

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

CHIEF EXECUTIVE'S ORDER

Order No: DL/1201/26

Reference Number: DED1062

Name of Applicant (s): Aurivo Dairy Ingredients,

Agent: Waldron & Associates Design, Project Management, Engineers, Architects, The Square, Claremorris, Co. Mayo.

WHEREAS a question has arisen as to whether the installation of 4 no. generators and associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd, Ballaghaderreen, Co. Roscommon, F45 WK33, 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development on the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development, which would be used in conjunction with the referrer's existing dairy processing facility.
- (b) The subject structures would be sited on land occupied and used by an industrial undertaker for the carrying on, and for the purposes of, any industrial process.
- (c) The subject structures would be structures "*of the nature of plant or machinery*", as it would merger with and be integral to the plant and machinery that it supports.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.
- (e) Consequently, the subject structures, is development, which is exempted development under Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, 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 installation of 4 no. generators and associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd, Ballaghaderreen, Co. Roscommon, F45 WK33, 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: 28 September 2026

Gemma Cunningham

From: Gemma Cunningham
Sent: Tuesday 29 September 2026 13:02
To: info@waldrons.ie
Subject: Notification of Determination for DED1062
Attachments: DED1062 Aurivo Co-Operative Society - Notification.pdf

A Chara,

Please find attached correspondence for your attention regarding DED1062. Please be advised also hardcopy of the attached has been sent to the applicant via 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

Aurivo Co-Operative Society Limited,
(Aurivo Animal Feeds)
Ballaghaderreen,
Co. Roscommon.

Reference Number: DED1062

Application Received: 23rd July 2026

Name of Applicant: Aurivo Dairy Ingredients

Agent: Waldron & Associates Design, Project Management, Engineers,
Architects, The Square, Claremorris, Co. Mayo.

WHEREAS a question has arisen as to whether the installation of 4 no. generators and associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd, Ballaghaderreen, Co. Roscommon, F45 WK33, 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development on the site

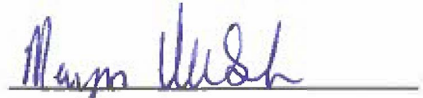
AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development, which would be used in conjunction with the referrer's existing dairy processing facility.
- (b) The subject structures would be sited on land occupied and used by an industrial undertaker for the carrying on, and for the purposes of, any industrial process.
- (c) The subject structures would be structures "*of the nature of plant or machinery*", as it would merge with and be integral to the plant and machinery that it supports.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.
- (e) Consequently, the subject structures, **is development, which is exempted development** under Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, 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 whether the installation of 4 no. generators and associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd, Ballaghaderreen, Co. Roscommon, F45 WK33, 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: 29th September 2026

c.c. Waldron & Associates Design, Project Management, Engineers, Architects
info@waldrons.ie

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 Acts 2000 (as amended)

Reference Number: DED 1062

Re: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding whether the proposed installation of 4 No generators and associated equipment on a concrete plinth at Aurivo, Dublin Road, Ballaghaderreen, Co. Roscommon, is or is not development and is or is not exempted development.

Applicants: Aurivo Co-Operative Society Limited.

Date: 28th September 2026

WHEREAS a question has arisen as to whether the proposed installation of 4 No generators and associated equipment on a concrete plinth at Aurivo, Dublin Road, Ballaghaderreen, 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (c) The planning history of the site

Site Location & Development Description

The subject property is located on the outer environs of Ballaghaderreen, towards the south-east of the town centre, and is accessed directly off the N5 within the 60km speed limit. The site comprises of the long established existing agricultural industry related commercial enterprise. The site forms part of lands zoned *Strategic Industrial / Enterprise Zones* as set out in the current Ballaghaderreen Settlement Plan in the Roscommon County Development Plan 2022-2028.

The development is described the proposed installation of 4 No generators and associated equipment on a concrete plinth. The generators would sit on a roughly square concrete plinth measuring 15 x 16 metres. The generators would each be 5.35 metres high. The plans and documents submitted indicate generators are of an industrial scale.

A desktop review of such generators define same generators as '*a robust, stationary or mobile power system designed specifically to provide primary, standby, or emergency electrical power for large-scale commercial, industrial, and institutional applications*'. In this instance the generators, the subject of the

question, are to be stationary, and are to be located on a concrete plinth in the southeast area of the site proximate to the overall site entrance. The generators would be situated c. 30 metres from the nearest industrial building.

