



Comhairle
Chontae
Liatroma | Leitrim
County
Council

Leitrim County Council Planning Report

| | |
|---------------------------------|---|
| Reference No: | ED25-15 |
| Applicant: | Catherine Gilmartin |
| Location: | Lisdromrea, Kilnagross, Co. Leitrim |
| Application Type: | Declaration under Section 5 of the Planning and Development Act 2000, as amended |
| Proposal: | Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of a 3-bay single slatted shed, of floor area less than 200m², with lie-back area and roofed feed passage, constitutes development and, if so, whether such development is or is not exempted development. |
| Date of Site Inspection: | 30/04/2025 |
| Due Date: | 07/05/2025 |

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether a development is or is not exempted development. This referral case concerns the question as to whether the construction of a 3-bay single slatted shed, of floor area less than 200m², with lie-back area and roofed feed passage at Lisdromrea, Kilnagross, Co. Leitrim, constitutes development and if so, whether it is or is not exempted development. The subject application was received by the Planning Authority on 10th of April 2025.

Site Location and Context

The subject property is located along Local Primary Road L-3432-0 to the northeast of Carrick-on-Shannon.

Land uses in the immediate area comprise of one-off housing and agricultural uses in the form of farm holdings and associated agricultural structures.

The nearest Natura 2000 site is Cuilcagh – Anierin Uplands (Site Code 001403) which lies c.12.6km north of the subject site.

The nearest nationally designated site is Annaghery Lough proposed Natural Heritage Area (pNHA Site Code: 001402) which is located approximately 2.5km northwest of the subject site.

There are no national monuments proximate to the subject site.

The subject site is not located within any landscapes designated for amenity value in the Leitrim County Development Plan 2023-2029.

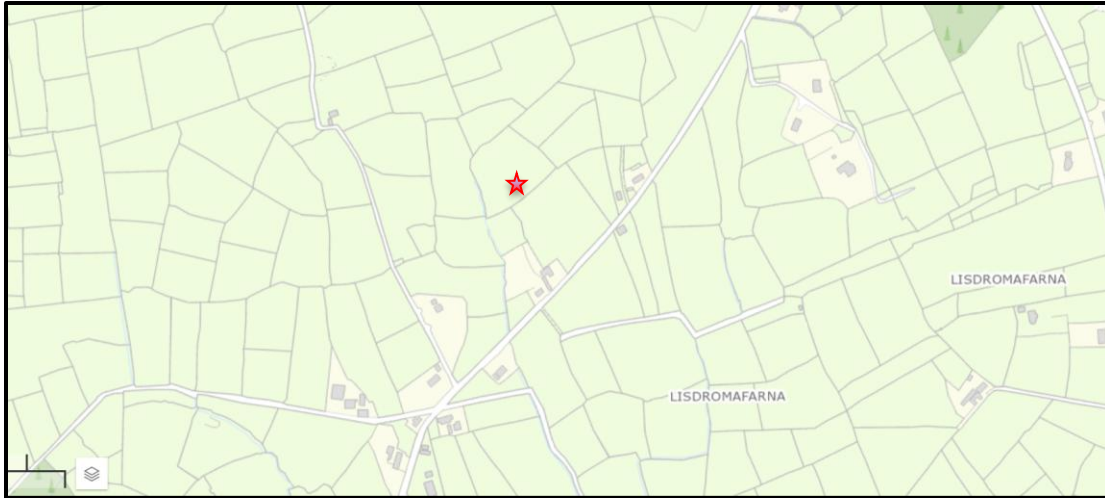


Fig 1: location of proposed subject property

Planning History

A planning search revealed no recorded planning history associated with the subject site.

Relevant Legislation

Planning and Development Act, 2000 (as amended)

Section 2 Interpretation

Section 2(1) of the Planning and Development Act, 2000 (as amended) provides an interpretation of the following— ‘agriculture’, includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly; ‘use’, in relation to land, does not include the use of the land by the carrying out of any works thereon; ‘structure’ means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined; ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 Development

Section 3 (1) In this Act ‘development’ means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4 Exempted Development

S. 4.(1) The following shall be exempted developments for the purposes of this Act—

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

S.4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Planning and Development Regulations, 2001 (as amended)

Article 6(1) of the Planning and Development Regulations 2001, as amended, states that:

Subject to article 9, 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 the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions. Of relevance in this case would be the following:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(iii) endanger public safety by reason of traffic hazard or obstruction or road users

(vi), interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

Class 6 of Schedule 2 Part 3 of the Exempted Development –Rural allows for the following exemption:

Description of Development:

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations:

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 300 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 line 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.

