

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

David Cummins,



Reference Number: DED 879
Application Received: 16th April, 2025
Name of Applicant: David Cummins
Agent: Rathcroghan Design

WHEREAS a question has arisen as to whether the construction of a new slatted shed at Portaghart, Frenchpark, 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 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 new slatted shed at Portaghart, Frenchpark, 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: 22nd May, 2025

cc agent via email: Rathcroghan Design
rathcroghandesign@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 22 May 2025 15:37
To: Martin Dowd
Subject: DED 879 - David Cummins
Attachments: DED 879 - Stamped Maps & Plans.pdf; DED 879 - Notification of Decision.pdf

Hi Martin,

Please find attached Notification of Decision for DED Application 879 for David Cummins.

Please also find attached stamped maps & drawings, should you require them.

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 879

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 Portaghart, Frenchpark, Co. Roscommon.

Applicants: David Cummins

Date: 21st May 2025 (Site Inspection on 19/05/2025)

WHEREAS a question has arisen as to whether to construct a new slatted shed in Portaghart, Frenchpark, 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 Portaghart, Frenchpark, Co. Roscommon and the land is in agricultural use. The site is accessed via an existing farm entrance of the N5 road, the proposed structure is situated in an existing farmyard beside an existing hayshed.

It is proposed to construct a new slatted shed in the farmyard with the proposed structure stated at 86.4m².

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 Cloonshanville Bog SAC (Site Code 000614) which is located circa 2.2km to the east and Bellanagare Bog PNHA/SPA/SAC (Site Code 000592/004105) which is located circa 2.8km 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, recent planning history has been traced relating to the subject site.

- DED 470 - Construction of a straw bedded shed and manure pit together with associated site works - 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

viiiB) 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 (86.4m² 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

<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 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. Existing structure under the same class as the proposed structure is a loose housing shed stated as 68.5m², proposed structure is stated as 86.4m², combined area of 154.9m².
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 to be situated approx. 210m from the public road.
5. The proposed structure does not exceed 8 metres in height.
6. Based on information provided and site inspection there is a derelict house approx. 60m from the proposed structure but appears to be in ownership of the applicant as access to same is through the farmyard and current agricultural fields.
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.

Previous Declaration of Exempted Development (DED 470) for the construction of a straw bedded shed and manure pit together with associated site works was submitted in June 2021 to where it was deemed not an exempted development as it was considered the development would endanger public safety by reason of a traffic hazard or obstruction of the road users as the existing entrance is onto the N5. During the assessment of the current proposed development the previous concern was considered and deemed not to be as significant as the existing entrance is in place onto the N5 with this road due to be downgraded to a regional road once the new 'N5 Scramoge to Ballaghderreen road' is completed resulting in reduced traffic.

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 in Portaghart, Frenchpark, 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 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.

