

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DETERMINATION

REGISTERED POST

Kieran Regan,



Reference Number: DED 970

Application Received: 5th November, 2025

Name of Applicant: Kieran Regan

Agent: Rathcroghan Designs

WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works at Aghalour, Loughglyn, 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 9 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 construction of a machinery shed together with all associated site works falls within the provisions of Class 9 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to construct a machinery shed together with all associated site works at Aghalour, Loughglyn, Co. Roscommon., is development that is **exempted development provided the subject development is not used for any purpose other than the purpose of agriculture or forestry** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

A handwritten signature in blue ink, appearing to read 'Mervyn Walsh'.

Mervyn Walsh,
Administrative Officer,
Planning.

Date: 27th January, 2026

cc agent via email: Rathcroghan Designs
rathcroghandesigns@gmail.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.

Carmel Curley

From: Carmel Curley
Sent: Tuesday 27 January 2026 16:17
To: [REDACTED]
Cc: rathcroghandesigns@gmail.com
Subject: DED970 - Notification of Determination
Attachments: DED970 - Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for your Section 5 Declaration of Exempted Development Application – DED970.

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



**Planner's Report on application under
Section 5 of the Planning and Development Act 2000 (as amended)**

Reference Number:	DED 970
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the construction of a machinery shed together with all associated site works.
Name of Applicants:	Kieran Regan
Location of Development:	Aghalour, Loughlynn, Co. Roscommon.
Site Visit:	16/12/2025

WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works 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 9 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

Site Location & Development Description

The site consists of two agricultural sheds located in the townland of Aghalour. The subject site is situated approximately 2km south-west of Loughlinn, accessed off the L-12437 and is accessed via an existing agricultural entrance. The proposed development consists of the construction of a machinery shed together with all associated site works.

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 Drumalough Bog SAC (Site Code 002338) located c. 1.9km from the subject site.

Other designations include Lough Glinn PNHA (Site Code 001644) located c. 1.7km from the proposed development.

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/19/604

Development Description: To construct new slatted shed together with all associated site works.

Applicant: Kieran Regan

Decision: Conditional.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. –(1)

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. –(1)

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with

the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

Development to which article 6 relates shall not be exempted development for the purposes of the Act.

viIB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

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.

Class 9 Part 3 Schedule 2 Article 6

Development Description	Conditions and Limitations
<p>CLASS 9</p> <p>Works consisting of the provision of any store, barn, shed glass-house or other structure, not being of a type specified in class 6,7 or 8 of this Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 metres gross floor space in aggregate.3. No such structure shall be situated within 10 metres of any public road.4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

	<p>5. No such structure shall be situated 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>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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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

- Construction of a machinery shed (230m²) together with all associated site works.

With regard to the compliance with the conditions and limitations of Class 9 of Part 3 of Schedule 2 (Exempted development - Rural) the following assessment sets out how these apply to the current proposed extension to the existing dwelling:

CLASS 9

1. The proposed use for the structure appears to be agriculture with reference in documents lodged to Class 9, Part 3 of Schedule 2. I also note that the structure is proposed to be located within an existing farm complex. As the stated use simply indicates 'machinery shed' it is considered appropriate to refer to Condition and limitation 1 of Class 9 in the declaration.
2. The proposed structure plus other such structures' floor space do not accumulate to more than 900 square metres in aggregate (429m²)
3. The proposed structure is situated more than 10 metres from a public road.
4. The proposed structure is less than 8 metres in height (6.3m).
5. The proposed structure is not situated less than 100m from any residential property (the applicant's residential property is within 100m of the proposed structure which is deemed acceptable).

6. The proposed sheeting for the structure is pre-painted sheets.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; the construction of a machinery shed together with all associated site works at Aghalour, Loughlynn, 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 9 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 construction of a machinery shed together with all associated site works falls within the provisions of Class 9 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that the said development for the construction of a machinery shed together with all associated site works at Aghalour, Loughlynn, Co. Roscommon, is an exempted development provided the subject development is not used for any purpose other than the purpose of agriculture or forestry. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Keith Boyle

