

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 782/26

Reference Number:

DED1000

Name of Applicant:

Mary Kenny

Agent:

Mark Ward

WHEREAS a question has arisen as to whether the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, 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 20 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.
- (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 development does not exceed the conditions and limitations attached to Class 20 Part 3 Schedule 2 Article 6 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 for the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, is **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: 30 June, 2026

Gemma Cunningham

From: Gemma Cunningham
Sent: Wednesday 1 July 2026 15:15
To: 'markward38@hotmail.com'
Cc: [REDACTED]
Subject: DED1000 Notification of Decision
Attachments: DED1000 notification of Decision.pdf

A Chara,

Please find attached correspondence for your attention regarding DED1000. Please be advised hard copy of the attached has been sent registered post.

Kind Regards

Gemma Cunningham | Clerical Officer

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

☎ (090) 664 7420 ✉ GCunningham@roscommoncoco.ie

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council



Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

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

REGISTERED POST

Mary Kenny,
Cloonfad,
Oldtown,
Athlone,
Co. Roscommon.

Reference Number: DED1000
Application Received: 13th February, 2026
Name of Applicant: Mary Kenny

Agent: Mark Ward

WHEREAS a question has arisen as to whether the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, 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 20 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.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- The works outlined above are development.
- The proposed development does not exceed the conditions and limitations attached to Class 20 Part 3 Schedule 2 Article 6 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.

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 the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, 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: 30 / 06 / 2026

c.c. agent via email: Mark Ward
markward38@hotmail.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 1000
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank is or is not development and is or is not exempted development.
Name of Applicant:	Mary Kenny
Location of Development:	Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421.
Site Visit:	3 rd March 2026

WHEREAS a question has arisen as to whether the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank **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 20 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.
- (e) The planning history of the site.

