



Leitrim County Council Planning Report

Reference No:	ED-26-09
Applicant:	James Keane
Location:	Newbrook, Kilclare, Carrick on Shannon, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Demolition of an unroofed dung stead and construction of a roofed manure pit in its place
Date of Site Inspection:	02/03/2026
Due Date:	25/03/2026

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 26 February 2026 and relates to whether the demolition of an unroofed dung stead and construction of a roofed manure pit in its place in an existing farmyard at Newbrook, Kilclare, Carrick on Shannon, Co. Leitrim is development and whether it is exempted development.

The applicant states that the existing dung stead is unsafe and the proposed roofed dung stead will prevent rain from entering and mixing with cattle manure. The proposed roofed manure pit will measure 19.2 metres in length and 6 metres in width and will be constructed to specification required by the Department of Agriculture, Food and the Marine. Runoff from the manure pit will be directed to an existing slatted tank in the farmyard.

Site Location and Context

The subject site is located in the townland of Newbrook, 300 metres south of Kilclare village, outside the development plan boundary. The subject land contains an established farmyard with a range of farm buildings. The farmyard is accessed from a private laneway off the R209. The Ballinamore canal and walkway lie adjacent the subject farmyard to the north, approximately 50 metres from the proposed structure.

The subject site is not located within a landscape designated for amenity value in the Leitrim County Development Plan 2023-2029. The Landscape Character Type is defined as Drumlin Farmland 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 8.6km north of the subject site. The nearest nationally designated site is Sheemore Wood proposed Natural Heritage Area (pNHA Site Code: 001421) which is located approximately 0.9km south of the subject site.



Fig. 1 - Existing dung stead to be replaced with proposed roofed structure

Planning History

- P.16/25 – in May 2016 permission was granted to the subject referrer, James Keane, to erect a slatted shed with underground slurry storage in the subject farmyard.
- P.06/556 – in October 2006 permission was granted to the subject referrer, James Keane, to construct a slatted shed and concrete apron in adjacent land south of the subject farmyard. This was not constructed.

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

Works consisting of a roofed structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water

Conditions and limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture.

2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.

3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres.

4. *The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*
5. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
6. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
7. *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.*
8. *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.*
9. *No such structure shall be within 60 metres of a public or private water source.*
10. *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 10m in the case of extensions/modifications to an existing facility.*
11. *All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.*
12. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*
13. *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.*
14. *Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.*

Assessment

The relevant class and appropriate exemption for a roofed manure pit as described in the application documents is Class 6A *Agricultural Structures* of Schedule 2 Part 3 of the *Exempted Development – Rural*, Planning and Development Regulations 2001 (as amended). I am satisfied that the proposed roofed manure pit can satisfy the conditions and limitations of Class 6A but as no detail has been provided on storage capacity at the farmyard, I consider it appropriate that the following conditions be attached to the Exemption as detailed at Class 6A *Agricultural Structures* of Schedule 2 Part 3 of the *Exempted Development – Rural*:

1. *The maximum storage capacity shall not exceed 1000 cubic metres and the aggregate capacity of tanks, situated within the farmyard shall not exceed 1,500 cubic metres.*
2. *The structure shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*
3. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Referral Question

Having all of the documents relating to this referral, it is considered that the referral question is based simply on whether the construction of a roofed manure pit in an existing farmyard at Newbrook, Kilclare, 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 roofed manure pit in an existing farmyard is considered ‘works’ in this regard and therefore development.

Is or is not exempted development

The proposed roofed manure pit in an existing farmyard at Newbrook, Kilclare, Carrick on Shannon, Co. Leitrim is considered to be development that is exempted development, subject to conditions, pursuant to Class 6A *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 ‘*roofed structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water*’.

This exemption is subject to the following limitations on storage capacity and finishes:

1. *The maximum storage capacity shall not exceed 1000 cubic metres and the aggregate capacity of tanks, situated within the farmyard shall not exceed 1,500 cubic metres.*
2. *The structure shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*
3. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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 roofed manure pit in an existing farmyard at Newbrook, Kilclare, 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 James Keane on the 26 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 6A of Schedule 2 Part 3 of the *Exempted Development – Rural* 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) the construction of a roofed manure pit in an existing farmyard at Newbrook, Kilclare, 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 roofed manure pit in an existing farmyard at Newbrook, Kilclare, Carrick on Shannon, Co. Leitrim is exempted development subject to the following conditions:
 - i. *The maximum storage capacity shall not exceed 1000 cubic metres and the aggregate capacity of tanks, situated within the farmyard shall not exceed 1,500 cubic metres.*
 - ii. *The structure shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*
 - iii. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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 roofed manure pit in an existing farmyard at Newbrook, Kilclare, Carrick on Shannon, Co. Leitrim is development and is exempted development subject to the following conditions:

- *The maximum storage capacity shall not exceed 1000 cubic metres and the aggregate capacity of tanks, situated within the farmyard shall not exceed 1,500 cubic metres.*
- *The structure shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*
- *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*



Deirdre Lardner
Executive Planner
Date: 05/03/2026



Liam Flynn
Senior Executive Planner
Date: 05/03/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED-26-09 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	8.6km	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 • 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 	No significant potential impacts.
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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: • 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.

Request NIS

Refuse planning permission

**Signature of Recommending
Planner:**



Date: 05/03/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED-26-09 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: <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></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></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:	05/03/2026
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