

**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/639/26

Reference Number:

DED1020

Name of Applicant:

Adrian Kelly

Agent:

Padraic Durkan, Main Street, Elphin, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, 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.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- The works outlined above are development.
- The proposed development does not exceed the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of 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 construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, Co. Roscommon, is development that is **exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Signed:

  
\_\_\_\_\_

Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 04 June, 2026

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

**REGISTERED POST**

Adrian Kelly,



Reference Number: DED1020  
Application Received: 27<sup>th</sup> March 2026  
Name of Applicant: Adrian Kelly  
Agent: Padraic Durkan, Main Street, Elphin, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, 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.
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**NOW THEREFORE:**

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Signed on behalf of the Council:

Mervyn Walsh,  
Administrative Officer,  
Planning.

Date: 4/6/2026

c.c. agent via email: Padraic Durkan, Main Street, Elphin, Co. Roscommon.

**ADVICE NOTE**

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

**ADVICE NOTE**

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

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

<b>Reference Number:</b>	DED 1020
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the construction of a new 4 bay slatted cattle shed together with all associated site works is or is not development and is or is not exempted development.
<b>Name of Applicant:</b>	Adrian Kelly
<b>Location of Development:</b>	Lisnalannon, Co. Roscommon.
<b>Site Visit:</b>	24 <sup>th</sup> April 2026

**WHEREAS a question has arisen as to whether whether the construction of a new 4 bay slatted cattle 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 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.
- (e) The planning history of the site.

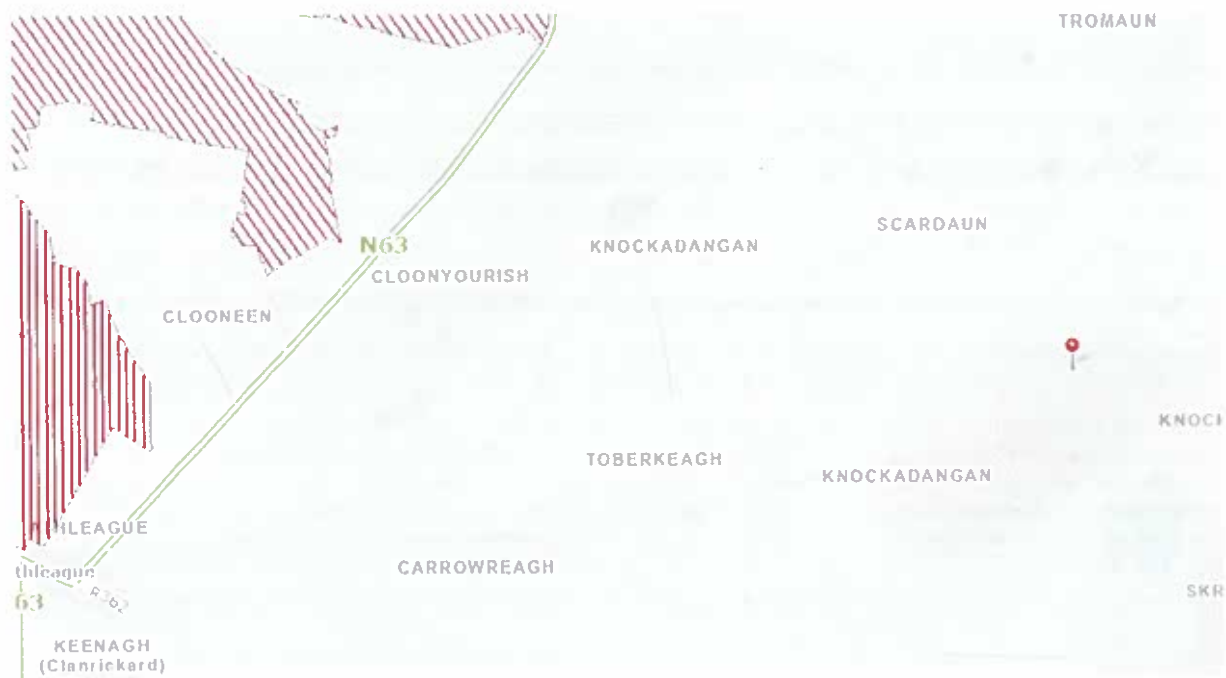
**Site Location & Development Description**

The site consists of an existing farmyard with existing agricultural structures and derelict bungalow dwelling. The subject site is located c. 4.5km northeast of Athleague village. Access to the site is gained via the L-70881 Local Tertiary Road. The proposed development consists of the construction of a new 4 bay slatted cattle 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 Ballinturly Turlough SAC (Site Code 000588) located c. 2.7km west of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment can, therefore, be excluded.

## Planning History

As per Roscommon County Councils Planning Registry, there is no planning history traced to this site.

## Relevant statutory provisions

### Planning and Development Acts 2000 (as amended)

#### Section 2. -(1)

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

Section 3. –(1)

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

Section 4 (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.

<b>Development Description</b>	<b>Conditions and Limitations</b>
<p><i>Agricultural Structures</i></p> <p><b>CLASS 6</b></p> <p>Works consisting of the provision of a roofed structure for the 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 for effluent storage.</p>	<ol style="list-style-type: none"><li data-bbox="874 1346 1410 1451">1. No such structure shall be used for any purpose other than the purpose of agriculture.</li><li data-bbox="874 1496 1410 1713">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.</li><li data-bbox="874 1758 1410 2009">3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in accordance with the Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall</li></ol>

have regard to the need to avoid water pollution.

