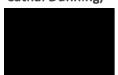
ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Cathal Dunning,



Reference Number:

DED 915

Application Received:

23rd June, 2025

Name of Applicant:

Cathal Dunning

Agent:

Mark Gallagher

WHEREAS a question has arisen as to whether the construction of an agricultural development at Cloonown Td, Athlone, 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 proposed development individually and in combination with other plans or projects would likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000 and therefore is not an exempted development.

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 an agricultural development at Cloonown Td, Athlone, Co. Roscommon., 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:

Alan O'Connell,

Senior Executive Planner,

Planning.

Date: 12th August, 2025

cc agent via email: Mark Gallagher

galllagher.mark83@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: Tuesday 12 August 2025 15:04

To:

Cc: Mark Gallagher

Subject: DED 915 - Notification of Decision **Attachments:** DED 915 - Notification of Decision.pdf

Hi Cathal,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development DED 915. A hard copy will also be issued via registered post.

Regards,

Carmel

Carmel Curley, Staff Officer,

Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100

MAP LOCATION



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

Reference Number:

DED 915

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an agricultural development under the Planning & Development Act (Exempt Development) Regulations

2018 at Cloonown, Athlone, Co. Roscommon.

Applicants:

Cathal Dunning

Date:

11th August 2025

WHEREAS a question has arisen as to whether to construct an agricultural development in Cloonown, Athlone, 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 Cloonown, Athlone, Co. Roscommon and the land is in agricultural use. The site is accessed via a private laneway which leads off the L-2035. The laneway is approx. 160m in length and at the end is access to a dwelling house and around the back is the farmyard to which the proposed structure is located to the north west of the site behind the existing structures.

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 Carrickynaghtan Bog NHA (Site Code 001623) which the proposed development is located partly within and River Shannon Callows PNHA (Site Code 000216) and Middle Shannon Callows SPA (Site Code 004096) which are located circa .85km 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.

- DED797 Agricultural development Not Exempt
- PP4725

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

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

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 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. It is noted that proposed development has been proposed slightly further south than the previous (DED797), However, the current location proposed site is still partly within the NHA (see snippet below) and the restrictions on exemption Art 9 (1)(a) (viiC) exclude development which would have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000 and therefore not an exempted development.



Recommendation

WHEREAS a question has arisen as to whether the construction of an agricultural development in Cloonown, Athlone, 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 proposed development individually and in combination with other plans or projects would likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000 and therefore is not an exempted development.

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

Signed:

Lan Murray

Assistant Engineer

Date: 11th August 2025

Signed:

Senior Executive Planner

Date: 11th August 2025















Comhairle Contae Ros Comáin Roscommon County Council



Cathal Dunning,



Date:

1st July, 2025

Planning Reference:

DED 915

Re:

Application for a Declaration under Section 5 of the Planning & Development Act 2000

(as amended), regarding Exempted Development.

Development:

Permission for the proposed agricultural development with all ancillary site works and

services under the Planning & Development Act (Exempted Development) regulations

2018 at Cloonown Td, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 23rd June, 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/01/0/235526 dated 27th June, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 915

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:

Mark Gallagher

gallagher.mark83@gmail.com





Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

Receipt No L01/0/235467

CATHAL DUNNING

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Ncn-vatable DED 915

60.00

Fotal

80 00 EUR

Tendered : Credit/Debit Card 9175

80,00

Change

00.0

Issued By : Aine McDermott 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)	Cathal Dunning 205COMMON COUNTY
	23 JUN 2025
Name of Agent	Mark Gallagher Mark Gallagher SECTION
Nature of Proposed Works	Proposed Agricultural Development with all ancillary site works and services.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Cloonown Townland, Athlone, Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) None with this application b) 182m2
Height above ground level:	6.055m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Green/Grey Roof Cladding

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	2.4m High Plastered RC Walls with wall cladding and ventilated sheeting above this.
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)	N.A
Existing use of land or structure	Agriculture
Proposed use of land or structure	Agriculture
Distance of proposed building line from edge of roadway	170m to L2035
Does the proposed development involve the provision of a piped water supply	No (Existing well being used on site)
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature:

Date:

23rd June 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

Planning Officer,

Planning & Development Department,

Roscommon County Council,

Aras an Chontae,

Roscommon

19th June 2025

Re: Agricultural Development at Cloonown Townland, Athlone, Co. Roscommon.