There is an existing licence in place for the facility on the subject lands, Licence No P0802-03. Aurivo Dairy Ingredients at Dublin Road, Ballaghaderreen is lower tier Seveso site, and subject to Major Accident Hazards (COMAH) Regulations).

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 are within the likely zone of influence of the proposed development.

Planning History – Subject Site

As per the Roscommon County Council's Planning Registry, the following recent planning history has been traced:

PD/26/60374 – Planning permission granted subject to 8 No conditions for the following: Permission for development which will consist of: Construction of a single storey extension to rear of the existing separator room together with all ancillary site works and services (The activity at Aurivo Dairy Ingredients, Ballaghaderreen, is subject to an Integrated Pollution Control Licence (IPC). There is an existing Licence in place for the facility, Licence No P0802-03. Aurivo Dairy Ingredients at Dublin Road, Ballaghaderreen is lower tier Seveso site, and subject to Major Accident Hazards (COMAH) Regulations)

PD/26/60112 – Permission granted, subject to 8 No Conditions for: Construction of a plant room, switch room, and condenser platform together with all ancillary site works and services (The activity at Aurivo Dairy Ingredients, Ballaghaderreen, is subject to an Integrated Pollution Control Licence (IPC). (There is an existing Licence in place for the facility, Licence No. P0802-03, Aurivo Dairy Ingredients at Dublin Road, Ballaghaderreen is lower tier Seveso site, and subject to Major Accident Hazards (COMAH) Regulations)).

PD/25/60358 – withdrawn

PD/23/174 – Permission granted for development consisting of: construction of a shed (c.37.8m x 11.0m x 5.5m high) to relocate the existing CIP and wash facility to provide for safer truck flow within the plant, together with all ancillary site works and services (the activity at Aurivo Dairy Ingredients, Ballaghaderreen, is subject to an Integrated Pollution Control License (IPC). There is an existing IPC license in place for the facility. (Licence no. P0802-03)).

PD/23/76 – Planning Permission granted for development consisting of the construction a ground mounted solar PV array on a 5.78 ha. site to supply renewable electricity directly to the dairy processing facility, including a transformer and switch gear building, new internal access road to the adjacent facility yard area, boundary palisade security fencing and all ancillary site works (A Natura Impact Statement will be submitted to the Planning Authority with the application) (This application relates to a development which is for the purposes of an activity which holds an Industrial Emissions Licence (Reg. No. P0802)).

PD/22/367 – Planning Permission granted for the construction of a canopy extension to an existing loading bay, together all ancillary site works and services.

PD/22/341 - withdrawn

PD/22/316 - incomplete application

PD/22/315 – Planning Permission granted for development consisting of construction of a shed to house dewatering equipment, together with all ancillary site works and services (The activity at Aurivo Dairy

Ingredients' facility, Ballaghaderreen, County Roscommon, is subject to an Integrated Pollution Control Licence (IPC). There is an existing IPC Licence in place for the facility. (Licence No. P0802-03))

PD/22/267 - Planning Permission granted for development consisting of the installation of liquefied petroleum gas (LPG) storage tanks within a new tank compound, together with all ancillary site works and services (there is an existing IPC Licence in place for the facility, Licence No. P080203).

PD/22/229 – Incomplete application

PD/21/649 - Planning Permission granted for development consisting of the installation of new production equipment within the existing butter room of the facility, including raising the roof level over the existing butter room and the consequential alterations to the building elevations together with all ancillary site works and services (there is an existing IPC Licence in place for the facility - Licence No. P0802-03).

PD/21/331 – Planning Permission granted for the installation of a liquefied natural gas storage tank within an existing storage tank compound together with all ancillary site works and services (the activity at Aurivo Dairy Ingredients' facility is subject to an Integrated Pollution Prevention and Control Licence (IPC). There is an existing IPC Licence in place for the facility - Licence No. P0802-03).

PD/20/545 - Planning Permission granted for alterations to the elevations of the biomass boiler building associated with internal works, the alterations include the removal of one flue and the installation of two flues together with associated miscellaneous site works (the activity at the development requires an Integrated Pollution Prevention and Control Licence (IPC), there is an existing IPC Licence in place for the facility- Licence No. P0802-03).