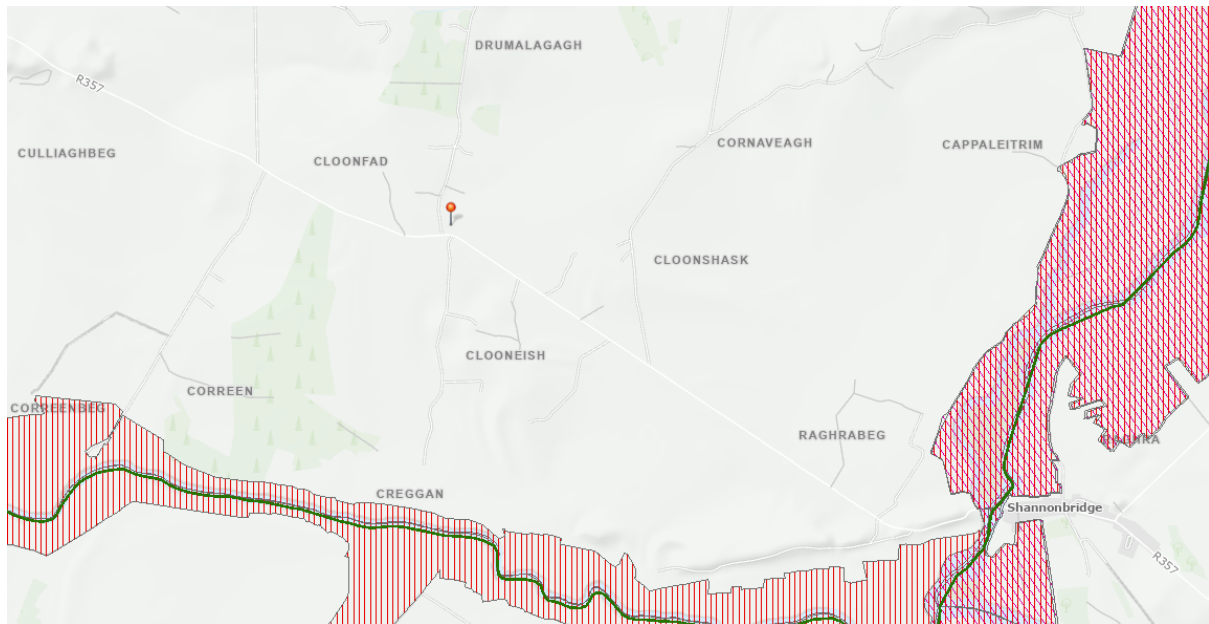
Site Location & Development Description

The site consists of an existing agricultural farmyard in the townland of Cloonfad, Oldtown. The subject site is made up of various agricultural sheds and outhouses with the subject shed to be re-roofed is used as a slatted shed for storage of livestock located to the rear of the site (north). The agricultural farmyard fronts onto the R357 Regional Road and is located c. 4km northwest of Shannonbridge and c. 6.6km southeast of Ballinasloe. The proposed development consists of the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank.

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 River Suck Callows SPA (Site Code 004097) located c. 1.8km 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/96/76

Development Description: Sheep shed + concrete yard.

Decision: Granted.

Applicant: Mr. James Kenny.

PD/5194/71

Development Description: Erection of bedroom, bathroom & toilet + construction of a septic tank.

Decision: Granted.

Applicant: Mr. James Kenny.

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(1) of the Act defines certain types of development as being ‘exempted development’. Of potential relevance is section 4(1)(h) which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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)

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 20 Part 3 Schedule 2 Article 6

Development Description	Conditions and Limitations
Rainwater Harvesting	1. No such structure situated fully underground shall exceed 10 metres in length, 5 metres in width or 4 metres in depth.

CLASS 20 Works consisting of the provision of a tank or tanks for the storage of rainwater collected from the roofs of agricultural buildings and any ancillary equipment to collect and distribute the rainwater.	2. No such structure that is totally or partially above ground shall exceed 5 metres in length, 5 metres in width or 4 metres in height. 3. All such structures shall have a solid impervious roof. 4. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
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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.

Extent of Works

- Re-roofing of an existing farm shed.
- Construction of an underground rainwater harvesting tank.

CLASS 20

1. The structure is situated underground and measures 4.4 metres x 3.4 metres x 2.1 metres.
2. N/A.
3. The subject structure has an impervious roof.
4. No unpainted metal sheeting is being used in the construction of this structure.

The applicant has proposed the re-roofing of an existing farm shed (which I consider exempted development in view of the provisions of Section 4 (1) (h) of the Planning and Development Act and the construction of an underground rainwater harvesting tank. The proposed rainwater tank has been assessed under Class 20 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and does not exceed the conditions and limitations attached to this class. Therefore, in this instance, the proposed development is deemed an exempted development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

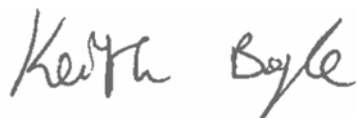
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- (c) Class 20 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed development does not exceed the conditions and limitations attached to Class 20 Part 3 Schedule 2 Article 6 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 the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 26th June 2026

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes.

Signed:

Senior Executive Planner

Date: 26th June 2026













MEMORANDUM

To: South Roscommon Area.

From: Mervyn Walsh, Administrative Officer, Planning Department.

Date: 18th February, 2026

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

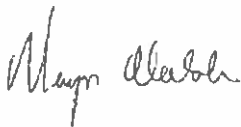
Development: WHEREAS a question has arisen as to whether the re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, is or is not development and is or is not exempted development.

Applicant: Mary Kenny

Planning Ref: DED 1000

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Mary Kenny for the said development above, which was received on 13th February, 2026.

Please let me have your recommendation.



Mervyn Walsh,
Administrative Officer,
Planning Department.

Carmel Curley

From: Carmel Curley
Sent: Thursday 19 February 2026 10:02
To: Mark Ward
Subject: DED 1000 - Mary Kenny
Attachments: DED 1000 - Ack letter& receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Declaration of Exempted Development Application submitted on behalf of Mary Kenny.

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





Comhairle Contae
Ros Comáin
Roscommon
County Council



Mary Kenny,
Cloonfad,
Oldtown,
Athlone,
Co. Roscommon.