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 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 unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Assessment

Referral Question

Having reviewed all of the documents relating to this referral, I consider the question to be based on whether or not **the construction of a 3-bay single slatted shed, of floor area less than 200m², with lie-back area and roofed feed passage at Lisdromrea, Kilnagross, Co. Leitrim**, constitutes development and whether such development is or is not exempted development.

Is or is not development.

In relation to whether the proposed works constitute development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines 'development' as comprising of two possible components: *"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 2(1) of the Act provides an interpretation of 'works' as *"the carrying out of any works on, in over, or under land"* including *"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*.

Therefore, *the construction of a 3-bay single slatted shed, of floor area less than 200m², with lie-back area and roofed feed passage*, is development within the meaning of the Act.

Is or is not exempted development.

The proposed slatted shed with lie-back area and roofed feed passage can be considered under Class 6 of Schedule 2 Part 3 of the *Exempted Development – Rural*. In consideration of whether the proposed construction of the slatted shed satisfies each of the conditions and limitations of Class 6 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended) – *Exempted Development – Rural* as set out above.

However, the level of information submitted with the application is insufficient to allow for assessment of the referred question.

The applicant should be requested to submit a site layout plan drawn to a scale of not less than 1:500 (which should be indicated thereon), with the site boundary clearly identifying the proposed farmyard outlined in red, and all dwellings, agricultural structures, etc, adjoining and within 100m of the proposed shed identified and indicated thereon.

Floor plans and elevations of the proposed slatted shed, lie-back area and roofed feed passage are also required.

It is unclear how the applicant intends to access the site and/or whether a new access onto a public road is proposed.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposed development has been screened for Appropriate Assessment (AA), and it has been determined that an AA is not required. See Appropriate Assessment (AA) screening report attached.

Environmental Impact Assessment

Having regard to the limited nature and scale of the proposed development and the fact that the development proposed is not of a development type or class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7

to the Planning and Development Regulations 2001, as amended. It is therefore concluded that EIA is not required.

RECOMMENDATION

Having examined the submission, inspected the site and reviewed all of the documents relating to this development, along with the relevant legislation, I consider that further information is necessary as the details submitted are insufficient to facilitate assessment of the referred question.

In accordance with the provisions of Section 5(2)(b) of the Planning & Development Act 2000 (as amended), the following further information is required to enable the Planning Authority to issue a declaration:

1. You are requested to submit an accurate site layout plan, drawn to a scale, of not less than 1:500 (which should be indicated thereon), with the site boundary clearly outlined in red with roads, laneways, entrances, field boundaries, dwellings and all other structures on, adjoining and in the vicinity of the site indicated thereon. The site layout plan should clearly show the location of the proposed slatted shed, lie-back area and roofed feed passage.
Note: All dimensions given must be accurate.
2. Submit floor plans and elevations of the proposed slatted shed, lie-back area and roofed feed passage, which clearly identify the floor areas associated there each. Details to include cross sections, dimensions, height and finishes (both roofing and external finishes), should also be submitted of the proposed slatted shed, lie-back area and roofed feed passage. The dimensions given should be in metric. Details of the finishes to the proposed slatted shed shall include a statement confirming that 'No unpainted metal sheeting shall be used for roofing or on the external finish of the structure'.
3. Having regard to the conditions and limitations set out in Class 6 of Schedule 2 – Part 3, Exempted Development – Rural of the Planning & Development Regulations 2001 (as amended), it will be necessary to indicate the location of **all** existing dwellings and other residential structures located within 100m of the proposed shed on the revised site layout plan requested in 1 above and submit the required letters of consent from the owners and, as may be appropriate, the occupiers or persons in charge thereof.
4. A detailed breakdown of the sizes and uses of all existing agricultural structures within 100m of the proposed slatted shed is required.
5. Indicate how you intend to access the slatted shed by clearly identifying the location of the existing/proposed access point on the site layout plan requested in 1 above.

In the event that a new access point onto the public road is proposed, it will be necessary to submit the following;

- (a) Indicate the carriageway width of the public road fronting the site on the site layout plan requested in 1 above.
- (b) Indicate the unobstructed sight visibility available in both directions from the proposed access point.