PD/20/511 - incomplete application

PD/18/561 – Planning Permission granted for construction of a LNG compound with 2no. 60m³ tanks with associated ambient vaporisers, regulation station, electrical control room, including all other associated ancillary site works and services.

PD/18/6 – Planning permission granted for - (1) The construction of an extension to the existing spray dryer facility to contain a new replacement spray dryer plant; (2) Alterations to the existing car park to accommodate the new extension together with associated local underground drainage and miscellaneous site works. The activity of the proposed development requires an Integrated Pollution Prevention and Control Licence (IPC).

PD/17/514 – Incomplete application

PD/15/406 – Planning permission granted for the development of a new single storey laboratory extension at ground floor (total area 120 m²), the relocation of the existing chiller units in this area at ground level from the south west corner to the west side of the existing cold store, a 15 metre increase in the height of part of the roof area above the existing internal butter and evaporator process area (total area 420 m²) - final height not to be more than the height of the existing dryer towers, and an external rain canopy at ground floor behind the existing administration building (total area 100 m²). All new finishes, materials and colours will match the existing building.

PD/15/45 – Planning Permission granted for development that will consist of the Installation of a Steam Turbine & Electricity Generator into an existing building. (Generator is part of the Renewable Energy Feed in Tariff promoted by the Irish Government to support industry in becoming more competitive through the simultaneous generation of heat and electricity (CHP = Combined Heat & Power) from a carbon neutral fuel such as wood chip biomass, installation of new switchgear & transformer, installation of a wood chip pre-drier with the existing fuel store, replace existing stack with new 50m stack and incorporating the exhaust from the biomass.

PD/12/83 – Planning permission granted for the construction of a 309sq.m extension to an existing facility the construction of a replacement 26m high exhaust stack to facilitate the removal of existing boiler system and upgrading to a bio-mass carbon neutral system. The development will also include the increase in height of the roof level of the existing building and associated modifications to its elevations.

PD/07/2225 – Planning permission granted for a single storey pitched roof office block to the front of the existing facility, complete with an overhead canopy link between the new and existing office building, along with modifications and alterations to the internal layout of existing offices together with associated site development and ancillary works.

PD/05/989 – Planning permission granted to extend existing car parking, to demolish existing lean-to buildings accommodating process rooms and to construct a building to accommodate process equipment along with associated site development and ancillary site works adjacent to the existing drier building.

Statutory Provisions

Planning and Development Act, 2000 (As Amended)

Section 2 (Works) 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) (Development) 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) (Exempted Development) The following shall be exempted developments for the purposes of this Act: (h) 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 (4) (Environmental Impact Assessment or Appropriate Assessment)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations, 2001 (as amended)

Article 6 (1) states the following: Subject to Article 9 the development of a Class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with conditions and limitations specified in Column 2 of the Act opposite the mention of that Class in the said Column 1.

Article 9 (1)(a) provides that development to which Article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would, contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, (viiB) comprise development in relation to which a planning authority or An Bord Pleanála as 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.

Schedule 2, Part 1, Class 21, Colum 1

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

Class 21 Colum 2, Conditions and Limitations

- 1. Any such development shall not materially alter the external appearance of the premises of the undertaking.*
- 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

Definitions Under Article 5(1) of the Regulations

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is –

for or incidental to the making of any article or part of an article, or for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

Definition of 'industrial undertaker'.

"industrial undertaker" means a person by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly.

Assessment:

I have examined all the documentation on the file, inspected the site, and have had regard to the legislative provisions set out in both the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended. I consider that the issues relevant to the subject request for an opinion can be assessed under the following headings:

- Whether the installation of 4 No generators and associated equipment on a concrete plinth is or is not development, or is or is not exempted development.
- Whether the works can be considered exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

Is or is not development

‘Works’ are defined as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’.

The subject of the request for an opinion consists of the proposed installation of 4 No generators and associated equipment on a concrete plinth.

I consider the said description to comprise ‘works’ as the installation includes an act of construction and alteration. In accordance with Section 3(1) of the Planning and Development Act, 2000 as amended, ‘works’ become development when they are carried out on, in, over or under land and therefore the works which are the subject of this request for an opinion are considered to comprise ‘development’.

