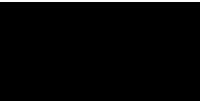


ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DETERMINATION

REGISTERED POST

Gerry Beirne,



Reference Number: **DED 982**
Application Received: **4th December, 2025**
Name of Applicant: **Gerry Beirne**
Agent: **Rathcroghan Designs**

WHEREAS a question has arisen as to whether the construction of a slatted shed & underground slurry storage together with all associated site works at Tullyloyd, Elphin, 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 and Class 6A 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.

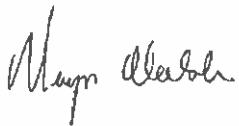
AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed works comply with the conditions and limitations associated with Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) The proposed works comply with the conditions and limitations associated with Class 6A of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (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 slatted shed & underground slurry storage together with all associated site works at Tullyloyd, Elphin, 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:



Mervyn Walsh,
Administrative Officer,
Planning.

Date: 26th January, 2026

c.c. agent via email: **Rathcroghan Designs**
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 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.

Carmel Curley

From: Carmel Curley
Sent: Monday 26 January 2026 11:24
To: [REDACTED]
Cc: Martin Dowd
Subject: DED982 - Notification of Determination
Attachments: DED 982 - Notification of Determination.pdf; DED982 - Plans & Maps - stamped.pdf

A Chara,

Please find attached Notification of Determination for your Section 5 Application – DED982, together with stamped copies of Plans & Maps submitted with the application, should you require same.

Mise le meas,

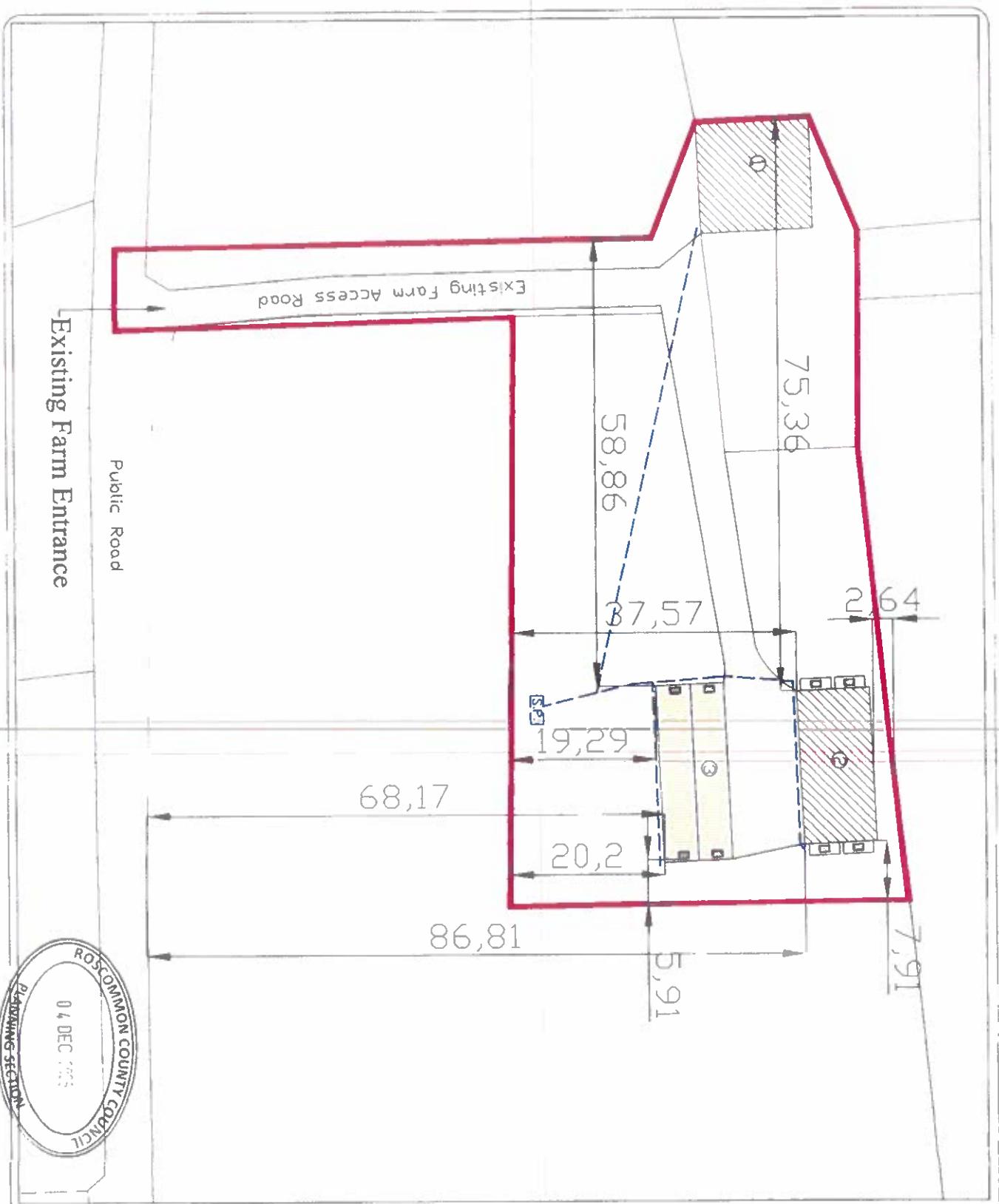
Carmel

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





Rathcroghan
Planning and Building Control
Planning and Building
Control (Local Government
Regulations) Act 2000
Planning and Building Control
Regulations (Amendment) Act
2005