To Whom it May Concern,

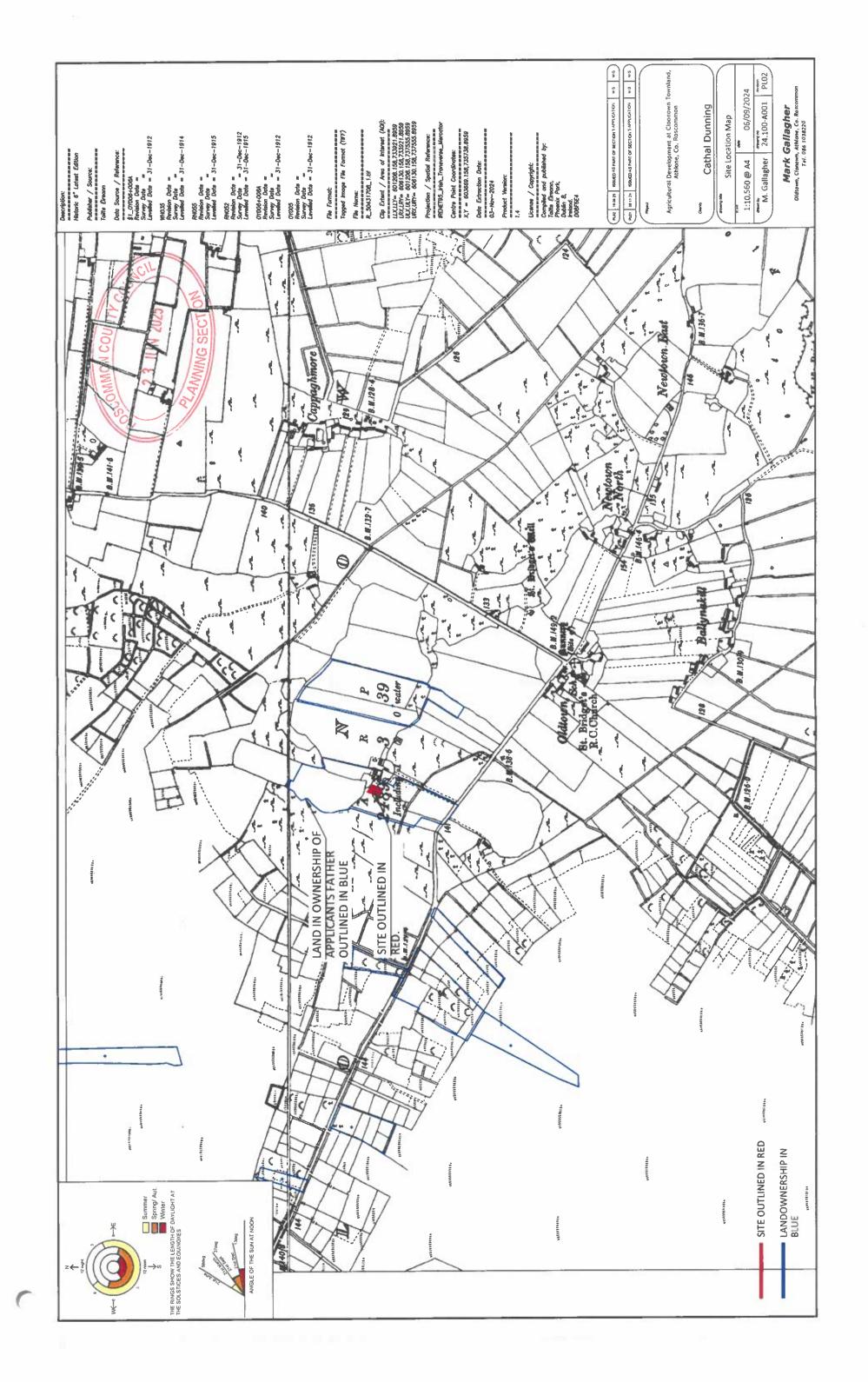
In respect of lands at the above I confirm that I am the registered owner of these lands, and I hereby give my permission and consent for Mr. Cathal Dunning, New Row, Clonown, Athlone, Co. Roscommon for an agricultural development at Cloonown Townland, Athlone, Co. Roscommon.

