

**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/566/26

Reference Number:

DED 1023

Name of Applicant:

Laurence Fallon

Agent:

N/A

WHEREAS a question has arisen as to whether the installation of 2 meal silos with reinforced concrete base within the existing farmyard at Ballagh, Knockcroghery, 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 8 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 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.
- (c) The proposed development does not exceed the conditions and limitations attached to Class 8 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed exempted development.

**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 installation of 2 meal silos with reinforced concrete base within the existing farmyard as outlined above at Ballagh, Knockcroghery, 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:

Signed: \_\_\_\_\_

  
Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 15 May, 2026

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

**REGISTERED POST**

Laurence Fallon,  
Ballagh,  
Knockcroghery,  
Co. Roscommon.

Reference Number:           **DED 1023**  
Application Received:       **01/04/2026**  
Name of Applicant:          **Laurence Fallon**  
Agent:                         **N/A**

**WHEREAS** a question has arisen as to whether the installation of 2 meal silos with reinforced concrete base within the existing farmyard at Ballagh, Knockcroghery, 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 8 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 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.
- (c) The proposed development does not exceed the conditions and limitations attached to Class 8 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed exempted development.

**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 installation of 2 meal silos with reinforced concrete base within the existing farmyard as outlined above at Ballagh, Knockcroghery, 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: 15/052026

**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)**

<b>Reference Number:</b>	DED 1023
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the installation of 2 meal silos with reinforced concrete base within the existing farmyard is or is not development and is or is not exempted development.
<b>Name of Applicant:</b>	Laurence Fallon
<b>Location of Development:</b>	Ballagh, Knockcroghery, Co. Roscommon.
<b>Site Visit:</b>	5 <sup>th</sup> May 2026

**WHEREAS a question has arisen as to whether the installation of 2 meal silos with reinforced concrete base within the existing farmyard 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 8 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 subject site consists of an existing farmyard with multiple farm structures/sheds located in the townland of Ballagh, Knockcroghery. The site is accessed via the L-2005 Local Primary Road which runs along the northern boundary of the site. The proposed development consists of the installation of 2 meal silos with reinforced concrete base within the existing farmyard.

**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 Lough Funshinagh SAC (Site Code 000611) located c. 465m south 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

#### PD/18/374

**Development Description:** To construct an extension to an existing silage slab, construction of silage walls, construction of dungstead and associated siteworks.

**Applicant:** Laurence Fallon

**Decision:** Conditional, subject to 4 conditions.

#### PD/07/656

**Development Description:** To erect loose cattle shed and ancillary works on my farmyard.

**Applicant:** Laurence Fallon

**Decision:** Conditional, subject to 12 conditions.

### 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)

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.

Development Description	Conditions and Limitations
<p><i>Agricultural Structures</i></p> <p><b>CLASS 8</b></p> <p>Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</li> </ol>

	<p>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</p> <p>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</p> <p>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>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 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.</p>
	<p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</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.

## 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 8

1. The proposed use is agriculture.
  2. The gross floorspace of all such structures within the same farmyard complex does not exceed 300 metres gross floorspace in aggregate.
  3. N/A
  4. The proposed structure is located greater than 10 metres from a public road (15m).
  5. The proposed structure does not exceed 8 metres in height (7.5m).
  6. The proposed structure is situated greater than 100 metres from the nearest non-applicant residential dwelling (120m).
- 
7. The external material proposed will consist of painted sheet metal.

## Recommendation

**WHEREAS a question has arisen as to whether** the installation of 2 meal silos with reinforced concrete base within the existing farmyard as outlined above at Ballagh, Knockcroghery, 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 8 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 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.

- The proposed development does not exceed the conditions and limitations attached to Class 8 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed exempted development.

**AND WHEREAS** I have concluded that the said development for the the installation of 2 meal silos with reinforced concrete base within the existing farmyard as outlined above at Ballagh, Knockcroghery, Co. Roscommon, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:   
Graduate Planner

Date: 15<sup>th</sup> May 2026

Signed:   
Senior Executive Planner

Date: 15<sup>th</sup> May 2026

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# MEMORANDUM

**To:** South Roscommon Area.

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

**Date:** 1<sup>th</sup> April, 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 installation of 2 meal silos with reinforced concrete base withing the existing farmyard at Ballagh, Knockcroghery, Co. Roscommon, is or is not development and is or is not exempted development.

