

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/781/26

Reference Number:

DED1001

Name of Applicant:

Morgan McGuire

Agent:

Mark Ward

WHEREAS a question has arisen as to whether the re-roofing of 2 existing agricultural sheds at Tully/America, 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) 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.
- (d) 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 falls within the provisions of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended.

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 2 agricultural sheds at Tully/America, Co. Roscommon, 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 15:24
To: markward38@hotmail.com
Subject: DED1001 Notification of Decision
Attachments: DED1001 notification.pdf

A Chara,

Please find attached correspondence for your attention regarding DED1001. 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

Morgan McGuire,

Reference Number: DED 1001
Application Received: 16th February 2026
Name of Applicant: Morgan McGuire

Agent: Mark Ward

WHEREAS a question has arisen as to whether the re-roofing of 2 existing agricultural sheds at Tully/America, 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) 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.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- The works outlined above are development.
- The proposed development falls within the provisions of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended.

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 2 agricultural sheds at Tully/America, 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: 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 1001
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 2 agricultural sheds is or is not development and is or is not exempted development.
Name of Applicant:	Morgan McGuire
Location of Development:	Tully/America, Co. Roscommon.
Site Visit:	3 rd March 2026

WHEREAS a question has arisen as to whether the re-roofing of 2 agricultural sheds 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) 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.
- (d) The planning history of the site.

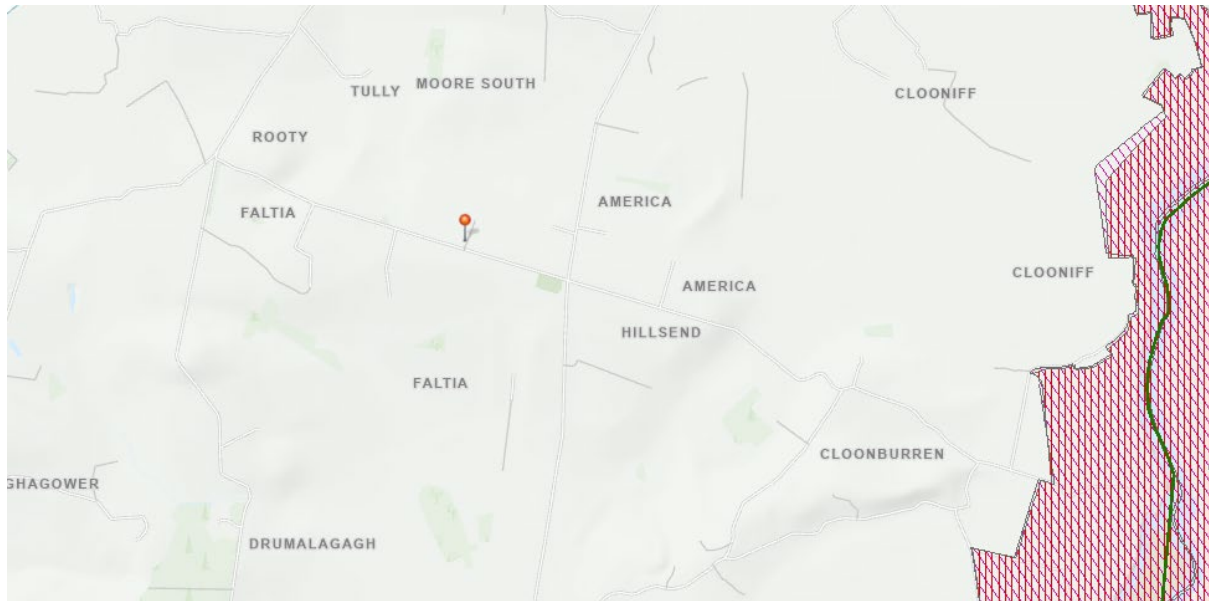
Site Location & Development Description

The site consists of an existing agricultural farmyard with existing sheds. The subject site is located in the border of Tully and America townlands, c.7km east of Ballinasloe and c. 2.8km south of Ballydanagan. The agricultural farmyard fronts onto the L-7607 Local Secondary Road. The proposed development consists of the re-roofing of 2 agricultural sheds.

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 Shannon Callows SAC (Site Code 000216) located c. 3.1km 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

As per Roscommon County Councils' 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(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) 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.

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 2 agricultural sheds.

The applicant is proposing the re-roofing of two agricultural sheds on an existing farmyard. The proposed works falls within the provisions of Section 4 (1)(h) of the Planning and Development Act 2000, as amended.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; for the re-roofing of 2 agricultural sheds at Tully/America, 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 –

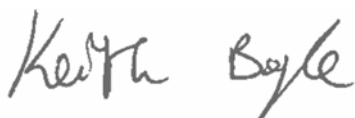
- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site.

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed development falls within the provisions of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended.

AND WHEREAS I have concluded that the said development for the re-roofing of 2 agricultural sheds at Tully/America, Co. Roscommon, is 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.

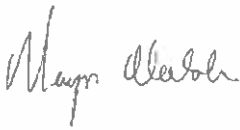
Development: WHEREAS a question has arisen as to whether the re-roofing of 2 agricultural sheds at Tully/America, Co. Roscommon., is or is not development and is or is not exempted development.

Applicant: Morgan McGuire

Planning Ref: DED 1001

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Morgan McGuire for the said development above, which was received on 16th February, 2026.

Please let me have your recommendation.



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

Carmel Curley

From: Carmel Curley
Sent: Thursday 19 February 2026 09:49
To: Mark Ward
Subject: DED 1001 - Morgan McGuire
Attachments: DED 1001 - 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 Morgan McGuire.