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 100 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 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.
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

### **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

- Construction of a 4-bay slatted shed.

### CLASS 6

1. The proposed use of the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not aggregate to more than 300 square metres. (297m<sup>2</sup>)
3. The proposed structure in question is in line with Department requirements requirements and shall have regard to the need to avoid water pollution.
4. The proposed structure is situated more than 10 metres from a public road.
5. The proposed structure is less than 8m in height (7.5m).
6. The proposed structure is situated greater than 100m from a residential property.
7. The proposed structure is not situated 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 greater than 50m from a water course or water body.
10. The proposed sheeting for the proposed shed is Agri cladding to Dept. specifications.

11. The proposed development has not commenced construction.
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.

### Recommendation

**WHEREAS a question has arisen as to whether a proposed development;** the construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, 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.
- (e) The planning history of the site.

### AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed development does not exceed the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.

**AND WHEREAS** I have concluded that the said development for the construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, Co. Roscommon, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 04/06/2026

Signed:



Senior Executive Planner

Date: 04/06/2026













# MEMORANDUM

**To:** South Roscommon Area.

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

**Date:** 13<sup>th</sup> April, 2026

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

**Development:** WHEREAS a question has arisen as to whether the construction of a new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, Co. Roscommon., is or is not development and is or is not exempted development.

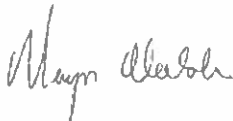
**Applicant:** Adrian Kelly

**Planning Ref:** DED 1020

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Attached, please find an application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development from Adrian Kelly for the said development above, which was received on 27<sup>th</sup> March, 2026.

Please let me have your recommendation.



---

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

Adrian Kelly,



Date: 13<sup>th</sup> April, 2026  
Planning Reference: DED 1020

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 new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, Co. Roscommon., is or is not development and is or is not exempted development.

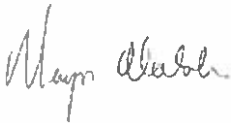
\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 27<sup>th</sup> March, 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. **L01/0/23973** dated 27<sup>th</sup> March, 2026, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 1020**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Mervyn Walsh,  
Administrative Officer,  
Planning Department.

c.c. agent: Padraic Durkan  
Main Street,  
Ejphín,  
Co. Roscommon.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100  
\*\*\*\*\*

31/03/2026 11:43:09

Receipt No : L01/0/239973

ADRIAN KELLY  
C/O P & K DURKAN & ASSOCIATES LTD  
MAIN ST  
ELPHIN  
CO. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 1020	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
597

Change : 0.00

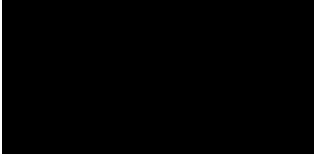
Issued By : Louis Carroll  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Adrian Kelly,



Date: 13<sup>th</sup> April, 2026  
Planning Reference: DED 1020

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 new 4 bay slatted cattle shed together with all associated site works at Lisnalannon, Co. Roscommon., is or is not development and is or is not exempted development.

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Note: Please note your Planning Reference No. is DED 1020.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,  
Administrative Officer,  
Planning Department.

c.c. agent: Padraic Durkan  
Main Street,  
Elphin,  
Co. Roscommon.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

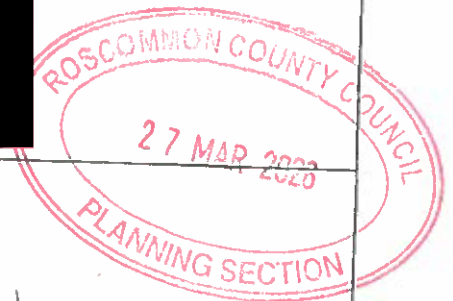
1020  
DED ~~1020~~

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

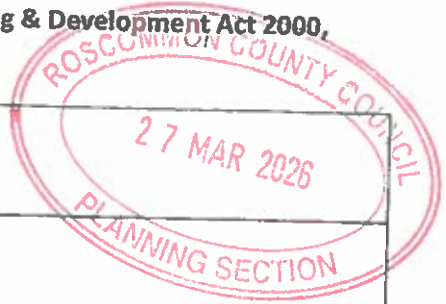
Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Name:	Adrian Kelly
Address:	[REDACTED]
Name & Address of Agent:	Padraic Dukan Main st Elphi, Co Roscommon
Nature of Proposed Works	To Construct a new 4 Bay Slatted Cattle shed together with all associated site etc:
Location (Townland & O.S No.)	LISNALANNOU, R0 41/12
Floor Area	297m <sup>2</sup>
Height above ground level	7.56m.
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Age cladding to Dept specifications
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	MASS Concrete Walls
Is proposed works located at front/rear/side of existing house.	N/A



## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development



Has an application been made previously for this site	N/A
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Agricultural
Proposed use of land or structure	Cattle Housing - slatted shed
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	Existing Pipe Water Supply.
Does the proposed development involve the provision of sanitary facilities	N/A.

