

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/562/26

Reference Number: DED 989

Name of Applicant: Padraig Killian

Agent: Mark Ward, Ruane, Creagh, Ballinasloe, Co. Galway.

WHEREAS a question has arisen as to whether the construction of a 5 bay slatted cattle shed at Liscoffey (Kelly), 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 6 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.


AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed development exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development for **for the construction of 5 bay slatted cattle shed at Liscoffey (Kelly), Co. Roscommon**, is development that is **not 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

Padraig Killian,

Reference Number: DED 989
Application Received: 07th January 2026
Name of Applicant: Padraig Killian
Agent: Mark Ward, Ruane, Creagh, Ballinasloe, Co. Galway.

WHEREAS a question has arisen as to whether the construction of a 5 bay slatted cattle shed at Liscoffey (Kelly), Co. Roscommon, is or is not development and is or is not exempted development:

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Signed on behalf of the Council:


Mervyn Walsh,
Administrative Officer,
Planning.

Date: 15/05/2026

c.c. agent via email: **Mark Ward**
markward38@hotmail.com

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

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

Reference Number:	DED 989
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 5 bay slatted cattle shed is or is not development and is or is not exempted development.
Name of Applicant:	Padraig Killian
Location of Development:	Lis Coffey (Kelly), Co. Roscommon.
Site Visit:	Yes

WHEREAS a question has arisen as to whether the construction of a 5 bay slatted cattle shed 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 6 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.

Site Location & Development Description

The site consists of an existing agricultural field in the townland of Lis Coffey (Kelly), Athleague. The proposed site is accessed via existing farm roadway off the L-7504 Local Secondary Road. The site is situated c. 4.3km from the village of Athleague. The proposed development consists of the construction of a 5 bay slatted cattle shed.

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.

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.

Class 6 Part 3 Schedule 2 Article 6

Development Description	Conditions and Limitations
<p>Agricultural Structures</p> <p>CLASS 6</p> <p>Works consisting of the provision of a roofed structure for housing of cattle, sheep, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision of effluent storage.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location, shall be constructed in accordance with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

	<ol style="list-style-type: none">4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure within a 100m metres of any public road shall exceed 8 metres in height.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.7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.
	<ol style="list-style-type: none">8. No such structure shall be within 60 metres of a public or private water source.9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10 metres in the case of extensions/modifications to an existing facility.10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.11. The use of this Class of exemption requires a declaration from the relevant Planning Authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.12. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as

	recommended by the Health and Safety Authority regarding Slurry Safety.
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Environmental Considerations

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Article 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Assessment

In accordance with the Planning and Development Act, 2000, as amended Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

Extent of Works

- The construction of 5 bay slatted cattle shed.

CLASS 6

1. The proposed use for the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not aggregate to more than 300 square metres.
3. The proposed structure in question is in line with Department requirements, and the applicant shall have regard to the need to avoid water pollution.
4. The proposed structure is situated more than 10 metres from a public road (122m).
5. The proposed structure is less than 8m in height (6.4m).
6. The proposed structure is situated more than 100m from a residential property.
7. The proposed structure is not situated on lands identified in land use plans as Flood Zone A or Flood Zone B.
8. The proposed structure is greater than 60m from a public or private water source.

9. The proposed structure is **less than 50m** from a water course or water body.
10. The proposed sheeting for the structure is cladded sheeting.
11. Yes
12. The responsibility lies with the applicant to include as appropriate the installation of signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

Following a review of the documents submitted and after a site inspection, it appears that the proposed development is located less than 50m from a water course to the south of the subject site. Under Class 6, Part 3, Schedule 2, Article 6 of the Planning and Development Regulations 2001, as amended, new agricultural structures in the case of new farmyards, must be located greater than 50m from a water course or water body. Following a review of the proposed site on RCC's GIS Mapping System, there is a watercourse present to the south of the site. It is noted that on the site layout submitted, a distance of 42m is marked between the proposed structure and the southern site boundary where there is the existing watercourse. Therefore, the proposed structure does not comply with Class 6, Part 3 of the Planning and Development Regulations, 2001, as amended, and is deemed not exempt.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; the construction of 5 bay slatted cattle shed at Liscoffey (Kelly), 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 6 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.

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed development exceeds the conditions and limitations attached to Class 6 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 5 bay slatted cattle shed at Liscoffey (Kelly), Co. Roscommon is not exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 13/05/2026

Signed: 
Senior Executive Planner

Date: 13/05/2026













MEMORANDUM

To: South Roscommon Area.

From: Mervyn Walsh, Administrative Officer, Planning Department.