Date: 18th February, 2026
Planning Reference: DED 1000

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 re-roofing of an existing farm shed and construction of an underground rainwater harvesting tank at Cloonfad, Oldtown, Athlone, Co. Roscommon, N37 D421, 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 13th February, 2026, 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. **L01/0/239249** dated 17th February, 2026 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 1000**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

cc agent via email: Mark Ward
markward38@hotmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

17/02/2026 12:24:42

Receipt No : L01/0/239249

MARY KENNY
C/O MARK WARD
RUANE
CREAGH
BALLINASLOE
CO GALWAY

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1000	

Total : 80.00 EUR

Tendered :
Cheque 80.00
500067

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

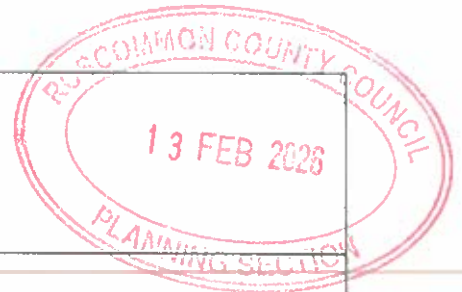
Email: planning@roscommoncoco.ie

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)	MARY KENNY
Name of Agent	Mark Ward
Nature of Proposed Works	Re-roof existing farm shed and construct underground rainwater harvesting tank
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Townland : Cloonfad OS : 593227, 727237 Eircode : N37 D421
Floor Area: a) Existing Structure b) Proposed Structure	a) 1310m ² b) No structure proposed
Height above ground level:	Underground tank 4x3x2.1 = 25.2m ³ Existing shed to be re-roofed = 5m
Total area of private open space remaining after completion of this development	Remaining Farmyard
Roofing Material (Slates, Tiles, other) (Specify)	Cladded sheeting.



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Roof - cladded sheeting
Is proposed works located at front/rear/side of existing house.	No
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	No
Existing use of land or structure	Farmyard
Proposed use of land or structure	Farmyard.
Distance of proposed building line from edge of roadway	21.5 metres
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

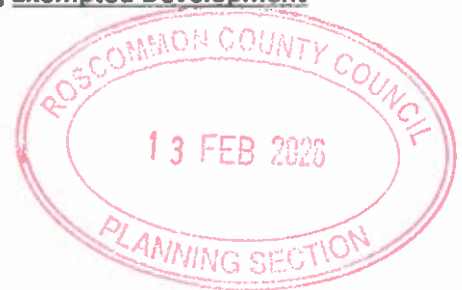
Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

M. A. C. C.

Date:

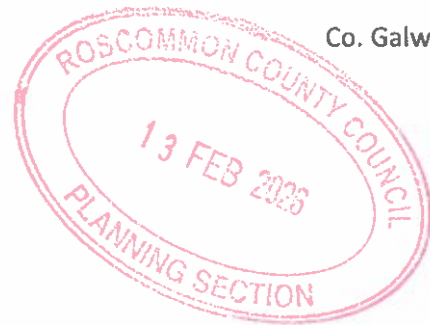
11-2-2026



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

Ruane,
Creagh,
Ballinasloe,
Co. Galway.



11/02/2026

Planning section,
Roscommon County Council,
County Buildings,
Roscommon,
Co. Roscommon.

To whom it may concern

Please find enclosed section 5 application for a declaration of exempted development.

Please note the following

The department of agriculture have introduced grant aid to replace agricultural shed roofs that were damaged during the recent storms. One of the conditions of the scheme is that the applicant must first seek approval from the local Authority. An application can only be made to the department of agriculture once this letter of exemption is obtained.