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



Morgan McGuire,

Date: 18th February, 2026
Planning Reference: DED 1001

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 2 existing agricultural sheds at Tully/America, 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 16th 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. L01/0/239266 dated 18th February, 2026 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 1001**.
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

18/02/2026 11:14:48

Receipt No. : L01/0/238266

MORGAN MCGUIRE
C/O MARK WARD
RUANE, CREAGH
BALLINASLOE, CO GALWAY

EXEMPTED DEVELOPMENT
CHQ FROM CONNACHT AGRI ADVISORY LTD

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1001	

Total : 80.00 EUR

Tendered :
Cheque 80.00
500066

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council



Aras 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)	Morgan McGuire
Name of Agent	MARK WARD
Nature of Proposed Works	Re-Roof 2 agricultural Sheds
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Townlands TULLY / America OS Number 594493, 730007 Map sheet 3298
Floor Area: a) Existing Structure b) Proposed Structure	a) Existing 456.6 b) No structures proposed.
Height above ground level:	Shed 1 6.8m Shed 2. 5.65
Total area of private open space remaining after completion of this development	Remainder of 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)	Existing Mass Concrete Walls
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)	N/A
Existing use of land or structure	Farmyard
Proposed use of land or structure	Farmyard
Distance of proposed building line from edge of roadway	Shed 1 22m Shed 2 8.5m
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:



Date:

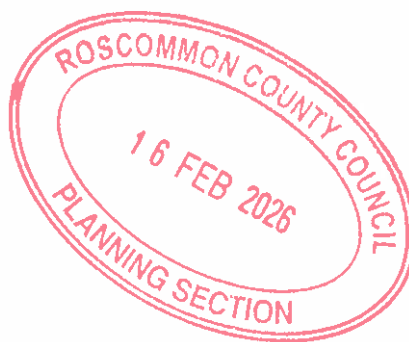
13-2-2026



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.



