



Leitrim County Council Planning Report

Reference No:	ED-26-08
Applicant:	Frank Whitney
Location:	Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim N41R744
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Installation of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production
Due Date:	02/04/2026

Introduction

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 24 February 2026 and relates to whether the installation of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is development and whether it is exempted development.

The proposed mobile chicken coop measures 3 metres X 5.5 metres and is less than 2 metres in overall height. It is erected on wheels so that it is easily moved around the farm.

Further Information Request

A further information letter issued to the applicant on 12 March 2026 detailed as follows:

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 decide on the submitted declaration:

Advice

The farm landholding maps submitted include lands outside the county boundary and a separate parcel in Jamestown. You are advised that this Section 5 application relates solely to the farm at Port, Leitrim Village, Carrick on Shannon, County Leitrim N41R744. You are advised that in order to satisfy the planning exemption requirements of Class 7 Agricultural Structures of Schedule 2 Part 3 of the Exempted Development – Rural of the Planning and Development Regulations 2001, as amended, the following conditions must be met:

- *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 100 square metres gross floor space in aggregate.*
 - *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) save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
1. *Following consideration of the above advice you are requested to submit a site layout plan, to an appropriate scale, identifying a defined area where it is proposed the mobile chicken unit would be rotated. This area must satisfy the conditions detailed above and indicate the distance from residential properties and the existing farmyard buildings.*

2. You are requested to submit elevation plans of the proposed structure, to an appropriate scale (metric), specifying dimensions and the overall height (in metres) and indicating the finishes of the structure.

Note: All dimensions given must be accurate.

Further Information Response

On 13 March 2026 the applicant submitted a site layout plan stating that the mobile hen unit will be located within an orchard area. Elevation plans of the unit have been submitted demonstrating that the proposed unit will be 3.05 metres in width and 5.49 metres in length and 1.83 metres in height. The proposed mobile chicken unit will have a metal frame with wire mesh netting panels and weatherproof tarp over the roof bars.

Site Location and Context

The subject site is located in the townland of Port, approximately 1km south of Leitrim Village. The land lies adjacent to the River Shannon with associated fluvial flooding at this boundary. The farm is accessed from a private laneway off the R280. The existing farmhouse is recorded as protected national monument LE01514 (castle) with the description stating that *'the site is now occupied by a farmyard and there are no visible remains of a castle at ground level, although it is possible that fabric of a later medieval building such as a tower house could be incorporated into existing buildings.'* There are two recorded monuments located to the east of the wider farmland namely LE01516 (rath) and LE01516 (rath).

The subject site is located within an Area of High Visual Amenity associated with the River Shannon and lakes (B11) designated as a landscape for amenity value in the Leitrim County Development Plan 2023-2029. The Landscape Character Type is defined as River Floodplain (western portion) and Drumlin Farmland (eastern portion) in the County Leitrim Landscape Character Assessment which forms Appendix VII of the Leitrim County Development Plan 2023-2029 and is described as follows:

'The Drumlin Farmland occupies a large part of the southern part of the county and features a distinctive drumlin hill topography. The consistent orientation of the hills gives the landscape a uniform grain and has its origins from the direction of ice flows during glaciation. The pattern or grain can be difficult to appreciate, being masked largely by the abundant mature hedgerows which race up and down the hillsides forming a patchwork pattern usually of small-scale. The drumlins have steep sides with broad rounded tops although their size and shape vary considerably throughout. Land cover is generally pasture with marshy areas within the inter drumlin hollows. Patches of commercial coniferous forestry are dispersed throughout this landscape, some areas being fairly extensive in size. The plantation coniferous forest is a frequent feature and has become influential in the local landscape character.'

The nearest Natura 2000 site is Cuilcagh-Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which is located approximately 12km north of the subject site. The nearest nationally designated site is Lough Drumharlow proposed Natural Heritage Area (pNHA Site Code: 001643) which is located approximately 0.5km west of the subject site.

