



<b>Reference No:</b>	<b>ED26-19</b>
<b>Applicant:</b>	<b>Niall O Donnell</b>
<b>Location:</b>	<b>Killananima, Dromahair, Co. Leitrim</b>
<b>Application Type:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended</b>
<b>Proposal:</b>	<b>The construction of an agricultural shed together with all ancillary site works and services.</b>
<b>Date of Site Inspection:</b>	<b>30/03/2026</b>
<b>Due Date:</b>	<b>20/04/2026</b>

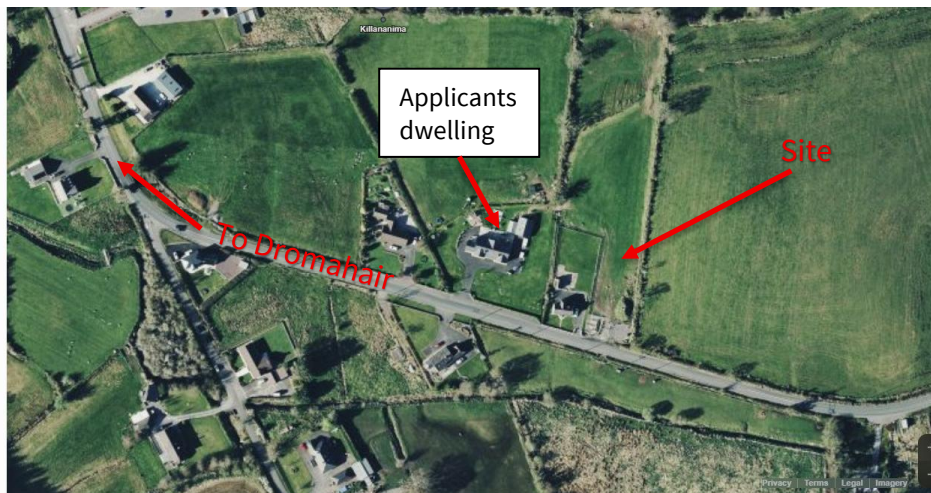
## Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended. This referral case concerns the question as to whether the construction of an agricultural shed together with ancillary site works and services is development or is not development and whether it is or is not exempted development.

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 25<sup>th</sup> March 2026.

## Site Location and Description

The subject site is located in the townland of Killananima, Dromahair, Co. Leitrim in the open countryside 1 km south of Dromahair and to the north side of the R287. There are a number of existing dwelling houses in this area. The proposed development, the subject of this Section 5 request, provides for the construction of an agricultural shed together with ancillary site works and services with a total floor area of 170 square metres with a pitched roof with a ridge height of 6.4 metres. This new structure is to be located adjacent to a number of existing dwelling houses and fronts onto the R287. The subject site is set back from the public road and rises gently to the north.