13/02/2026

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 594493,730007

PUBLISHED: 13/02/2026
ORDER NO.: 50518164_1

MAP SERIES: 1:5,000
MAP SHEETS: 3298

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

www.tailte.ie

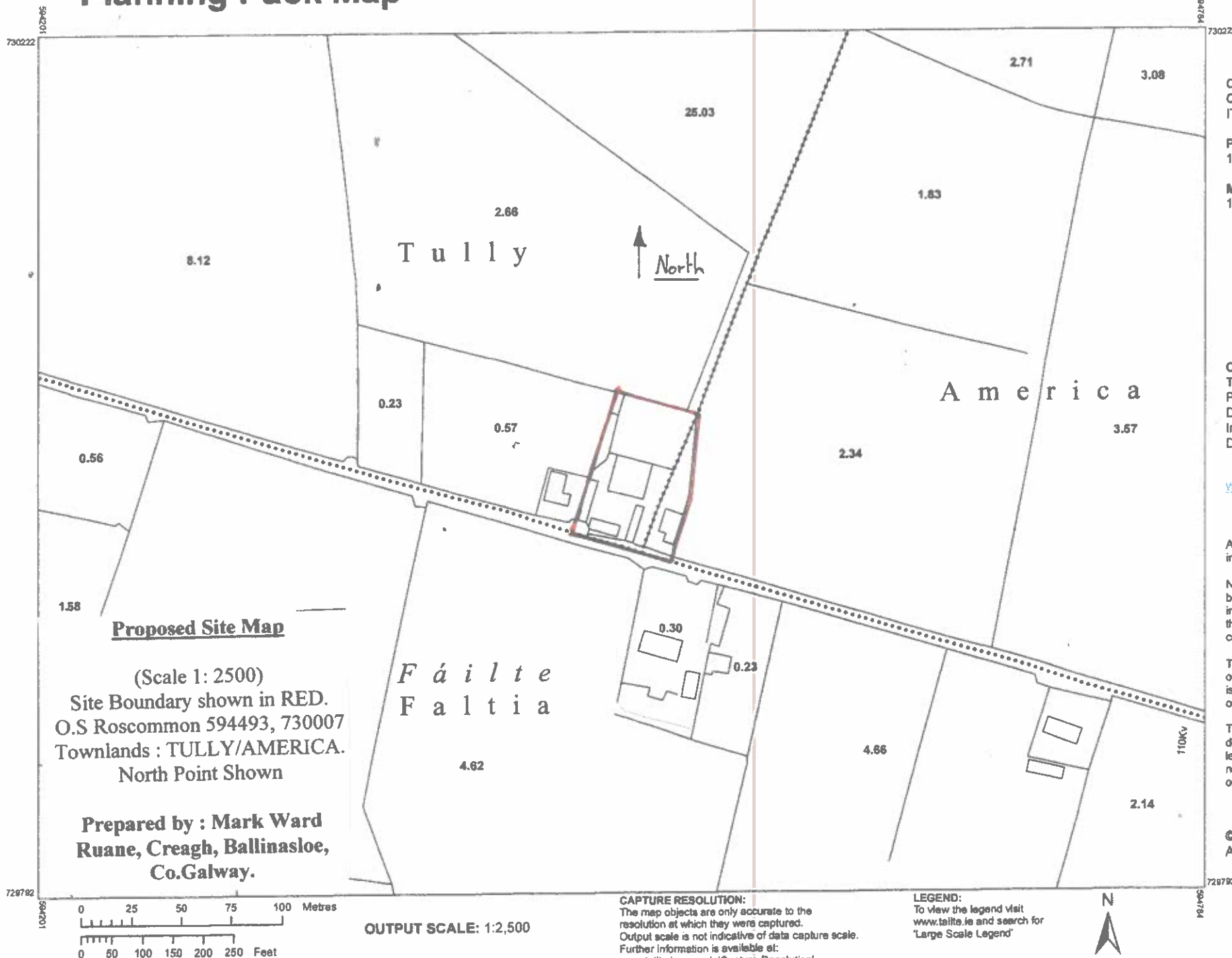
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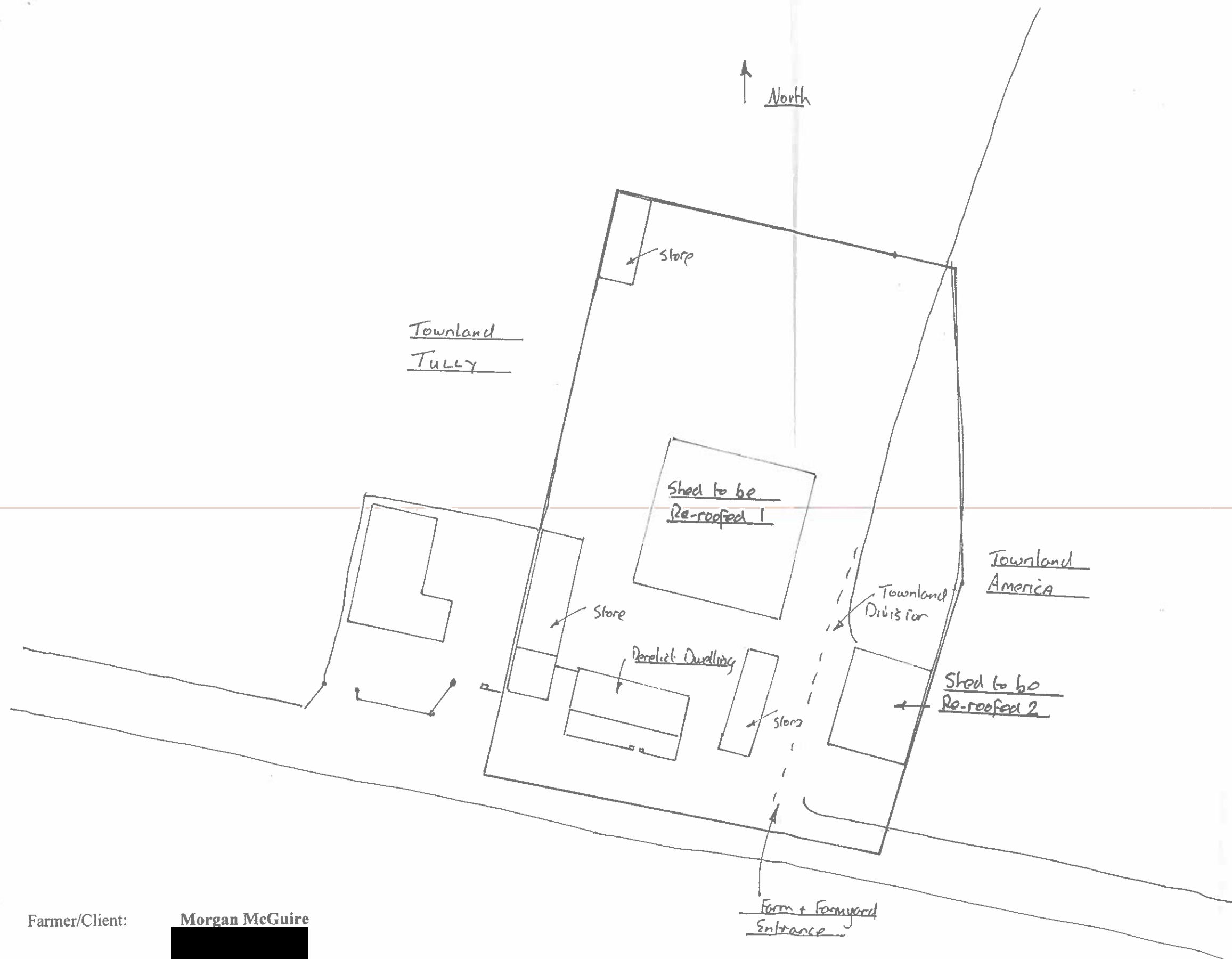
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Farmer/Client: **Morgan McGuire**



