

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

CHIEF EXECUTIVE'S ORDER

Order No: PL/484/26

Reference Number: DED 973

Name of Applicant: John O'Connell

Agent: N/A

WHEREAS a question has arisen as to whether the construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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 Part 3 Schedule 2 Article 6 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 construction of a cattle winter housing with feeding area on concrete floor exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed not exempt.

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 for construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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:



Signed: _____

Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 27th April, 2026

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

REGISTERED POST

John O'Connell,


Reference Number: DED 973
Application Received: 17th November, 2025
Name of Applicant: John O'Connell
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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 Part 3 Schedule 2 Article 6 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.

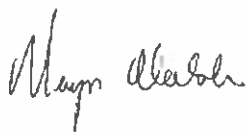
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- (a) The works outlined above are development.
- (b) The proposed construction of a cattle winter housing with feeding area on concrete floor exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed not exempt.

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 for construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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:



Mervyn Walsh,
Administrative Officer,
Planning.

Date: 27th April, 2026

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.

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 973
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 cattle winter housing with feeding area on concrete floor.
Name of Applicant:	John O'Connell
Location of Development:	Drumman Beg, Drummanbeg, Co. Roscommon.
Site Visit:	Yes

WHEREAS a question has arisen as to whether the construction of a cattle winter housing with feeding area on concrete floor 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 Schedule 2 Article 6 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 field located in the townland of Drumman Beg, Rooskey. The subject site is accessed via L-1408 Local Primary Road and is situated c. 3km northwest of Rookey village. The proposed development consists of the construction of a cattle winter housing with feeding area on concrete floor.

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 located c. 5.2km from the subject site. Other designations include Lough Boderg And Lough Bofin PNHA (Site Code 001642) located adjacent to the northern site boundary.

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 Councils' Planning Registry, there is no recent planning history traced 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 Part 3 Schedule 2 Article 6

Development Description	Conditions and Limitations
<p data-bbox="199 595 448 622"><i>Agricultural Structures</i></p> <p data-bbox="199 667 288 694">CLASS 6</p> <p data-bbox="199 741 783 958">Works consisting of the provision of a roofed structure for the housing of cattle, sheep, 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"> <li data-bbox="852 595 1385 696">1. No such structure shall be used for any purpose other than the purpose of agriculture. <li data-bbox="852 741 1385 958">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. <li data-bbox="852 1003 1385 1328">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. <li data-bbox="852 1373 1385 1473">4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. <li data-bbox="852 1518 1385 1597">5. No such structure within 100 metres of any public road shall exceed 8 metres in height <li data-bbox="852 1641 1385 1966">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.

	<ol style="list-style-type: none"> 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.
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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.

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.

CLASS 6

1. The proposed use of the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not aggregate to more than 300 square metres.
3. The proposed structure in question is in line with Department requirements and shall have regard to the need to avoid water pollution.
4. The proposed structure is situated more than 10 metres from a public road (15m).
5. The proposed structure is less than 8m in height (5.7m).
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 less than 50m from a water course or water body.
10. The proposed sheeting for the structure is green Agri clad with 10% translucent sheets.
11. On site inspection, it was noted the applicant had started construction of the concrete slab entrance as well as the erection of fencing and gates.
12. The responsibility lies with the applicant to include as appropriate the installation of signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

After a site inspection, it would appear the subject site is situated on very saturated land. It appears from RCC's GIS Mapping System that this area of land is drained by conduits/watercourses on either side of subject site flowing into Drummen Beg Lough which is situated c.450m northeast of the site. Under Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, development shall be deemed not exempt if it is less than 50m from a water course or water body. It is evident that the proposed development is less than 50m from water courses that border the proposed site. It was also noted on site inspection that construction of the proposed development had commenced prior to a declaration of exemption decision being made on this application. Therefore, the proposed development exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and shall be deemed not exempt.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; proposed construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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 Part 3 Schedule 2 Article 6 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 construction of a cattle winter housing with feeding area on concrete floor exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed not exempt.