**Fig. 1 Site Location**

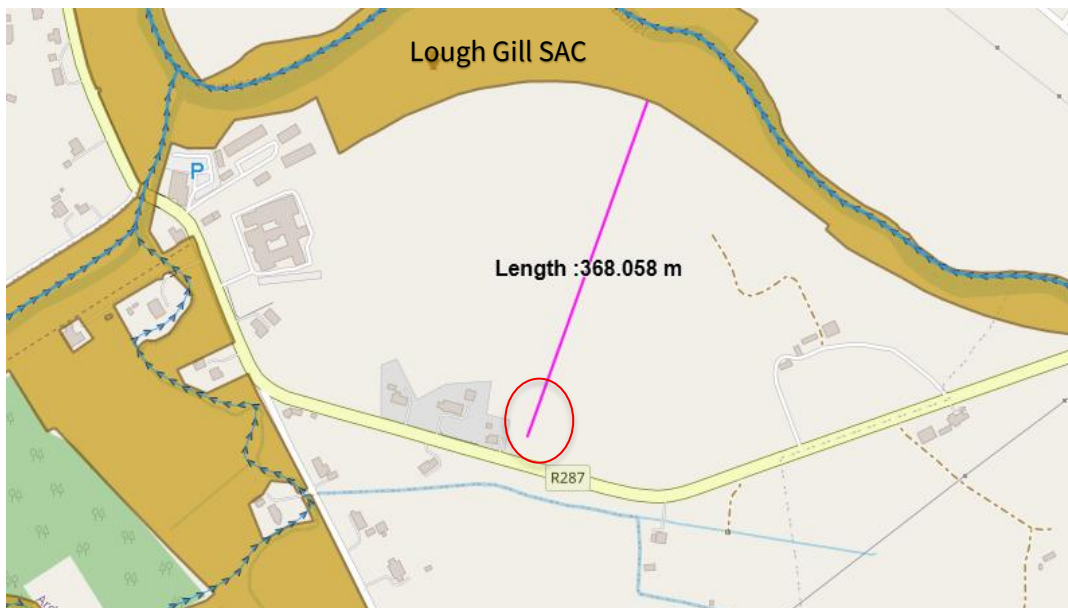


**Fig. 2 Site viewed from the R287**



**Fig. 3 Site in relation to adjoining dwelling.**

Lough Gill SAC (Site Code 0001976) is located approximately 400 metres northeast (Uphill) of 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. 4 Site in relation to Lough Gill SAC.**

There are no protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) located within the application site. Similarly, there are no Recorded Monuments or Zones of Archaeological Notification coinciding with the application site.

## Planning History

There is no recorded history attached to 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 'works' as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'. An "alteration" includes '...the replacement of a door, window or roof... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures...'*

#### **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.*

*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 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.*

Article 9(1) 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 Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, allows for the following exemption subject to conditions and limitations as set out in column 2:

Description of Development:

*Class 6 Agricultural Structure:*

*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 300 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 450 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 such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.*
- 8. No such structure shall be within 60 metres of a public or private water source.*
- 9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.*
- 10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

11. *The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.*
12. *Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.*

## Assessment

### **Proposed Development:**

The proposed development provides for the construction of an agricultural shed together with ancillary site works and services with a total floor area of 170 m<sup>2</sup> and a pitched roof of ridge height 6.4metres, the proposed shed contains an effluent storage tank of 12.4m by 4.5 metres by 1.2 metres depth and sump area 2.7m by 2.4m. Approximately 74 cubic metres of storage.

### Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that the referral question is based simply on whether the proposed works comprising the construction of an agricultural shed together with ancillary site works and services at Killanima, Dromahair, 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 issue of whether or not the proposed works constitute development is not disputed. Having regard to the definition of "works" as set out in Section 2 of the Planning and Development Act 2000, as amended, it is clear that the works constitute development within the meaning of the Act.

### Is or is not exempted development

In consideration of the proposed agricultural structure, the Planning Authority notes from the submitted application documentation that the following is true for the proposed development:

#### *Class 6 Agricultural Structure:*

*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 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. **Gross floor space 170 m<sup>2</sup>***

#### *Conditions and Limitations:*

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **It is indicated that the proposed shed is for the housing of livestock.***
2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate. **There are no other agricultural structures within 100metres of the proposed***

**shed and no farmyard complex and therefore the aggregate gross floor area does not exceed 450m<sup>2</sup>.**

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. **The applicant has indicated that he has 53 breeding lowland ewes with a requirement of 0.03m<sup>3</sup> per animal per week storage needed for lowland ewes. It is indicated that he has storage capacity for 16weeks, which is the slurry ban. But applicant has indicated that the sheep would only be housed for a maximum of 8 weeks.**

**Storage calculated as follows:**

<b>Storage requirement per animal per week</b>	<b>Storage per week for flock</b>	<b>Storage per 16 weeks for current flock</b>	<b>Tank Capacity</b>
<b>0.03 m<sup>3</sup></b>	<b>53 x 0.03m<sup>3</sup> =1.59 m<sup>3</sup></b>	<b>1.59 m<sup>3</sup> x16= 25.44 m<sup>3</sup></b>	<b>74.83 m<sup>3</sup></b>

