#### **ROSCOMMON COUNTY COUNCIL**

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

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

#### NOTIFICATION OF DECISION

## REGISTERED POST



**Reference Number:** 

**DED 921** 

**Application Received:** 

7<sup>th</sup> July, 2025

Name of Applicants:

Seamus & Fionn Cusack

Agent:

Jack Keegan

WHEREAS a question has arisen as to whether the construction of a new 149.92 m<sup>2</sup> hay shed and roofed farmyard manure pit at Ballygarden, 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 9 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 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 proposed works comply with the conditions and limitations associated with Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (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 149.92 m² hay shed and roofed farmyard manure pit at Ballygarden, 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:

Alan O'Connell,

Senior Executive Planner,

Planning.

Date: 5th September, 2025

cc agent via email:

Jack Keegan

jackkeeganber@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 Coimisiún Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

#### **ADVICE NOTE**

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

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

Reference Number: DED 921

Re: Permission for the construction of a new 145.92sq. m hay shed and

roofed farmyard manure pit under the Planning & Development

Act (Exempt Development) Regulations 2018

Name of Applicant: Seamus & Fionn Cusack

**Location of Development:** Ballygarden, Strokestown, Co. Roscommon.

Site Visit: 26<sup>th</sup> August 2025

WHEREAS a question has arisen as to whether the following works for the construction of a new 145.92sq. m hay shed and roofed farmyard manure pit 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) Class 9 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 Acts 2000 as amended.
- (e) The planning history of the site

#### **Site Location & Development Description**

The site consists of agricultural sheds that make up a farmyard in the townland of Ballygarden, Strokestown. The site is accessed off the L-6033 Local Secondary Road. The site is located c. 3.5km from Strokestown.

#### **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 Annaghmore Lough (Roscommon) SAC (Site Code 001626) located c. 3.1km from the subject site.

Other Designations include Kilglass And Grange Loughs pNHA (Site Code 000608) located c. 2.7km from 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**

#### PD/96/553

Development Description: Retention and Completion of cattle shed with slurry storage facility and

new entrance.

**Applicant:** Seamus Cusack

**Decision:** Granted

#### PD/98/919

Development Description: Permission to erect stables fodder storage, sand area & sheep handling

facilities.

**Applicant:** Seamus Cusack

**Decision:** Granted

#### 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.

#### Part 3 Article 6 Schedule 2 Exempted Development - Rural

Development Description	Conditions and Limitations
CLASS 9	No such structure shall be used for any purpose other than the purpose of
Works consisting of the provision of any store, barn, shed glass-house or other structure, not being of a type specified in class 6,7 or 8 of this Schedule, and	agriculture or forestry, but excluding the housing of animals or the storing of effluent.
having a gross floor space not exceeding 300 square metres.	2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 metres gross floor space in aggregate.
	No such structure shall be situated within 10 metres of any public road.
	4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
	5. No such structure shall be situated 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.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

#### **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 works constitute development, as defined in Section 3 of the said Act.

#### **Extent of Works**

- Level and stone up the site
- Dig foundation & pour them
- Erect steel frame
- Pour mass concrete walls for farmyard manure pit
- Clad walls & roof with blue/grey corrugated sheeting to match existing shed within the site
- Electric works
- Complete pipework for effluent, which will be piped to the existing slurry pit.

#### CLASS 9

The proposed class 9 structure has a gros floor area of 145.92m<sup>2</sup> (not exceeding 300 square metres).

- 1. The proposed use for the structure is agriculture.
- 2. The proposed structure plus other such structures' floor space do not accumulate to more than 900 square metres gross floor space (aggregate 307.92sq. m). Gross floor space figures of the existing structures are included in the application.
- 3. The proposed structure is situated more than 10 metres from a public road.
- 4. The proposed structure is less than 8 metres in height (5.8m).

- 5. The proposed structure <u>is situated less than 100m</u> from neighbouring residential properties (the applicant has included three written consents from these neighbouring properties with no issue being raised).
- **6.** The proposed sheeting for the structure is corrugated sheets.

The applicant has stated on the documents submitted that the hay shed & roofed farmyard manure pit will be used to store hay bales and farmyard manure only. Documents of consent of the three property owners located within the 100m of the proposed structure are also included in the application with no objections.