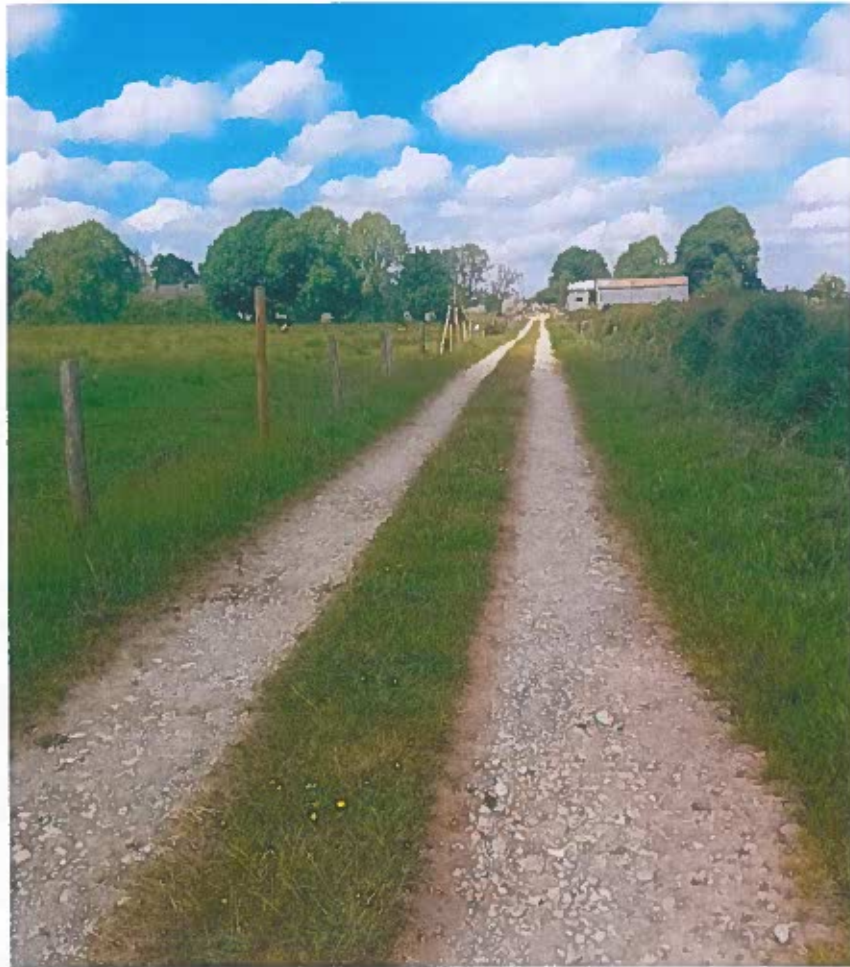
and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Civil Technician

Date: 22nd May 2025

Signed: 
Senior Executive Planner

Date: 22nd May 2025







Carmel Curley

From: Carmel Curley
Sent: Tuesday 29 April 2025 14:46
To: Martin Dowd
Subject: DED879 - David Cummins
Attachments: DED 879 - Ack letter & receipt.pdf

Hi Martin,

Please find attached Acknowledgement Letter & Receipt for DED Application 879 submitted for David Cummins.

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](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council



David Cummins,



Date: 29th April, 2025

Planning Reference: DED 879

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

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

A Chara,

I wish to acknowledge receipt of the application which was received on the 16th 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/01/0/234388 dated 29th April, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 879**
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**
rathcroghandesign@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

29/04/2025 11:12:51

Receipt No L01/0/234386

MARTIN DOWD RATHCROGHAN DESIGNS
REF DED079

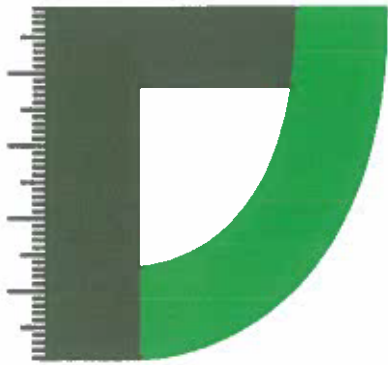
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
079	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
6657

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Rathcroghan Designs

Building and Planning Consultant
Ballyconboy, Ballinagare
Castlerea, Co. Roscommon
Ph: 0862328484
Email: rathcroghandesigns@gmail.com

15th April 2025

Planning Dept
Roscommon Co Co
Aras An Chontae
Roscommon



Re – Exempted Development and Associated fee

Dear Sir/Madam,

Please find enclosed Exempted Development application for my client Mr. David, Cummins, [REDACTED]

I would greatly appreciate it if you could please contact me on 086 2328484, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

Martin Dowd AssocSCSI, Bsc Construction Management
Rathcroghan Designs, Building and Planning Consultant



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)	DAVID CUMMINS
Name of Agent	MARTIN DOWD c/o RATHCROGMAN DESIGNS
Nature of Proposed Works	NEW SLATTED SHED
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	PORTAGHART FRENCHPARK CO. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>171 m²</u> b) <u>86.4 m²</u>
Height above ground level:	6m
Total area of private open space remaining after completion of this development	—
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED GALVANISED

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	AGRICULTURAL
Distance of proposed building line from edge of roadway	180 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: 14/4/25

