

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

James Lavin,

Reference Number: DED 878  
Application Received: 16<sup>th</sup> May, 2025  
Name of Applicant: James Lavin  
Agent: Rathcroghan Design

WHEREAS a question has arisen as to whether the construction of a new slatted shed at Rathnallog, Tulsk, 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) Class 13 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (e) 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.
- (f) 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 shed as described in this case is an exempted development.
- (c) The construction of a new farm roadway 3m wide as described in this case is an exempted development.
- (d) 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 slatted shed at Rathnallog, Tulsk, 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: 16<sup>th</sup> May, 2025

cc agent via email:

Rathcroghan Desing  
[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.

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Friday 16 May 2025 12:51  
**To:** [REDACTED]  
**Cc:** Martin Dowd  
**Subject:** DED878 - Notification of Decision  
**Attachments:** DED878 - Notification of Decision.pdf

Hi James,

Please find attached Notification of Decision for your Section 5 Exempted Development Application DED 878.

Regards,

Carmel

**Carmel Curley, 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**



**Planner's Report on application under Section 5 of the  
Planning and Development Acts 2000 (as amended)**

**Reference Number:** DED 878

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

**Applicants:** James Lavin

**Date:** 13<sup>th</sup> May 2025 (Site Inspection on 13/05/2025)

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**WHEREAS a question has arisen as to whether to construct a new slatted shed Rathnallog, Tulsk, 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) Class 13 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (e) 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
- (f) The planning history of the site

**Site Location & Development Description**

The subject site is located in Rathnallog, Tulsk, Co. Roscommon and the land is in agricultural use. The site is accessed via the L-5660 road, there is an existing agricultural entrance to a field with no nearby structures on the south side of the road.

It is proposed to construct a new slatted shed and entrance road leading from the existing entrance to the proposed shed. The overall area of the structure is stated at 196m<sup>2</sup>.

**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 Mullygollan Turlough PNHA/SAC (Site Code 000612) which is located circa 4.2km to the south and Bellanagare Bog PNHA/SPA/SAC (Site Code 000592/004105) which is located circa 5.7km 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, 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.

**The proposed shed (196m<sup>2</sup> stated):**

The construction of a new slatted 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><b><i>Agricultural Structures</i></b> <b>CLASS 6</b></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"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>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.</li> <li>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.</li> <li>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>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.</li> <li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>
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### 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 to construct an agricultural development constitutes development, as defined in Section 3 of the said Act.

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/sheep.
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 approx. 110m 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 structure pre-painted galvanised 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 shed as described in this case is considered to be an exempted development.

The proposed development to construct a new entrance 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 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 to construct a new slatted shed Rathnallog, Tulsk, 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) Class 13 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (e) 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
- (f) The planning history of the site

#### **AND WHEREAS I have concluded that**

- a) The works are development.
- b) The construction of a new slatted shed as described in this case is an exempted development.
- c) The construction of a new farm roadway 3m wide as described in this case is an exempted development.
- d) 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:** 13<sup>th</sup> May 2025

**Signed:**   
Senior Executive Planner

**Date:** 13<sup>th</sup> May 2025















Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



James Lavin,



Date: 15<sup>th</sup> April, 2025  
Planning Reference: DED 878

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

Development: Permission to construct new slatted shed under the Planning & Development Act (Exempted Development) regulations 2018 at Rathnallog, Tulsk, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of the application which was received on the 14<sup>th</sup> April, 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/01/0/234175 dated 14<sup>th</sup> April, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 878**  
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 Design**  
[rathcroghandesigns@gmail.com](mailto:rathcroghandesigns@gmail.com)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09068 37100  
\*\*\*\*\*

14/04/2025 12:37:54

Receipt No : L01/0/234175

JAMES LAVIN



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED878	

Total : 80.00 EUR

Tendered	
Credit/Debit Card	80.00
5008	

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Tuesday 15 April 2025 14:42  
**To:** Martin Dowd  
**Subject:** DED878 - Ack Letter & Receipt  
**Attachments:** DED 878 - Ack Letter & Receipt.pdf

Hi Martin,

Please find attached Acknowledgement Letter & Receipt for DED 878 for James Lavin.