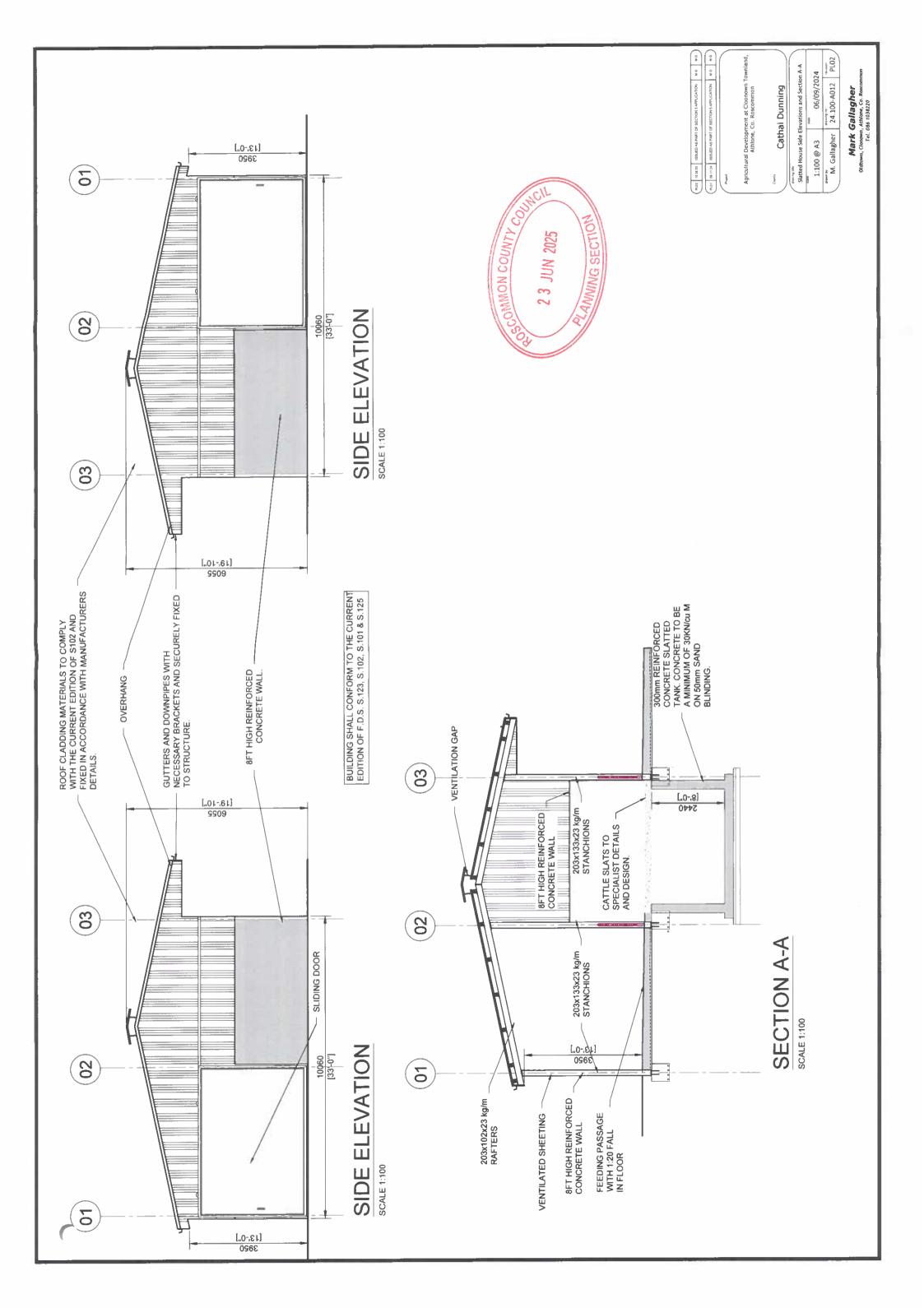
I trust you find the above in order but should you need any further information please don't hesitate to contact the undersigned.