Date: 13th January, 2026

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

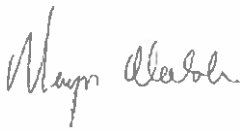
Development: WHEREAS a question has arisen as to whether the construction of a 5 bay slatted cattle shed at Liscoffey (Kelly), Co. Roscommon, is or is not development and is or is not exempted development.

Applicant: Pdraig Killian

Planning Ref: DED 989

Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Pdraig Killian for the said development above, which was received on 7th January, 2026.

Please let me have your recommendation.



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

Carmel Curley

From: Carmel Curley
Sent: Tuesday 13 January 2026 17:24
To: Mark Ward
Subject: DED 989 - Padraig Killian
Attachments: DED989 - Ack letter & receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Declaration of Exempted Development Application submitted on behalf of Padraig Killian – DED989.

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



Padraig Killian,



Date: 13th January, 2026
Planning Reference: DED 989

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 5 bay slatted cattle shed at Liscoffey (Kelly), 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 7th January, 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. L01/0/238671 dated 13th January, 2026 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 989**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

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

Roscommon County Council
Aras 'an Chortae
Roscommon
09086 37100

13/01/2028 15:11:20

Receipt No. : LD10/238671

PADRAIG KILLIAN
C/O MARK WARD
RUANE
CREAGH, BALLINASLOE
CO. GALWAY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 989	

Total : 80 00 EUR

Tendered
Cheque 80 00
500048

Change : 0 00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	Padraig Killian
Name of Agent	Mark Ward
Nature of Proposed Works	Construction of a 5 Bay Slatted Cattle Shed
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Townland: Liscoffey (Kelly) Co-ordinates 586695, 755428 Map sheet: 2756
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>0</u> b) <u>240 m²</u>
Height above ground level:	6.4 metres
Total area of private open space remaining after completion of this development	Remaining, 17.2 hectares
Roofing Material (Slates, Tiles, other) (Specify)	Cladded Sheeting



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Mass Concrete Wall
Is proposed works located at front/rear/side of existing house.	No
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Farming
Proposed use of land or structure	House existing Livestock
Distance of proposed building line from edge of roadway	122 metres
Does the proposed development involve the provision of a piped water supply	No Existing Water Supply Available
Does the proposed development involve the provision of sanitary facilities	No

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

Signature: M. Ward Agent - Mark Ward, Ruano, Creagh, Ballynastor
 Co. Galway

Date: 6-1-2025

Note: This application must be accompanied by: -

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



Ruane,
Creagh,
Ballinasloe,
Co. Galway.

06/01/2026

Planning Section,
Roscommon County Council,
Aras an Chontae,
Roscommon,
Co. Roscommon.

Re Section 5 application for slatted shed for Pdraig Killian at Liscoffey (Kelly)

To whom it may concern

Please find enclosed:

1. Section 5 Application for declaration of exempted development
2. Fee of €80
3. Drawings 1:100
4. Site Plan 1:500
5. Site Location map 1:2500

- Please note that there is no dwelling house within 100metres of the proposed development. The closest dwelling is 142 metres to the east.
- There are no other farm buildings within 100 metres of the proposed development