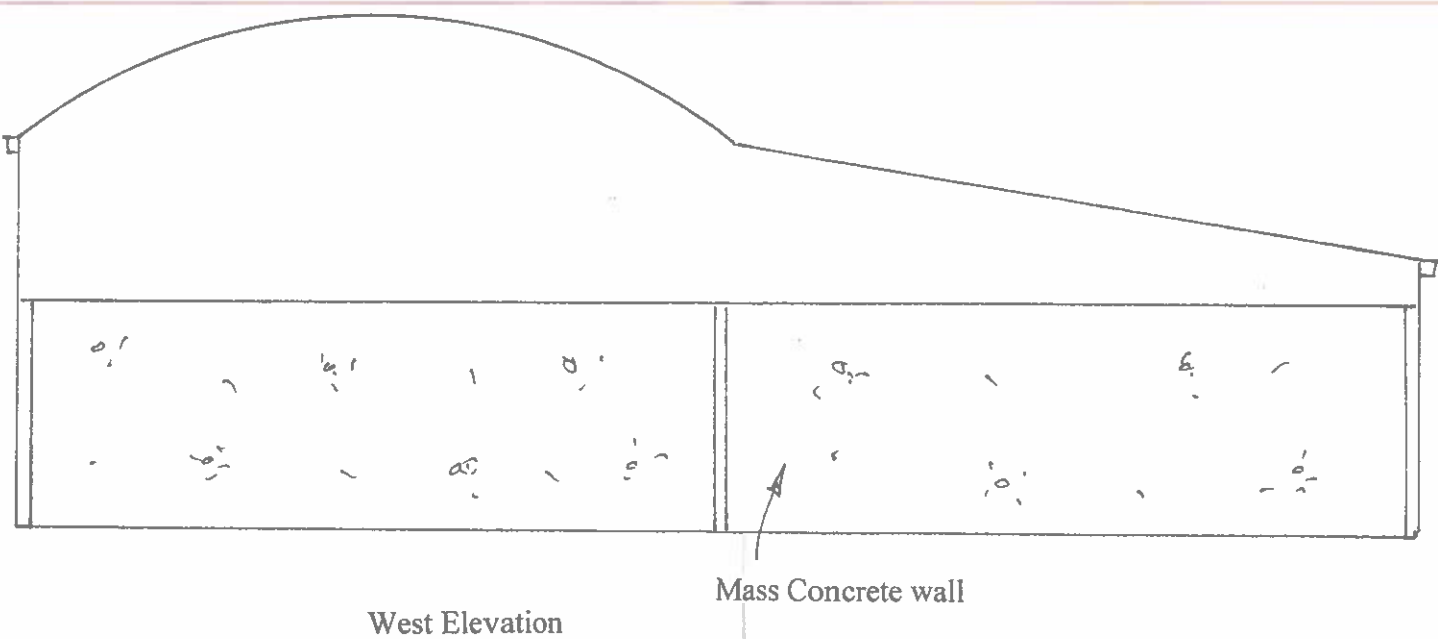
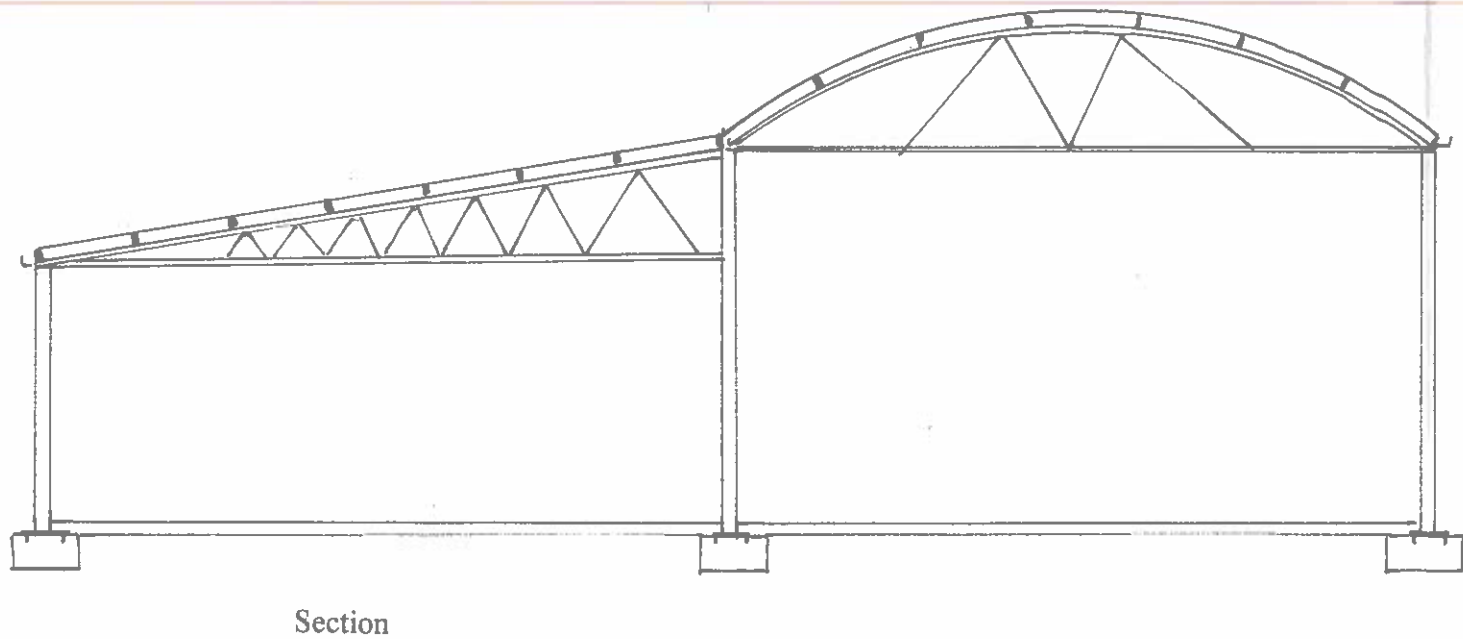
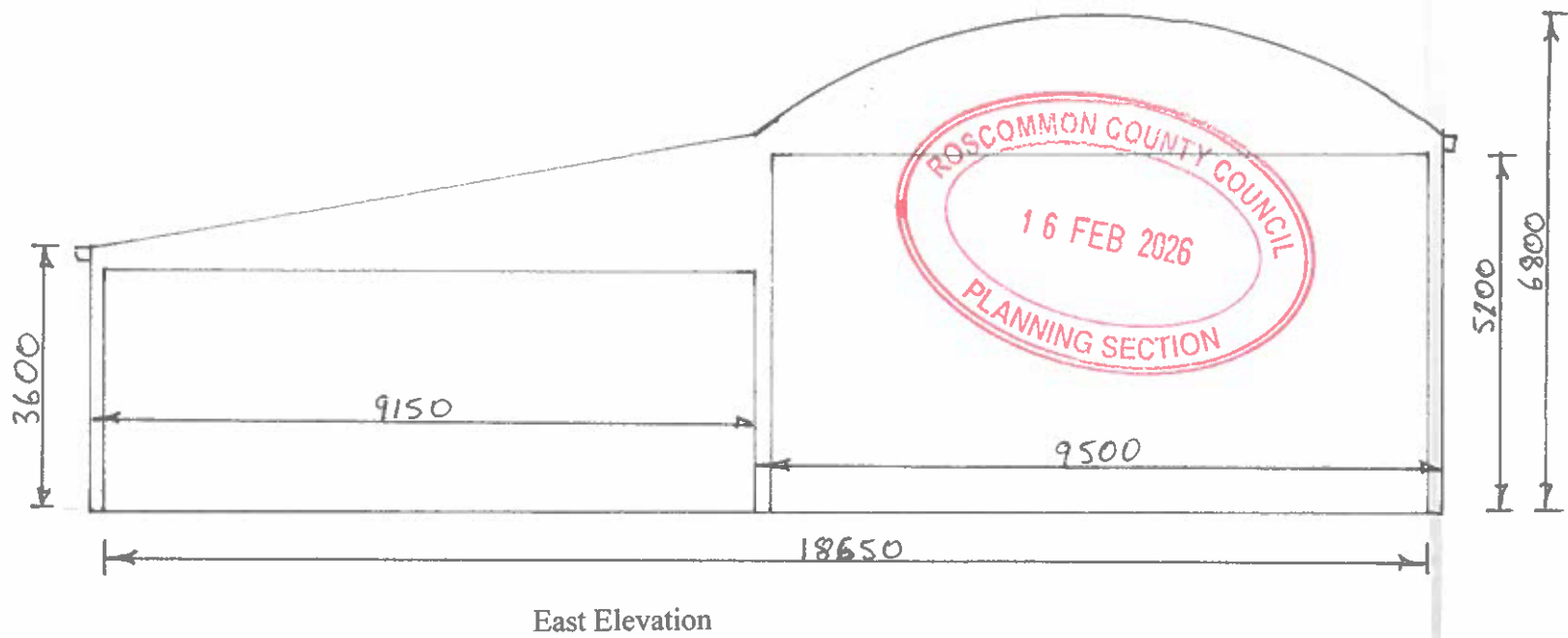
Date 13/02/26