AND WHEREAS I have concluded that the said development for proposed construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, Co. Roscommon, is not exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 24/04/2026

Signed: 
Senior Executive Planner

Date: 24th April 2026





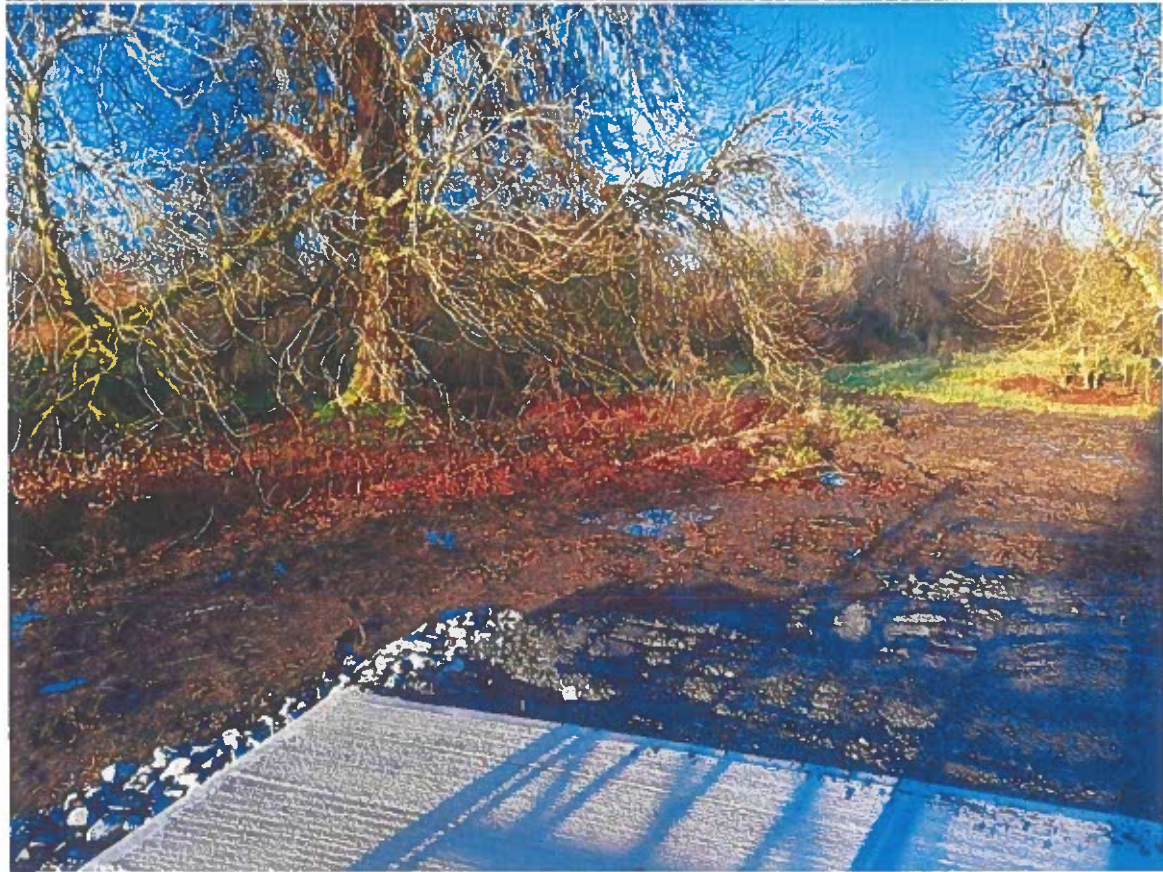


















- Purple → Concrete, fencing and gates bid and erected.
- Red → Proposed Structure
- Blue → OPW Flood Modelling High End Scenario
- Red lines → Water bodies / confluents flowing to nearby lake

DED 973



3/19/2026, 10:20:14 AM

County Boundary

1:5,000

0.17 mi

0 0.04 0.09 0.2 km

© Tailte Éireann, @Roscommon County Council

MEMORANDUM

To: North Roscommon Area.

From: Mervyn Walsh, Administrative Officer, Planning Department.