#### **Environmental Considerations**

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), it is reasonable to conclude, on the basis of the information available, 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 AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment 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 Article 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

#### Recommendation

WHEREAS a question has arisen as to whether a proposed development; for the construction of a new 145.92sq. m hay shed and roofed farmyard manure pit as outlined above at Ballygarden, 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 9 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 Acts 2000 as amended.
- (e) The planning history of the site

#### AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed works comply with the conditions and limitations associated with Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

 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 a new 145.92sq. m hay shed and roofed farmyard manure pit as outlined above at Ballygarden, Strokestown, Co. Roscommon, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

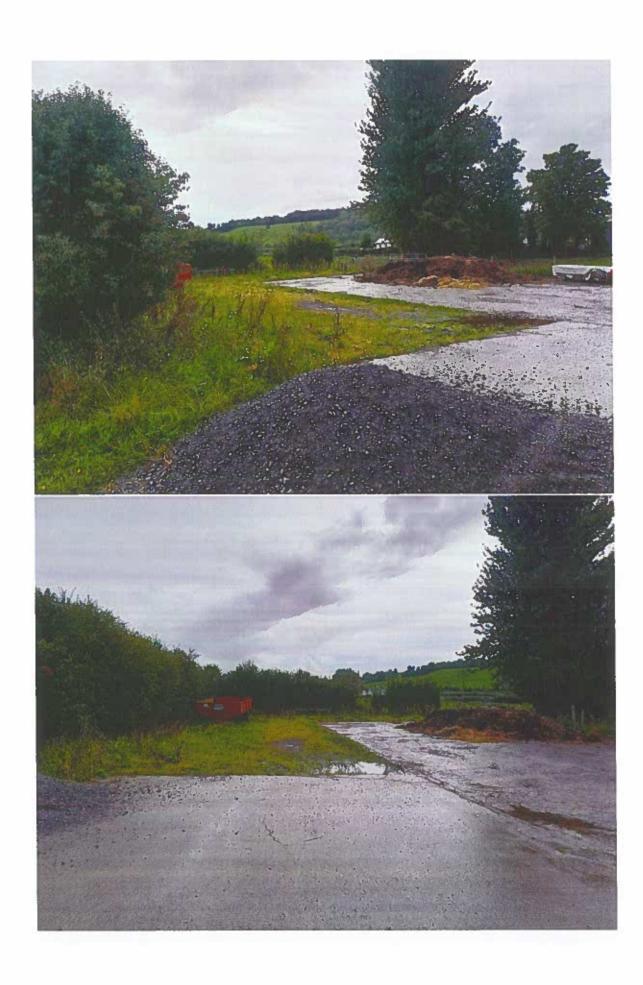
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Signed:

Senior Executive Planner

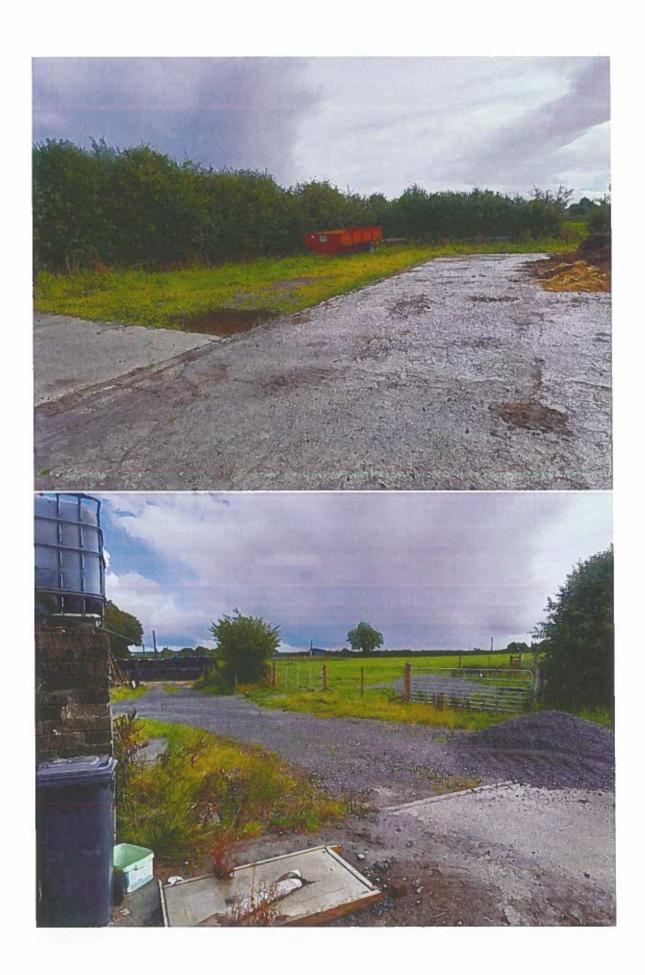
Date: 5<sup>th</sup> September 2025

Date: 5th September 2025

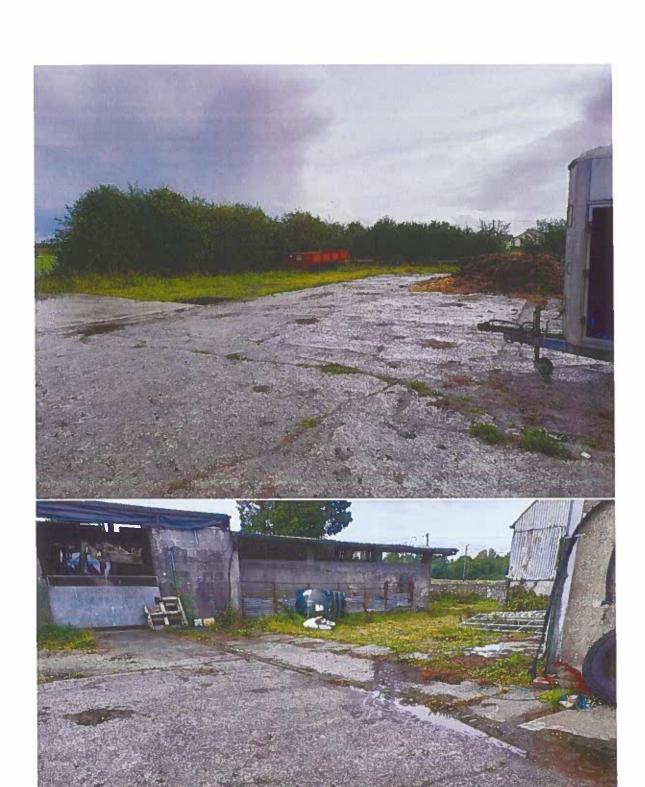






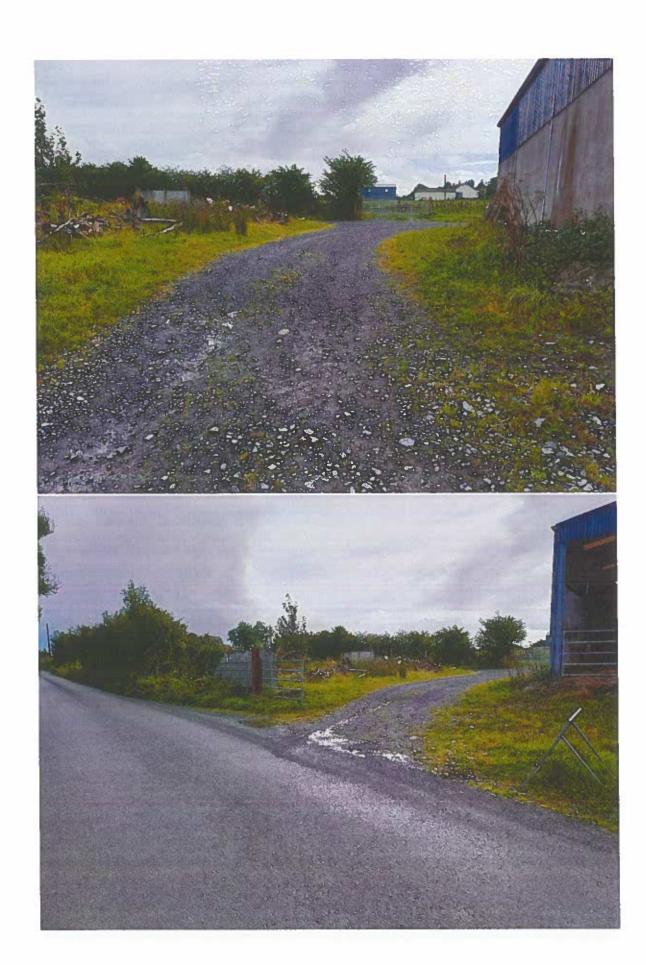














Comhairle Contae Ros Comáin Roscommon County Council



Seamus & Fionn Cusack,



Date:

15th July, 2025

**Planning Reference:** 

**DED 921** 

Re:

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

(as amended), regarding Exempted Development.

**Development:** 

Permission for construction of a new 145.92m<sup>2</sup> hay shed and roofed farmyard manure

pit under the Planning & Development Act (Exempted Development) regulations 2018 at

Ballygarden, Strokestown, Co. Roscommon.