The applicant will not be increasing the size of the existing shed. The old roof will be removed and more structurally sound roof will replace it. The proposed roof will be in accordance with current department of agriculture specifications S101

Regards

Mark Ward

Agent

Planning Pack Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 593227,727237

PUBLISHED: 15/01/2026 ORDER NO.: 50512050_1

MAP SERIES: 1:5,000 MAP SHEETS: 3361

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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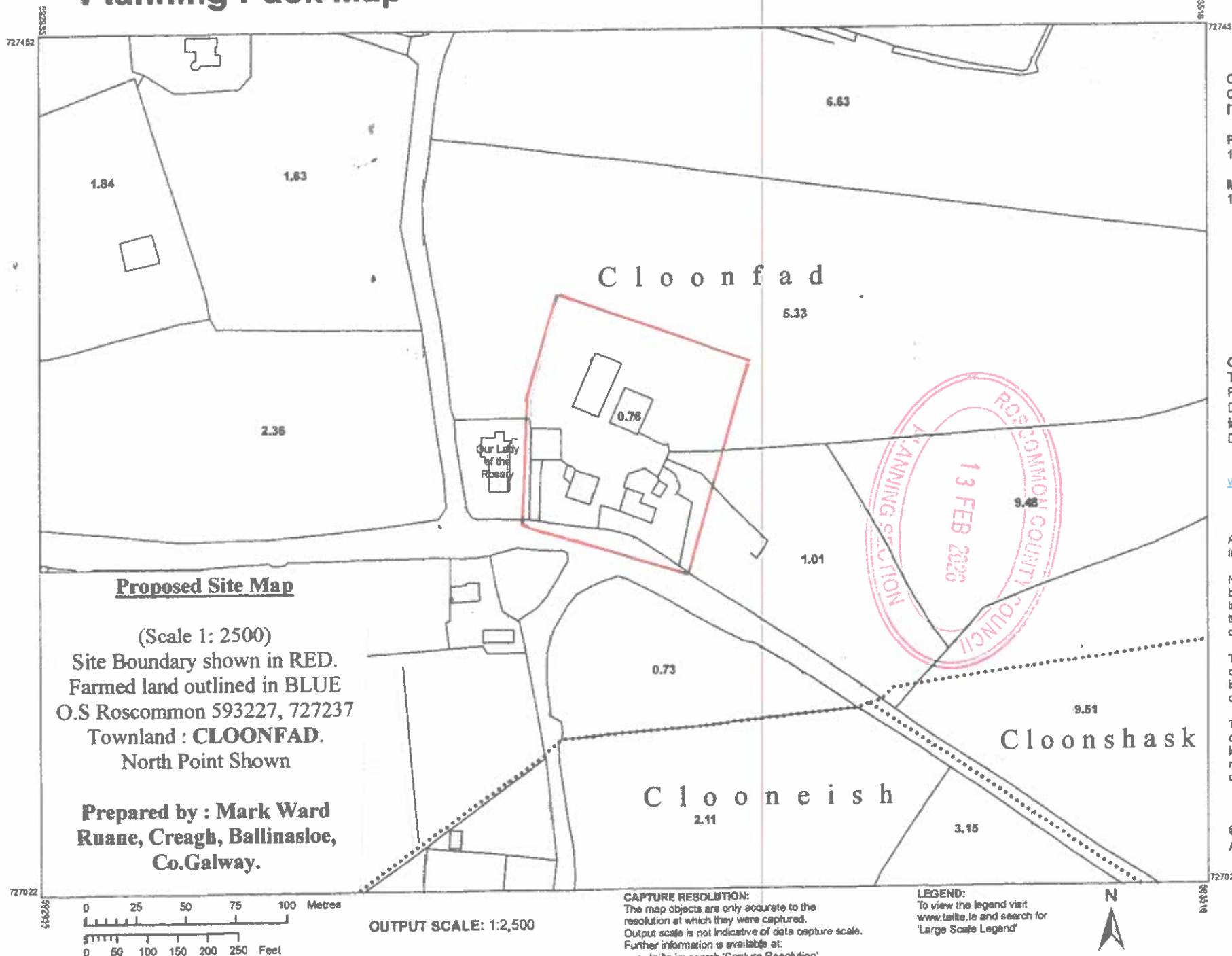
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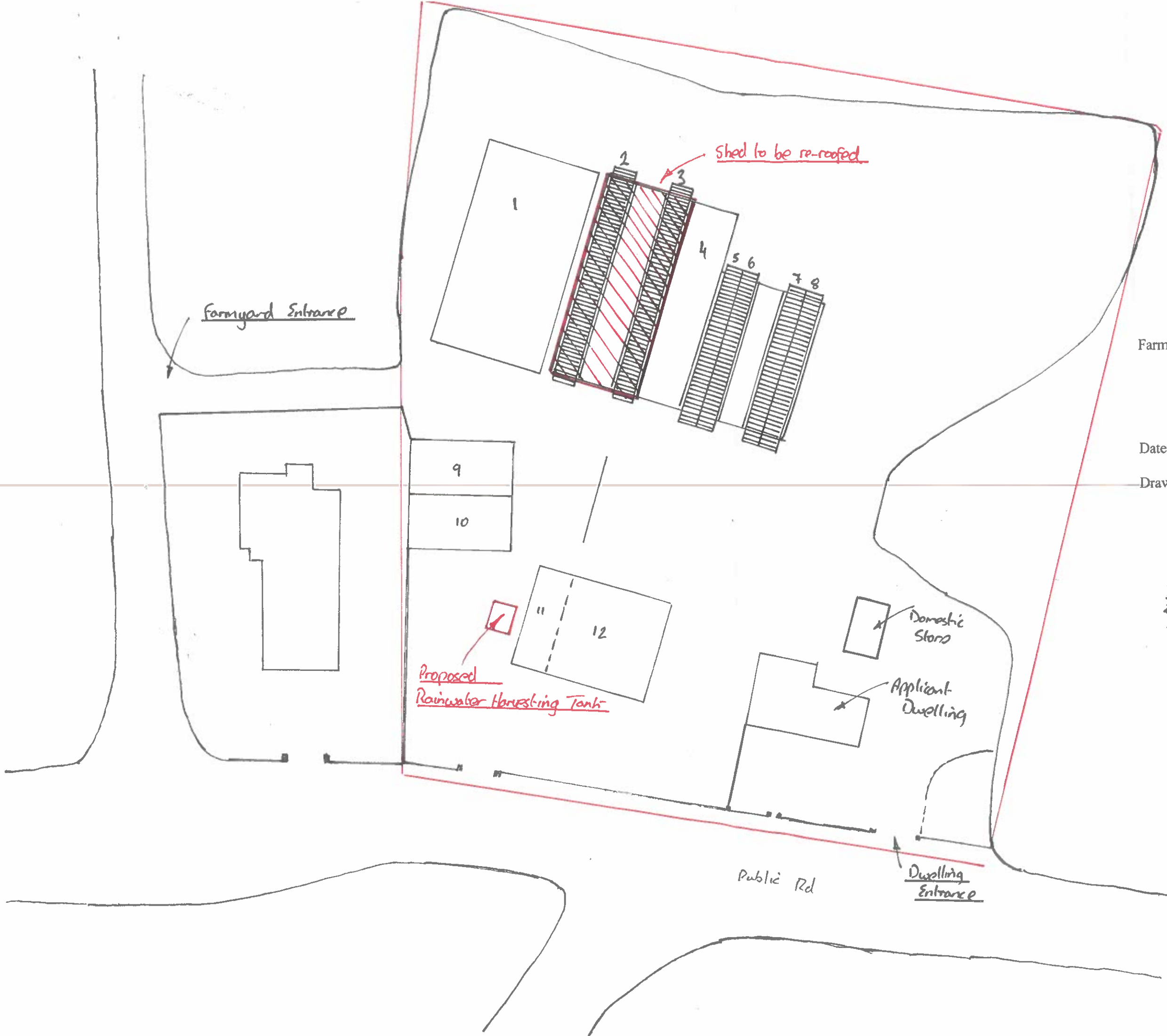