Date: 28th November, 2025

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

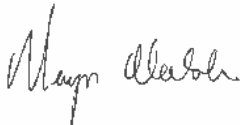
Development: WHEREAS a question has arisen as to whether the construction of a cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, Co. Roscommon., is or is not development and is or is not exempted development.

Applicant: John O'Connell

Planning Ref: DED 973

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from John O'Connell for the said development above, which was received on 17th November, 2025.

Please let me have your recommendation.



**Mervyn Walsh,
Administrative Officer,
Planning Department.**

Carmel Curley

From: Carmel Curley
Sent: Friday 28 November 2025 12:28
To: John O Connell
Subject: DED973 - Ack Letter & Receipt
Attachments: DED 973 - Ack Letter & Receipt.pdf

Hi John,

Please find attached Acknowledgement Letter & Receipt for your Section 5 Declaration of Exempted Development Application submitted – DED973.

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



John O'Connell,



Date: 28th November, 2025
Planning Reference: DED 973

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 cattle winter housing with feeding area on concrete floor at Drumman Beg, Drummanbeg, 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 17th November, 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. **L01/0/238001** dated 25th November, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 973**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

25/11/2025 14:31:07

Receipt No. : L01/0/238001

JOHN O'CONNELL

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED073	

Total : 80 00 EUR

Tendered :
Credit/Debit Card 80.00
6544

Change : 0.00

Issued By : Louis Carroll
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)	JOHN O'CONNELL
Name of Agent	N/A
Nature of Proposed Works	cattle winter housing with feeding area all on a concrete floor
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	R2WQ+6G7 53.845626016084125, Drumman Beg, -7.961235301183758 Drummanbeg, Co. Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>none</u> b) <u>177.32m²</u>
Height above ground level:	5.71 metres
Total area of private open space remaining after completion of this development	68 acres
Roofing Material (Slates, Tiles, other) (Specify)	green agriclad on roof with 10% translucent sheets

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	concrete wall
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	livestock grazing
Proposed use of land or structure	cattle winter housing
Distance of proposed building line from edge of roadway	15 metres
Does the proposed development involve the provision of a piped water supply	yes
Does the proposed development involve the provision of sanitary facilities	no

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

Signature:

John C. Conell

Date:

3/11/25

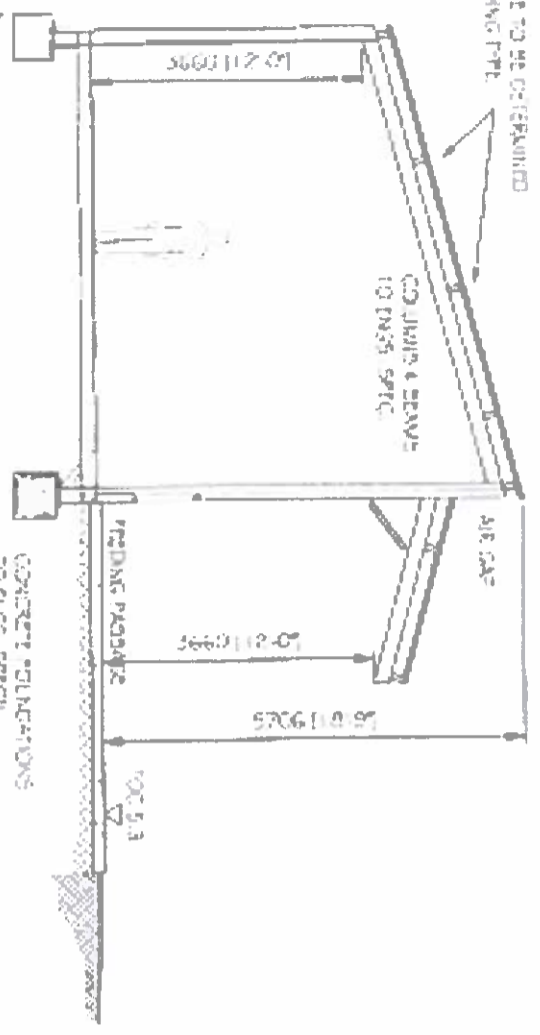
Note: This application **must** be accompanied by: -

