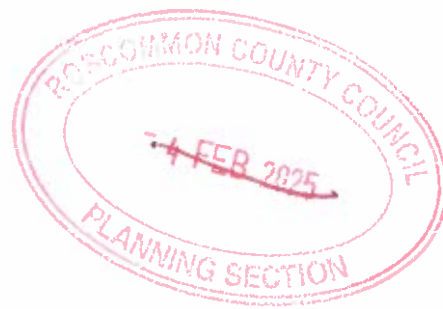
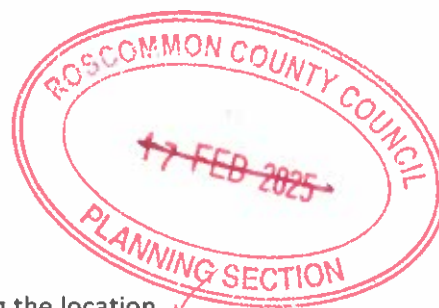
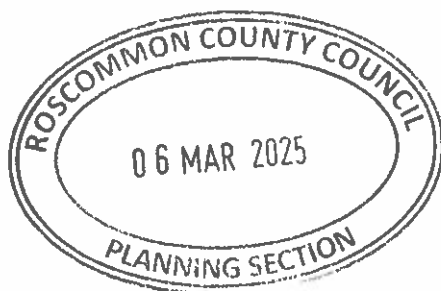
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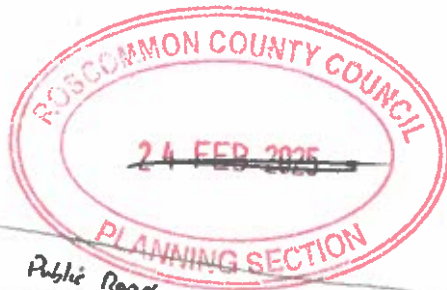
Date:

09-01-25

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





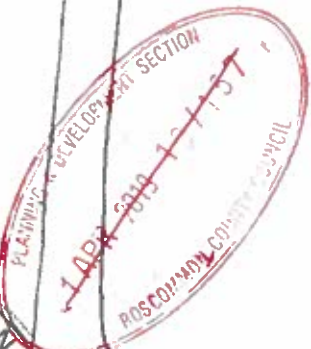
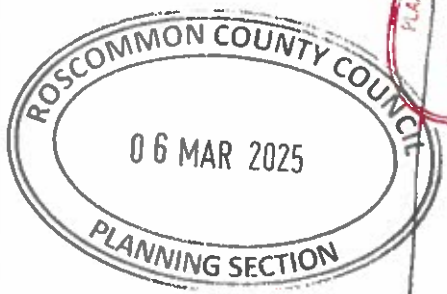
15m 0.00

Public Road



NORTH

Site Notice



Form Roadway

106m

Dwelling House

Store

34000

+2.37m ARL

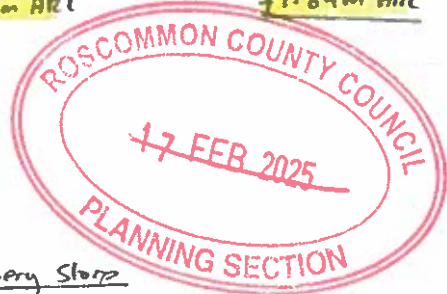
Roofed Holding Pen

Boat Storage Area

+2.65m ARL

+2.14m ARL

+1.69m ARL



Machinery Store

Workshop

Farmer Client:

Sean Jennings
Curraghsallagh
Frenchpark
Co. Roscommon

Date 20/02/19

Scale 1:500

Drawn By:

Mark Ward,
Ruane Creagh,
Ballinasloe, Co. Galway

Existing Slatted Tanks
15.5m x 3.5 x 2.1

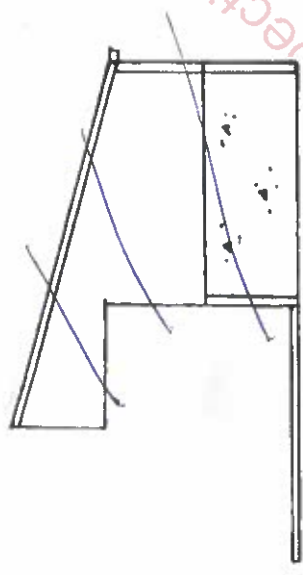
Holding Tank for Slurry
31.8m x 3.5m x 2.4m

45 Foot long
10 Foot wide
6 Foot deep
Below ground

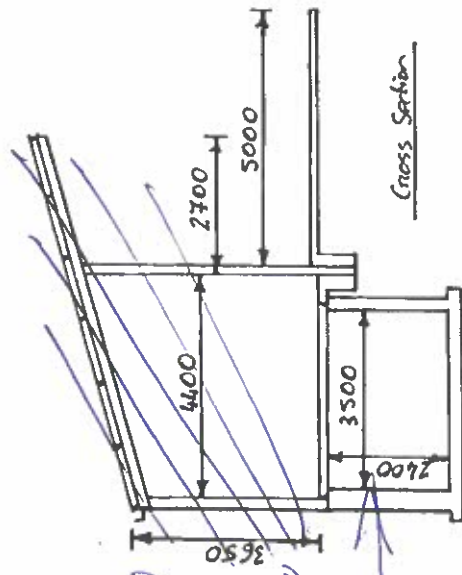
A3

43

Roscommon County Council Planning Department. Inspection purposes only!



Front Elevation



Cross Section



Rear Elevation

Slatted
shed
not been
built
Tank
Just
Been
Constructed



Sean Jennings
Curraghsallagh
Frenchpark
Co. Roscommon

Scale 1:100

Mark Ward,
Ruane Creagh,
Ballinasloe, Co. Galway

Date 20.02.19

Drawn By:

Farmer Client