Client
Gerry Beirne

Title					
Site Layout					
Scaler	1500 UNLESS NOTED	Sheet	1 OF 1	Drawn	MARTIN DOWD
Date	04-12-2005			Design No	25-144

Legend

- 1 Existing Hayshed Class 9 203.5m² Exempt
- 2 Proposed Slanted Shed Class 6 181.5m² Exempt

Site Area 0.506 Ha

Storm Sewer

Soakpit

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

Reference Number:	DED 982
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the construction of a slatted shed & underground slurry storage together with all associated site works is or is not development and is or is not exempted development.
Name of Applicant:	Gerry Beirne
Location of Development:	Tullyloyd, Elphin, Co. Roscommon.
Site Visit:	23 rd January 2025

WHEREAS a question has arisen as to whether the construction of a slatted shed & underground slurry storage together with all associated site works 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 6 and Class 6A Part 3 of 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.

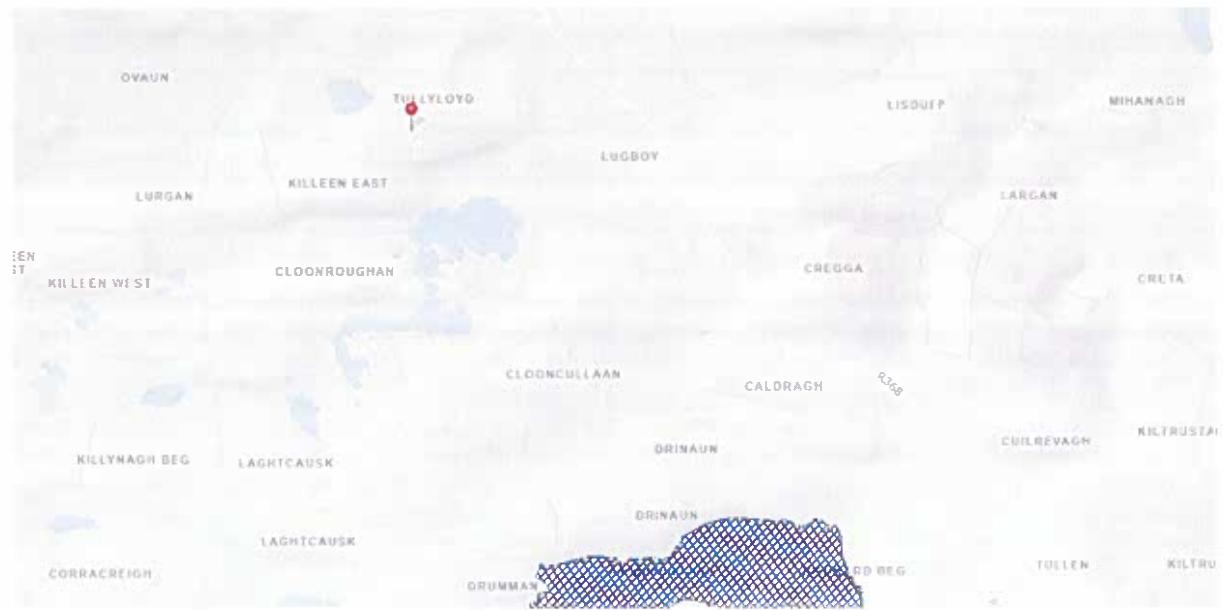
Site Location & Development Description

The site consists of an agricultural farmyard with an existing storage shed. The subject site is located c. 2.3km south of Elphin. The subject site is accessed off the L-1409 Local Primary Road to the south of the site. The proposed development consists of the construction of a slatted shed & underground slurry storage together with all associated site works.

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 southeast of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment can, therefore, be excluded.

Planning History

As per Roscommon County Council's Planning Registry, there is no recent planning history attached to this 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.

Class 6 and Class 8 Part 3 Schedule 2 Article 6

Development Description	Conditions and Limitations
<p><i>Agricultural Structures</i></p> <p>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 300 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 450 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 accordance with the 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 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 such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.
8. No such structure shall be within 60 metres of a public or private water source.
9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10 metres in the case of extensions/modifications to an existing facility,
10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
11. The use of this Class of exemption requires a declaration from the relevant Planning Authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.
12. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

<p>CLASS 6A</p> <p>Works consisting of the provision of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</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 maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres. 3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres. 4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store. 5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 6. No such structure within 100 metres of any public road shall exceed 8 metres in height.
	<ol style="list-style-type: none"> 7. 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. 8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone. 9. No such structure shall be within 60 metres of a public or private water source. 10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. 11. All such tanks shall be constructed in accordance with the relevant specification published by the

	<p>Department of Agriculture, Food and the Marine in force at the time of construction of the tank.</p> <p>12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p> <p>13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.</p> <p>14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.</p>
--	--

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.