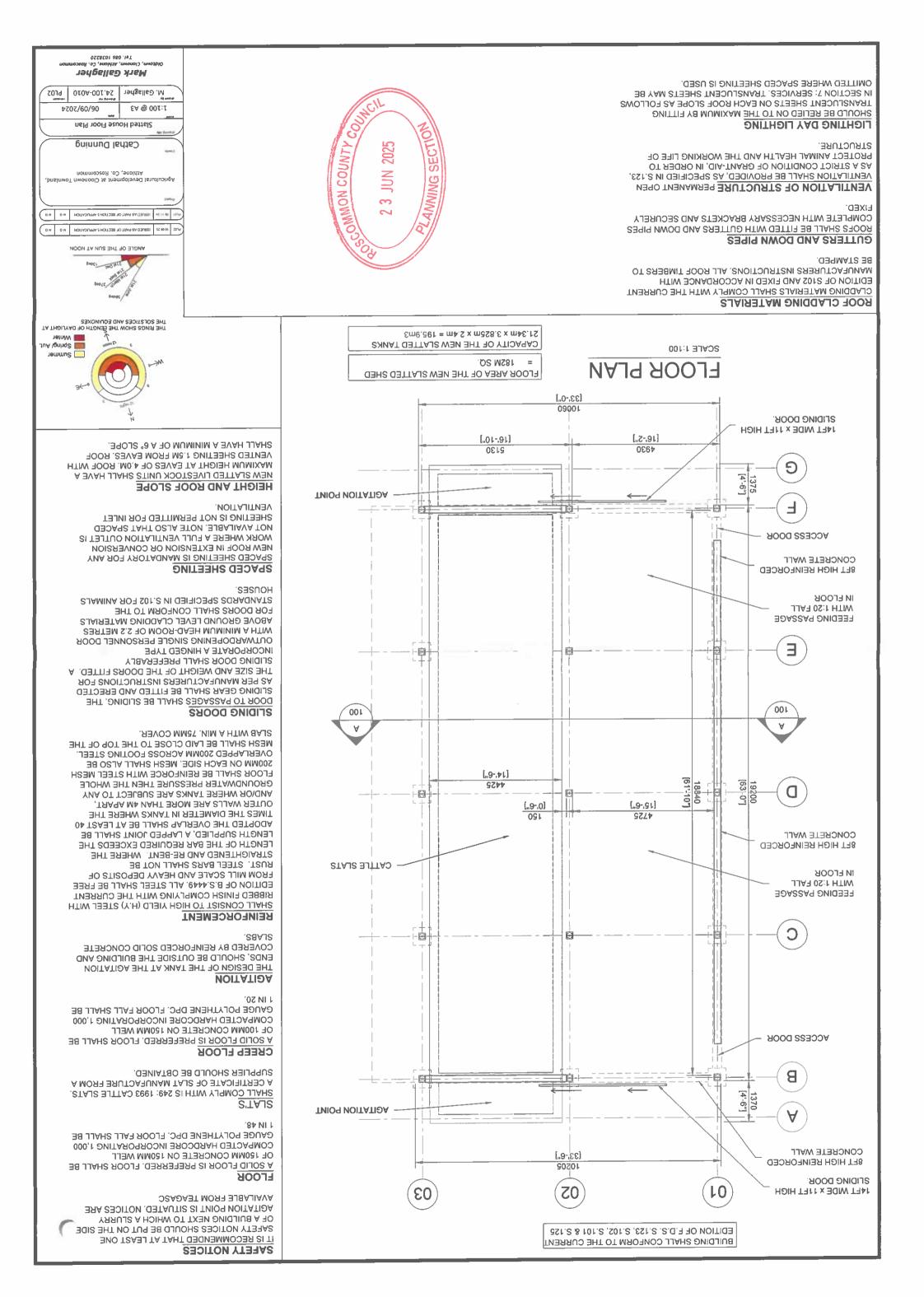
Yours Sincerely

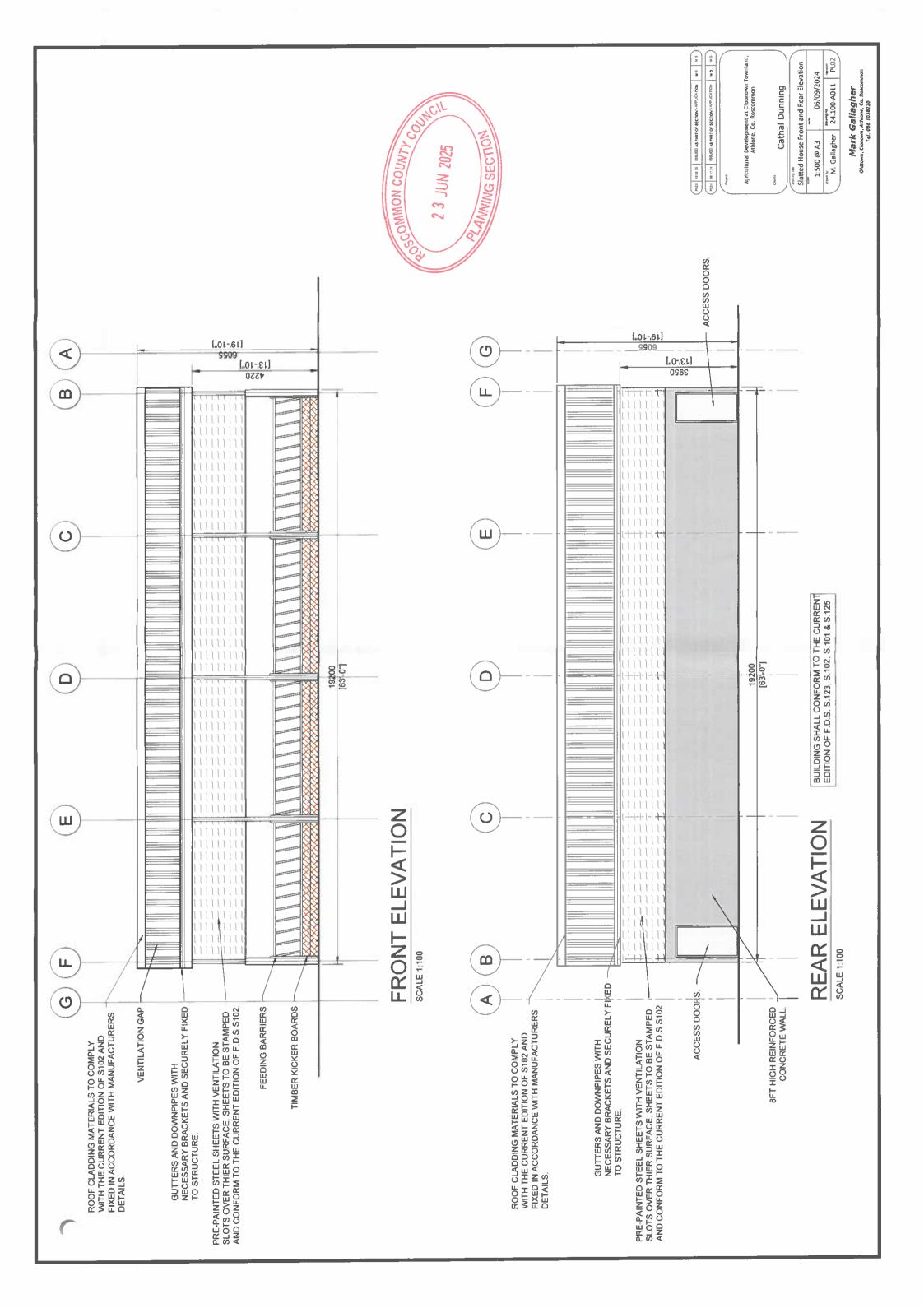


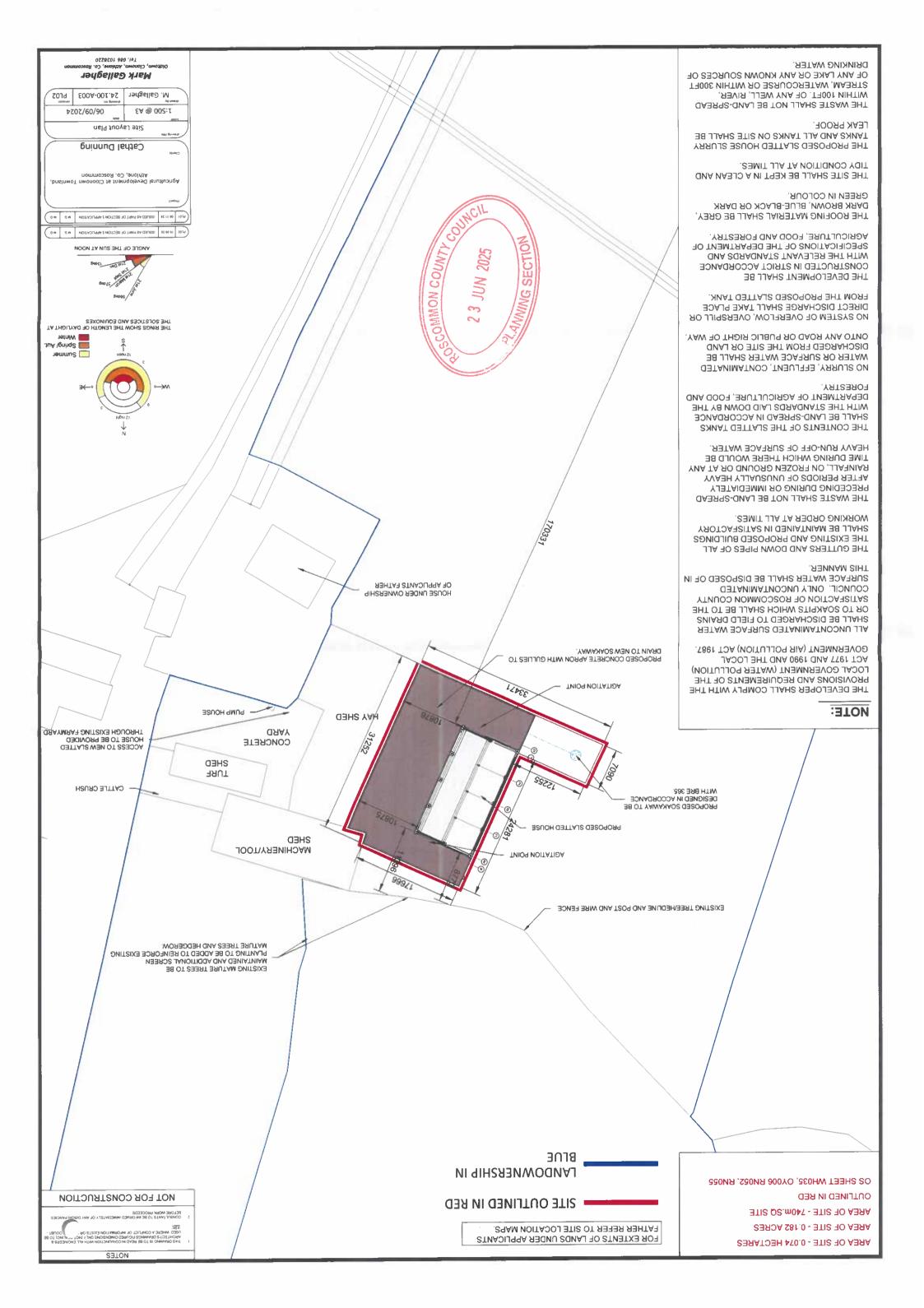


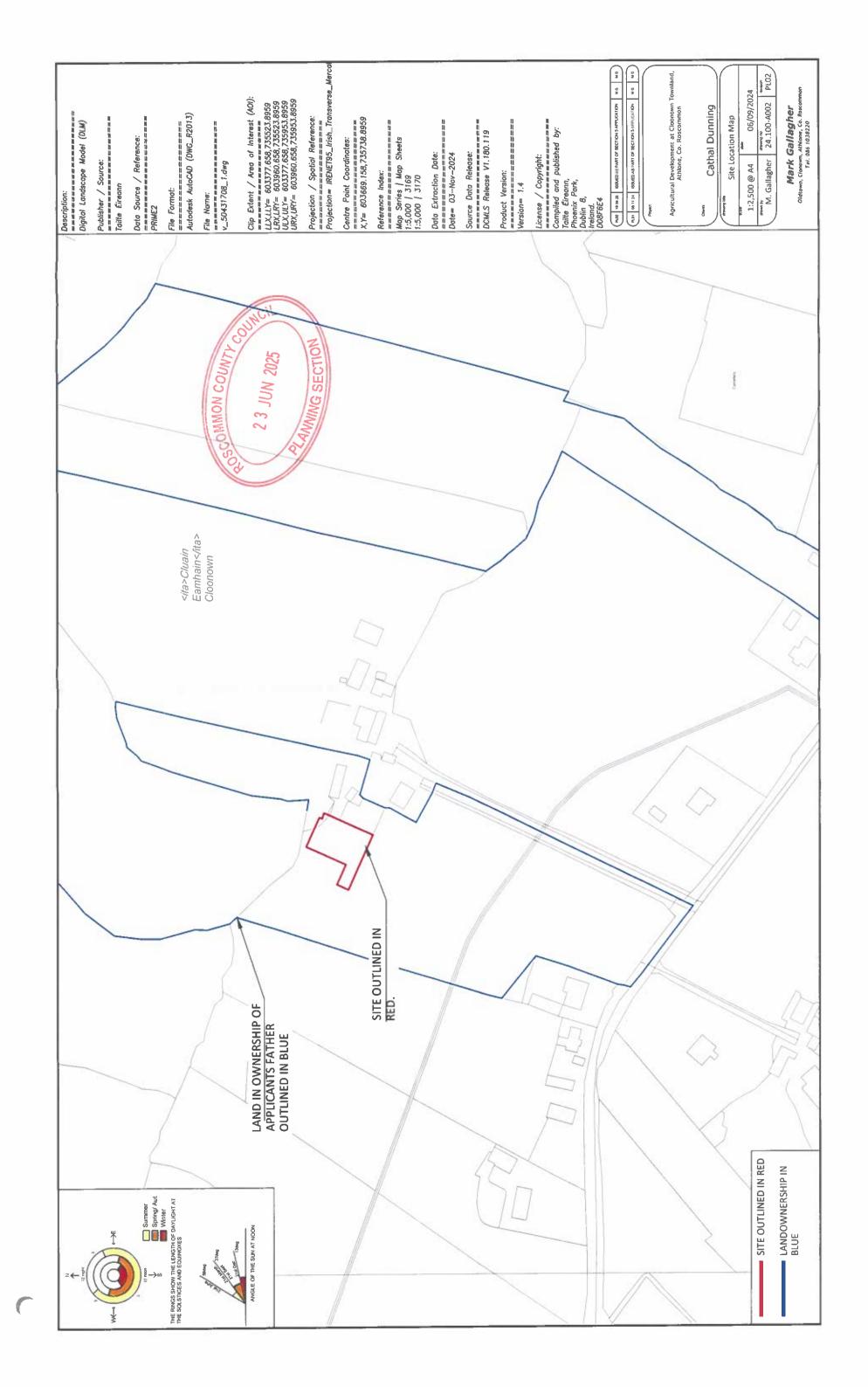












Sharon Kelly

From:

Mark Gallagher < gallagher.mark83@gmail.com>

Sent:

Sunday 22 June 2025 21:13

To:

Planning Department

Subject:

Section 5 Exempted Development Cathal Dunning

Attachments:

24.100 Section 5 Application Form.pdf; 24.100 Letter of Consent from Owner.pdf; 24.100-A010 Slatted House Plan.pdf; 24.100-A011 Slatted House Front and Rear Elevations.pdf; 24.100-A012 Slatted House Plan Side Elevations and Section.pdf; 24.100-A001 Site Location Map.pdf; 24.100-A003 Site Layout Plan.pdf; 24.100-A002

Site Location Map.pdf

Morning

Please see attached Section 5 Application for Agricultural Building for Cathal Dunning in Clonown, Athlone, Co. Roscommon. See attached the Application Form, Letter of Consent, Site Location Maps, Layout Map, Plans, Elevations and Section of the building.

I will contact you today to organise payment of planning fee.

I trust you find the attached in order but should you have any queries please do not hesitate to contact me.

Regards

Mark Gallagher 0861038220