**Applicant:** Laurence Fallon

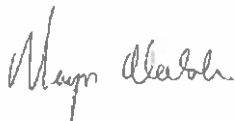
**Planning Ref:** DED 1023

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Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Laurence Fallon for the said development above, which was received on 1<sup>st</sup> April, 2026.

Please let me have your recommendation.



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



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Laurence Fallon,  
Ballagh,  
Knockcroghery,  
Co. Roscommon.

Date: 15<sup>th</sup> April, 2026  
Planning Reference: DED 1023

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 installation of 2 meal silos with reinforced concrete base within the existing farmyard at Ballagh, Knockcroghery, Co. Roscommon, is or is not development and is or is not exempted development.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 1<sup>st</sup> April, 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. L01/0/240133 dated 13<sup>th</sup> April, 2026, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 1023**.  
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  
08066 37100

13/04/2026 15.08.07

Receipt No : L01/0/240133

LAURENCE FALLON  
BALLAGH  
KNOCKCROGHERY  
CO. ROSCOMMON

EXEMPTED DEVELOPMENT

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PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1023	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
502192

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](mailto: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)	Laurence Fallon Ballagh Knockcroghery Roscommon
Name of Agent	N/A
Nature of Proposed Works	2 x Meal Silos with Reinforced Concrete Base within existing Farmyard
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ballagh Knockcroghery Roscommon Townland: Ballagh OS: 45/6*15/10
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A</u> b) <u>18m<sup>2</sup></u>
Height above ground level:	<del>7.0m</del> 7.5m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Sheet Metal Roofing on Silo

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Sheet metal - Green
Is proposed works located at front/rear/side of existing house.	In front of existing loose cattle shed
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 - Agricultural
Proposed use of land or structure	Farmyard - Agricultural
Distance of proposed building line from edge of roadway	15m
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:

*James Fallon*

Date:

2/4/26

Note: This application must be accompanied by: -

- €80 fee
- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- Detailed specification of development proposed



Roscommon County Council  
Planning Department  
Áras an Chontae  
Roscommon

02-Apr-2026



**Re: Section 5 Declaration – Exempted Development**

Dear Sir/Madam,

I wish to apply for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) in relation to the following proposed development at Ballagh, Knockcroghery, Co. Roscommon.

The proposed development consists of the installation of **two number 8 tonne meal bins** on a reinforced concrete base measuring **6 metres in width, 3 metres in depth, and 0.25 metres in thickness.**

The development is located **within the existing confines of my farmyard**, adjoining an existing concrete apron, and will be used solely for **agricultural purposes**, namely the storage of animal feed.

The proposed structures are positioned in **excess of 15 metres from the public road**, and the meal bins will have an overall height of **less than 7.5 metres**. The development is also located approximately **120 metres from the nearest non-applicant residential dwelling (Eircode: F42 V674)**. The scale, location and nature of the development are consistent with typical agricultural structures within a farmyard setting.

The proposed development will not give rise to any traffic hazard, obstruction, or environmental impact.

I enclose the required documentation in support of this application, including:

- Completed application form
- Site location map
- Site layout plan
- Relevant drawings and details
- Application fee

I would be grateful if you could confirm whether the proposed development is exempt from planning permission.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