Initial 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.

With regard to the compliance with the conditions and limitations of Class 6 and Class 6A of Part 3 of Schedule 2 (Exempted development - Rural) the following assessment sets out how these apply to the current proposal:

- The construction of a slatted shed (183.5m²)

CLASS 6

1. The proposed use for the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not aggregate to more than 300 square metres.
3. N/A – Dry bedded shed.
4. The proposed structure is situated more than 10 metres from a public road (68.1m).
5. The proposed structure is less than 8 metres in height (6.9m).
6. The proposed structure is situated more than 100m from a residential property.
7. The proposed structure is not situated in land use plans as Flood Zone A or Flood Zone B.
8. The proposed structure is greater than 60m from a public or private water source.
9. The proposed structure is greater than 50m from a water course or water body.
10. The proposed sheeting for the structure is pre-painted sheeting.
11. Subject application related to a Section 5 opinion
12. It is the applicants responsibility to separately meet this condition.

- The construction of an underground slurry storage (191.8m²)

CLASS 6A

1. The proposed use for the structure is agriculture.
2. The proposed storage capacity of the proposed storage facility does not exceed 1000m³ (486.86m³).
3. The aggregate of all tanks situated within the same farmyard complex does not exceed 1500m³.
4. The structure is in accordance with Department of Agriculture, Food and the Marine and the Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution.
5. The proposed structure is situated more than 10 metres from a public road (68.1m).
6. The proposed structure is less than 8 metres in height (6.9m).
7. The proposed structure is situated greater than 100m from a residential property.
8. The proposed structure is not situated in land use plans as Flood Zone A or Flood Zone B.
9. The proposed structure is greater than 60m from a public or private water source.
10. The proposed structure is greater than 50m from a water course or water body.
11. The proposed structure is in accordance with relevant specification published by the Department of Agriculture, Food and the Marine.
12. The proposed sheeting for the structure is pre-painted sheeting.
13. Subject application related to a Section 5 opinion
14. It is the applicants responsibility to separately meet this condition.



Image showing the proposed location of the development on the existing farmyard.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; for the construction of a slatted shed & underground slurry storage together with all associated site works as outlined above at Tullyloyd, Elphin, 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 and Class 6A 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.

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed works comply with the conditions and limitations associated with Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- The proposed works comply with the conditions and limitations associated with Class 6A 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 slatted shed & underground slurry storage together with all associated site works as outlined above at Tullyloyd, Elphin, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Graduate Planner

Date: 22/01/2026



Signed:

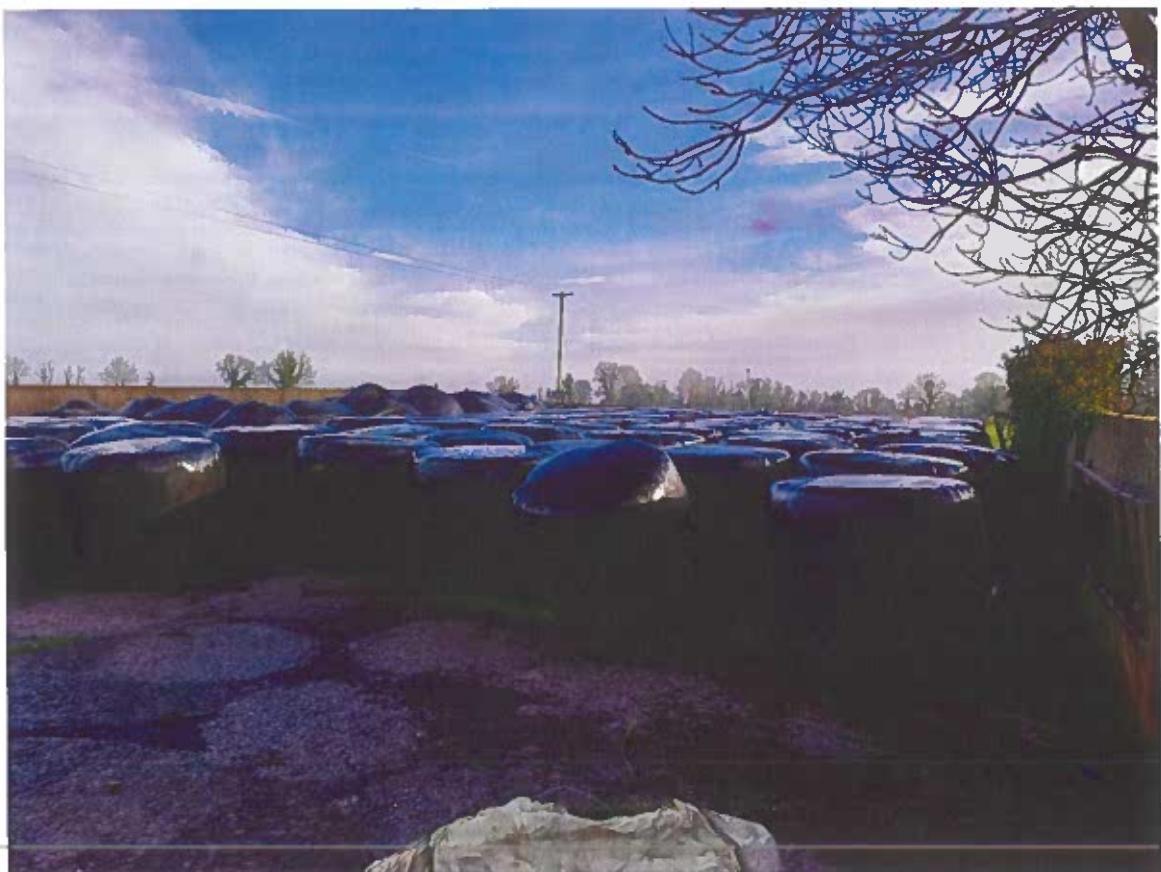
Senior Executive Planner

Date: 23rd January 2026















Carmel Curley

From: Carmel Curley
Sent: Thursday 11 December 2025 14:39
To: rathcroghandesigns@gmail.com
Subject: DED 982 - Gerry Beirne
Attachments: DED 982 - Ack Letter & Receipt.pdf

Hi Martin,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Application submitted on behalf of Gerry Beirne.

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

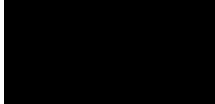




Comhairle Contae
Ros Comáin
Roscommon
County Council



Gerry Beirne,



Date: 11th December, 2025
Planning Reference: DED 982

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

Development: WHEREAS a question has arisen as to whether the construction of a slatted shed & underground slurry storage together with all associated site works at Tullyloyd, Elphin, Co. Roscommon., is or is not development and is or is not exempted development.

A Chara,

I wish to acknowledge receipt of your application which was received on the 4th December, 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. L01/0/238253 dated 11th December, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 982.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

cc agent via email: Rathcroghan Desings
rathcroghandesigns@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

11/12/2025 11:22:51

Receipt No.: L01/0/238263

GERRY BEIRNE
[REDACTED]

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 882	

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

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)	GERRY BEIRNE
Name of Agent	MARTIN DOWD C/o RAMCROGHAN DESIGNS
Nature of Proposed Works	1. TO CONSTRUCT SLATTED SHED 2. AND UNDER GROUND SLURRY STORAGE, TOGETHER WITH ALL ASSOCIATED SITE WORKS
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	TULLYLOYD 588468, ELPHIN 786478 CO. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>203.5 m²</u> b) <u>SHED - 183.5 m²</u>] <u>375.3 m²</u> <u>UNDERGROUND TANK - 191.8 m²</u>
Height above ground level:	6.93 m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED STEEL TANK



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	68.17 m
Does the proposed development involve the provision of a piped water supply	YES - EXISTING (PUBLIC)
Does the proposed development involve the provision of sanitary facilities	N/A .

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

Signature:



Michael O'Donnell
4/12/25

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



Planning Pack Map



Táinte
Éireann

786683
CENTRE
COORDINATES:
TM 588468,786478
PUBLISHED:
03/12/2025
MAP SERIES:
1:5,000
ORDER NO.:
50506328_1
MAP SHEETS:
2042