Planning History

- P.18/131 – in August 2019 permission was granted to the subject referrer, Frank Whitney, for the following development on the subject site:
 - (A) Restoration and change of use of existing granary building for use as 2 self-contained holiday homes for short term commercial letting including modifications to existing elevations consisting of (i) new velux roof windows; (ii) convert existing opening on southwest facing gable into door; (iii) remove existing external staircase to northeast facing elevation;
 - (B) new extension to granary building to contain coffee and crafts shop and self-contained holiday home for short term commercial letting;

- (C) restoration and change of use of existing piggery building into laundry / storage area for self-contained holiday homes and public toilets;*
- (D) demolition of existing agricultural building and adaption of existing cow byre into storage area;*
- (E) installation of wastewater treatment system and all associated site works and services.*

- P.13/169 – application on the subject site from Frank & Bernard Whitney submitted in August 2013 for 1) restoration, extension and change of use of existing Granary Building for use as 2 self contained dwelling units; 2) adaption of existing granary out-building to create covered outdoor area; 3) demolition of existing agricultural buildings; 4) provision of two no. mooring spaces; 5) installation of wastewater treatment system; 6) associated site works & services. This application was withdrawn in April 2014.
- P.09/298 – in March 2010 permission was granted to Bernard Whitney, for the following development on the subject site:
extend roof of existing slatted shed over existing yard area to form new covered area for the purpose of storage of agricultural equipment, construct a slatted unit and associated milking parlour, install a rainwater harvesting system, erect a grain silo, erect two no. wind turbines and carry out all associated site development works.

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

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 7 Agricultural Structures of Schedule 2 Part 3 of the *Exempted Development – Rural* allows for the following exemption:

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 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 100 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.*
- 8. Boundary fencing on any mink holding must be escape-proof for mink.*

Assessment

The relevant class and appropriate exemption for the installation of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production as described in the application documents is Class 7 Agricultural Structures of Schedule 2 Part 3 of the *Exempted Development – Rural*, Planning and Development Regulations 2001 (as amended) which facilitates a roofed structure for the housing of poultry subject to conditions and limitations.

The applicant has advised that the mobile hen unit will be located within an orchard area. I consider it appropriate that the following conditions/limitations associated with the exemption under Class 7 Agricultural Structures of Schedule 2 Part 3 of the *Exempted Development – Rural* be referenced in any declaration:

- *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 100 square metres gross floor space in aggregate.*
- *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.*

Referral Question

Having all of the documents relating to this referral, it is considered that the referral question is based simply on whether the installation of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is or is not development and whether it is or is not exempted development.

Is or is not development

In relation to whether the proposed works are 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...".

The proposed construction of a mobile chicken unit with capacity for 90 chickens is considered 'works' in this regard and therefore development.

Is or is not exempted development

The proposed mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is considered to be development that is exempted development, subject to adherence to conditions and limitations associated with Class 7 *Agricultural Structures* of Schedule 2 Part 3 of the *Exempted Development – Rural* of the Planning and Development Regulations 2001 (as amended) which provides a specific exemption from the need to obtain planning permission for 'works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.'

This exemption is subject to the following conditions/limitations:

- *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 100 square metres gross floor space in aggregate.*
- *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.*

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 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 construction of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, 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 Frank Whitney on the 24 February 2026;

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

- (a) Sections 2(1), 3(1) and 4(1) 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) Class 7 of Schedule 2 Part 3 of the *Exempted Development – Rural* Planning and Development Regulations 2001, as amended, and
- (d) the documentation and further information submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) the construction of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended; and
- (b) the construction of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is exempted development subject to the following conditions and limitaitons:
 - 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 100 square metres gross floor space in aggregate.
 - 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.

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 construction of a mobile chicken unit with capacity for 90 chickens for laying hens and organic egg production on an existing farm at Port House, Leitrim Village, Carrick on Shannon, Co. Leitrim is development and is exempted development subject to the following conditions and limitaitons:

- 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 100 square metres gross floor space in aggregate.

- 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.



Deirdre Lardner
Executive Planner
Date: 20/03/2026

Liam Flynn
Senior Executive Planner
Date: 23/03/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED-26-08 Error! Reference source not found. Error! Reference source not found.
(b) Brief description of the project or plan:	As per planning report
(c) Brief description of site characteristics:	As per planning 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/002348	12km	None	No
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 Noise/vibration 	No significant potential impacts.

<ul style="list-style-type: none"> • 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 	
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In-combination/Other	No significant potential impacts.
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(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: <ul style="list-style-type: none"> • 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.
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(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? Yes 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:

	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:**

A handwritten signature in black ink on a white rectangular background.

Date: 20/03/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED-26-08 Error! Reference source not found. Error! Reference source not found.
Development Summary:	As per Planning 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>		

<p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p>Size of the development: Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there cumulative considerations having regard to other existing and/or permitted projects?</p>		
<p>Location: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</p>		

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.
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Signature of Recommending Planner:		Date:	20/03/2026
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