Date: 27/01/2026

Graduate Planner

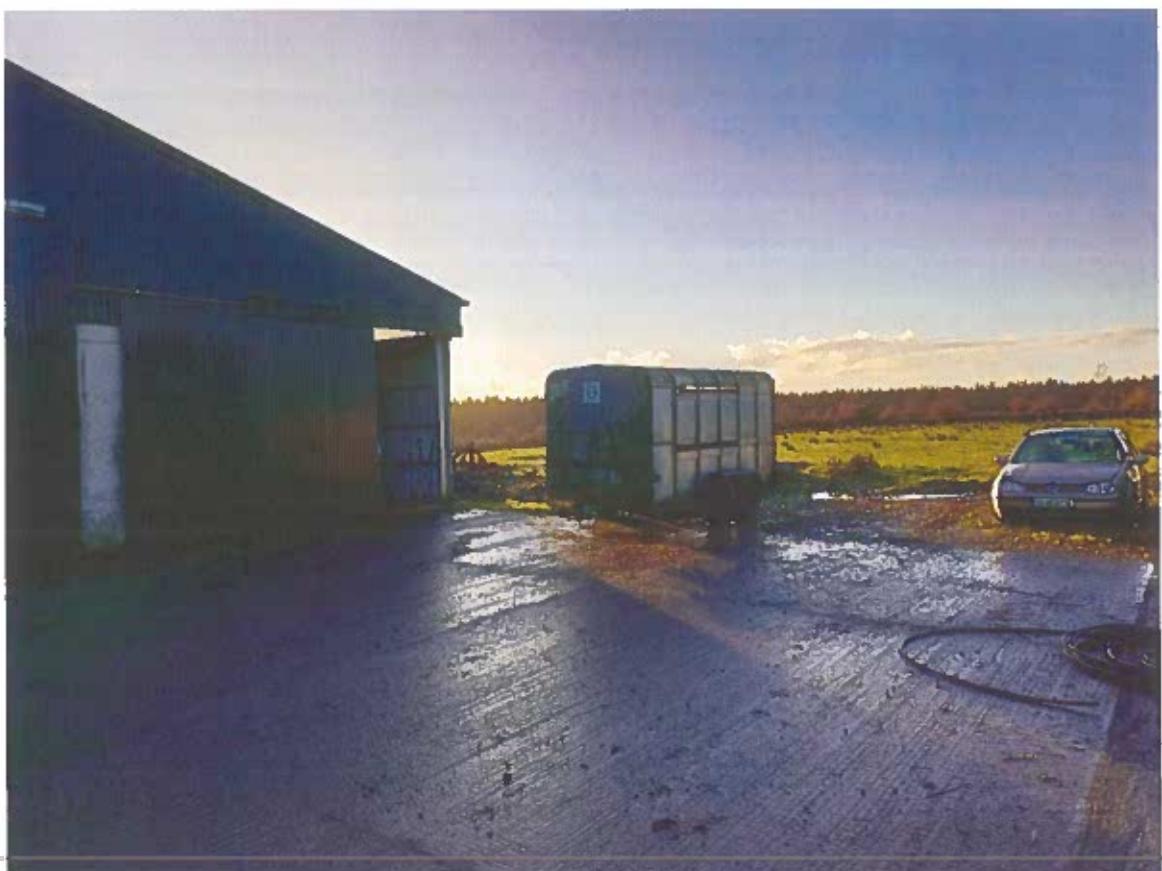
Signed:

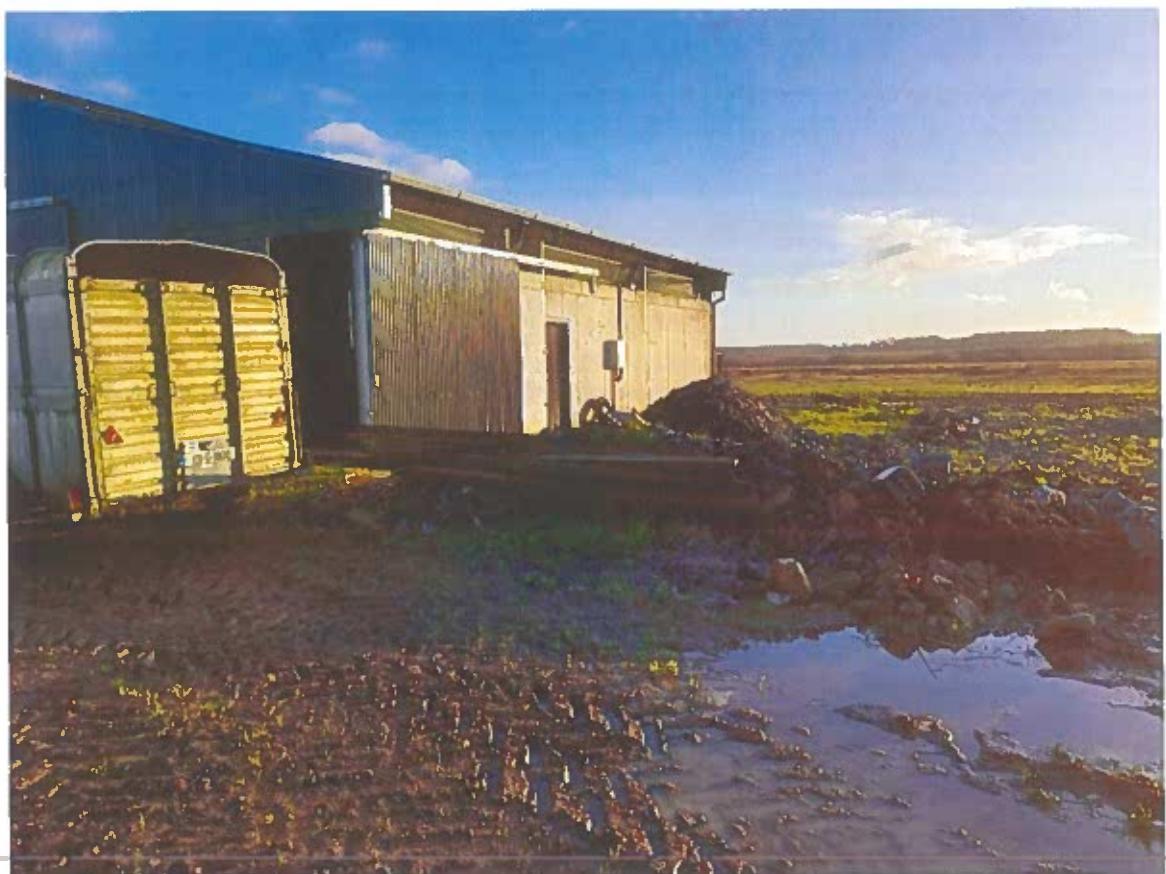
R. J. Boyle

Date: 27th January 2026

Senior Executive Planner













Carmel Curley

From: Carmel Curley
Sent: Monday 17 November 2025 20:33
To: [REDACTED]
Cc: Martin Dowd
Subject: DED970 - Ack Letter
Attachments: DED970 - Ack Letter & receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for your Section 5 Declaration of Exempted Development Application – DED 970.

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



Kieran Regan,

[REDACTED]

Date: 17th November, 2025

Planning Reference: DED 970

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

Development: WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works at Aghalour, Loughglynn, 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 5th November, 2025, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. L01/0/237843 dated 13th November, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 970**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

c.c. agent via email: Rathcroghan Designs
rathcroghandesigns@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

13/11/2025 15:22:11

Receipt No : L01/0/237843

TIERNAN REGAN
C/O RATHCROGHAN DESIGNS LTD

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 870	

Total : 80.00 EUR

Tendered :	
Credit/Debit Card	80.00
8857	

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Rathcroghan Designs

Building and Planning Consultant

Ballyconboy, Ballinagare

Castlerea, Co. Roscommon

Ph: 0862328484

Email: rathcroghandesigns@gmail.com

31st October 2025

Planning Dept
Roscommon Co Co
Aras An Chontae
Roscommon

Re – Exempted Developement and Associated fee



Dear Sir/Madam,

Please find enclosed Exempted Development application for my client **Mr. Kieran Regan, Aghalour, Loughglynn, Co Rosocommon**

I would greatly appreciate it if you could please contact me on 086 2328484, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

Martin Dowd AssocSCSI, Bsc Construction Management
Rathcroghan Designs, Building and Planning Consultant