Geraldine Coen

Geraldine Coen
Assistant Planner
Date: 30th of April 2025

Liam Flynn

Liam Flynn
Senior Executive Planner
Date: 01/05/2025



Appropriate Assessment Screening and Determination

STEP 1. Description of the project/proposal and local site characteristics:

| | |
|--|---------------------------|
| (a) File Reference No: | ED25-15 |
| (b) Brief description of the project or plan: | As per declaration report |
| (c) Brief description of site characteristics: | As per declaration report |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | No |
| (e) Response to consultation: | N/A |

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

| European Site (code) | List of Qualifying Interest/Special Conservation Interest | Distance from proposed development (km) | Connections (Source- Pathway- Receptor) | Considered further in screening Y/N |
|---------------------------------------|---|---|---|-------------------------------------|
| Cuilcagh-Anierin Uplands SAC (000584) | https://www.npws.ie/protected-sites/sac/00584 | 12.6 | None | No |
| Please Select | | | | |
| Please Select | | | | |

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

| Impacts: | Possible Significance of Impacts: (duration/magnitude etc.) |
|---|---|
| Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests | No significant potential impacts. |
| Operational phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance | No significant potential impacts. |

| <ul style="list-style-type: none"> Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities Physical presence of structures (e.g. collision risks) Potential for accidents or incidents | | | | | | | | | | | | | |
|---|---|---|----------------------|-----------------|---|-------------------------------------|--|---|--------------------------|---|--|--------------------------|---|
| In-combination/Other | No significant potential impacts. | | | | | | | | | | | | |
| (b) Describe any likely changes to the European site: | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Examples of the type of changes to give consideration to include: Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species density Changes in key indicators of conservation status value (water or air quality etc.) Changes to areas of sensitivity or threats to QI Interference with the key relationships that define the structure or ecological function of the site | No significant potential impacts. | | | | | | | | | | | | |
| (c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | | | | |
| Step 4. Screening Determination Statement | | | | | | | | | | | | | |
| The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives. | | | | | | | | | | | | | |
| Having regard to the information on file, the nature and scale of the proposed development, its distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, either alone or in-combination with other developments, is not likely to have any significant effects on any European site in view of its conservation objectives. | | | | | | | | | | | | | |
| Conclusion: | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table> | | Tick as Appropriate: | Recommendation: | (i) It is clear that there is no likelihood of significant effects on a European site. | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate assessment not required. | (ii) It is uncertain whether the proposal will have a significant effect on a European site. | <input type="checkbox"/> | <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission | (iii) Significant effects are likely. | <input type="checkbox"/> | <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission |
| | Tick as Appropriate: | Recommendation: | | | | | | | | | | | |
| (i) It is clear that there is no likelihood of significant effects on a European site. | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate assessment not required. | | | | | | | | | | | |
| (ii) It is uncertain whether the proposal will have a significant effect on a European site. | <input type="checkbox"/> | <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission | | | | | | | | | | | |
| (iii) Significant effects are likely. | <input type="checkbox"/> | <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission | | | | | | | | | | | |

**Signature of Recommending
Planner:**

Geraldine Coen

Date: 30/04/2025



Environmental Impact Assessment (EIA) Pre-Screening

Establishing if the proposal is a 'sub-threshold development'

| | |
|---|---|
| File Reference No: | ED25-15 |
| Development Summary: | As per Declaration Report |
| Was a Screening Determination carried out under Section 176A-C?: | <input type="checkbox"/> Yes – No further action required <input checked="" type="checkbox"/> No – Proceed to Part A |

Part A - Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

| | |
|---|--|
| <input type="checkbox"/> Yes – specify class: | EIA is mandatory No screening required |
| <input checked="" type="checkbox"/> No | Proceed to Part B |

Part B - Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)

| | |
|--|--|
| <input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2 | No screening required |
| <input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): | EIA is mandatory No screening required |
| <input type="checkbox"/> Yes, the project is of a type listed but is <i>sub-threshold</i> : | Proceed to Part C |

Part C – If yes, has Schedule 7A information/screening report been submitted?

| | |
|---|---|
| <input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant | Screening Determination required |
| <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant | Preliminary Examination required |

EIA Preliminary Examination:

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

| | Comment: | Yes/No/Uncertain: |
|--|----------|-------------------|
| Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the</i> | | |

| | | |
|---|---|--|
| production of any significant waste, or result in significant emissions or pollutants? | | |
| Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects? | | |
| Location: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location? Does the proposed development have the potential to affect other significant environmental sensitivities in the area? | | |
| Preliminary Examination Conclusion: | | |
| Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate) | | |
| <input type="checkbox"/> There is no real likelihood of significant effects on the environment. EIA is not required. | <input type="checkbox"/> There is real likelihood of significant effects on the environment. An EIAR is required. | <input type="checkbox"/> There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination. |
| Signature of Recommending Planner: |  | |
| | Date: | 30/04/2025 |