- (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

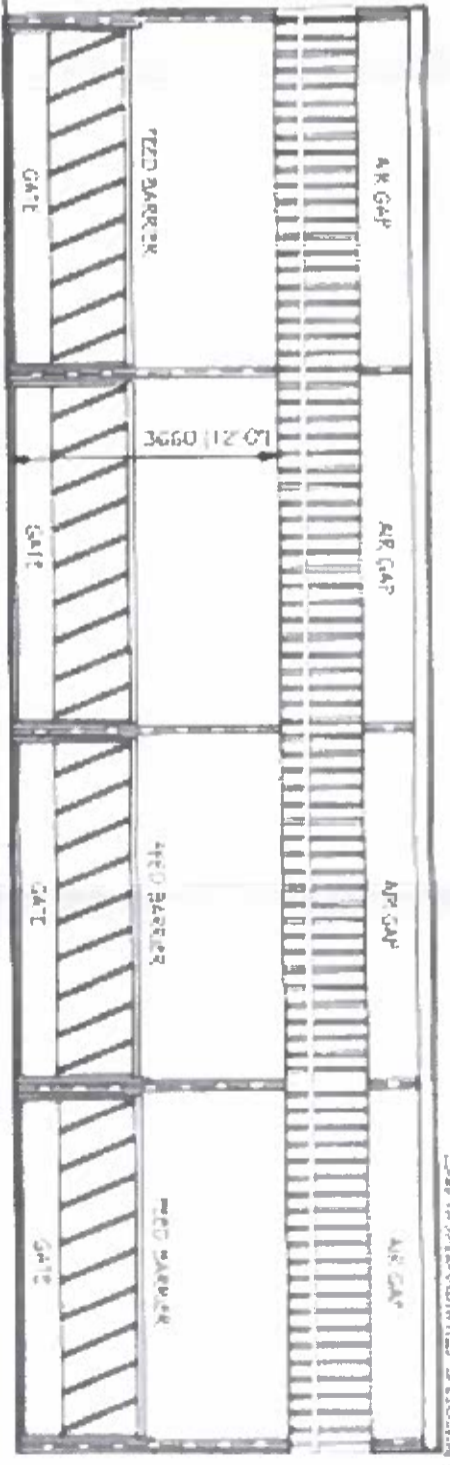


PURIN GUTTER & S-25 TO BE OBTAINED BY SF&H AND CLADDING PTFE

SECTION A-A
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



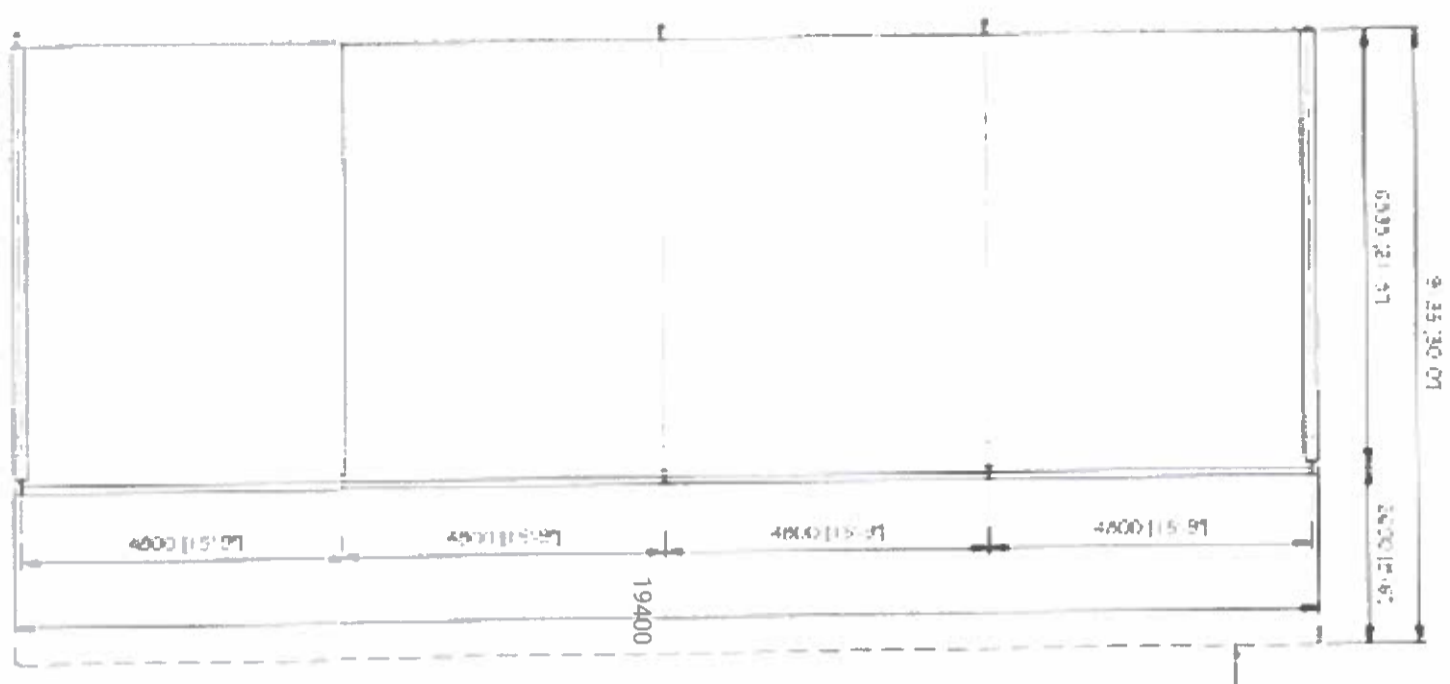
TRANSFORMER FOR RAYING GAS
REPAIRS/REPLACEMENT OF CONSTRUCTION
EVIDENCES AND CANNOT BE ORDERED IN THE
... ..