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



CENTRE COORDINATES:
ITM 571939 2072

PUBLISHED: 31/05/2021
ORDER NO.: 50196806_2

MAP SERIES: 1:2,500
1:5,000
1:2,500
1:2,500
1:2,500

MAP SHEETS: 1919-D
1920
1978-B
1979-A

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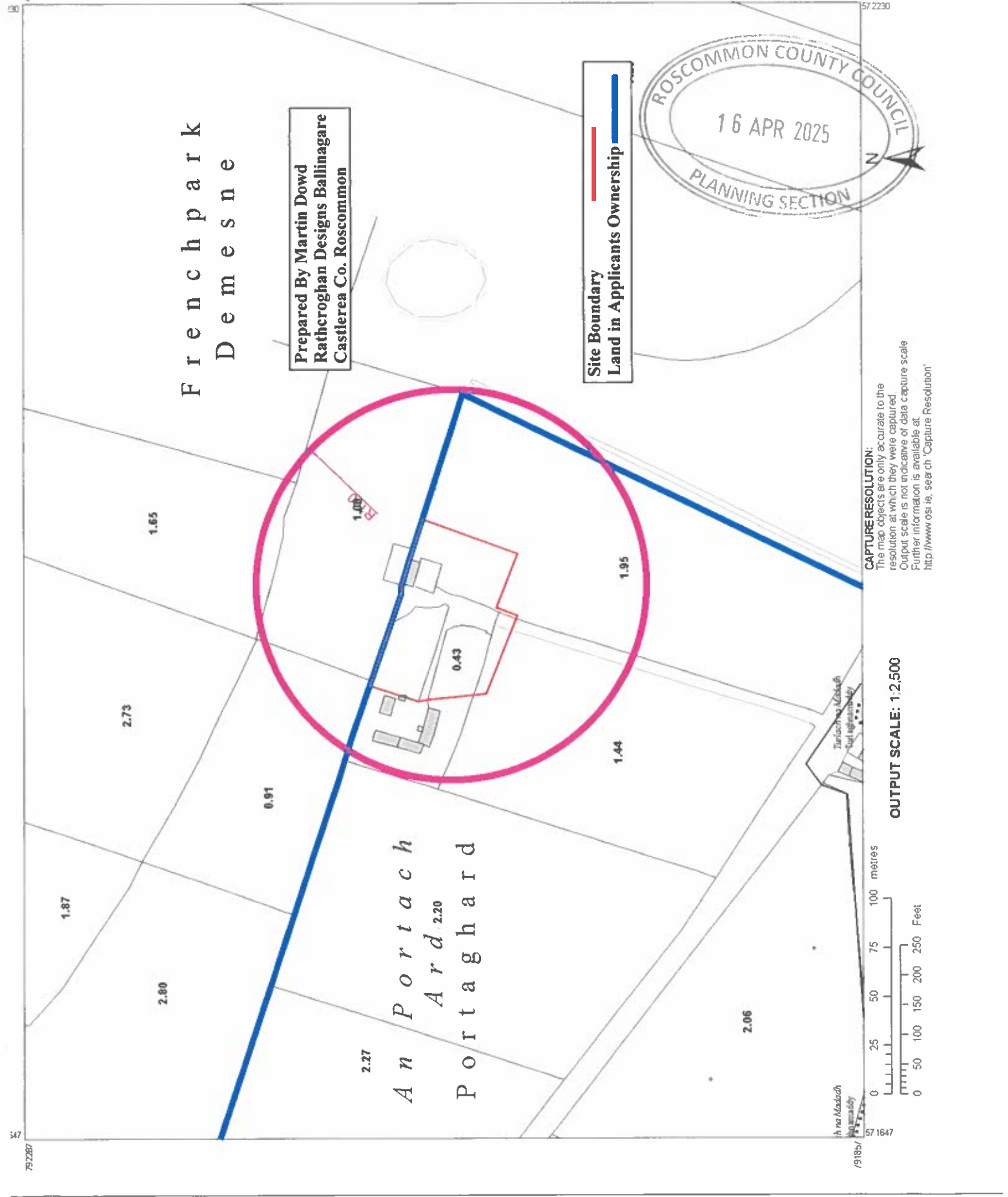
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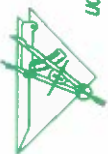