Regards

Mark Ward

Agent



Planning Pack Map



CENTRE COORDINATES:
ITM 586695,755428

PUBLISHED:
06/01/2026

MAP SERIES:
1:5,000

ORDER NO.:
50510282_1

MAP SHEETS:
2758

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

www.tailte.ie

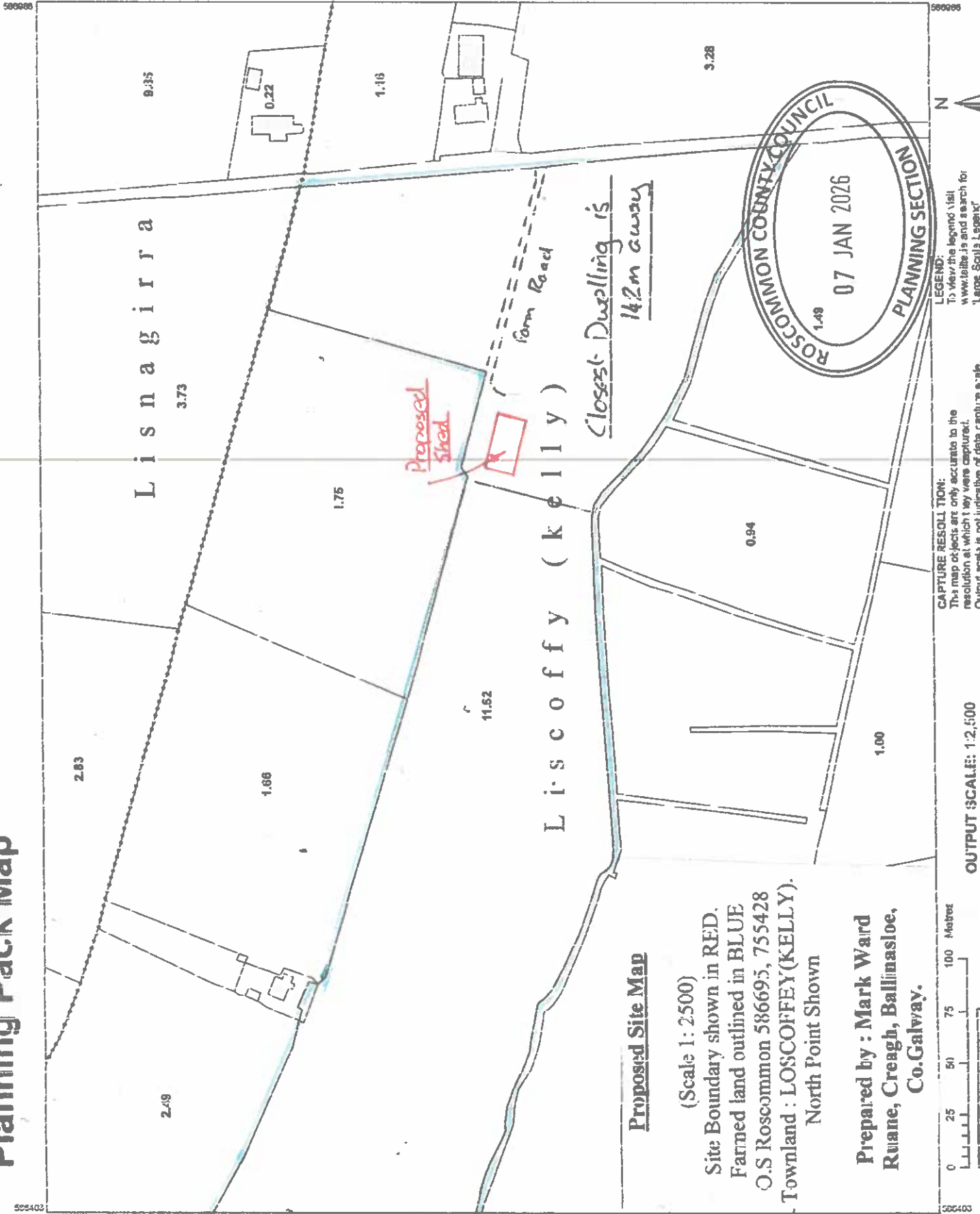
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Proposed Site Map

(Scale 1: 2500)

Site Boundary shown in RED.

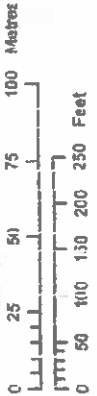
Farmed land outlined in BLUE

O.S Roscommon 586695, 755428

Townland : LOSCOFFEY (KELLY).

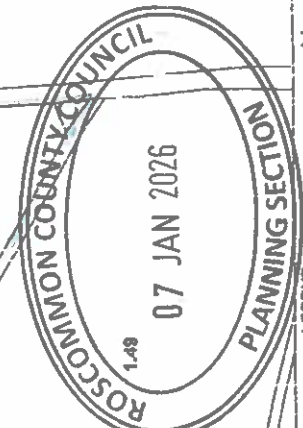
North Point Shown

**Prepared by : Mark Ward
Ruane, Cragh, Ballinasloe,
Co. Galway.**



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
This map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information available at:
www.tailte.ie/search "Capture Resolution"



LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



7:5213

586086

751343

585403



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment (Income) Support for Sustainability, Areas of Natural Constraints and other Area Based Scheme purposes only
Year: 2025

Name: PÁIRAIG KILLIAN
Address: CULLAWINNA
FOUR ROADS
CO. ROSCOMMON
F42 DP70

Hard Nos: [REDACTED]
Townland Code: T2716
Townland Name: LISCOFFY KELL

Parcel	Dig Used	Eligible Hectares	Claimed
T-271600005	8.21	8.26	8.17
T-271600019	8.7	8.7	8.31
T-271600023	0.81	0.89	0.88