Signature: X Adrian Kelly

Date: 18/3/2026

**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) Details specification of development proposed

# Site Location Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 587492,758431

**PUBLISHED:** 18/03/2026  
**ORDER NO.:** 50524504\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** RN04.1

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

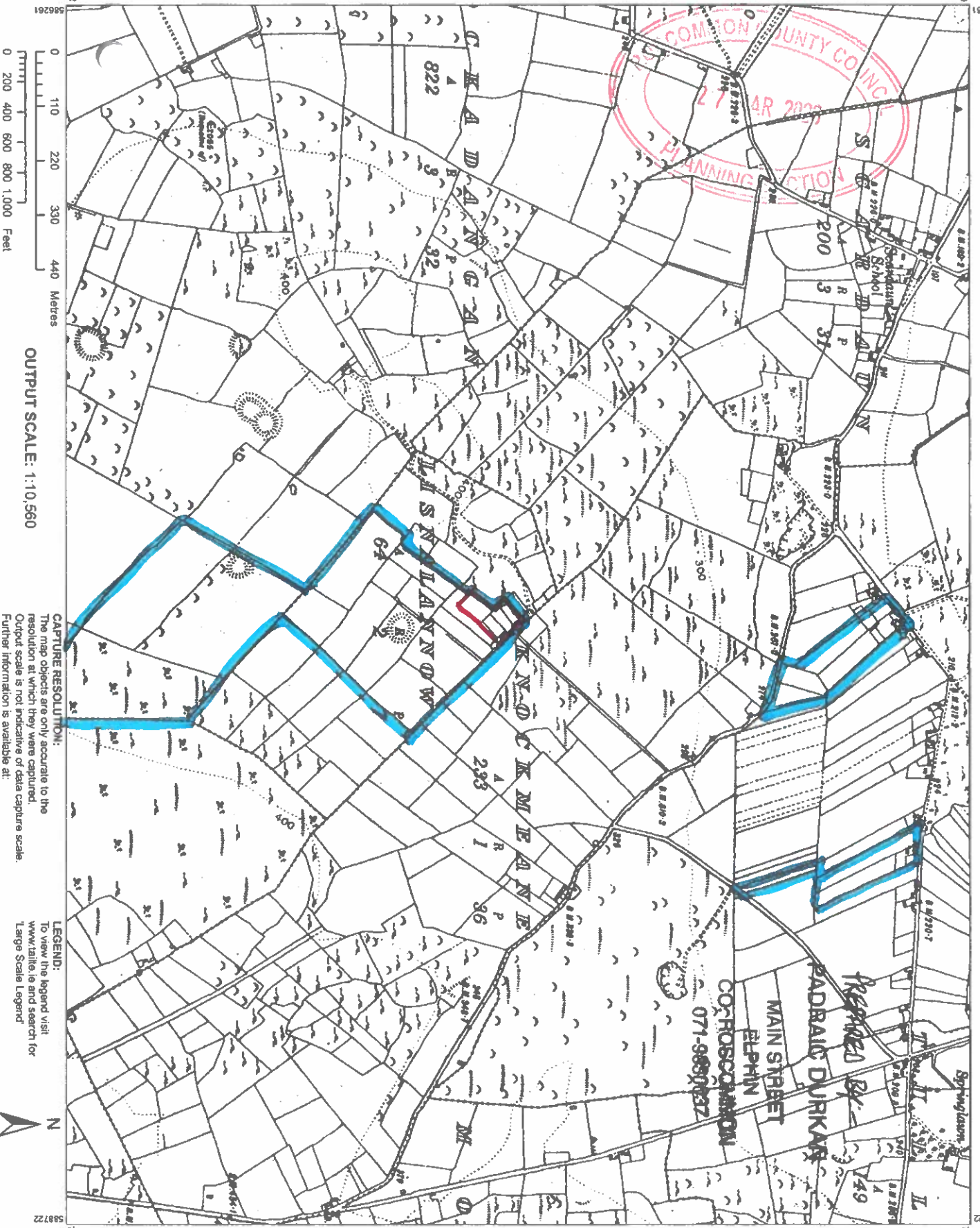
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Further information is available at:  
[www.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**OUTPUT SCALE: 1:10,560**