\*

A Chara,

I wish to acknowledge receipt of the application which was received on the 7th July, 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/01/0/235691 dated 10th July, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 921

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:

Jack Keegan

jackkeeganber@gmail.com





Roscommon County Council Aras an Chontae Roscommon 09066.37100

10/07/2025 15 32 23

Receipt No. 1.01/0/235691

SEAMUS & FIONA CUSAK C/O JACK KEEGAN RATHMORE, FOURMILEHOUSE CO ROSCOMMON F42YP80 Pt REF, DED 921

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-vatable DED921

80.00

fotal:

80 00 EUR

Tendered

Cheque 001456

80.06

Change

0.00

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 <u>Exempted Development</u>

Name of Applicant(s)	Seamus & Fionn Cusack OMMON COUNTY
Name of Agent	Jack Keegan, Rathmore, Fourmilehouse Co. Roscommon, F42YP80  Construct new 145.92m² hay shed and roofed
Nature of Proposed Works	Construct new 145.92m² hay shed and roofed farmyard manure pit.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLYGARDEN, STROKESTOWN, CO. ROSCOMMON
	O.S No. 2102 XY: 594456,784061 Townland BALLYGARDEN/MOYGLASS
Floor Area:	7
<ul><li>a) Existing Structure</li><li>b) Proposed Structure</li></ul>	a) <u>687 Sqm</u> b) <u>145.92 Sqm extension</u>
Height above ground level:	Floor level- between 300-400 mm above ground level (Ridge height 5683mm above ground level)
Total area of private open space remaining after completion of this development	N/A- Agricultural yard, there will be no private open space.
Roofing Material (Slates, Tiles, other) (Specify)	New Blue/Grey Corrugated sheeting to match existing sheds.

## **Roscommon County Council**

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	New Blue/Grey Corrugated sheeting to match existing sheds.  Mass Concrete wall to farmyard manure pit walls
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the existing farmyard
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	Existing Farm Yard
Proposed use of land or structure	To construct new hay shed and roofed farmyard manure pit.
Distance of proposed building line from edge of roadway	44m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Slurry Tank
	1

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

Signature: JALK KEEGAN (AGENT)

Date: <u>02/07/2025</u>

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



26/06/2025

To whom it may concern,

have no objection to Mr. Seamus Cusack constructing an agricultural hay shed and roofed farm yard manure pit on the lands to the north east of my property.

Kind Regards,





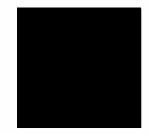
26/06/2025

To whom it may concern,

to Mr. Seamus Cusack constructing an agricultural hay shed and roofed farm yard manure pit on the lands to the north of my property.

Kind Regards,





26/06/2025

To whom it may concern,

have no objection to Mr. Seamus Cusack constructing an agricultural hay shed and roofed farm yard manure pit on the lands to the north east of my property.

Kind Regards,



# Exempt Structures DED – Seamus Cusack



#### r Planner

We supply this letter to address each existing structure on the farmyard and why they will not affect the proposed new structure as being an exempt development under class 9.

#### Structure A:

Structure A is a storage shed for general farm equipment. It was built approximately in the 1940s. It is 41m2. The structure is used solely for the purposes of agriculture. The gross floor space of structures exempt under class 9 is 162m² (41m² Structure A Storage Shed & 42m² Structure B Storage Shed & 79m² Structure E Machinery Shed) and is therefore less than the 900m² aggregate area to qualify as being exempt under class 9.

#### Structure B:

Structure B is a storage shed for general farm equipment. It was built approximately in the 1940s. It is 42m2. The structure is used solely for the purposes of agriculture. The gross floor space of structures exempt under class 9 is 162m² (41m² Structure A Storage Shed & 42m² Structure B Storage Shed & 79m² Structure E Machinery Shed) and is therefore less than the 900m² aggregate area to qualify as being exempt under class 9.

#### Structure C:

Structure C is an animal housing & handling facility shed. It is exempt under class 6 and will therefore no effect on the aggregate floor area of structures exempt under class 9.

#### Structure D:

Structure is an animal housing & quarantine area shed. It is exempt under class 6 and will therefore no effect on the aggregate floor area of structures exempt under class 9.

#### Structure E:

Structure E is a machinery shed for farm machinery. It is 79m2. The structure is used solely for the purposes of agriculture. The gross floor space of structures exempt under class 9 is 162m² (41m² Structure A Storage Shed & 42m² Structure B Storage Shed & 79m² Structure E Machinery Shed) and is therefore less than the 900m² aggregate area to qualify as being exempt under class 9.

#### Structure F&G:

Structure F is a slatted shed, Structure G is a loose housing shed and both have planning permission under PL Ref: 96553 & PL Ref: 98919

#### **Proposed New Shed:**

KEEGAN (AGENT)

The proposed new shed will be used as a hay shed and roofed farmyard manure store. Its total floor area will be 145.92m². It will be used solely for the purpose of agriculture. The proposed gross floor space of structures exempt under class 9 will be 307.92m² (41m² Structure A Storage Shed & 42m² Structure B Storage Shed & 79m² Structure E Machinery Shed & 145.92m² The proposed new shed ) and is therefore less than the 900m² aggregate area to qualify as being exempt under class 9.

Kind Regards,

Jack Keegan

Planning Dept,
Roscommon Co.Co.
Aras An Chontae,

Roscommon.