Regards,

Carmel

Carmel Curley, 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

Áras 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)	JAMES LAVIN
Name of Agent	MARTIN DOWD c/o. RATHCROGHAN DESIGNS
Nature of Proposed Works	CONSTRUCT NEW SLATTED SHED
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	RATHNALLUG TULSK CO. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>                    </u> b) <u>196 m<sup>2</sup></u>
Height above ground level:	5.8 m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED GALVANISED SHEETING.

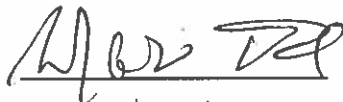
## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER
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	ARRICULTURAL
Distance of proposed building line from edge of roadway	110.88 m
Does the proposed development involve the provision of a piped water supply	YES - EXISTING.
Does the proposed development involve the provision of sanitary facilities	—

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

Signature:



Date:

14/04/25



**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



# Farming Rathcroghan

## Archaeological Assessment of Site

To whom it concerns,

The site at Rathnallog where a proposed development of a shed for farm use was visited on Wednesday 2 April 2025. Located towards the eastern edge of Rathnallog townland (578139.9, 783806.3 ITM), approximately 60m west of the Zone of Notification for RO021-042 (Archaeological complex) and within a disused quarry. The quarry is first depicted on the OS 25" Map (RN021-12; 1914), along with a track running south southwest from the road to the quarry. The quarry which is orientated north – south measures approximately 50m x 31m x 3m allows sufficient space for proposed development limiting any external ground disturbance. It is envisioned that due to the nature of the proposed location and the limited ground disturbance it is unlikely that archaeological horizons will be impacted. If any ground disturbance does occur due to the plot being within the Farming Rathcroghan Project, the community archaeologist (Alan Healy) can be contacted to observe.

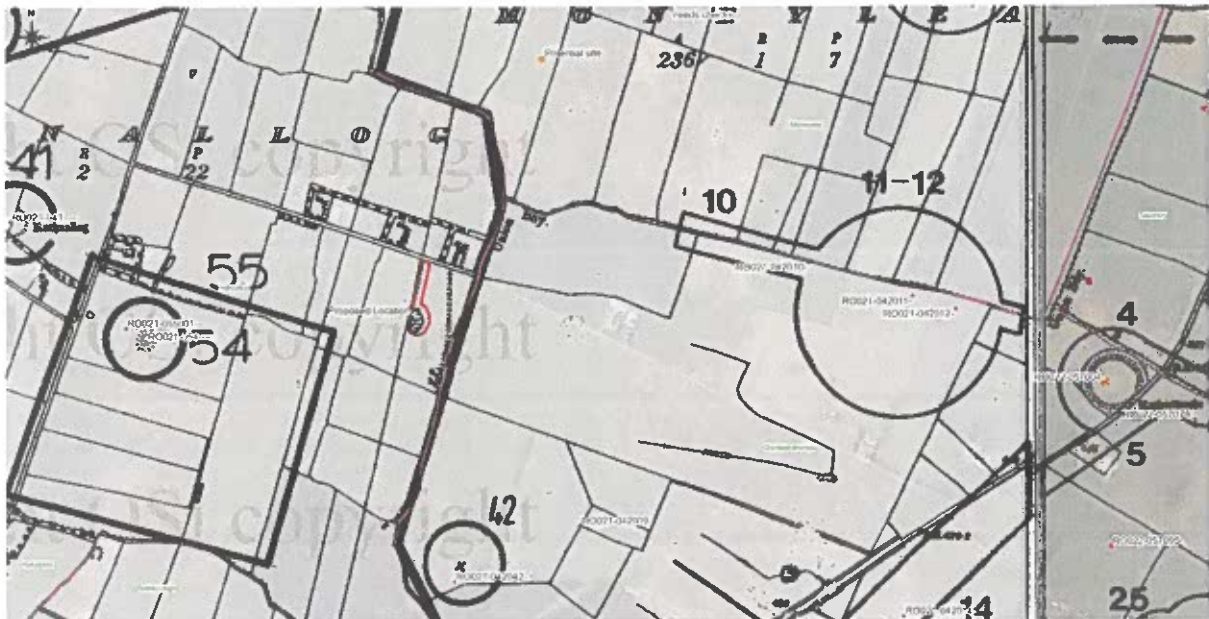


Figure 1: Location depicted on SMR – Archaeological Constraints Map (1929)