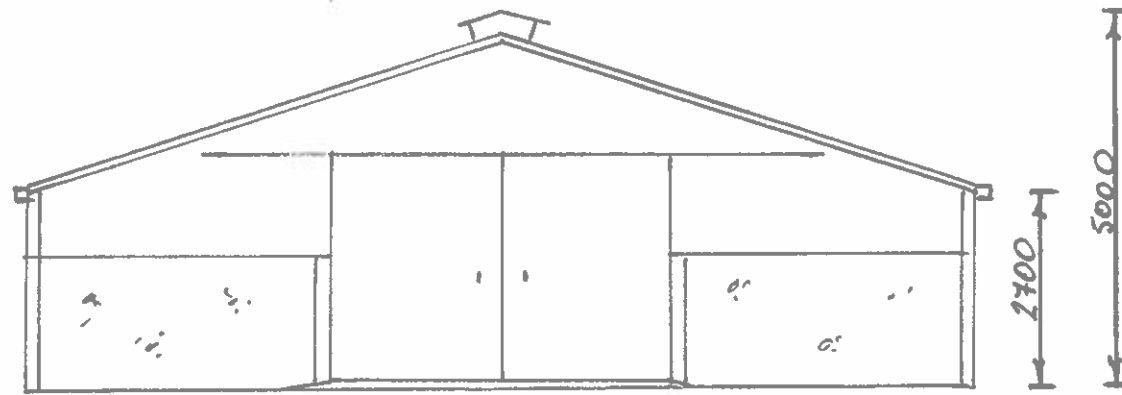
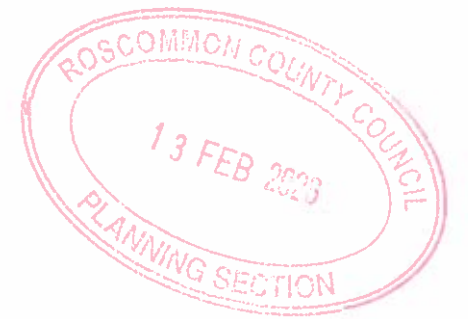
Farmer/Client: **Mary Kenny**
Clonfad,
Oldtown,
Athlone,
Co. Roscommon

