



Leitrim County Council Planning Report

Reference No:	ED 25-45
Applicant:	Vincent McTiernan
Location:	Dernageer, Ballinaglera, 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 renovation of a derelict building for use as a residential dwelling constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	24/11/2025
Due Date:	03/12/2025

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 the renovation of a derelict building for use as a residential dwelling constitutes development and, if so, whether such development is or is not exempted development at Dernageer, Ballinaglera, Co. Leitrim.

This subject request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, was received by the Planning Authority on the 6^h of November 2025.

Site Location and Context

The subject site is located in the townland of Dernageer or Derreenageer, which is circa 5km north of Ballinagleragh. The site in question is accessed off a local Tertiary Road the L-82952-O, which connects to the Regional Road R-207. The subject site comprises of an old building, with parts overgrown. The building is not in use. Pictures of the existing building are overleaf. There appears to be a roof, and exterior walls¹. The subject site is accessed via a farm gate, with access from the main dwelling. The wider site is agricultural land.

It is proposed to renovate the existing derelict building for use as a residential dwelling.

¹ It is worthwhile noting, that at the time of site visit on 24 November 2025, and due to site conditions, I was not able to view all of the elevations of the property.

Fig. 1 The side and front elevation



Fig. 2. Roof of the dwelling



The subject site, including the main dwellings house, are located within a Zone of Notification relating to a registered monument (Code Ref: R169235). The Historic Environment Viewer designates this monument zone as LE018-074: Sweathouse: Derreenageer. It is described as being situated on a southwest - facing slope and circa 20 metres north of an abandoned farmhouse. It is marked as a sweathouse only on the 1907 edition of the Ordnance Survey 6-inch map with houses also circa 1000 metres to the northwest. This description is derived from the 'Archaeological Inventory of County Leitrim' compiled by Michael J. Noore (Dublin: Stationery Office, 2003).

The nearest Natura 2000 site is Cuilcagh - Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which is located approximately 1.7km northeast of the subject site. This site is also the nearest proposed Natural Heritage Area (pNHA). It is worthwhile mentioning, that there is a small stream located circa 19 metres south of the main dwelling house, with the subject site being located circa 56 metres north of the stream. According to the Environment Planning Agency (EPA) maps, the direction of flow of this stream flows into Lough Allen. A small part of Lough Allen area – Kilgarraff Marsh (pNHA Site Code: 000426), 3.1km west of the subject site, is a designated pNHA.

Planning History

There is no documented planning history on file for the subject site. However, relevant planning history relating to the land is:

P. 18241 In March 2019, Mr. Vincent McTiernan was granted planning permission to construct a 2 bay slatted livestock shed with underground storage tank, concrete aprons including all ancillary works necessary at Drumnafinnila, Ballinagleara, Co. Leitrim.

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 'works' as including '*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

Section 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 with land so used;*
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*
- (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;*

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.

S.3 (a) A reference in this Act to exempted development shall be construed as a reference to development which is (a) any of the development specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

S.4 The Minister may, in connection with the Council Directive, prescribe development or classes of development which, notwithstanding subsection

(1)(a), shall not be exempted development.

S.5 Before making regulations under this section, the Minister shall consult with any other State authority where he or she or that other State authority considers that any such regulation relates to the functions of that State authority.

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.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Class 1 of Schedule 2 Part 1 (Exempted Development General), Part 2 (Advertisements), Part 3 (Exempted Development – Rural) and Part 4 (Exempted Development – Change of Use) allows for some exemption subject to conditions and limitations as set out in column 2.

Assessment

Referral Question

Having carried out a site inspection and reviewed all of the documents relating to this referral, I consider the question to be based simply on whether:

- a) The renovation of an existing derelict building for use as a residential dwelling

constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development

The building is uninhabited. It is proposed to renovate the existing derelict building for residential use. As per submitted application form, the applicant intends to apply for the derelict grant and states that the property has not been habitable for 50 years. The application documentation is accompanied by a series of photographs (Figures 3 and 4) of the subject building taken from unknown dates but illustrate the condition of the property. It is intended for the renovated structure to have the same footprint as the original structure. Outside of this information and the submitted proposal below in figure 5, no further information was submitted.