Alan Healy MIAI, Community Archaeologist

[alan@farmingrathcroghan.ie](mailto:alan@farmingrathcroghan.ie)

085 2790007



# Planning Pack Map



Tailte  
Éireann

**CENTRE COORDINATES:**  
ITM 578129,783823

**PUBLISHED:**  
10/04/2025

**ORDER NO.:**  
50460201\_1

**MAP SERIES:**  
1:5,000  
2098  
1:2,500  
2098-D

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

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

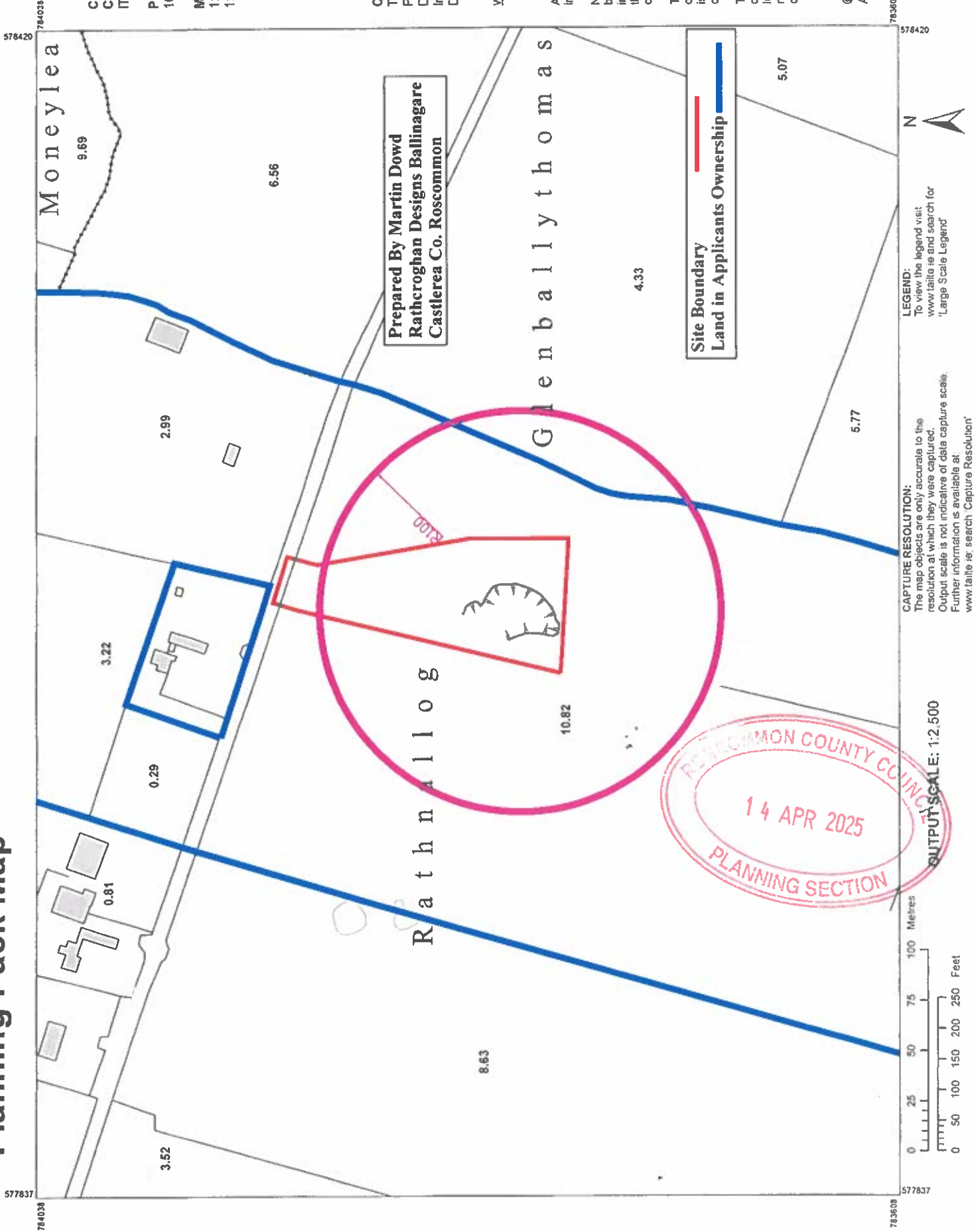
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The representation on this map  
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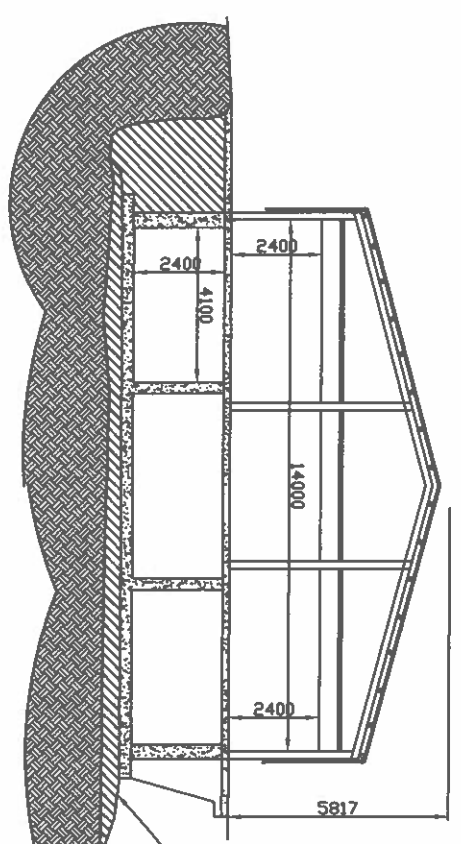
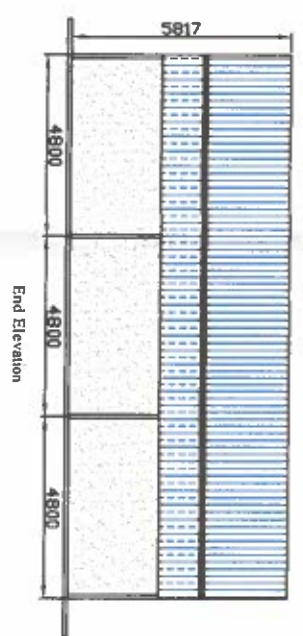
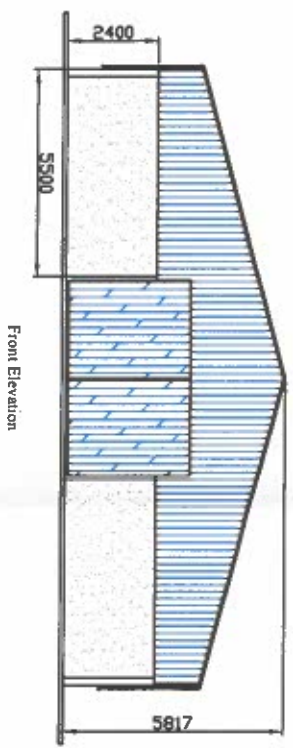
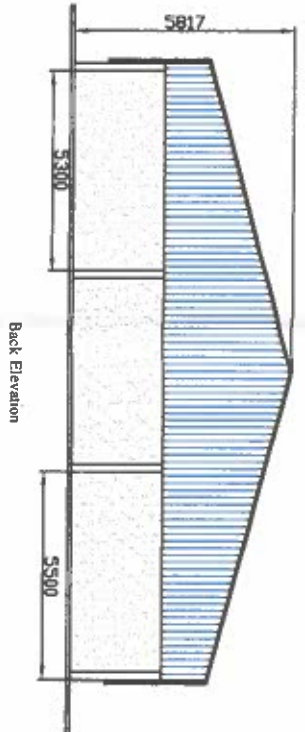
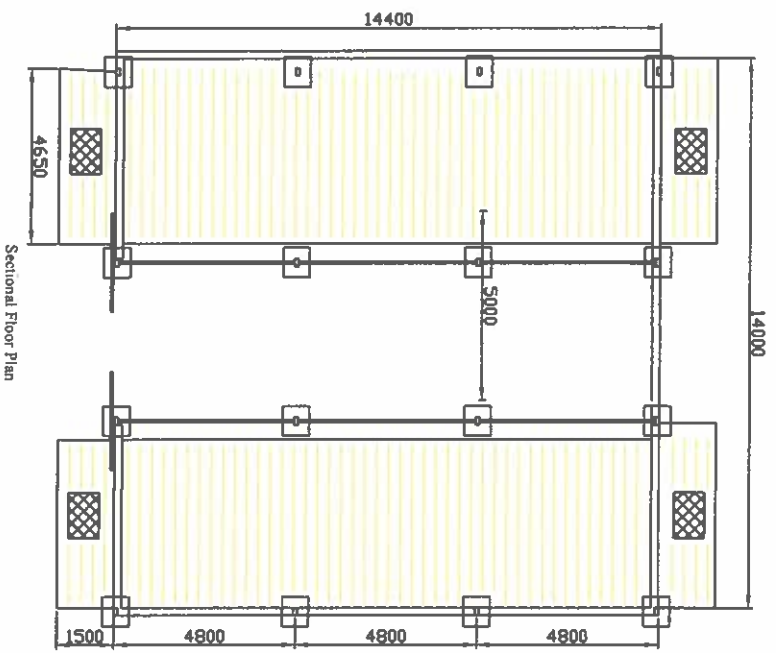