Is or is not exempted development

Section 4 of the Planning and Development Act, 2000, as amended, sets out certain forms of development which shall be exempted development. Additionally, Schedule 2 of the Planning and Development Regulations, 2001, as amended, set out forms of development, which are exempted development within a specific context.

The specific class which is of relevance under this question is Class 21 of Schedule 2, which refers to development, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process.

Based on the information on the file, my site visit and the extensive planning history related to the site, it is deemed that the existing lands contain ‘*industrial buildings*’ and carries out ‘*industrial processes*’, having regard to the meanings set out in Article 5(1) of the Planning and Development Regulations 2001 (as amended). Furthermore, the planning authority is satisfied that the developer is in fact ‘*an industrial undertaker*’. In support of this finding, the planning authority also notes that there is an existing licence in place for the facility, licence No P0802-03. Aurivo Dairy Ingredients at Dublin Road, Ballaghaderreen is lower tier Seveso site, and subject to Major Accident Hazards (COMAH) Regulations).

Accordingly, the planning authority is satisfied that the development falls within the remit of Class 21, which states the following:

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

The planning authority is satisfied that the proposed development falls under Class 21 (iii), as follows:

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

Common definitions of the term 'plant and machinery' provide that plant and machinery for tax purposes are assets that are used by a business for the purpose of carrying on the business and are not stock in trade, the business premises, or part of the business premises. (The difference between plant and machinery is that generally machinery will have moving working parts, and plant will not). (Reference ABP-318300-23).

The planning authority is also of the view that the generators are integral to the established industrial use on the subject lands and are not set apart from the subject established and authorized industrial use on the subject lands. The generators are therefore integral to the overall established industrial use on the site. Electricity generated would form part of and be integral to 'an industrial process' established thereon. Therefore, the generators are considered to be '*of the nature of plant and machinery*'.

Class 21, Conditions & Limitations.

Under Class 21, the conditions and limitations have two items, which need to be satisfied in order to provide that the development is development that is exempt development, which are stated as follows:

1. *Any such development shall not materially alter the external appearance of the premises of the undertaking.*
2. *The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

Class 21, Conditions & Limitations, Item 1.

Having assessed the plans/details submitted in the context of the overall development of the land, it is considered that, while visible, the proposed 4 No generators and concrete plinth would not 'materially alter' the external appearance of the premises.

Class 21, Conditions & Limitations, item No 2

Having examined the submitted documentation, it is considered that the proposed 4 No generators will stand at 5.35 metres each, therefore it does not exceed 15 metres, with reference to Conditions & Limitations, Item No 2.

Having regard to the above, the planning authority is of the viewpoint, that the subject proposal is development, that is exempted development, therefore it is necessary to consider restrictions on exempted development.

Restrictions on exempted development

I note that the restrictions provided in Article 9 of the Planning and Development Regulations, 2001, as amended, relates to exemptions provided under Article 6 of the Planning and Development Regulations, 2001, as amended. In the subject case there are no apparent restrictions on exempted development.

Environmental Impact Assessment and Appropriate Assessment

Section 4(4) of the Planning and Development Act sets out that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

EIA

The development described does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore is not subject to EIA requirements.

AA Screening

The closest European sites to the site of the development Tullaghanrock Bog SAC – circa 2.2km from the subject site.

Within designated site(s): No

Adjacent to designated sites(s): No

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 this or other European sites arising from the proposed development. The need for stage 2 Appropriate Assessment screening can, therefore, be excluded.

AA Conclusion:

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the development, 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.

In this context, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

WHEREAS a question has arisen as to whether the proposed installation of 4 No generators on a concrete plinth at Aurivo, Dublin Road, Ballaghadereen, 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development on the site:

AND WHEREAS I have concluded that

- a) The works are development, which would be used in conjunction with the referrer's existing dairy processing facility.
- b) The subject structures would be sited on land occupied and used by an industrial undertaker for the carrying on, and for the purposes of, any industrial process.
- c) The subject structures would be structures "*of the nature of plant or machinery*", as it would merge with and be integral to the plant and machinery that it supports.
- d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.
- e) Consequently, the subject structures, **is development, which is exempted development** under Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

I therefore recommend that a declaration to that effect should be issued to the applicant.