Scale 1:500

Drawn By:

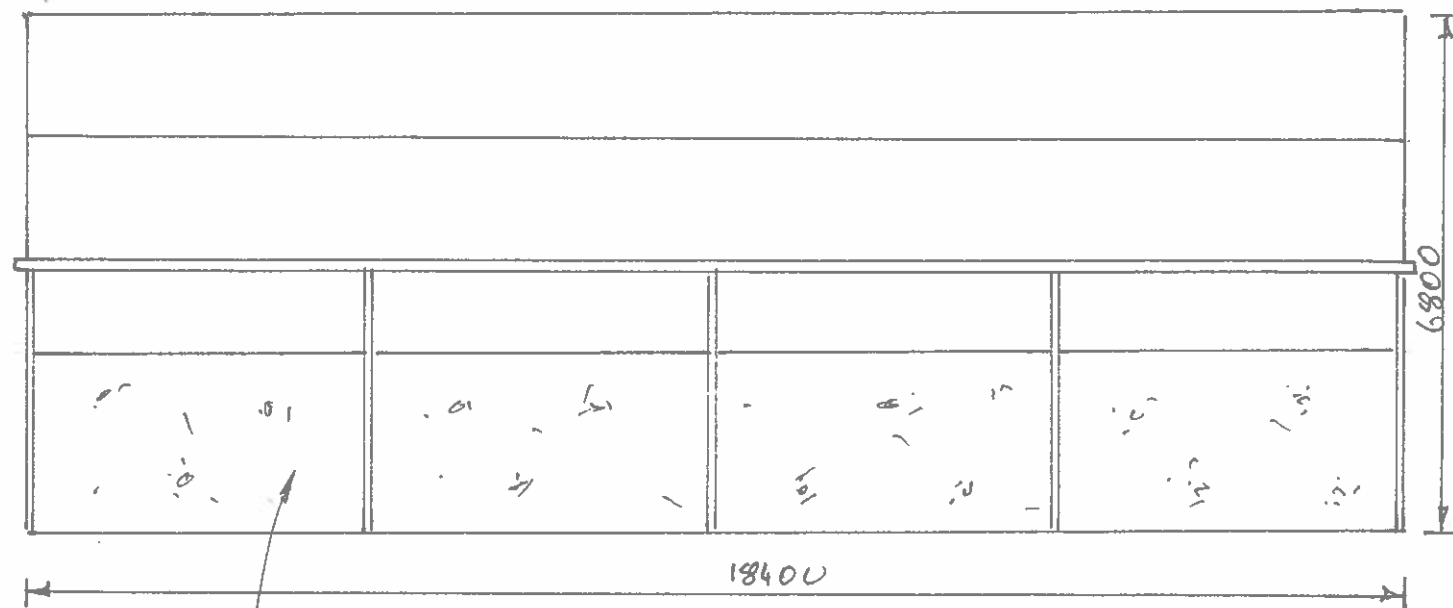
Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway

Shed 1 To be Re-roofed



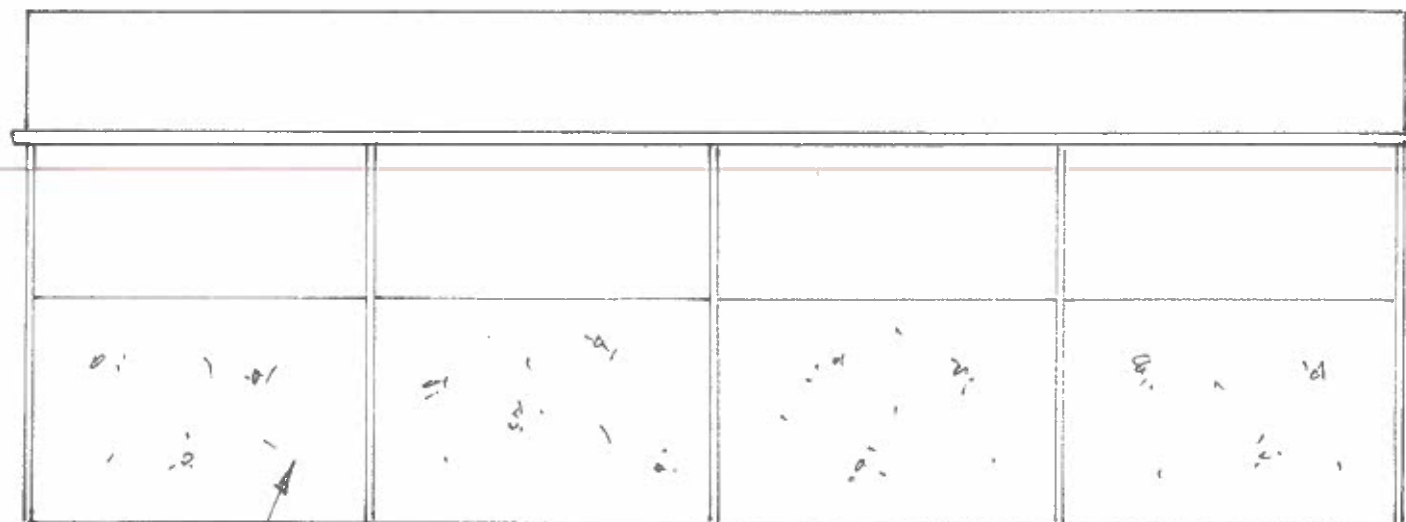
Proposed shed roof to be re-constructed in accordance with
Current Department of agriculture farm building specifications
S101

Farmer/Client: **Morgan McGuire**
[Redacted]
Date 13/02/26 Scale 1:100
Drawn By: Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway



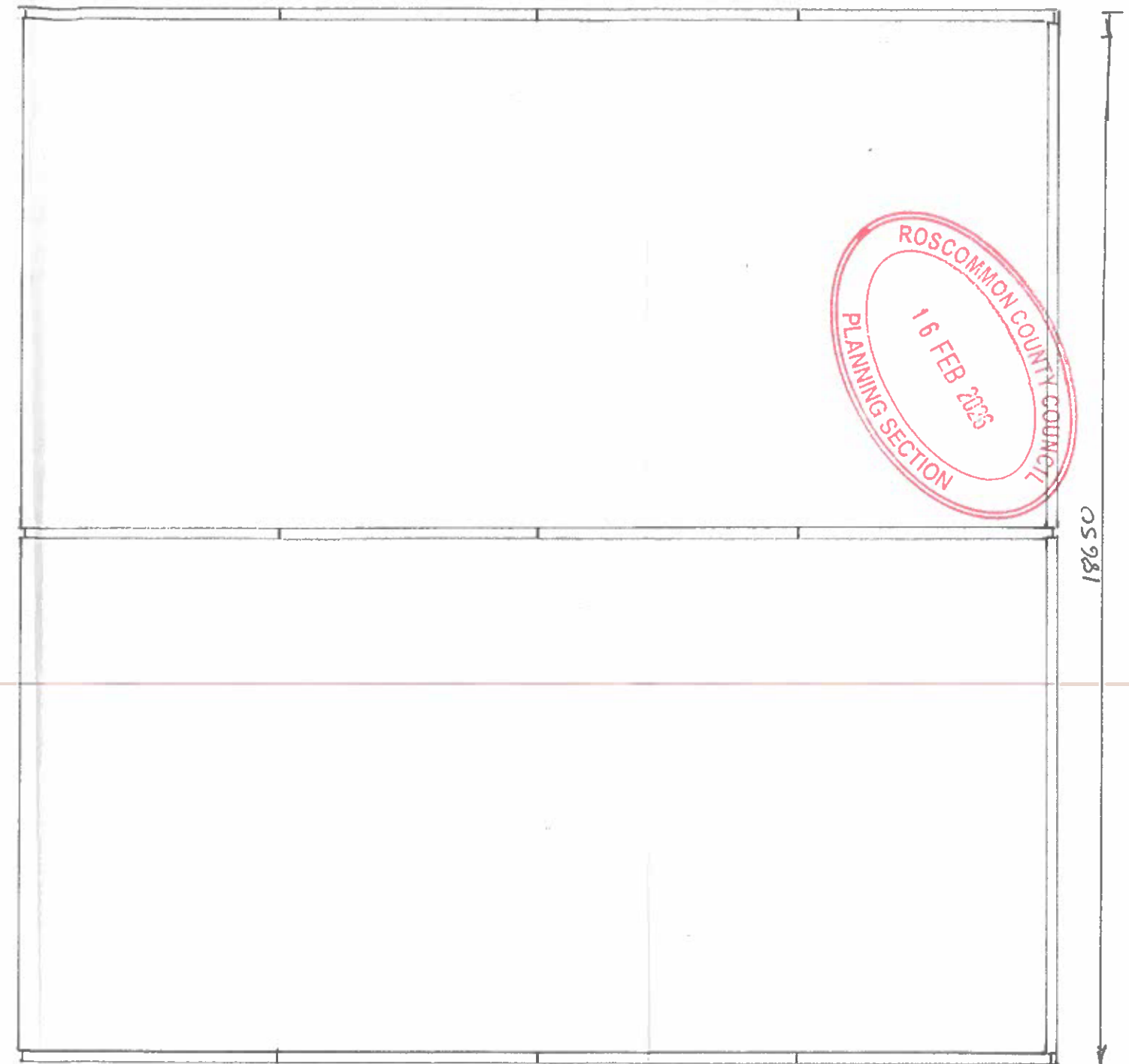
Mass Concrete wall

South Elevation



Mass Concrete wall

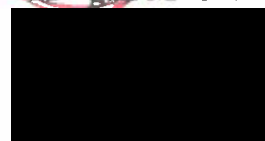
North Elevation



North
↓

Floor Plan

Farmer/Client: Morgan McGuire



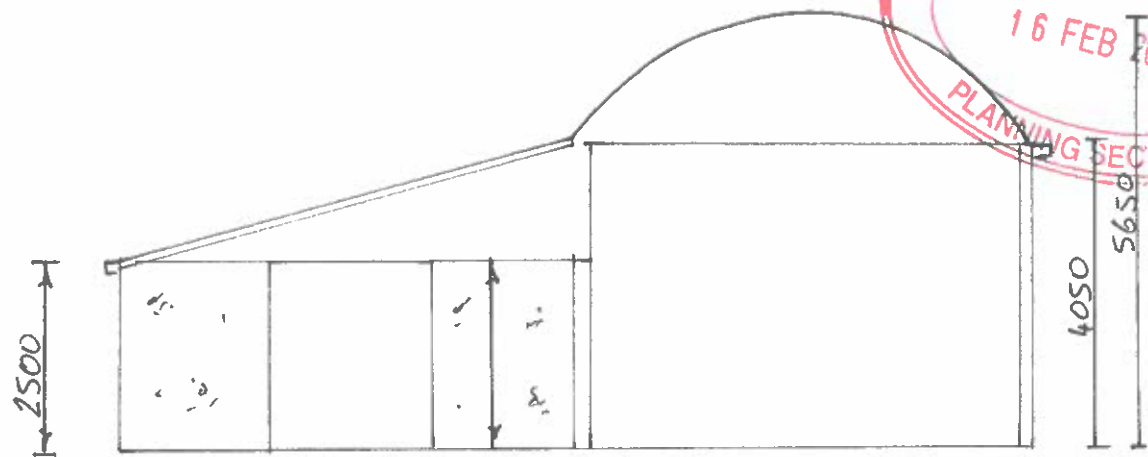
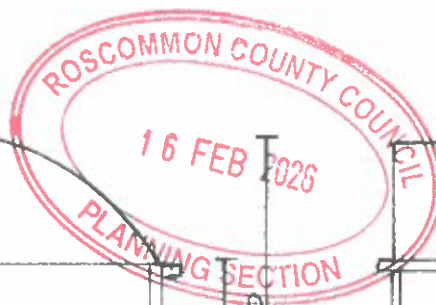
Date 13/02/26

Scale 1:100

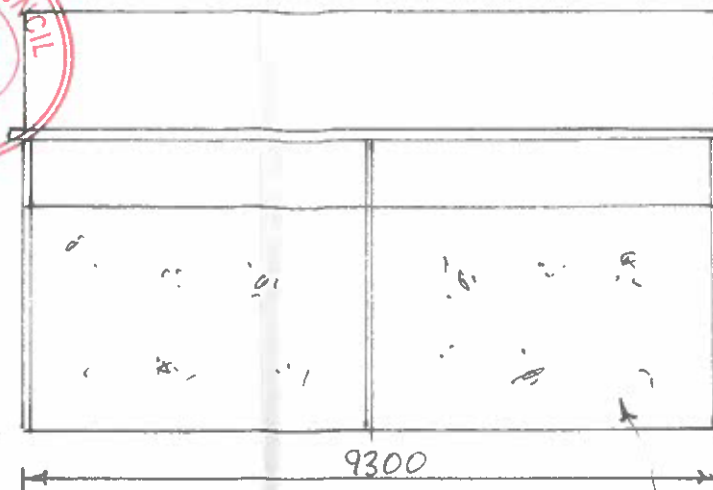
Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway