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)	KIERAN REGAN	
Name of Agent	KEPPLEIGH RATHCROGHAN LOUGHGLYNN DESIGNS CO. ROSCOMMON LTD	
Nature of Proposed Works	CONSTRUCT MACHINERY SHED, TOGETHER WITH ALL ASSOCIATED SITE WORKS	
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	AGHALDUR LOUGHGLYNN Co. ROSCOMMON	
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>495 m²</u> (2 SHED'S) b) <u>230 M²</u>	
Height above ground level:	6.31m	
Total area of private open space remaining after completion of this development	N/A	
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED SHEETING	

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	PD 19/604
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	MACHINERY SHED
Distance of proposed building line from edge of roadway	95.61m
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature:

Date:

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



Planning Pack Map

Prepared By: Martin Dowd
Rathcroghan Designs, Ballinagare
Castlerea, Co. Roscommon



National Mapping Agency

CENTRE
COORDINATES:
ITM 564120,784225

PUBLISHED: ORDER NO.:
11/11/2019 50093248_1

MAP SERIES: MAP SHEETS:
1:5,000 2094
1:5,000 2095

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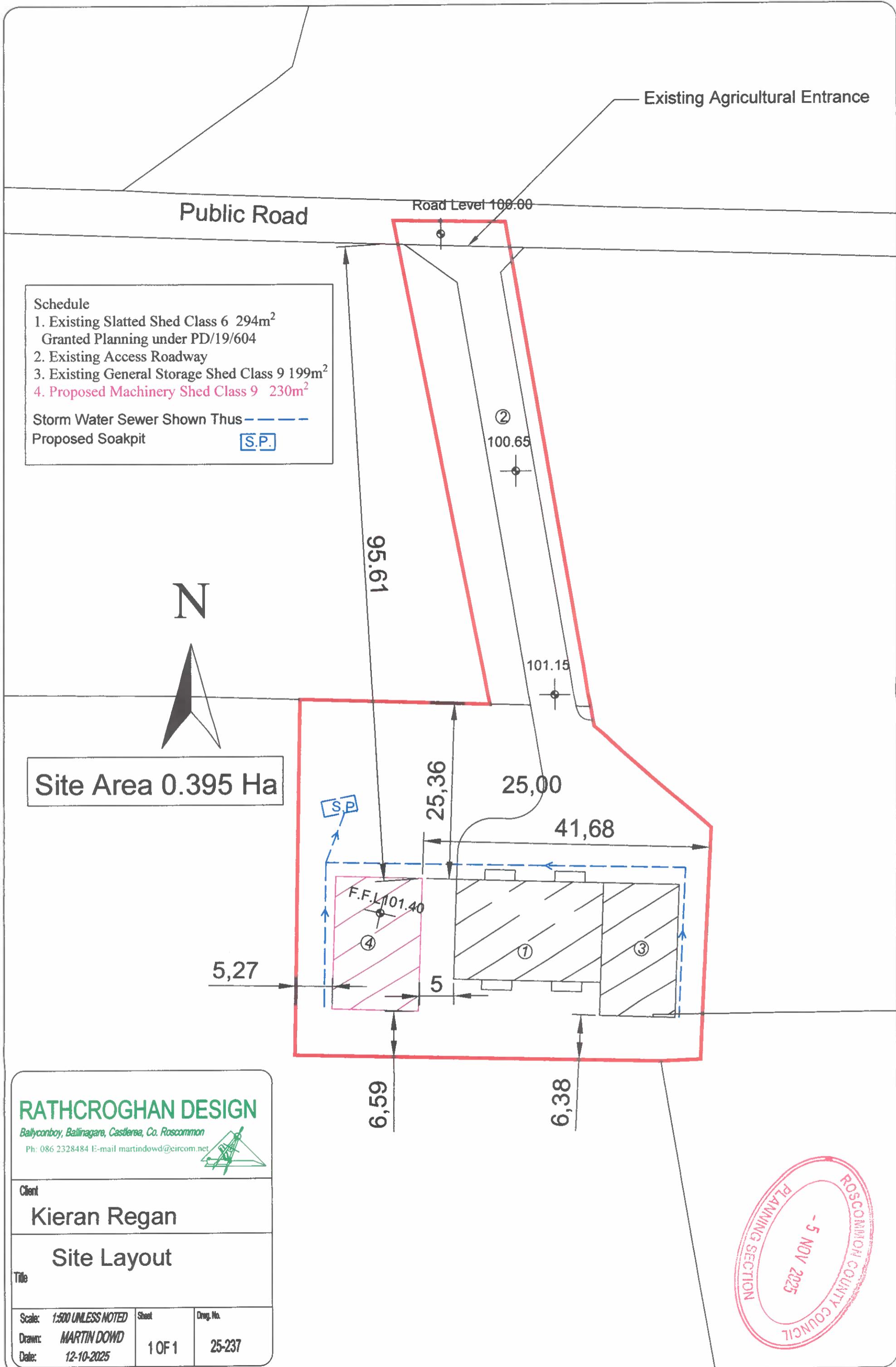
Further information is available at:
<http://www.osi.ie>, search 'Capture Resolution'