Signed:

A. Cunnane
Assistant Planner

Date: 28th September 2026

Recommendation of Co-Signing Planner

Having considered the details submitted, I agree with the recommendation made above and therefore recommend that a declaration as above be issued.



Signed: _____

**Alan O'Connell,
Senior Executive Planner**

Date: 28th September 2026



Figure 1 Aurivo Dairy Site Entrance



Figure 2 Location of the proposed generators



Figure 3 location of proposed generators aerial

MEMORANDUM

To: North Roscommon Area.

From: Mervyn Walsh, Administrative Officer, Planning Department.

Date: 09th September 2026

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

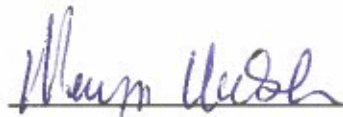
Development: WHEREAS a question has arisen as to whether the installation of 4 no. generators and associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd, Ballaghaderreen, Co. Roscommon, F45 WK33, is or is not development and is or is not exempted development.

Applicant: Aurivo Dairy Ingredients

Planning Ref: DED1062

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from **Aurivo Dairy Ingredients** for the said development above, which was received on 23rd July 2026.

Please let me have your recommendation.



Mervyn Walsh,
Administrative Officer,
Planning Department.

Gemma Cunningham

From: Gemma Cunningham
Sent: Thursday 10 September 2026 12:21
To: 'info@waldrons.ie'
Subject: DED1062 - Section 5 Declaration of Exempted Development Application
Attachments: 1062 ack letter & Fee Receipt.pdf

A Chara,

Please find attached Acknowledgement letter and Receipt for the Section 5 Declaration of Exempted Development Application Submitted on behalf of Aurivo Dairy Ingredients, DED1062 is the reference for this application.

Kind Regards,

Gemma

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



Comhairle Contae
Ros Comáin
Roscommon
County Council



Aurivo Dairy Ingredients,
Dublin Road,
Ballaghaderreen,
Co. Roscommon,
F45 WK33.

Date: 09th September 2026
Planning Reference: DED1062

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 4 no. generators and
associated equipment on a concrete plinth at Aurivo Dairy Ingredients, Dublin Rd,
Ballaghaderreen, Co. Roscommon, F45 WK33, 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 **23rd July 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. L01/0/242181 dated 28th August 2026**, receipt enclosed
herewith.

Note: Please note your Planning Reference No. is **DED1062**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

cc agent via email:

info@waldrons.ie

Waldron & Associates Design, Project Management, Engineers, Architects, The
Square, Claremorris, Co. Mayo.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

28/08/2028 10:38:55

Receipt No. : L01/0/242181

AURIVO DAIRY INGREDIENTS
C/O WALDRON & ASSOCIATES
THE SQUARE
CLAREMORRIS
CO. MAYO

EXEMPTED DEVELOPMENT

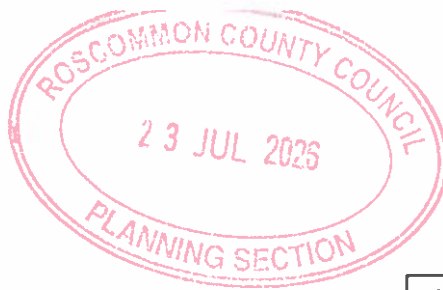
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1062	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
5111

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



DED 1062



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)	Aurivo Dairy Ingredients Ltd.
Name of Agent	Waldron & Associates Design, Project Management, Engineers, Architects
Nature of Proposed Works	Installation of 4 No. generators and associated equipment on a concrete plinth
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Aurivo Dairy Ingredients, Dublin Road, Ballaghaderreen, Co. Roscommon, F45 WK33
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>N/A (generator)</u> b) <u>N/A (generator)</u>
Height above ground level:	5.35 m (height of generators)
Total area of private open space remaining after completion of this development	N/A (industrial campus)
Roofing Material (Slates, Tiles, other) (Specify)	N/A (generator, coloured steel)

Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A (no walls involved)
Is proposed works located at front/rear/side of existing house.	N/A (side of campus)
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	Numerous, see cover letter
Existing use of land or structure	Industrial
Proposed use of land or structure	Industrial
Distance of proposed building line from edge of roadway	176m
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:

23/07/2026

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 ✓



QT001



Waldron & Associates

Design, Project Management, Engineers & Architects

Planning Department,
Roscommon County Council
Co. Roscommon

Date 23/07/2026

RE:

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development, for the installation of 4 No. generators and associated equipment on a concrete plinth.