Exclusions
Parcel T-271600005 022 0.01 100 0 1 and

Ortho Use of: ColOfuFuCv:VMS Imagery

All areas displayed above are in hectares

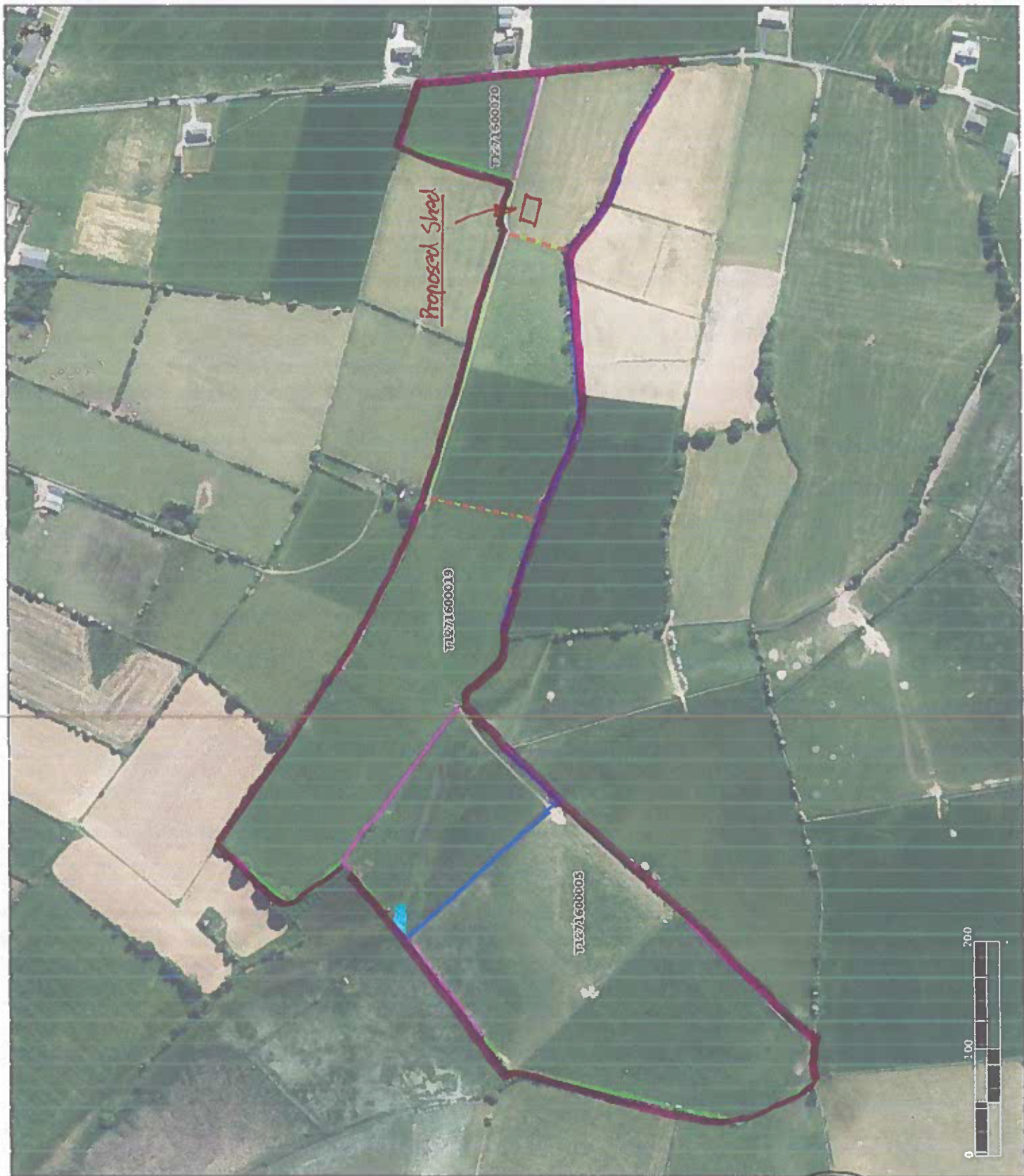