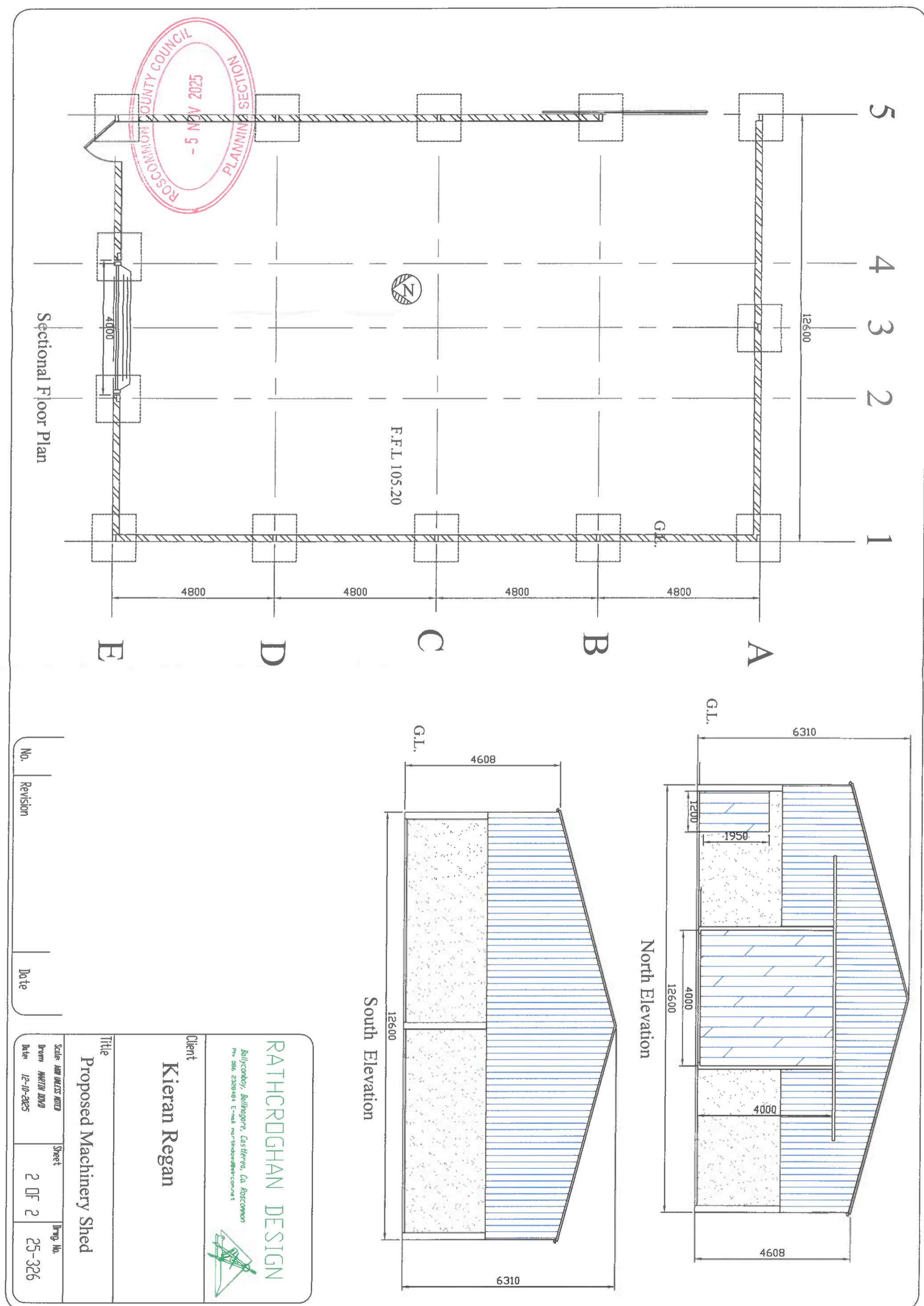
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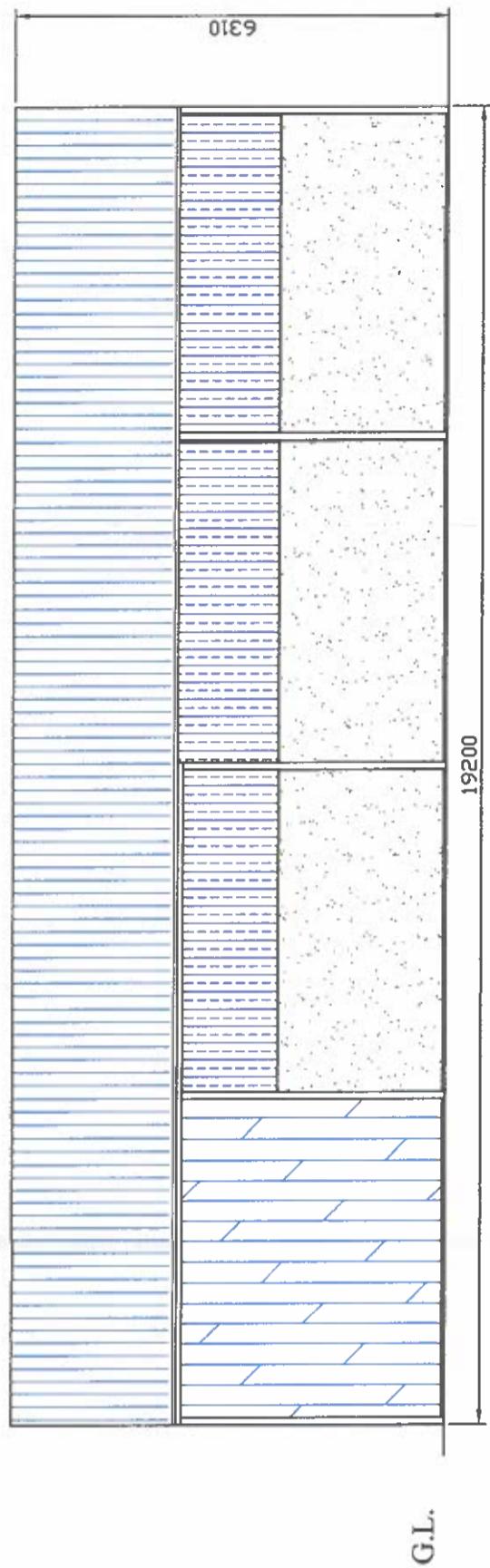
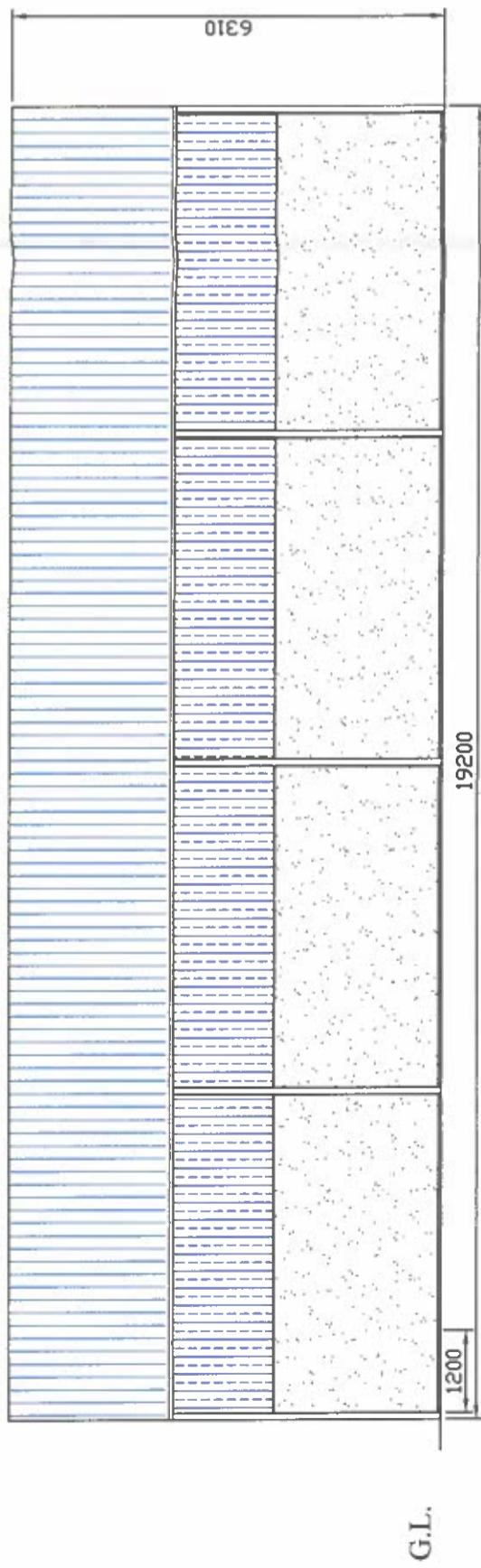
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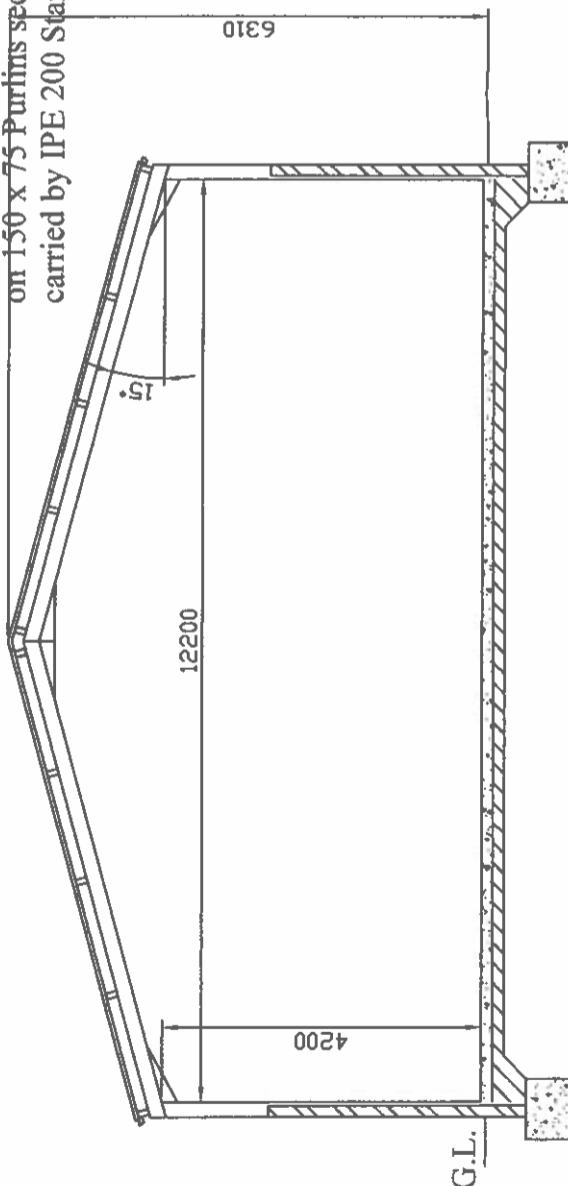
LEGEND:
<http://www.osi.ie>,
search 'Large Scale Legend'







Roof Material to be Prepainted Sheeting
on 150 x 75 Purlins secured to IPE 200 Rafters
carried by IPE 200 Sjansions



External Walls to be
Mass Concrete
using 37N concrete

RATHCRUGHAN DESIGN
Ballinrobe, Ballinrobe, Castlebar, Co. Roscommon
Ph: 086 2328484 E-mail: m-theron@eircom.net

Client

Kieran Regan

Title	Proposed Machinery Shed		
Scale	1:100 UNLESS NOTED	Sheet	Drawn No. 10F 2 Drug No. 25-326
Drawn	MARTIN DOWD	Date	12-10-2025

No.	Revision	Date
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