0 200 400 600 800 1,000 Feet

0 110 220 330 440 Metres

757522

586261

759338

586261

759338

588722

757522

588722

# Planning Pack Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 587492.758431

**PUBLISHED:** 18/03/2026  
ORDER NO.: 50524504\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 2687

**COMPILED AND PUBLISHED BY:**

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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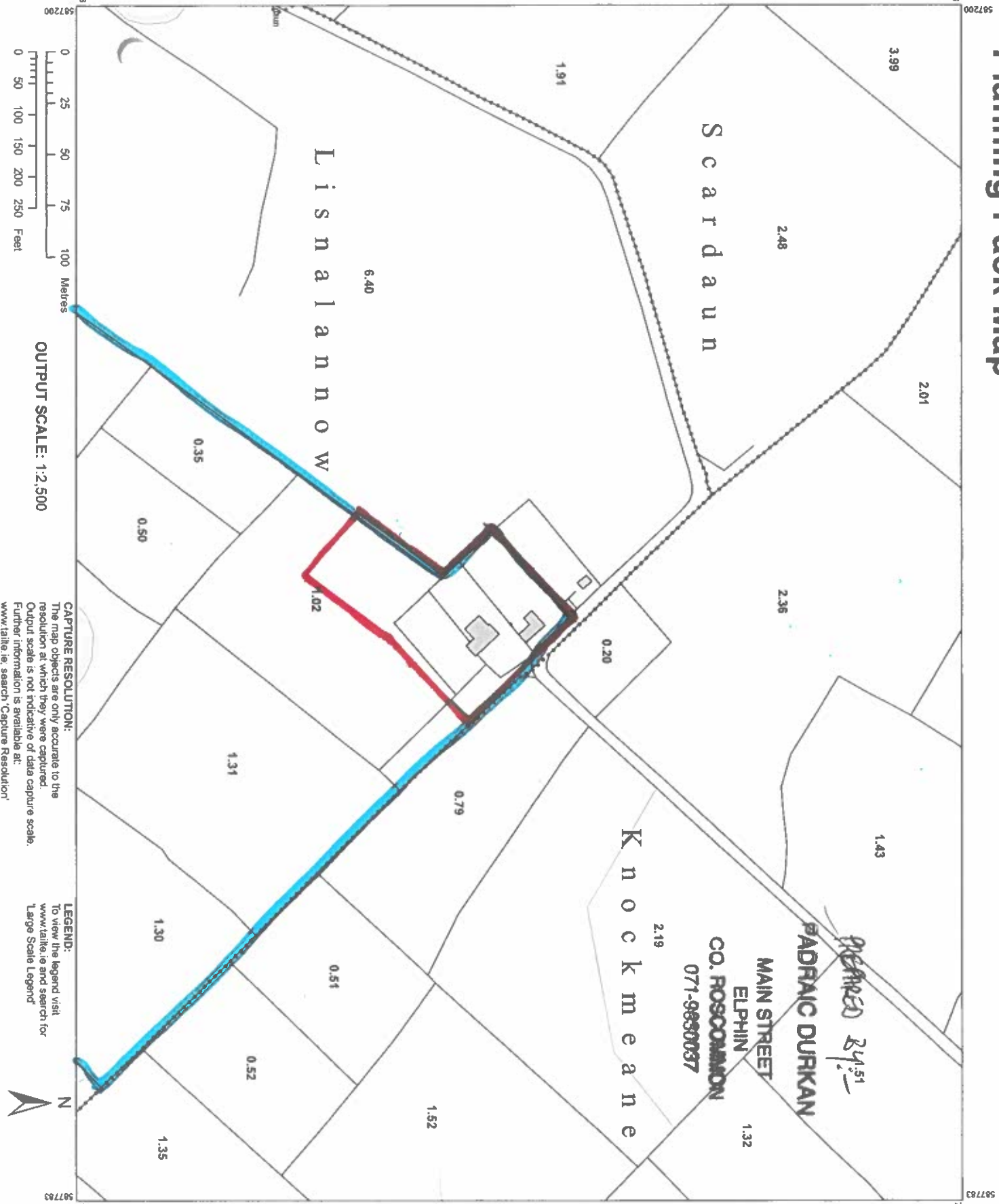
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*PREPARED BY*  
**ADRAIC DURKAN**  
MAIN STREET  
ELPHIN  
CO. ROSCOMMON  
071-9830037

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**LEGEND:**  
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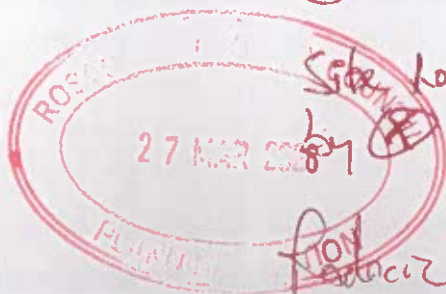
**OUTPUT SCALE: 1:2,500**