Shed 1 To be Re-roofed

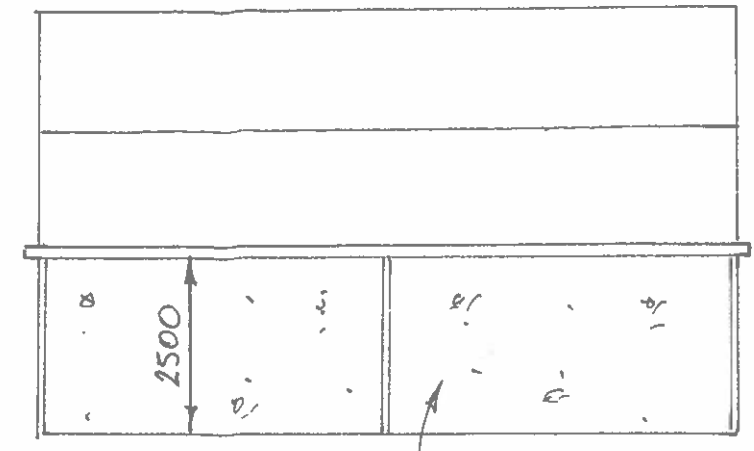


West Elevation



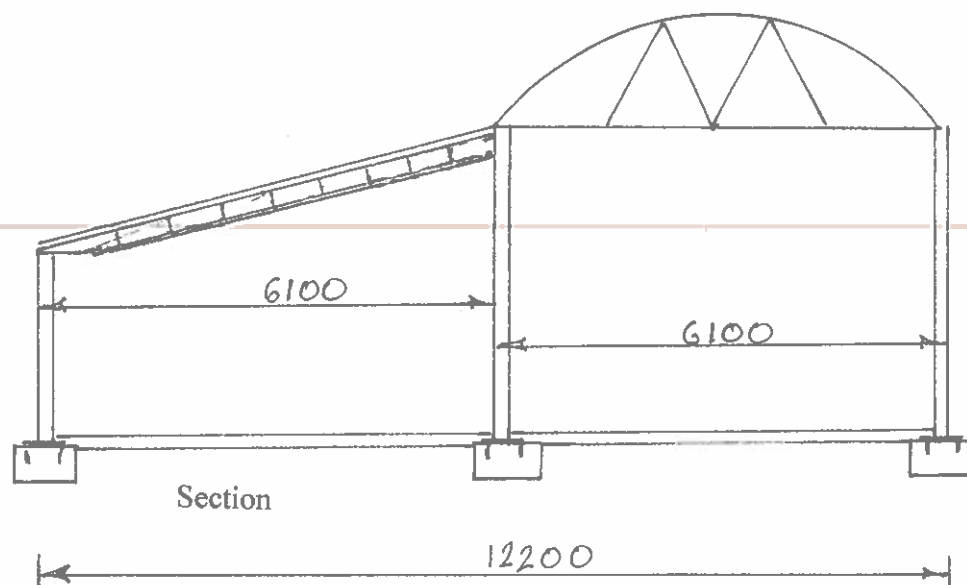
South Elevation

Mass Concrete wall

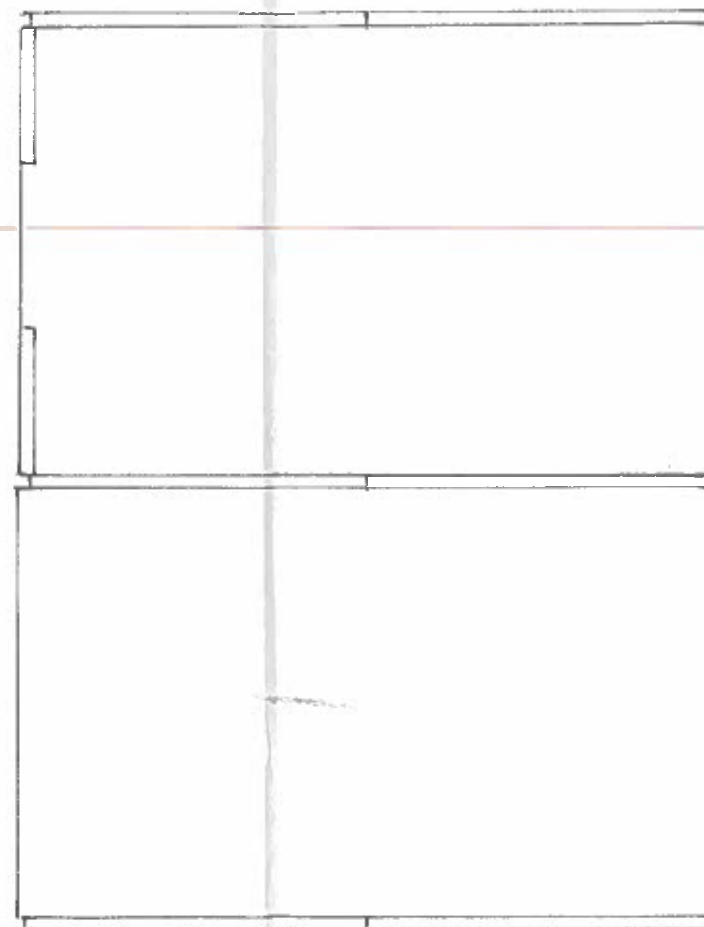


Mass Concrete wall

North Elevation



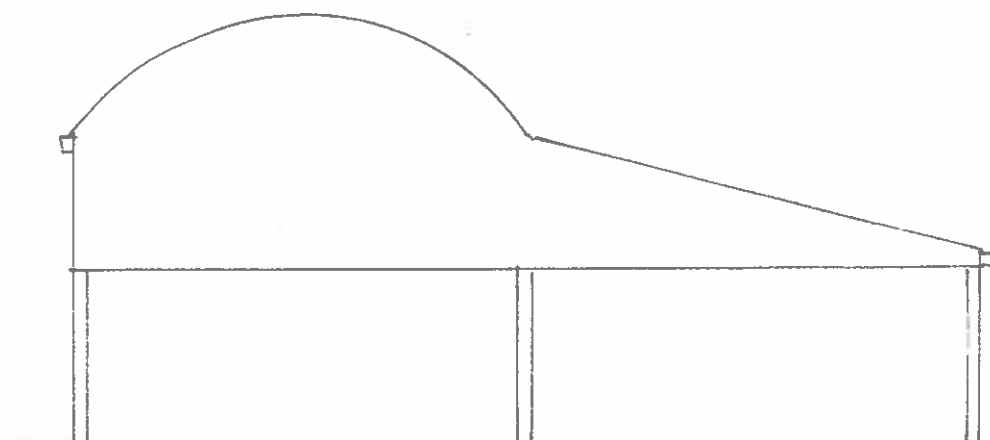
Section



Floor Plan



Shed 2 To be Re-roofed



East Elevation

Farmer/Client:

Morgan McGuire

Date 13/02/26

Scale 1:100

Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway

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