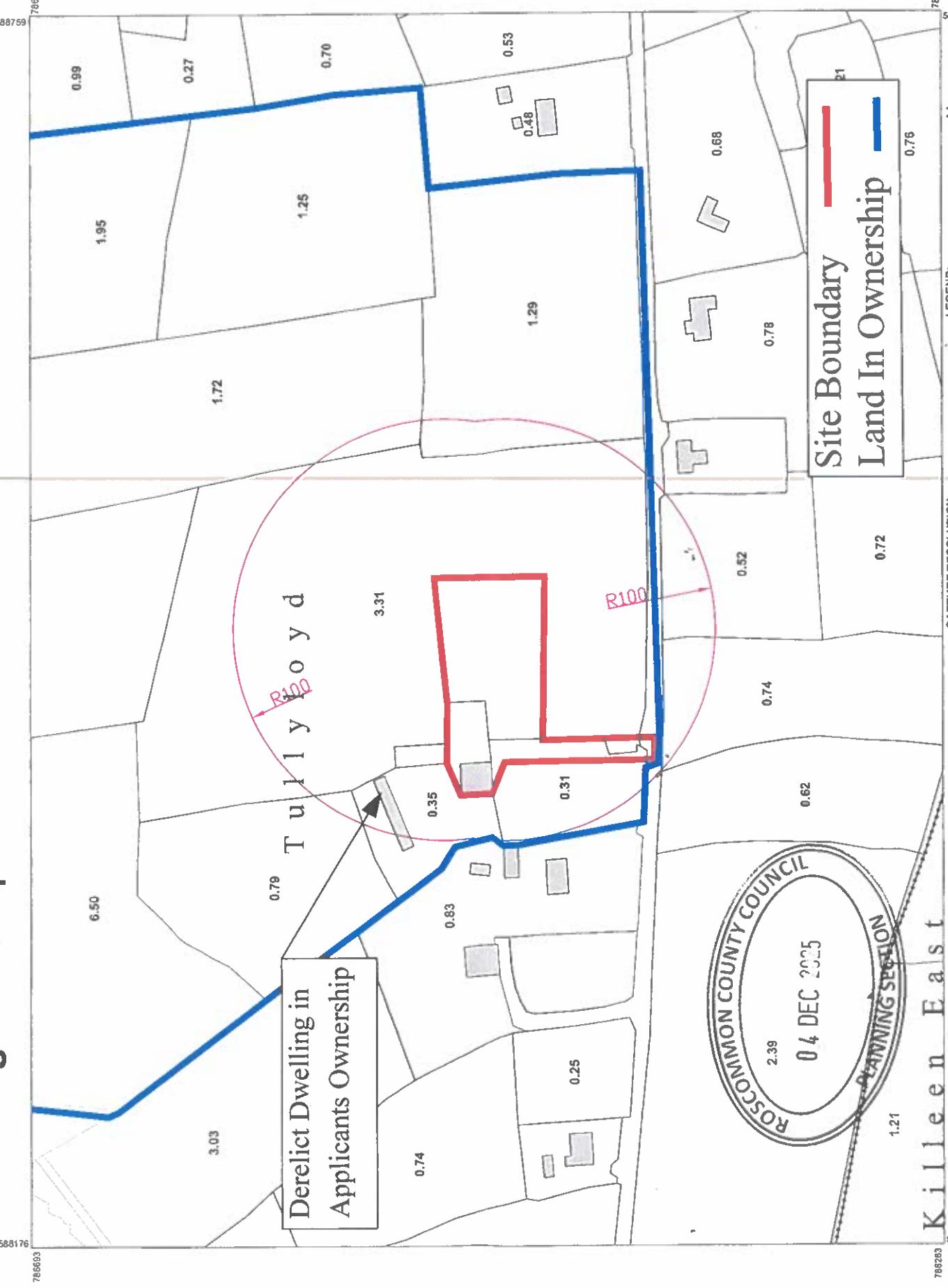
COMPILED AND PUBLISHED BY:
Táinte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D008F6E4
www.talte.ie