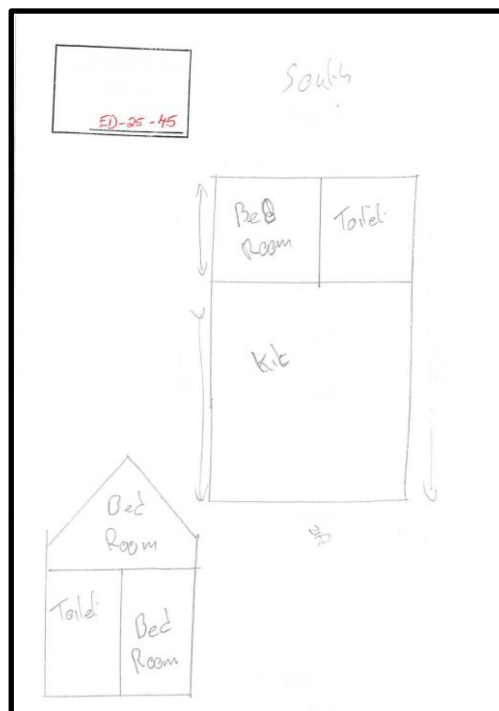
Fig. 3: Rear of dwelling house



Fig. 4: Side elevation of dwelling house



Fig. 5: Applicants submitted proposal



However, upon site inspection and based on photographs submitted by the applicant, the subject derelict structure bears all the hallmarks of an agricultural structure rather than a former dwelling, as evidenced by the high ventilation openings to the rear elevation of the building as illustrated in Figure 3 above. Moreover, the use of the structure for residential purposes, if ever such use was in place, has long since been abandoned by virtue of the extent of dereliction of the structure to the extent that the subject structure could not be considered to be an existing residential dwelling and would require planning permission to bring such use into effect.

Notwithstanding, the subject structure is considered to be an agricultural structure in its current form. Schedule 2 - Part 1 (Exempted Development General), Part 2 (Advertisements), Part 3 (Exempted Development – Rural) and Part 4 (Exempted Development – Change of Use) allows for some exemption subject to conditions and limitations as set out in column 2. There are no exemptions under Schedule 2 for the change of use from an agricultural building into a residential dwelling.

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 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 and is sub-threshold of applicable development type/class set out in 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 regard to the foregoing, I recommend that the Planning Authority issue the following Declaration under Section 5 of the Planning and Development Act 2000, as amended:

WHEREAS a question has arisen as to whether the renovation of an existing derelict building for use as a residential dwelling at Dernageer, Ballingnaglera, Co. Leitrim, is or is not development and whether it is or is not exempted development;

AND WHEREAS the said question was referred to Leitrim County Council by Vincent McTiernan on the 6th of November 2025:

AND WHEREAS Leitrim County Council, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2 - Part 1, Part 2, Part 3 and Part 4 of the Planning and Development Regulations 2001 (as amended) and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) In respect of the proposed renovation of an existing derelict building for use as a residential dwelling, the subject structure bears all the hallmarks of an agricultural structure rather than a former dwelling, as evidenced by the high ventilation openings to the rear elevation of the building;
- (b) the use of the structure for residential purposes, if ever such use was in place, has long since been abandoned by virtue of the extent of dereliction of the structure to the extent that the subject structure could not be considered to be an existing residential dwelling;
- (c) the proposed works and change of use are not considered to be exempted development under the provisions of Section 4(1) of the Planning and Development Act 2000, as amended and Schedule 2 - Part 1, Part 2, Part 3 and Part 4 of the Planning and Development Regulations 2001 (as amended); and
- (d) accordingly, it is considered that the works which are subject of this application under Section 5 of the Planning and Development Act 2000 and Article 6(1) of the Planning and Development Regulations 2001, is development and is not exempted development.

NOW THEREFORE Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000 Act, as amended, hereby declares that:

The proposed renovation of an existing derelict building for use as a residential dwelling at Dernageer, Ballingnaglera, Co. Leitrim, is development that is not exempted development.



Claire Lynch
Executive Planner
Date: 26/11/2025



Liam Flynn
Senior Executive Planner
Date: 27/11/2025



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 25-45
(b) Brief description of the project or plan:	As per Section 5 report
(c) Brief description of site characteristics:	As per Section 5 report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

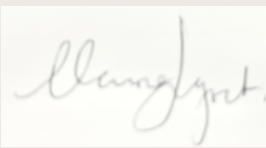
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European (code)	Site	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 (000584)	SAC	https://www.npws.ie/protected-sites/sac/002348	1.7 km	None	No

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.)
<p>Construction phase e.g.</p> <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.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance 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) 	No significant potential impacts.

• 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
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Signature of Recommending Planner:	<div>  </div>												
Date:	25/11/2025												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 25-45
Development Summary:	As per Section 5 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)

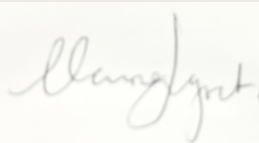
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No screening required
<input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No screening required
<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 required	Determination
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary required	Examination

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>		No
<i>Will the development result in the</i>		No

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
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?		No
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
<input checked="" 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: 25/11/2025