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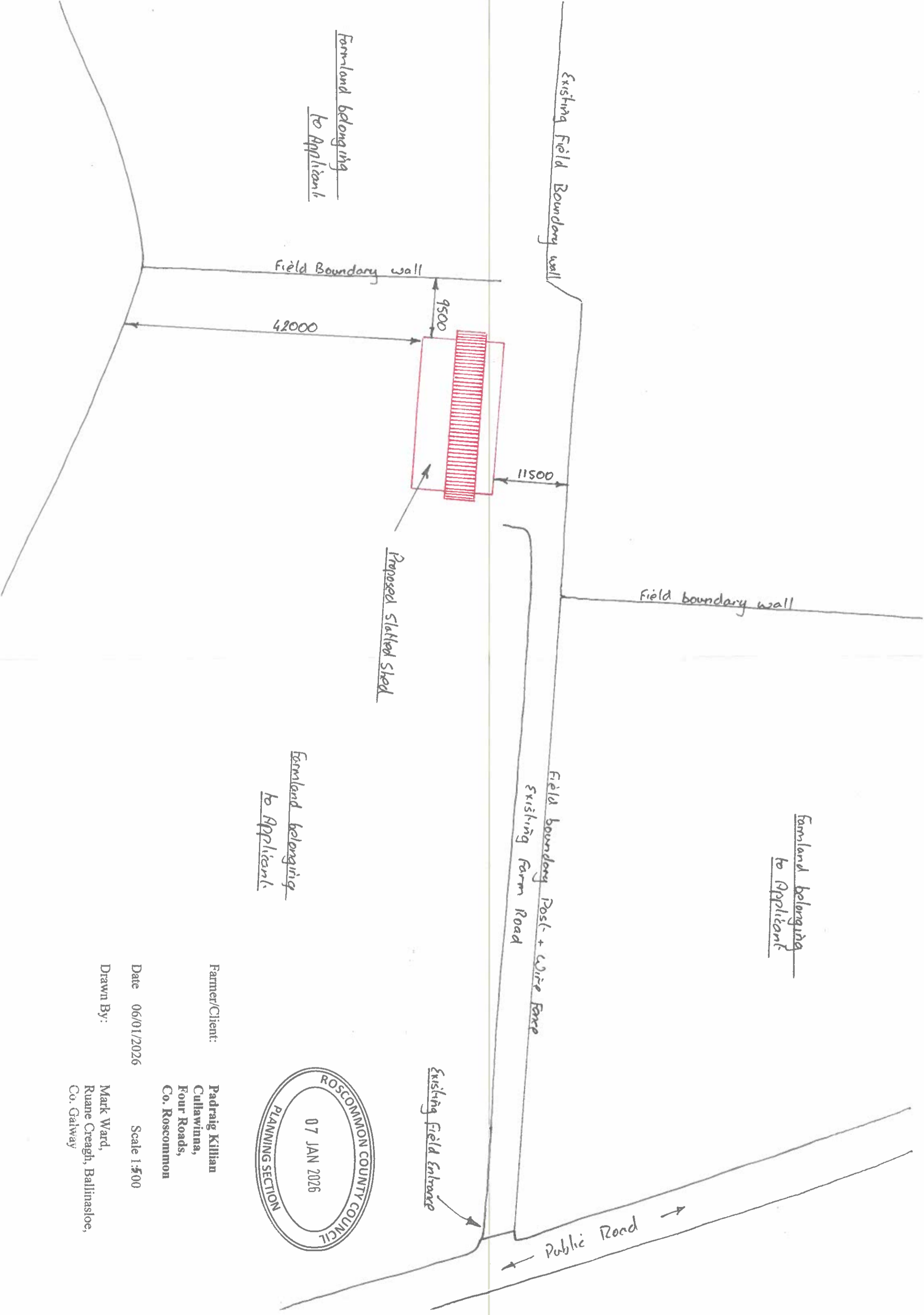
Imagery Dates: 31/05/2023
Unauthorized reproduction is not permitted.