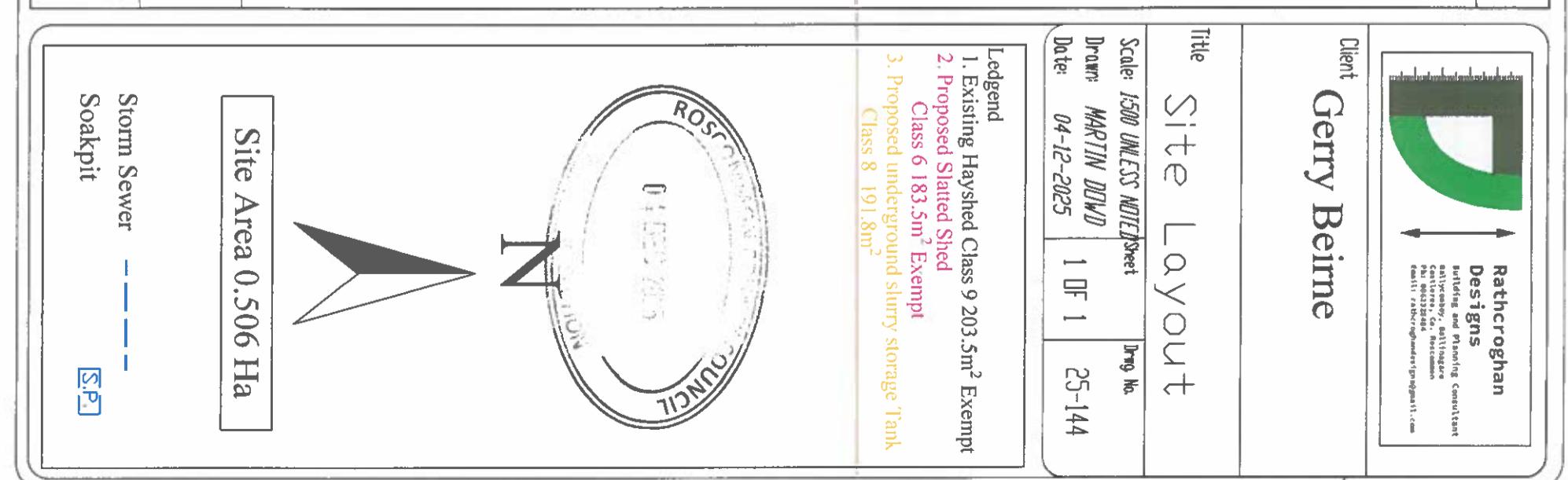
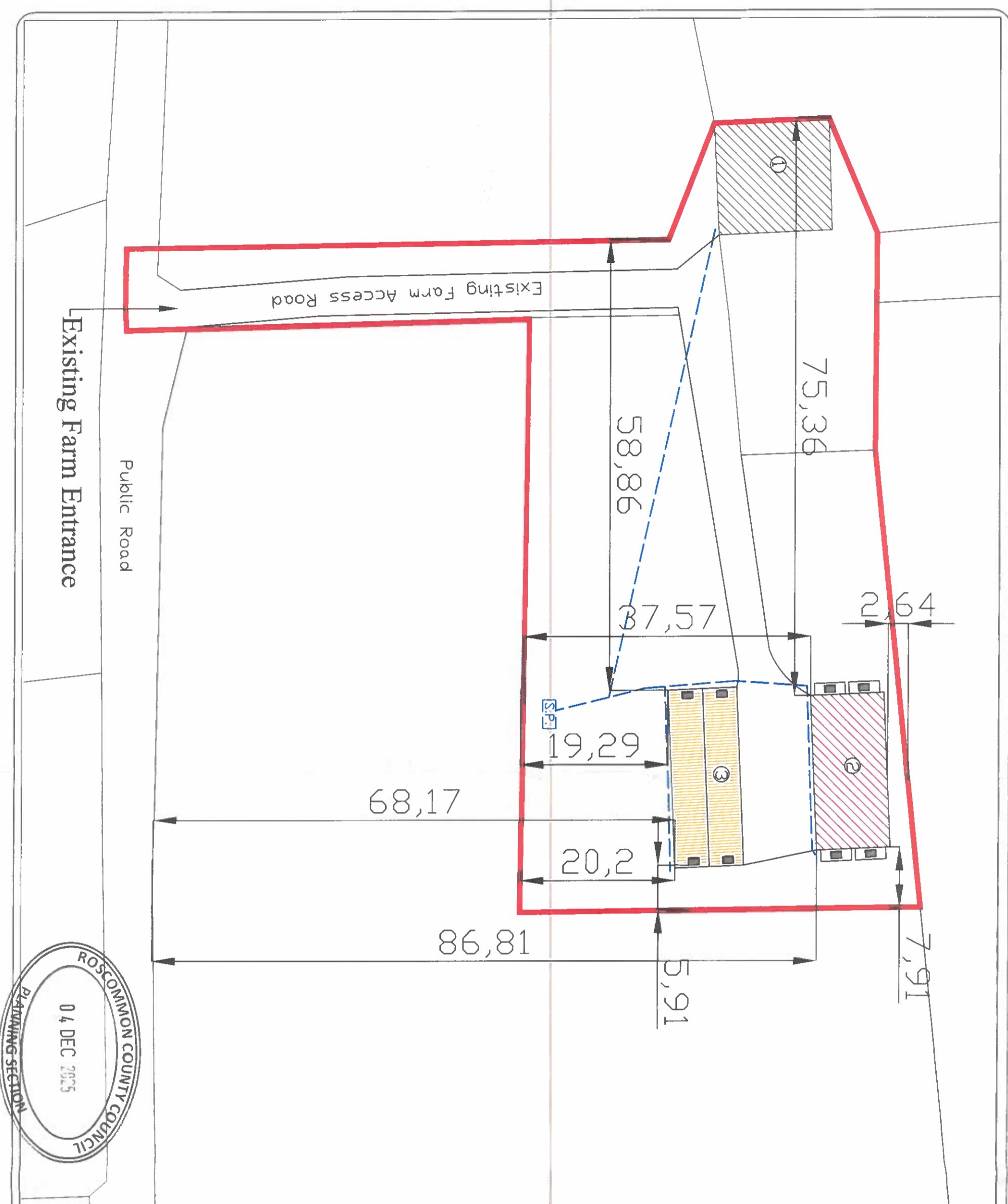
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786285