0 25 50 75 100 Metres  
0 50 100 150 200 250 Feet



DISCOVERY SERIES No. 40

PADRAIC DURKAN  
MAIN STREET  
ELPHIN  
CO. ROSCOMMON  
071 0220037

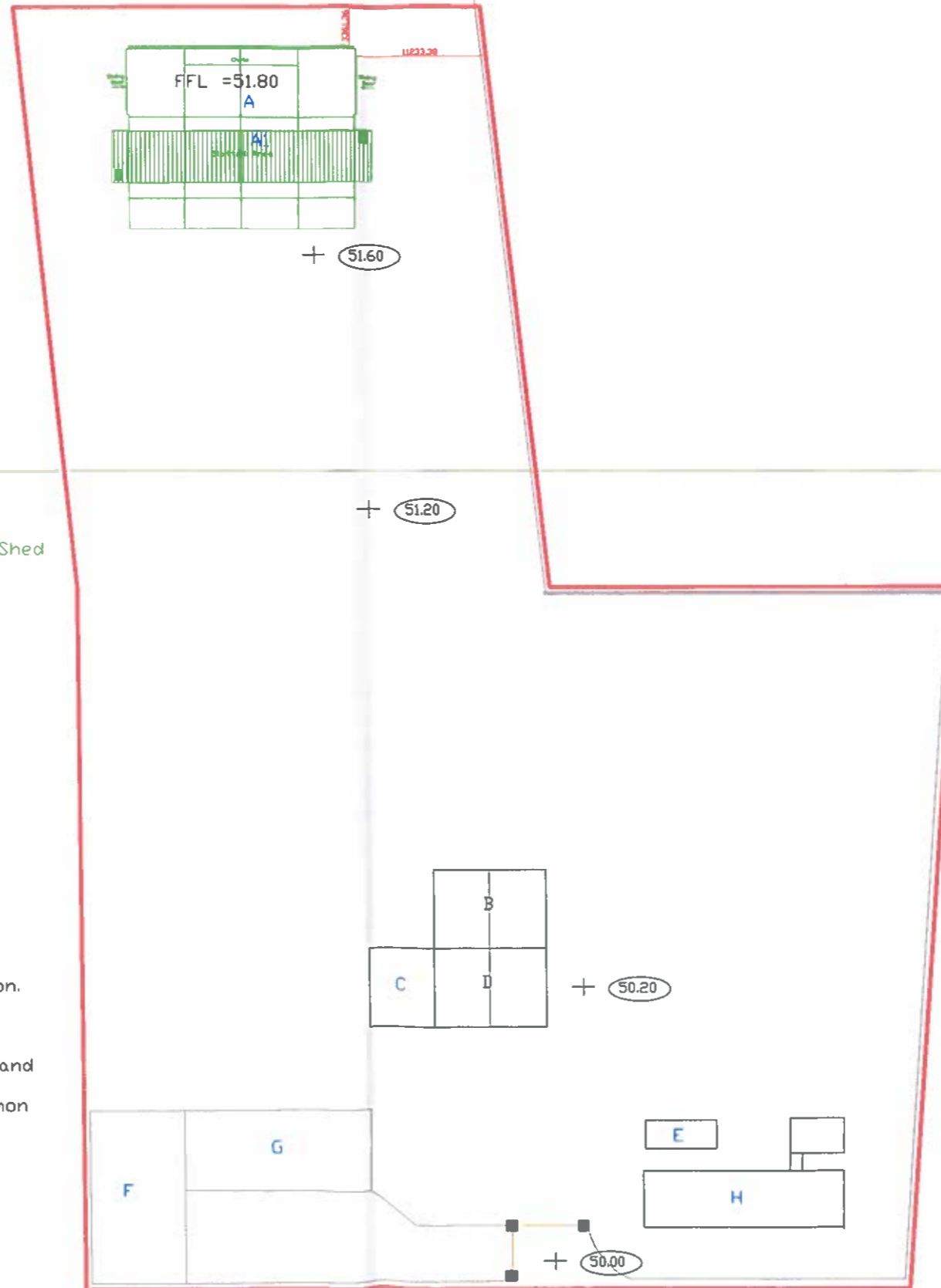


Sites LOCATED WHERE INDICATED  
by ~~PE~~ on the Map.

Padraic Durkan 3 April 18/03/2026



Planning Exemption Drawing  
 Site Layout Map  
 Scale (1:500)



- A: Proposed New 4 Bay Slatted Cattle Shed
- A1: Proposed New 4 Bay Slatted Tank
- B: 2 Bay Lean-to
- C: Dry Store
- D: 2 Bay Hay Shed
- E: Container
- F: Cattle Pen
- G: Ruins of Old Stone Shed
- H: Old Dwelling now Dry Stroe

Building to be constructed to Dept. of Agriculture  
 Specifications S101 and S123.

Client: Adrian Kelly, Tremane, Roscommon, Co Roscommon

Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon.

Date: 20th March 2026

Job Title: To Construct a New 4 Bay Sided Slatted Cattle Shed, and  
 all associated site works at Lisnalannow T., Roscommon, Co Roscommon

# Planning Exemption Drawings

Plan View  
Scale 1:100



Job Title: To Construct a New 4 Bay Slatted Cattle Shed, together with all associated site works at Lisnalannow Td., Roscommon, Co Roscommon