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Page 1 of 5 Set Dec 28 00:15:51 2024





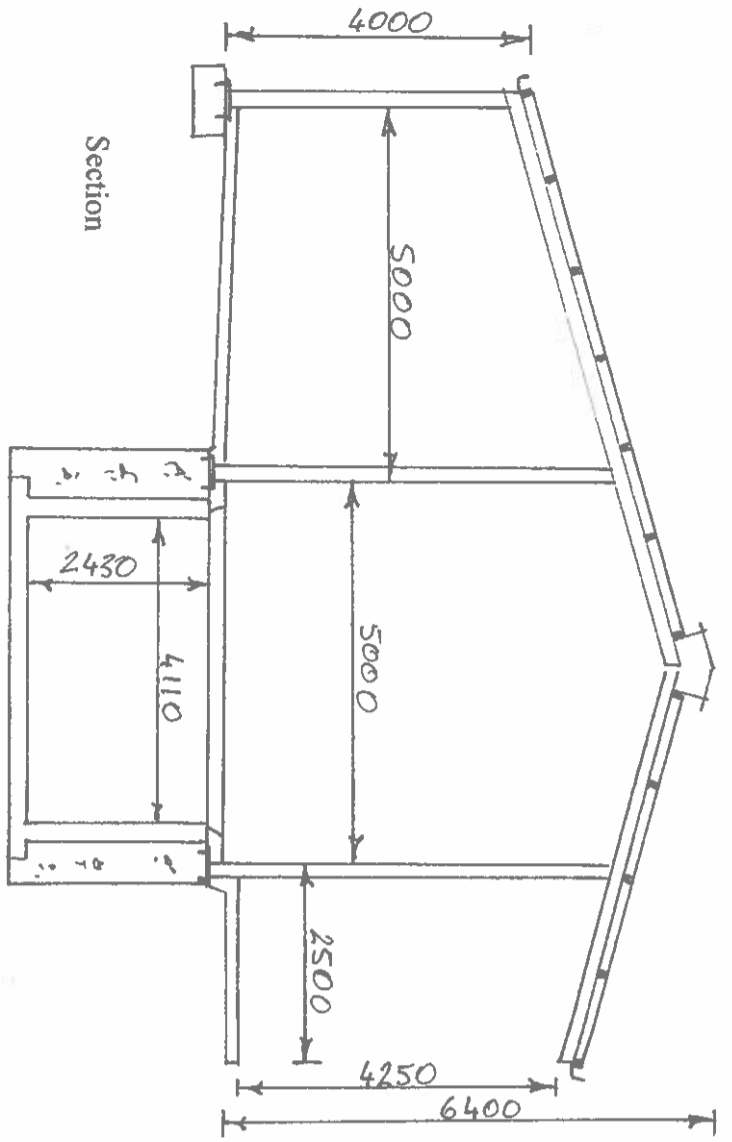
Farmland belonging to Applicant

Farmland belonging to Applicant

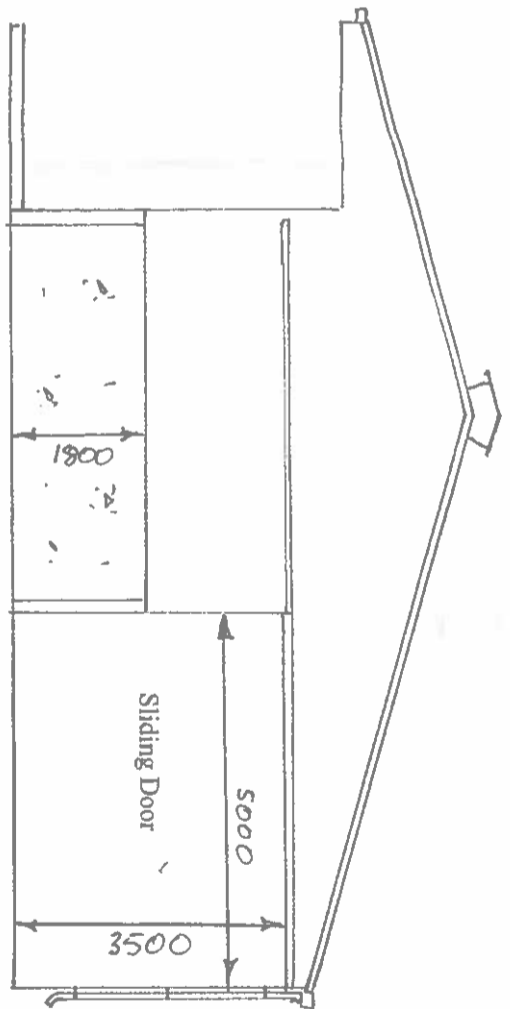
Farmer/Client:
Padraig Killian
Cullawinna,
Four Roads,
Co. Roscommon

Date 06/01/2026
Scale 1:500

Drawn By:
Mark Ward,
Ruane Creagh, Ballinastoe,
Co. Galway

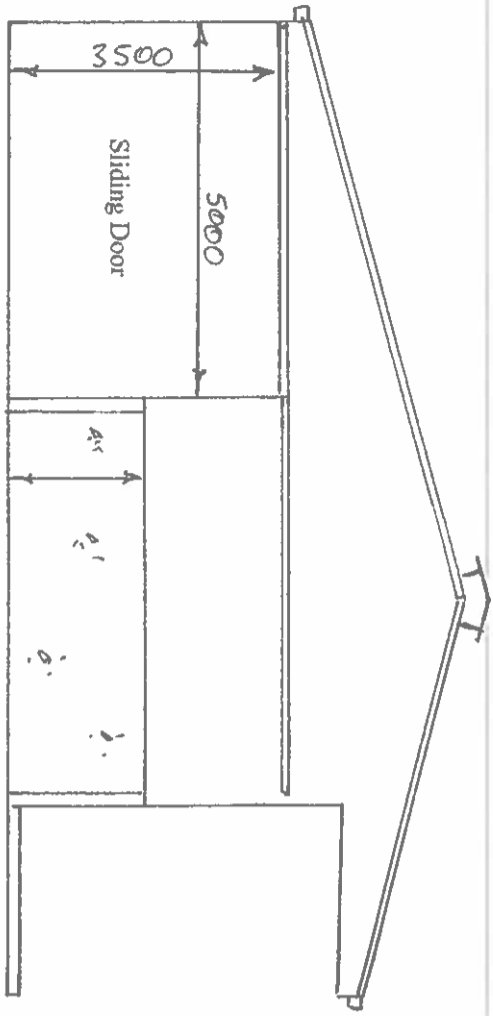


Section



North Elevation

Proposed Slatted shed



South Elevation

Proposed shed to be constructed in accordance with current department of agriculture specifications for farm buildings S101 & S123