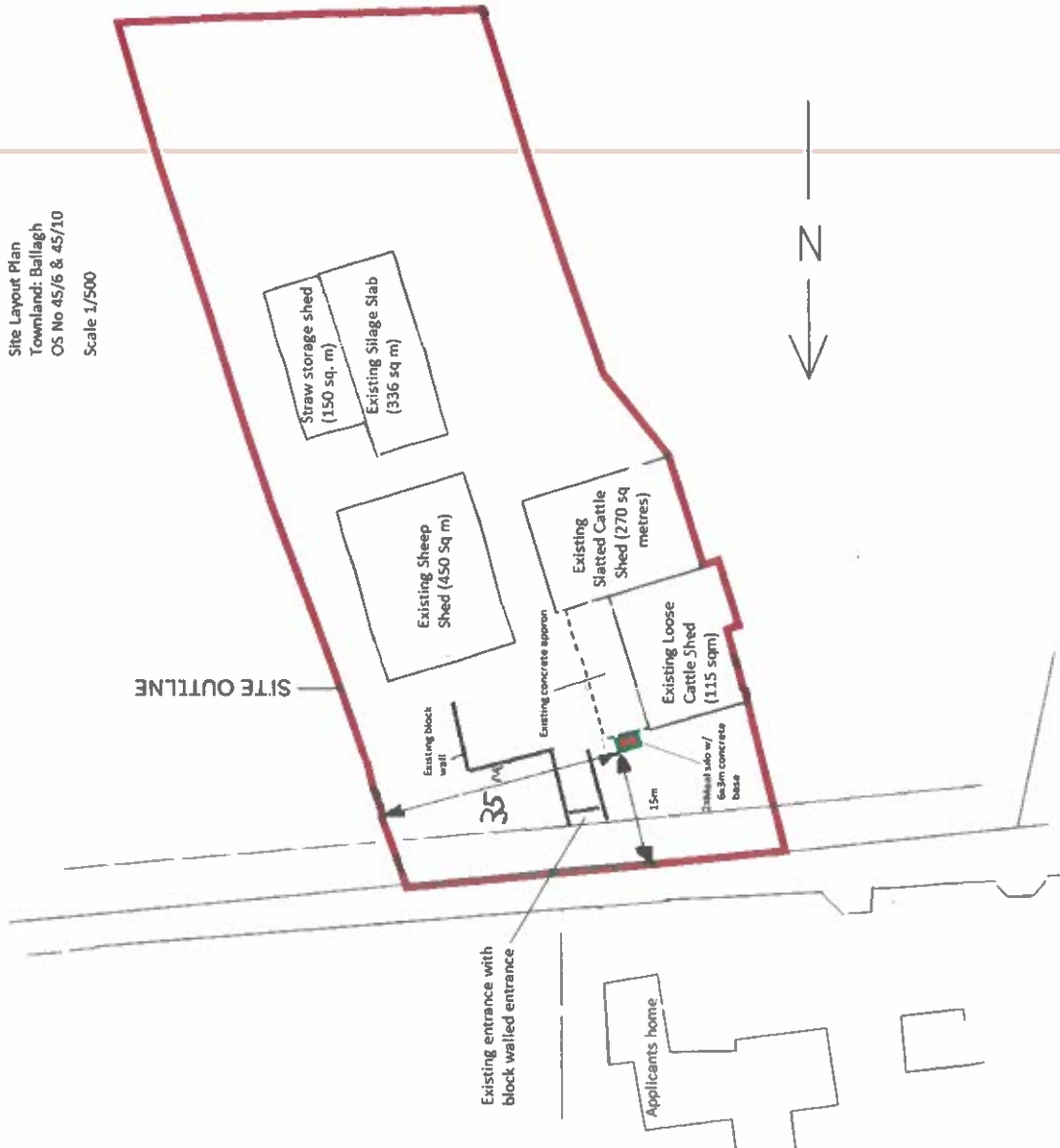
A handwritten signature in cursive script that reads 'Laurie Joller'.