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Output scale is not indicative of data capture scale
Further information is available at
<http://www.osi.ie>, search 'Capture Resolution'

OUTPUT SCALE: 1:2,500

RATHCROGHAN DESIGN

Ballycorrboy, Bellinagare, Castleroa, Co. Roscommon
Ph: 086 2328484
E-mail: rathcroghan@designs.ie@gmail.com



David Cummins

Proposed Site Layout

1:500 UNLESS NOTED	Sheet	Dwg. No.
MARTIN DOWD	1 OF 1	25-144
21-03-2025		

- Legend**
- Site Boundary ———
 - Existing Buildings
 - Effluent Sewer - - - - -
 - Storm Sewer - - - - -
 - Soakpit
 - Diversion Chamber

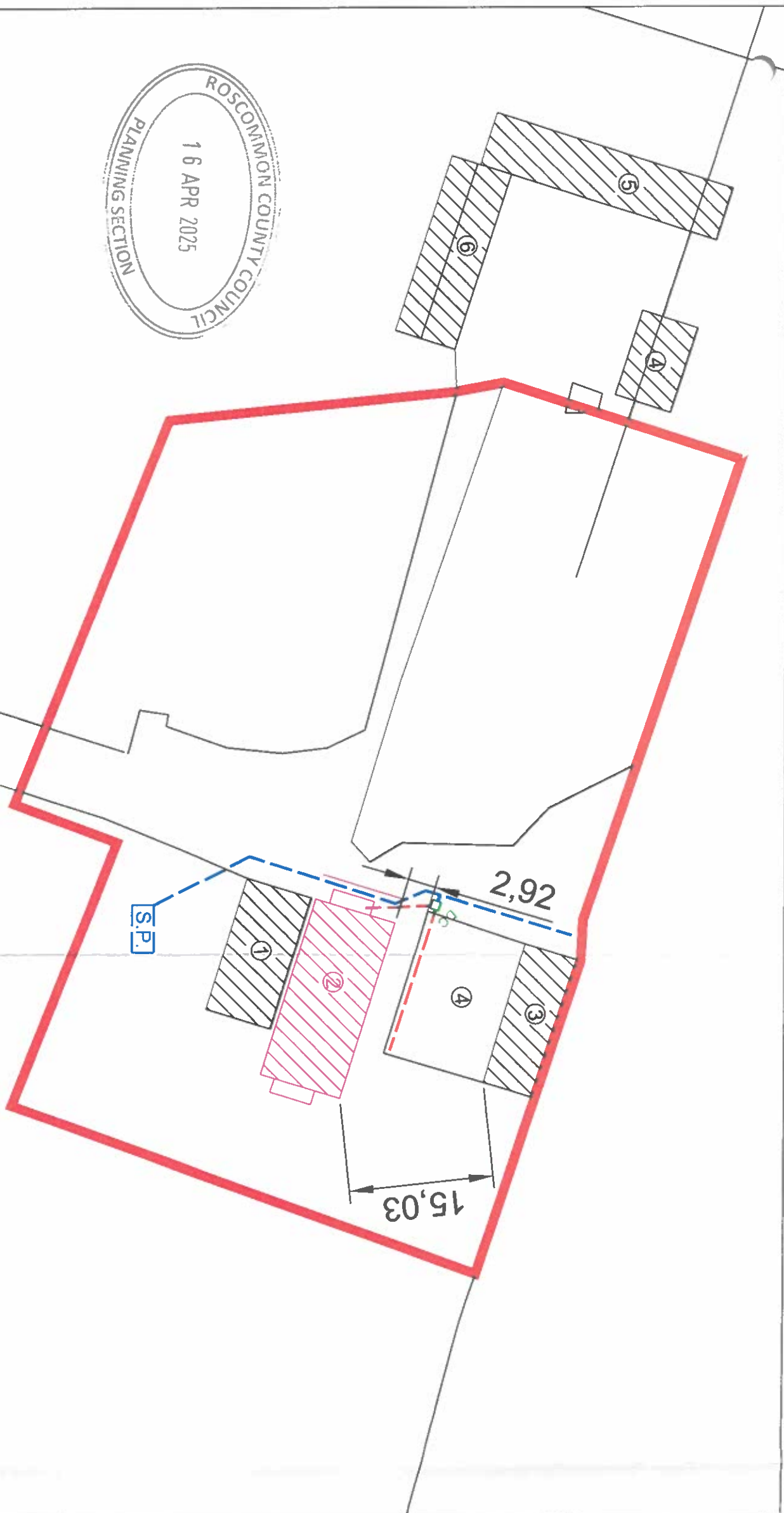


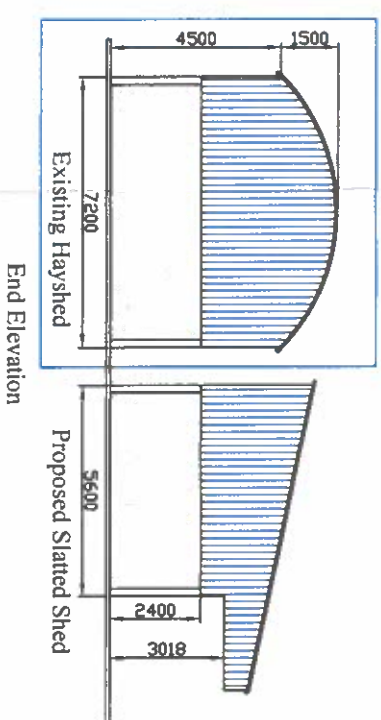
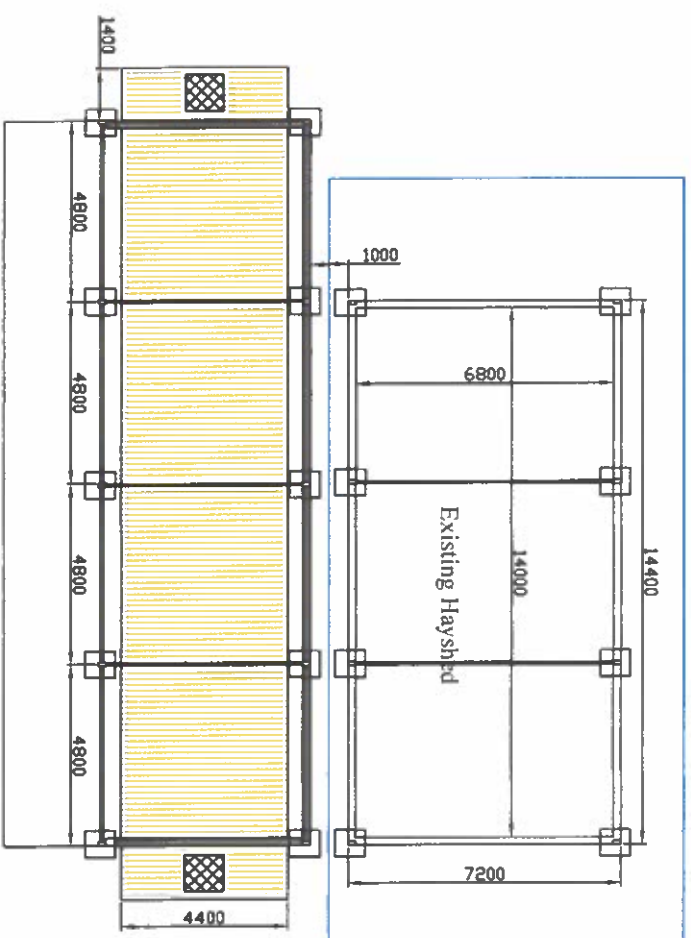
Site Area 0.401 Ha