**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'

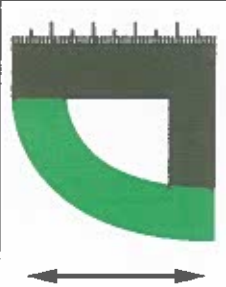
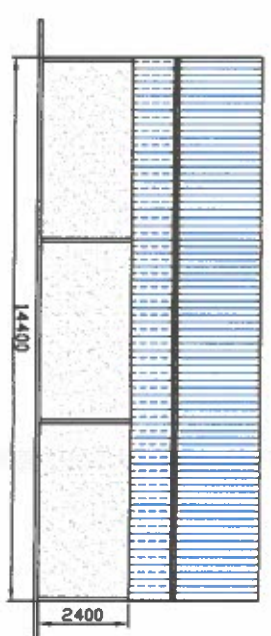
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at  
[www.tailte.ie](http://www.tailte.ie) search 'Capture Resolution'

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





150mm Compacted Hardcore under floor of Tank  
 Vegetation to be removed from existing quarry floor



**Rathcroghan  
 Designs**  
 Building and Planning Consultants  
 Rathcroghan, Rathfriland,  
 Roscommon, Co. Roscommon  
 PH: 083232444  
 Email: rathcroghandesigns@gmail.com

Client  
**James Lavin**

Title  
**Proposed Shed**

Scale 1/80  
 Drawn: MARTIN DUNN  
 Date: 05-04-2025

Sheet  
**1 OF 1**

Dwg. No.  
**25-103**

N



Site Area 0.646 Ha

RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon

Ph: 086 2328484

E-mail rathcroghandesigns@gmail.com



Client

James Lavin

Title

Site Layout

Scale: 1:500 UNLESS NOTED

Sheet

Draw. No.

Drawn: MARTIN DOWD

1 OF 1

25-114

Date: 08-04-2025

Existing Agricultural Entrance

Public Road

110,88

New Farm Entrance Road 3m in width

Proposed Slatted Shed

26,04

Existing Disused Quarry

20,45

18,69