#### **Detailed Specification Of The Development Proposed**

Ref: Semus & Fionn Cusack for new hay shed & roofed farmyard manure pit at Ballygarden, Strokestown, Co. Roscommon.

The proposed hay shed & roofed farmyard manure pit will use used to store hay bales and farmyard manure only.

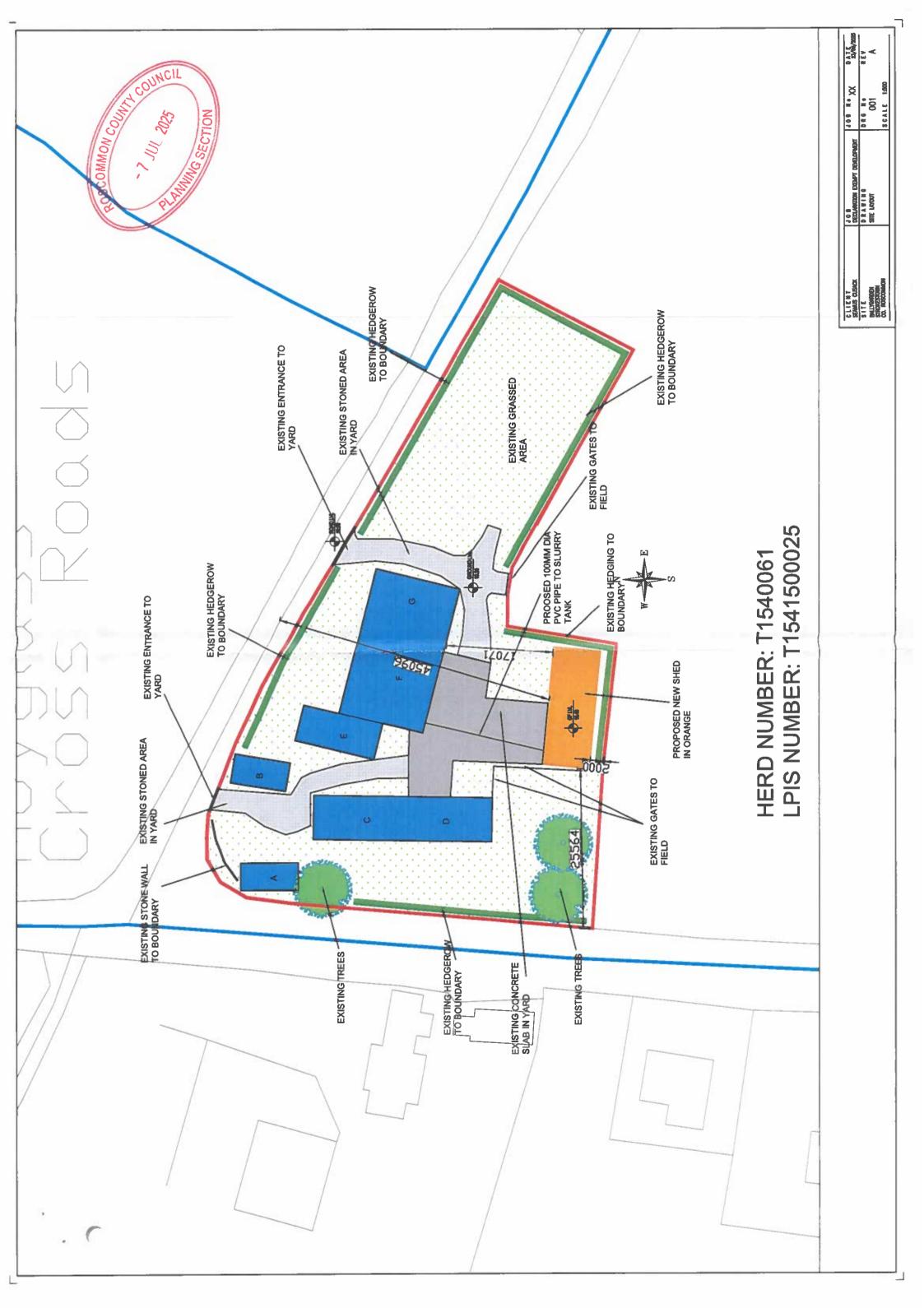
The works involved are as follows:

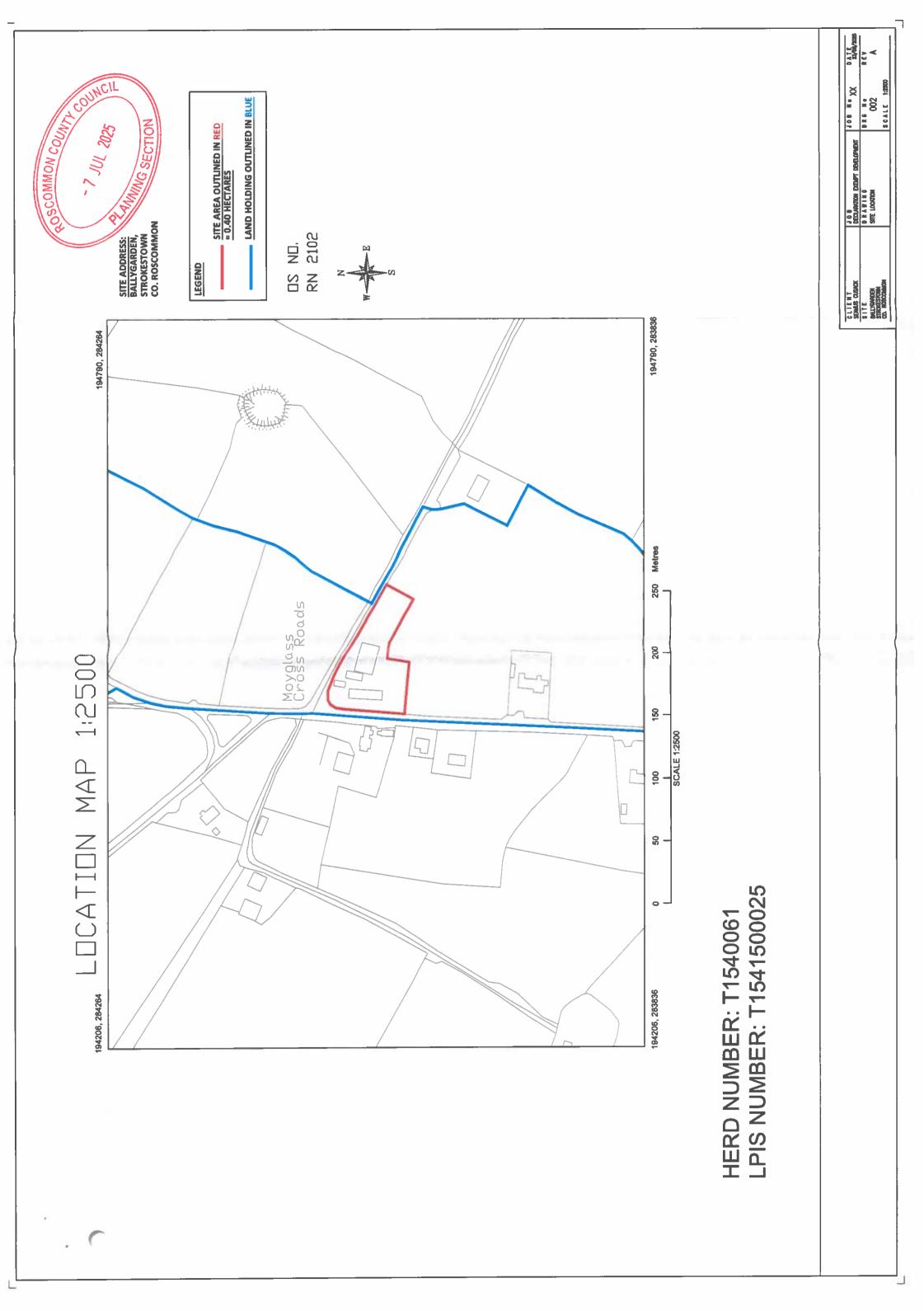
- 1. Level and stone up the site
- 2. Dig foundations & pour them
- 3. Erect steel frame
- 4. Pour mass concrete walls for farmyard manure pit
- 5. Clad walls & roof with blue/grey corrugated sheeting to match existing shed within the site
- 6. Electric works
- 7. Complete pipe work for effluent, which will be piped to the existing slurry pit.

**Kind Regards** 

Jack Keegan

JACK KEEGAN (AGENT)