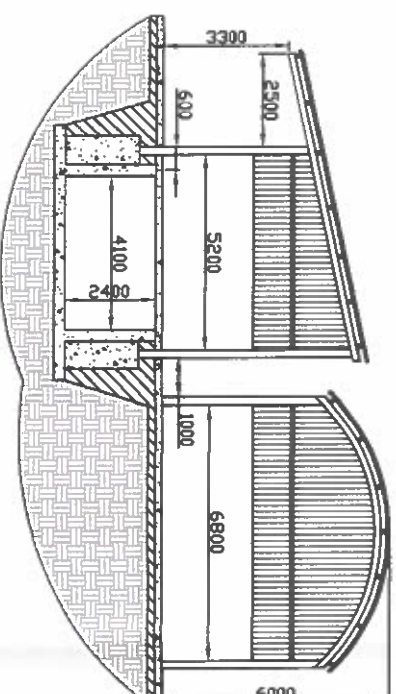
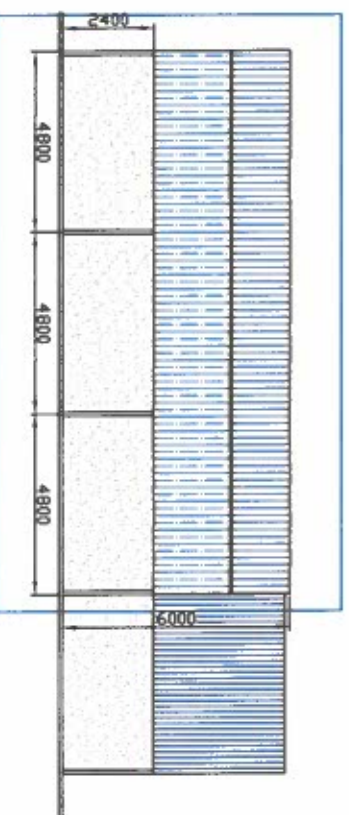
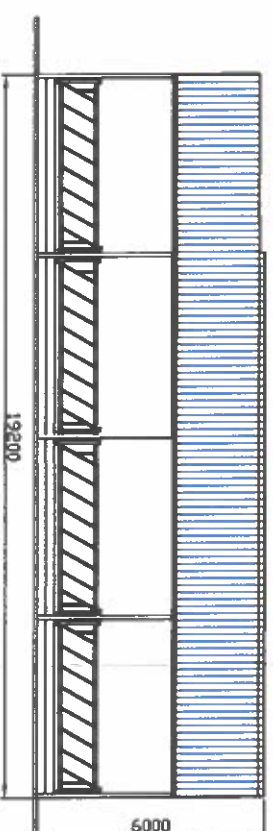
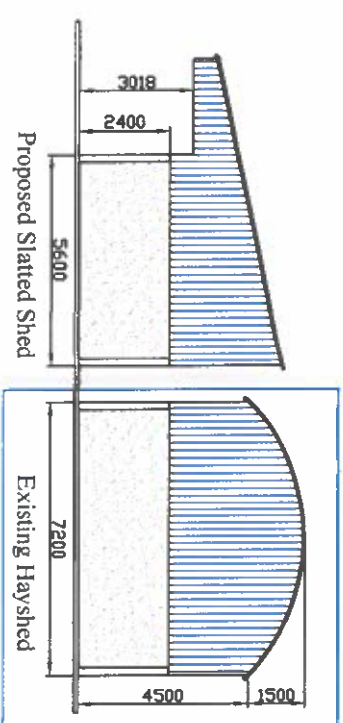
Schedule

- Existing Hayshed Class 9 Exempt - 103.6m²
- Proposed Slatted Shed Class 6 - 86.4m²**
- Existing Loose Housing Class 6 - 68.5m²
- To be used for general Storage after the development
- Existing Derelict Outbuilding Pre 1963 Class 9 - 51m²
- Existing Derelict Outbuilding Pre 1963 Class 9 - 136m²
- Existing Cattle Pen Class 8 Exempt Class 8 - 146m²





Existing Hayshed
Outlined in Blue



RATHCROGHAN DESIGN

Ballyconboy, Ballinagare, Co. Roscommon
Ph: 086 2328484 E-mail: rathcrogan@eircom.net

Client

David Cummins

Title

**Proposed
Slatted Shed**

Scale: 1:200 UNLESS NOTED
Drawn: MARTIN DDWD
Date: 22-03-2025

Sheet

1 OF 1

Drawn By

25-145