NORTH ELEVATION
SCALE 1:100

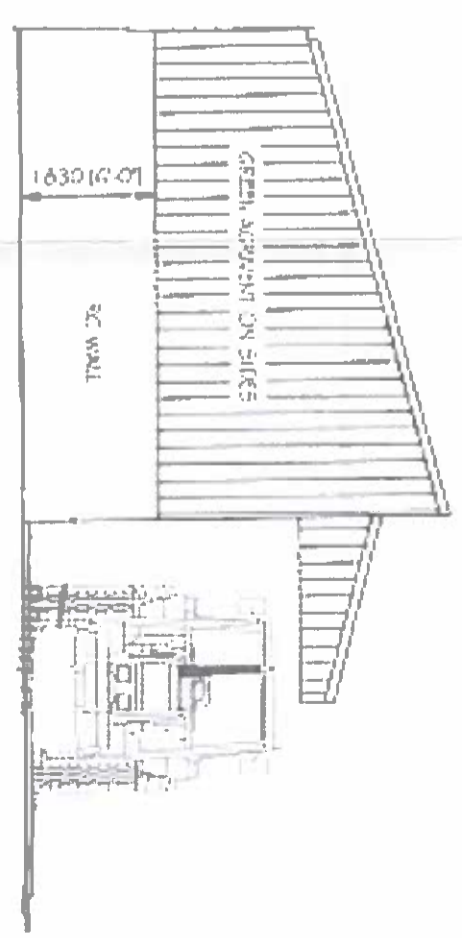
PROPOSED CATTLE SHED

8 metres of
ancillary concrete
to front of shed



FLOOR PLAN
SCALE 1:100

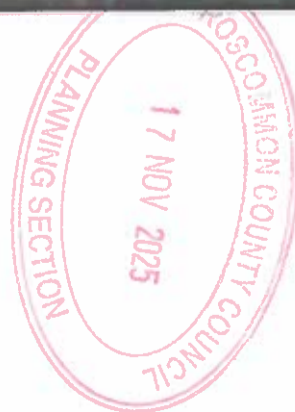
EAST / WEST ELEVATION
SCALE 1:100





 - Location of new shed


 Plots Outline



NMP Online
 Date: 12/11/2025
 Copyright © 2024





 - Location of new shed



NMP Online
Date: 12/11/2025
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 Plots Outline



john o connell



X - New cattle shed

NMP Online
Date: 31/10/2025
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 Plots Outline