Client: Adrian Kelly, Tremane, Roscommon, Co Roscommon

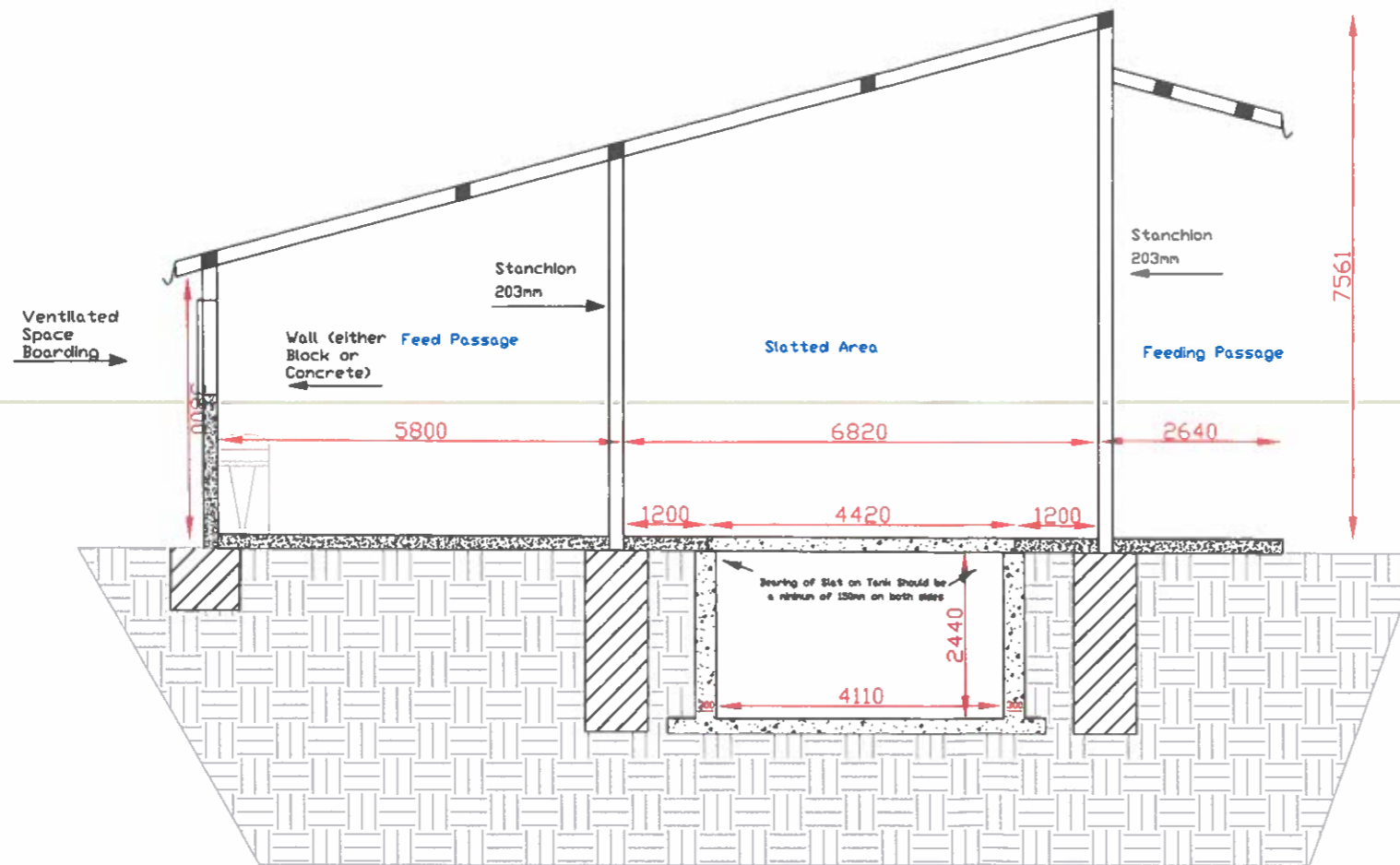
Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon

Date: 20th March 2026

Building to be constructed to Department of Agriculture Specifications S101 & S123.

# Planning Exemption Drawing Cross Section

Scale 1:100



Job Title: To Construct a New 4 Bay Slatted Cattle Shed, together with all associated site works at Lisnalannow Td., Roscommon, Co Roscommon

Client: Adrian Kelly, Tremane, Roscommon, Co Roscommon

Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon

Date: 20th March 2026

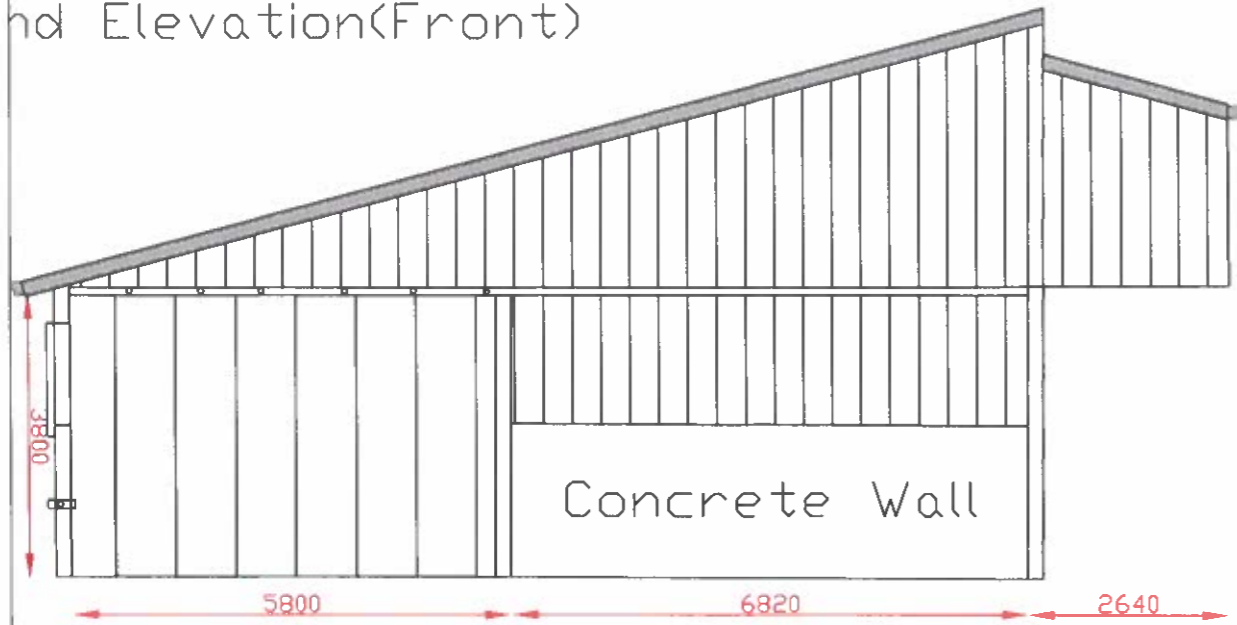
Building to be constructed to Department of Agriculture Specifications S101 & S123.