Farmer/Client:

Padraig Kilian
Cullawinna,
Four Roads,
Co. Roscommon

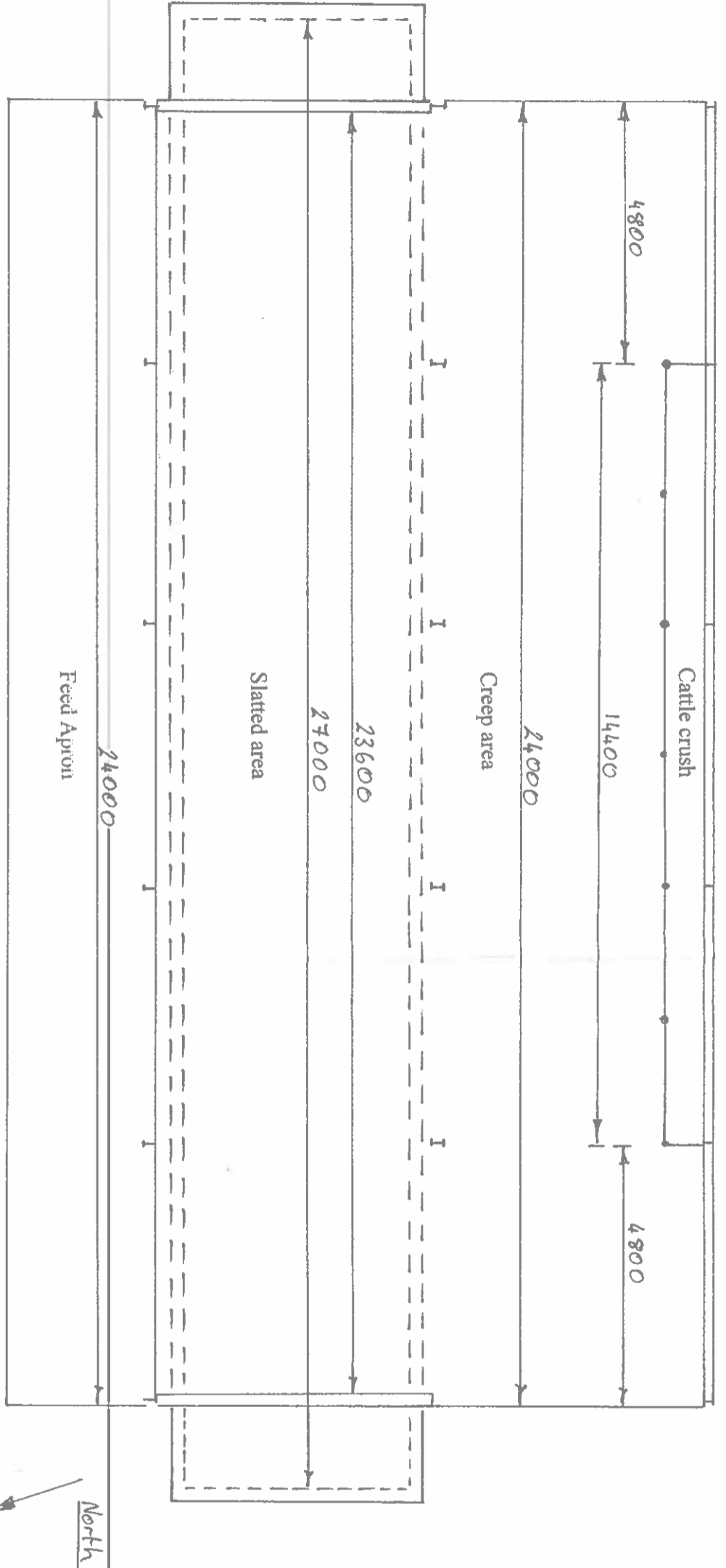
Date 06/01/2026

Scale 1:100

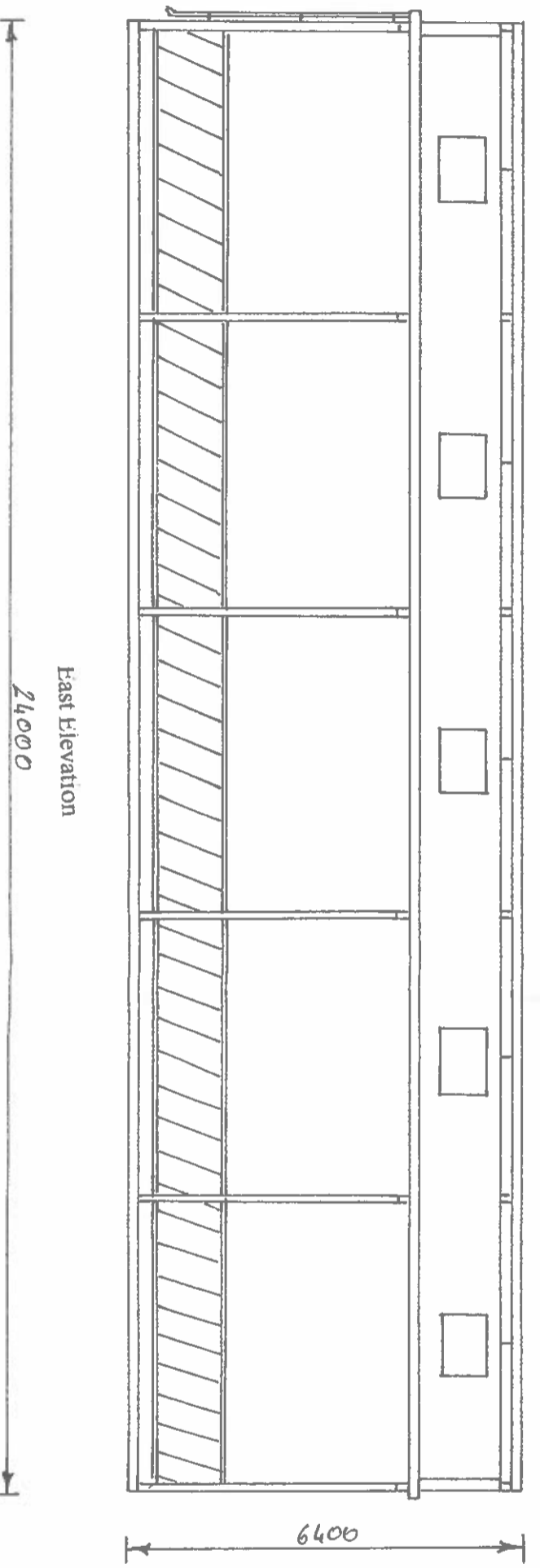
Drawn By:

Mark Ward,
Ruane Creagh, Ballinasloe,
Co. Galway

Proposed Slatted shed



Floor Plan



East Elevation

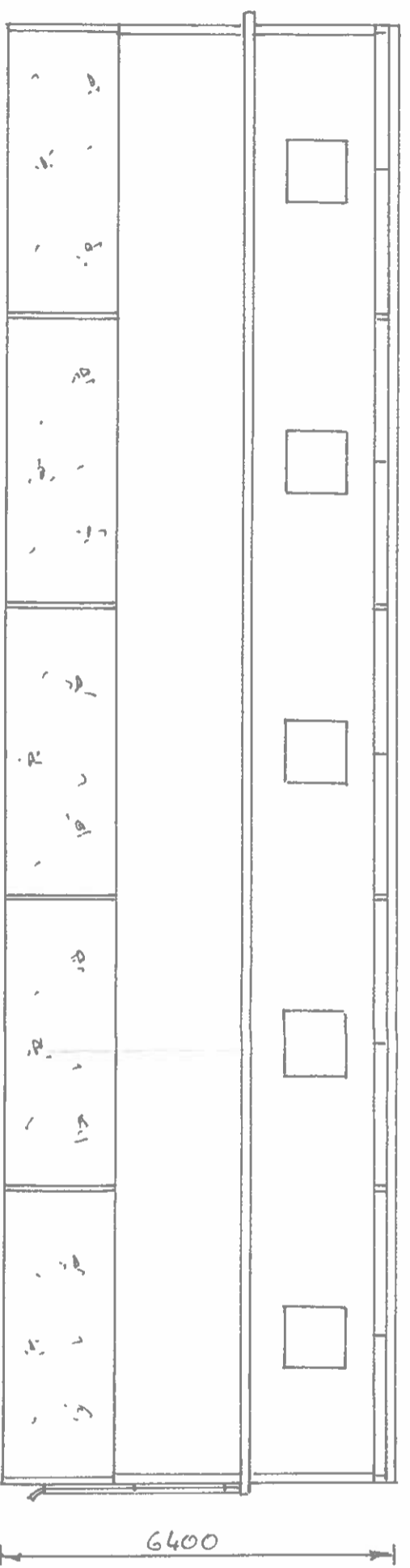


Farmer/Client: Padraig Kilhian
Cullawinna,
Four Roads,
Co. Roscommon

Date 06/01/2026 Scale 1:100

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

Proposed Slatted shed



Roof – Cladded Sheetting
Side – Vented Cladded Sheetting
Walls – Mass Concrete

West Elevation
24000

6400



Farmer/Client: **Padraig Killian**

**Cullawinna,
Four Roads,
Co. Roscommon**

Date 06/01/2026 Scale 1:100

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