Date 11/02/26 Scale 1:500

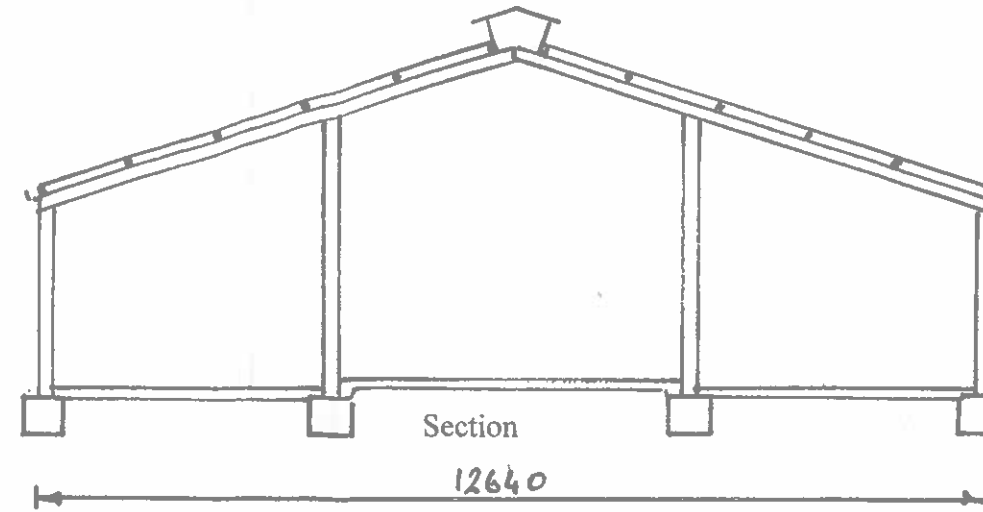
Drawn By: **Mark Ward,**
Ruane Creagh, Ballinasloe,
Co. Galway