# Planning Exemption Drawing

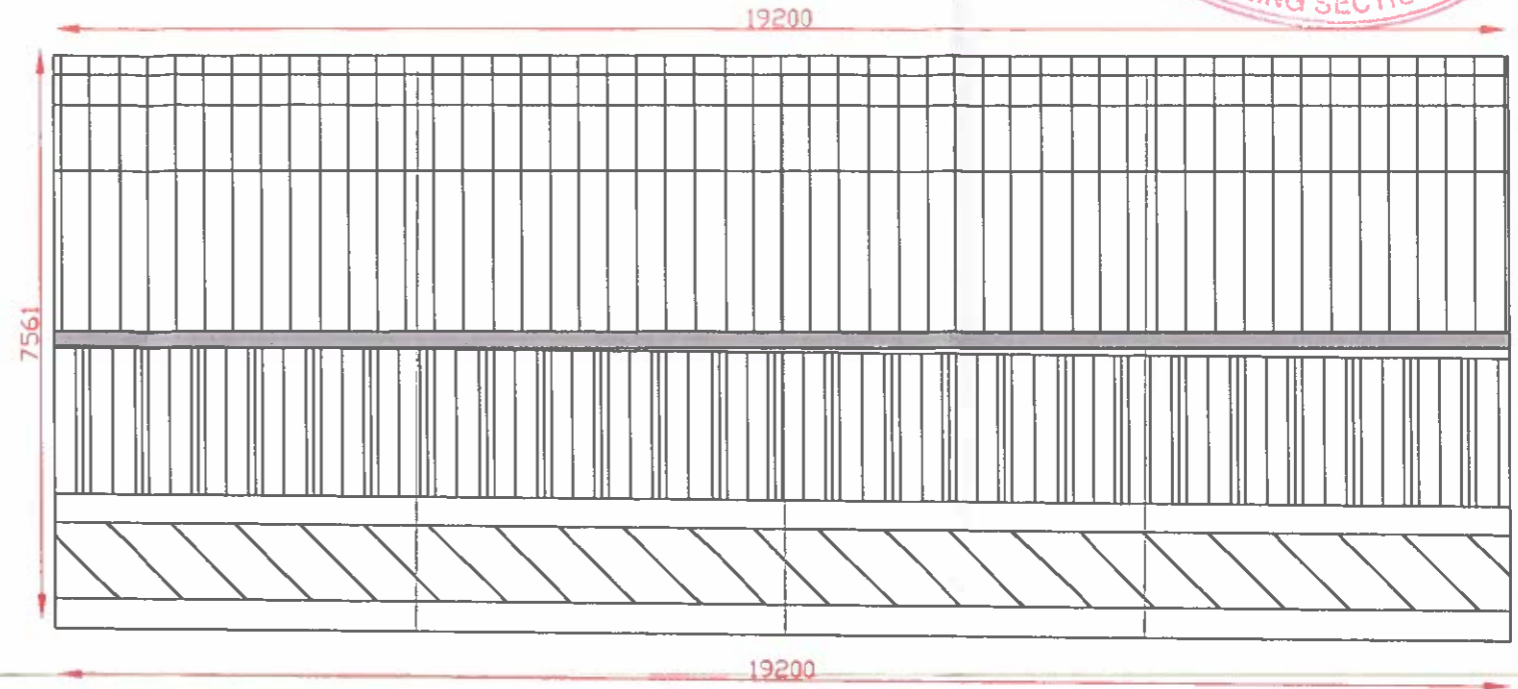
Scale 1:100



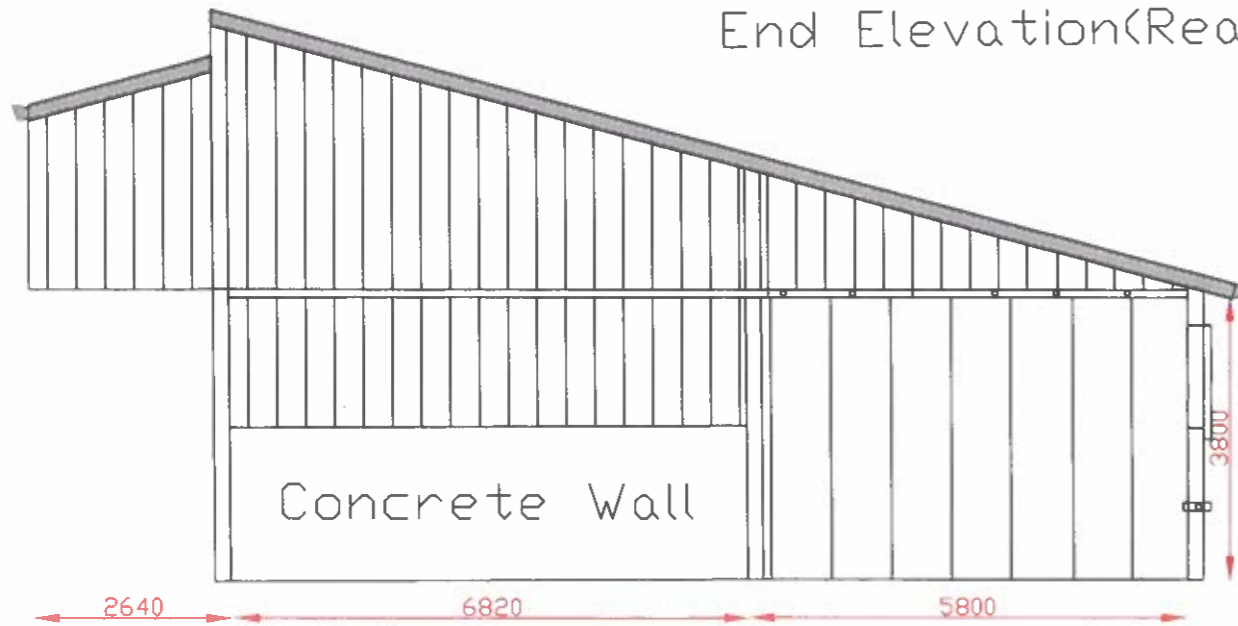
### End Elevation(Front)



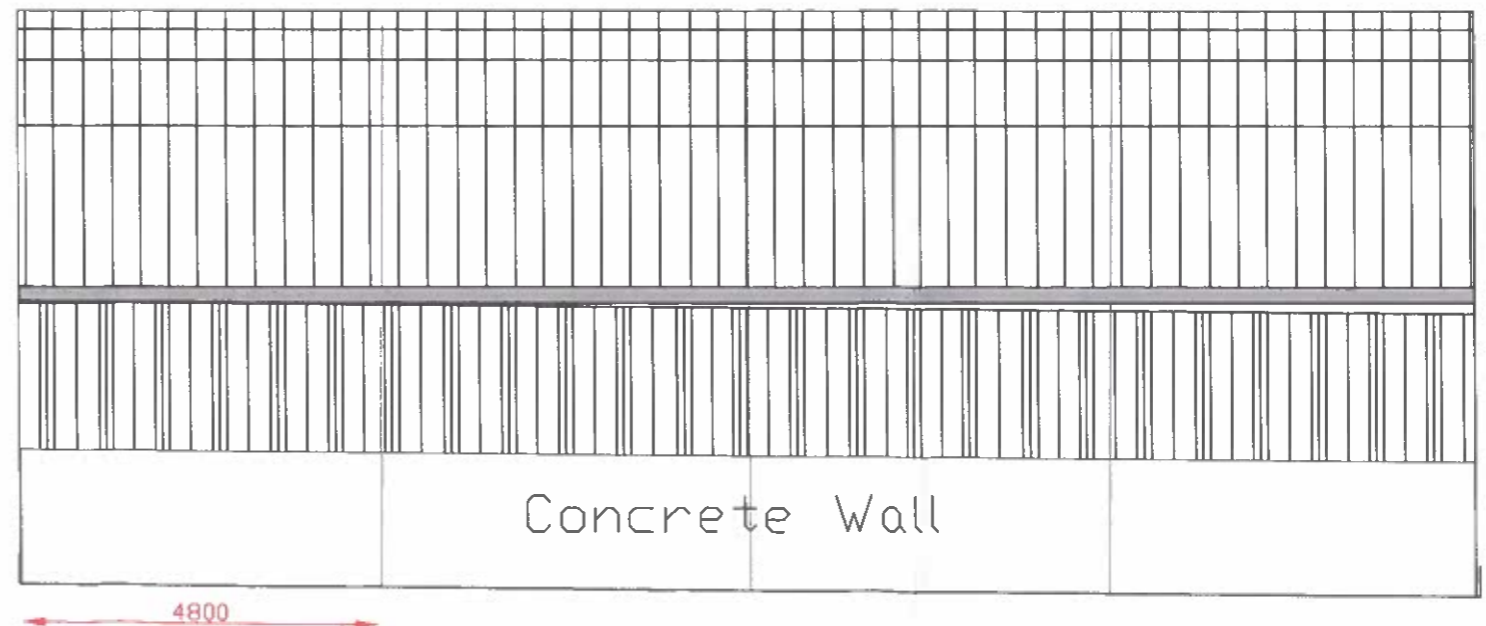
### Side Elevation(Front)



### End Elevation(Rear)



### Side Elevation(Rear)



Job Title: To Construct a New 4 Bay Slatted Cattle Shed, together with all associated site works at Lisnalannow Td., Roscommon, Co Roscommon

Client: Adrian Kelly, Tremane, Roscommon, Co Roscommon

Drawn By: P Durkan & Associates, Main Street, Elphin, Co Roscommon

Date: 20th March 2026

Building to be constructed to Department of Agriculture Specifications S101 & S123.