Dear Sirs,

On behalf of our client, Aurivo Dairy Ingredients, we are applying for Section 5 determination as to whether the development described below is exempt from requiring planning permission.

The development consists of the installation of 4 No. generators and associated equipment on a concrete plinth. Each generator measures approximately 9.40m x 2.25m x 5.35m high.

The development is to the eastern side of the Dairy Ingredients campus at Dublin Road, Ballaghaderreen, Co. Roscommon, approximately 16m from the public road, L1244.

We believe that this type of development would be covered by ;
PLANNING AND DEVELOPMENT REGULATIONS 2001 – 2023
SCHEDULE 2, PART 1, Exempted Development, Development for industrial purposes;
CLASS 21

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process.

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.



Waldron & Associates, The Square, Claremorris, Co. Mayo, F12 C3H4, Ireland | Phone: 094 9372120 | Fax 094 9372911
Email: info@waldrons.ie Web: www.waldrons.ie



PRACTICE NO. 09037
IE 3653556WH

Restrictiond on exemption

1. Any such development shall not materially alter the external appearance of the premises.

2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 meters above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

- The proposed generators shall not materially alter the external appearance of the premises.
- The height of the generators shall not exceed 15 meters above ground level

There are numerous planning applications relating to this site including:

Planning Application: 05989
 Planning Application: 072225
 Planning Application: 1283
 Planning Application: 15406
 Planning Application: 17514
 Planning Application: 18561
 Planning Application: 186
 Planning Application: 20511
 Planning Application: 20545

Planning Application: 21331
 Planning Application: 21649
 Planning Application: 22229
 Planning Application: 22315
 Planning Application: 22316
 Planning Application: 22367
 Planning Application: 23174
 Planning Application 2660112

Yours Sincerely,


 Pat Armstrong, BEng (Hons) MIEI



DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES TO BE HIGHLIGHTED BY CONTRACTOR.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, DRAWING COMPLIANCE REPORT.

ALL LEVELS ARE TO FINISHED LEVELS UNLESS OTHERWISE INDICATED.



OSi map reproduced under licence. Digital mapping tiles ~ (1'2,500 Series)
 © ORINANCE SURVEY IRELAND LICENCE NO. CYAL504758
 © Government of Ireland

SITE LOCATION MAP
SCALE: 1 : 2,500



Waldron & Associates
Design • Ground Measurement • Engineering • Environmental

The Square, Clonsilla, Co. Mayo, F12C3H4, Ireland
 Phone: 094 9372120 | Mob: 085 1872284 | Email: info@waldrons.ie

Activio Dairy Ingredients

Water tank upgrade

SITE LOCATION MAP

July	23.07.2026	ditum by P.A.
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1 : 2,500	drug no	28-1537 200	rev	700
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Curriculum: This document is based on state and local legislation and is approved by the school board.

The site plan illustrates the proposed layout for a dairy processing plant. Key features include:

- Legend:** A red line indicates the 'SITE BOUNDARY', and a yellow rectangle indicates the 'PROPOSED LOCATION OF GENERATORS'.
- Stamp:** A red oval stamp from 'ROSCOMMON COUNTY COUNCIL PLANNING SECTION' dated '23 JUL 2026' is located in the upper left.
- North Arrow:** A compass rose in the upper right shows North (N), South (S), East (E), and West (W).
- Buildings and Infrastructure:** The plan shows various buildings, including a 'CIP BUILDING', a 'MILK PROCESSING PLANT', and a 'DAIRY PROCESSING PLANT'. Roads are labeled 'R16' and 'R17'. A 'PORTAL STATION' is marked near the bottom right.
- Proposed Generators:** A yellow rectangle in the lower right corner, labeled 'PROPOSED LOCATION OF GENERATORS', contains four smaller yellow rectangles labeled 'GENERATOR 1', 'GENERATOR 2', 'GENERATOR 3', and 'GENERATOR 4'.
- Other Labels:** 'Dairy ingredients, Ballaghaderreen' is noted on the left. 'MILK PROCESSING PLANT' and 'DAIRY PROCESSING PLANT' are labeled near the bottom right. 'R16' and 'R17' are labeled along the roads.

1: 500