- 1 Silage Bero
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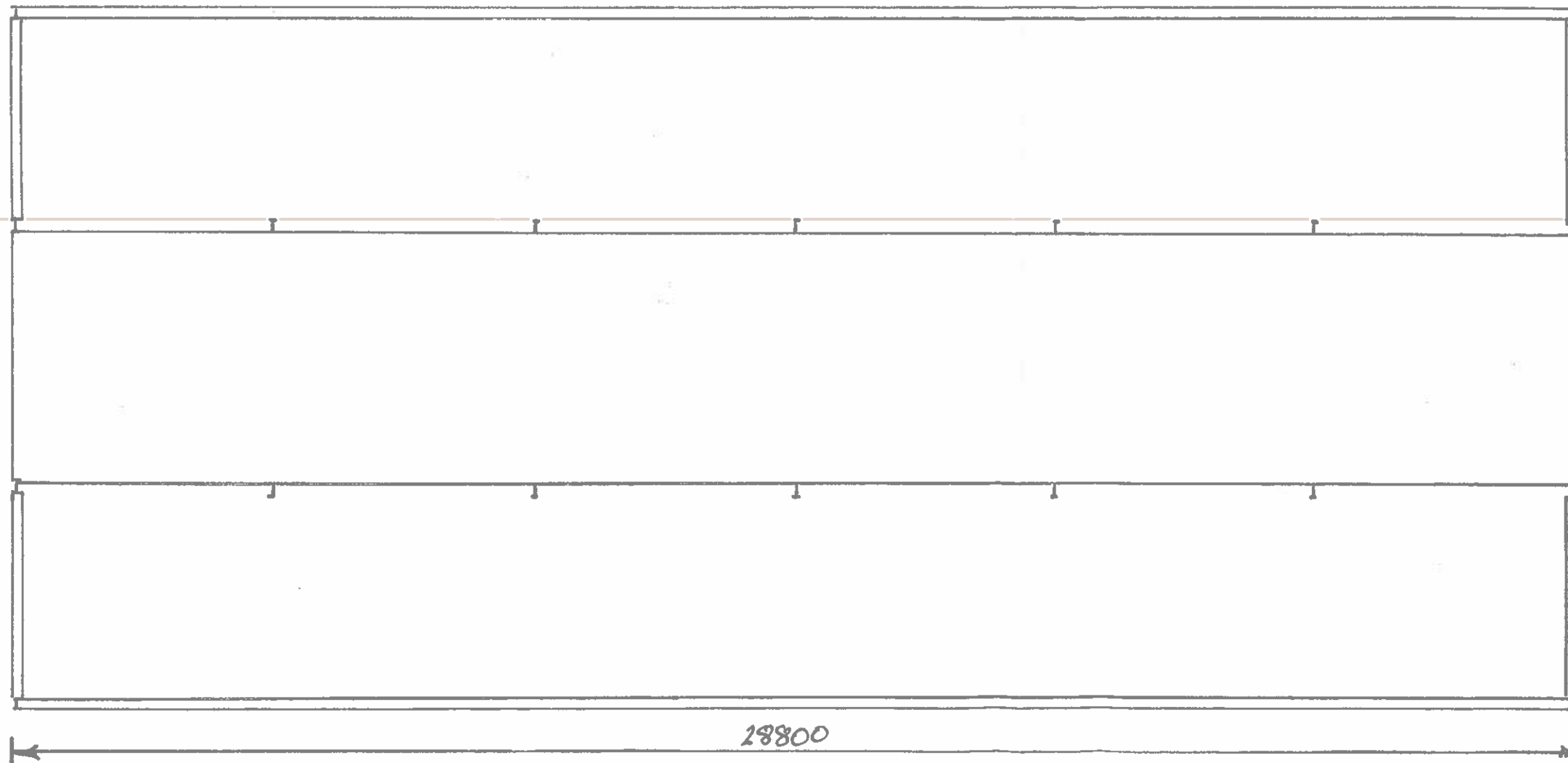


North & South Elevations



Section

12640



Floor Plan

Shed To be Re-roofed

Farmer/Client:

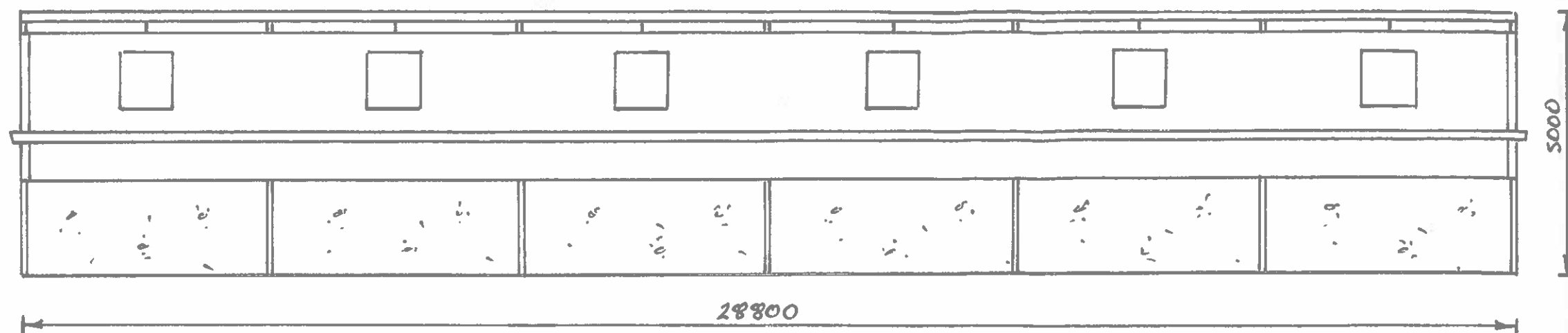
Mary Kenny
Clonfad,
Oldtown,
Athlone,
Co. Roscommon

Date 11/02/26

Scale 1:100

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway



East & West Elevations



Shed To be Re-roofed

Proposed shed roof to be re-constructed in accordance with Current Department of agriculture farm building specifications S101

Farmer/Client:

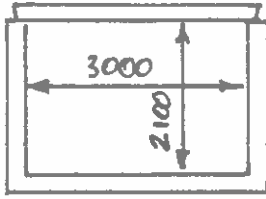
Mary Kenny
Clonfad,
Oldtown,
Athlone,
Co. Roscommon

Date 11/02/26

Scale 1:100

Drawn By:

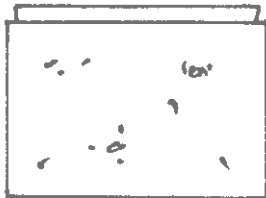
Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway



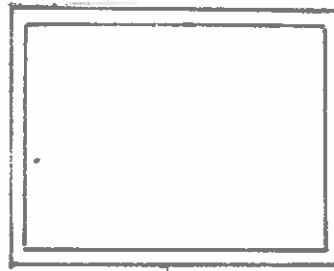
Section



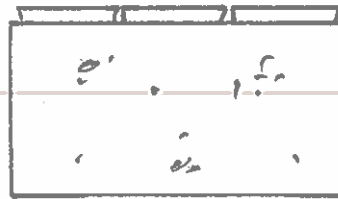
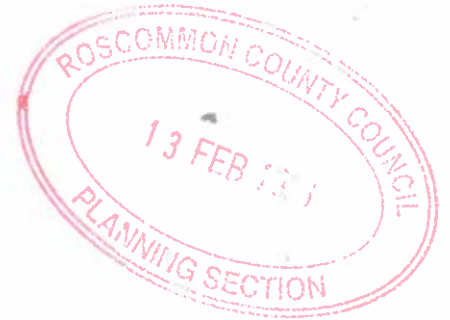
Section 2



North & South Elevations



Floor Plan



East & West Elevations

Proposed Rainwater Harvesting tank

Farmer/Client: **Mary Kenny**
Clonfad,
Oldtown,
Athlone,
Co. Roscommon

Date 11/02/26 Scale 1:100

Drawn By: **Mark Ward,**
Ruane Creagh, Ballinasloe,
Co. Galway