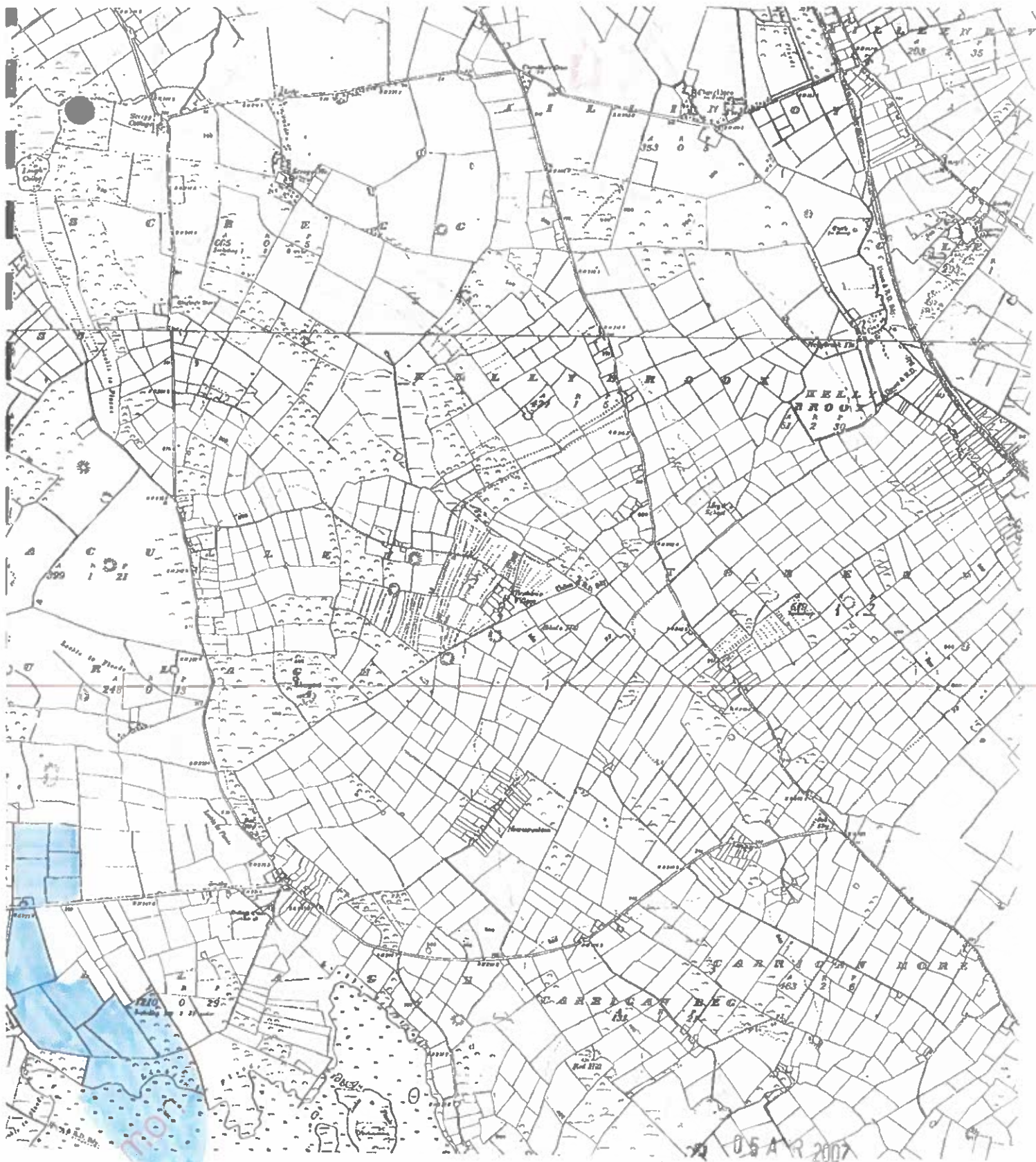
Laurence Fallon  
Ballagh  
Knockcroghery  
Co. Roscommon





Site Layout Plan  
Townland: Baillagh  
OS No 45/6 & 45/10  
Scale 1/500





**Site Location Map:** Scale 1:10560  
 Map showing Landholding: (Outlined in Blue)  
 Townland: Ballogh.  
 OS no. 45

**Map Prepared By:**  
 Andrew Morris B.E M.Sc M.I.E.I  
 84 Abbeyville, Galway Rd, Roscommon.  
 Ph; 09066(34328), 086(3646210)  
 Date: 10/3/07



<7.5m height



Example of structure proposed.  
Note: This is a render of proposed development

6m base width

3m base depth