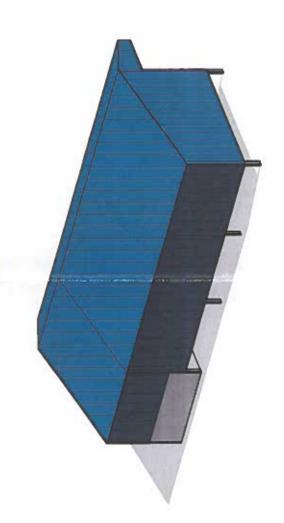


Hay Shed to S104 Spec FYM Pit to S108 Spec Roof & Side Cladding to S102 spec









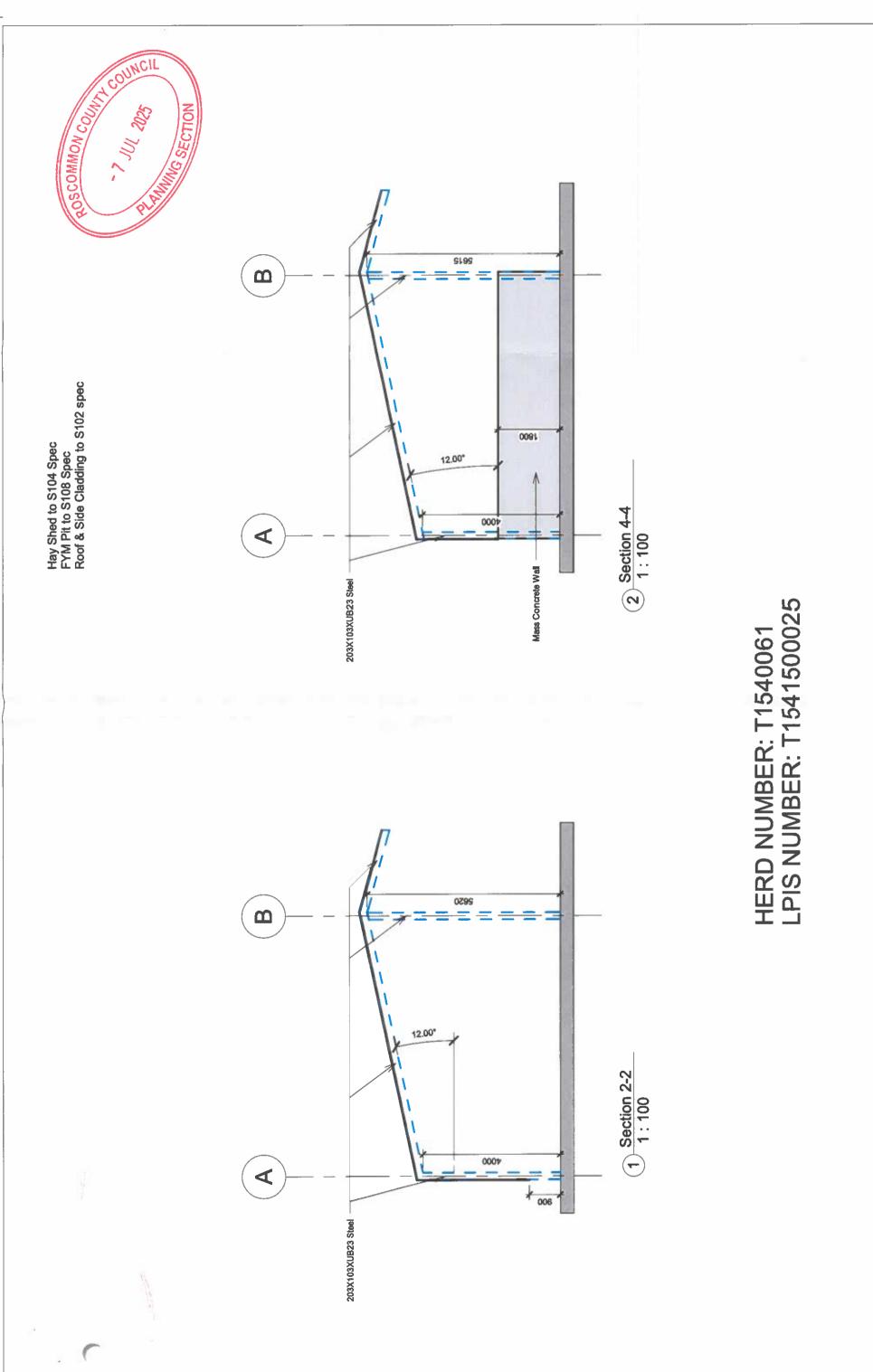
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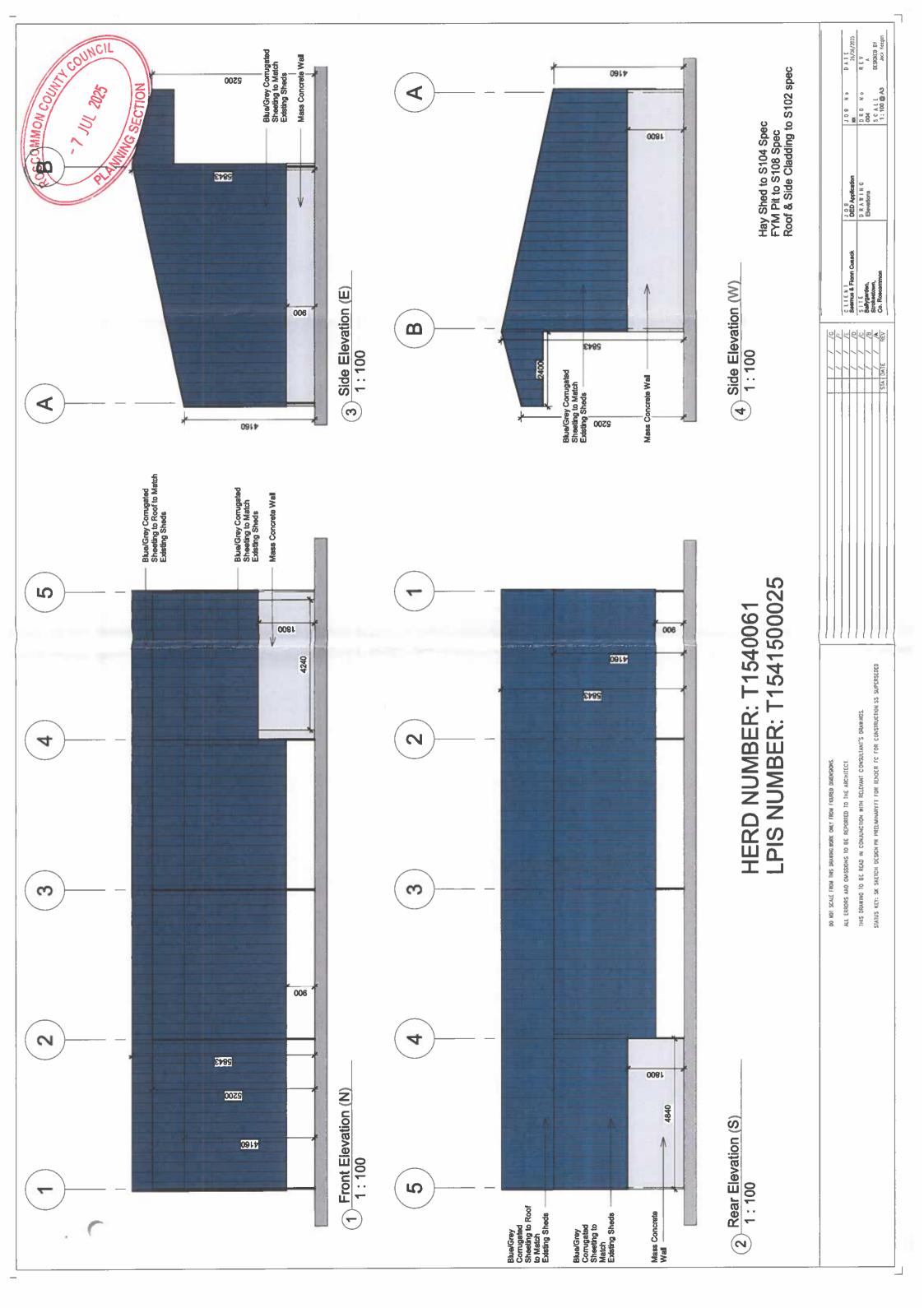
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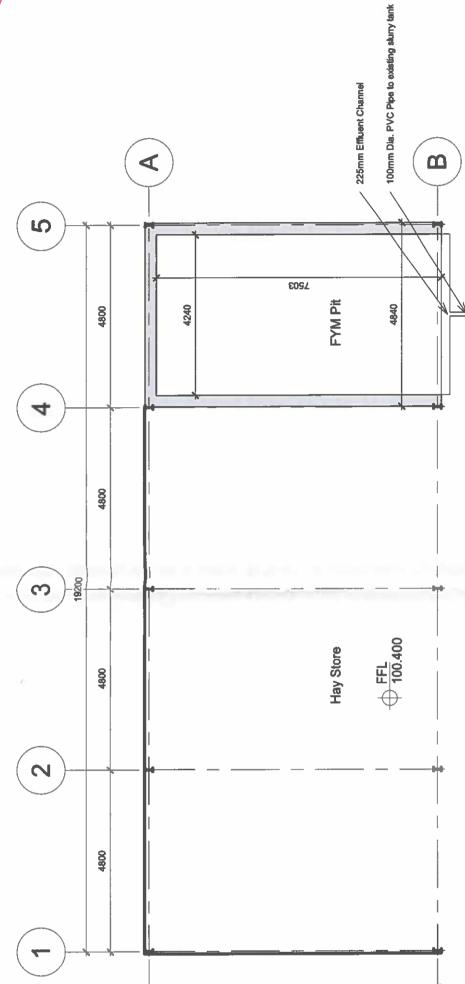
**AREASCHEDULE** 

: 145.92m2 GRÖUND FLOOR AREA

Hay Shed to S104 Spec FYM Pit to S108 Spec Roof & Side Cladding to S102 spec







1: 100

HERD NUMBER: T1540061 LPIS NUMBER: T1541500025

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D A T E 26/06/2025 R E V A

J 0 B DED Application D R A W I N G Floor Plan

North

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