Rathcroghan
Designs

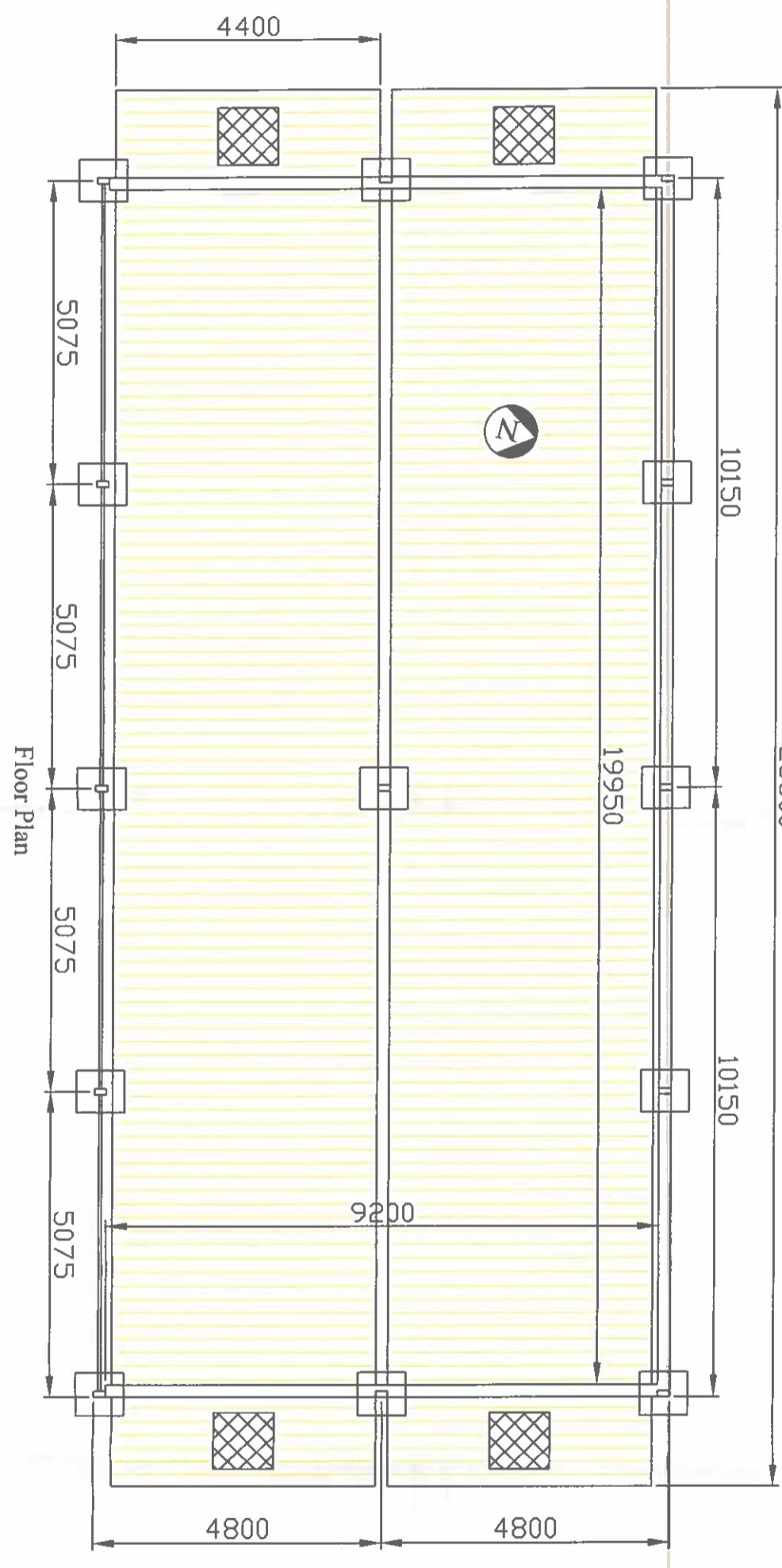
Building and Planning Consultant
Ballincorby, Ballingare
Castlerea, Co. Roscommon
Ph: 0862232444
Email: rathcroghandesigns@gmail.com

Client
Gerry Beirne

Title
Proposed Underground
Tank

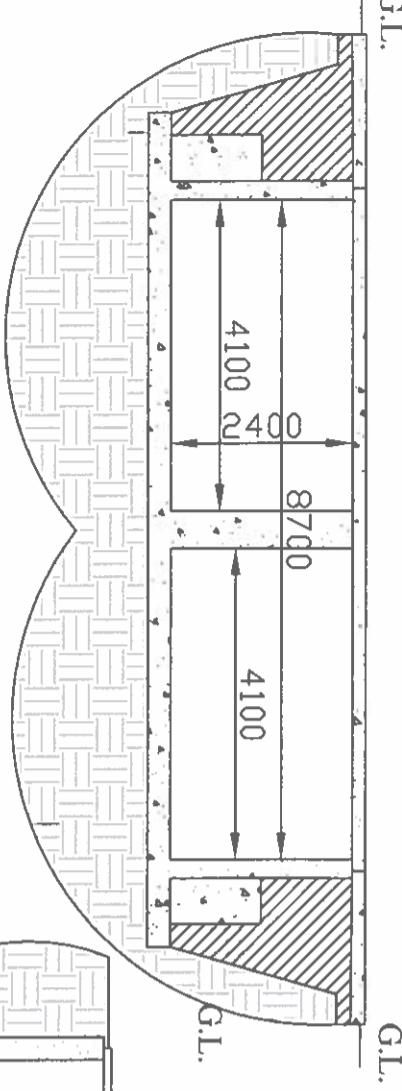
Scale: 1:200 UNLESS NOTED
Drawn: MARTIN DOWD
Date: 30-11-2025

Sheet
1 OF 1
Dwg. No.
25-103



Structure to be Reinforced
Underground Concrete tank
Constructed to Dept of
Agriculture Specifications

Sectional Elevation



Front Elevation



Sectional Elevation





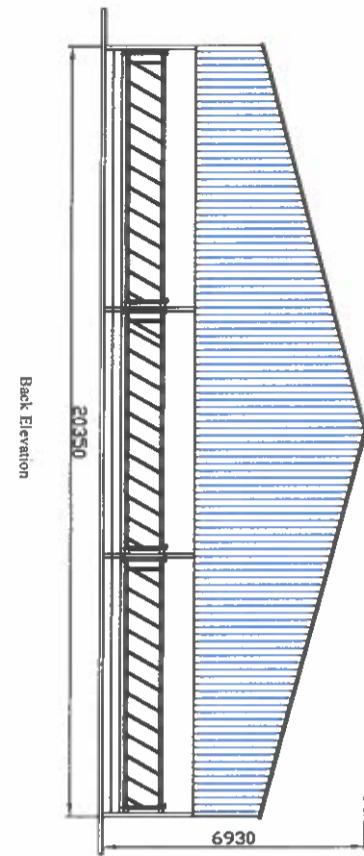
Rathcroghan Designs

Building and Planning Consultant
Ballinrobe, Ballingeary
Castlerea, Co. Roscommon
Ph: 091 622244
Email: rathcroghandesigns@eircom.net

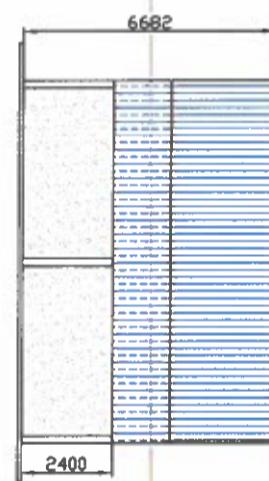
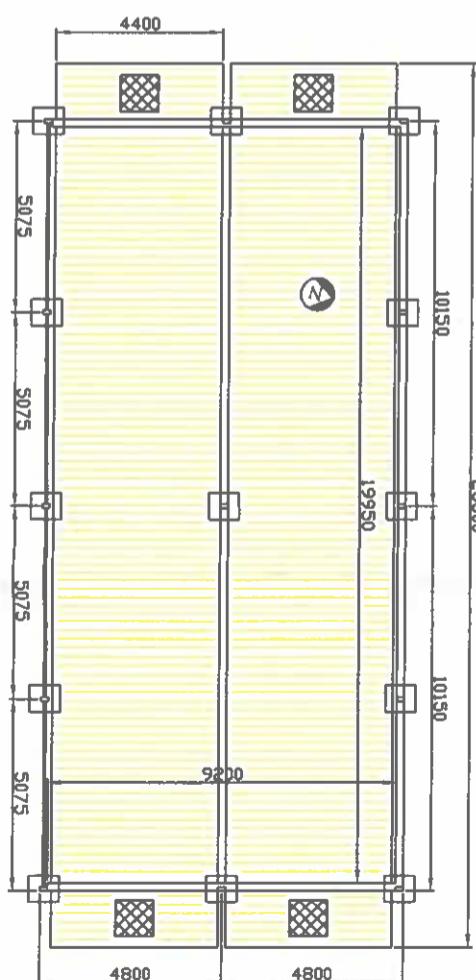
Client
Gerry Beirne

Title
Proposed Slatted Shed

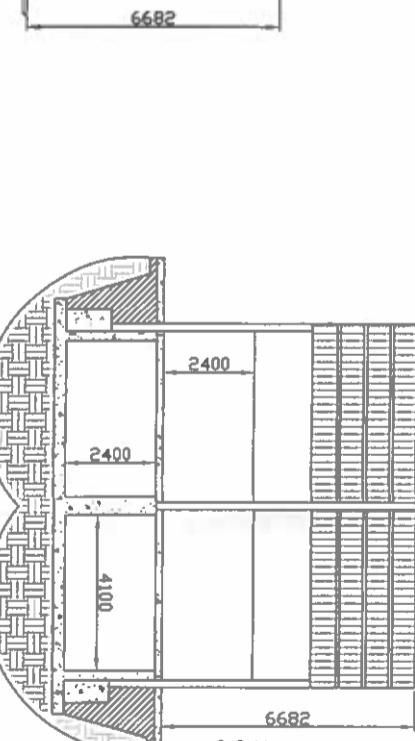
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Drawn: NATHAN DODD		
Date: 30/11/2025	Drawn No.	25-103



Floor Plan

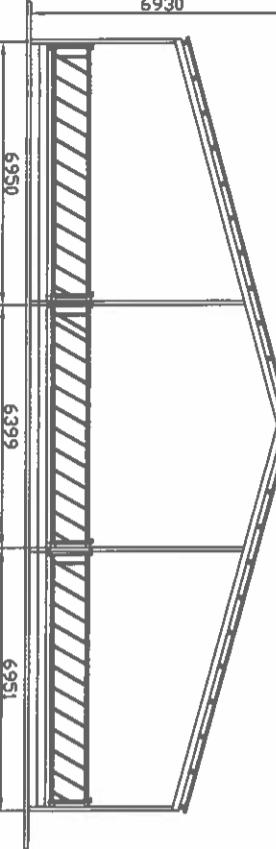
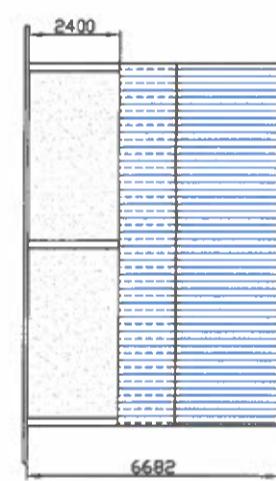


End Elevation



Sectional Elevation

Super Structure to be carried on Walls of Reinforced Underound Concrete tank
Constructed to Dept of Agriculture Specifications



Back Elevation