**The tank capacity is well above what is needed should the current flock be required to be housed for the full 16 weeks.**

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **The proposed structure is set back some 32 metres from the roadside.**
5. No such structure within 100 metres of any public road shall exceed 8 metres in height. **The proposed structure has a ridge height of 6.4 metres.**
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. **The closest dwelling to the proposed structure is located approximately 25 metres southwest of the subject shed, this dwelling is outside the ownership of the applicant, however the said owner has supplied a letter of consent for inclusion with this application, the applicants dwelling is located approximately 63 metres to the west of the proposed structure.**
7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone. **The applicant has provided map with the application indicating the closest well to be located some 6.35km away from the site and is not located within a flood zone.**
8. No such structure shall be within 60 metres of a public or private water source. **The applicant has provided a map indicating the closet private water source is some 6.35km away and will also not impact on any public water source either.**
9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. **The closest water courses are located approximately 60 metres to the north (uphill from the proposed shed) and 100 metres to the south.**
10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **The drawings indicate that the materials will be in line with S102 criteria set out by the Department of Agriculture.**
11. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction. **This report satisfies this criteria.**
12. 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. **There**

***appears to be adequate fencing provided and the agitation point is located outside of the structure for ventilation.***

Accordingly, it is considered that the proposed agricultural shed meets the applicable conditions and limitations set out in Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

### 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 proposed works comprising of the construction of an agricultural shed together with all ancillary works and services at Killananima, Dromahair, 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 Niall O Donnell on the 25<sup>th</sup> of March 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 6, Part 3, Schedule 2 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) The construction of an agricultural shed together with all ancillary works and services at Killananima, Dromahair, Co. Leitrim, constitutes development which is exempted development with the provisions of Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, applying in this instance.

**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 works comprising of the construction of an agricultural shed together with all ancillary works and services at Killananima, Dromahair, Co. Leitrim is development and is exempted development.



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Aileen Farrell  
Assistant Planner  
Date: 07/04/2026



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Liam Flynn  
Senior Executive Planner  
Date: 08/04/2026



## Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-19
(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
Lough Gill SAC (001976)	<a href="https://www.npws.ie/protected-sites/sac/001976">https://www.npws.ie/protected-sites/sac/001976</a>	400m	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.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	No significant potential impacts.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	No significant potential impacts.

<b>In-combination/Other</b>	No significant potential impacts.	
<b>(b) Describe any likely changes to the European site:</b>		
<ul style="list-style-type: none"> <li>• Examples of the type of changes to give consideration to include:</li> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No significant potential impacts.	
<b>(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</b>		
<b>Step 4. Screening Determination Statement</b>		
<b>The assessment of significance of effects:</b>		
Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> 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.		
<b>Conclusion:</b>		
	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature of Recommending Planner:</b>		<b>Date:</b> 07/04/2026



## Environmental Impact Assessment (EIA) Pre-Screening

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

<b>File Reference No:</b>	ED26-19
<b>Development Summary:</b>	As per Planning Report
<b>Was a Screening Determination carried out under Section 176A-C?:</b>	<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:	<b>EIA is mandatory</b> No screening required
<input checked="" type="checkbox"/> No	<b>Proceed to Part B</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	<b>No screening required</b>
<input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):	<b>EIA is mandatory</b> No screening required
<input type="checkbox"/> Yes, the project is of a type listed <b>but</b> is <i>sub-threshold</i> :	<b>Proceed to Part C</b>

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

### 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:
<b>Nature of the development:</b> <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>		

<p><i>production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p><b>Size of the development:</b> 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><b>Location:</b> <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)**

<p><input type="checkbox"/></p> <p>There is <b>no real likelihood</b> of significant effects on the environment.</p> <p>EIA is not required.</p>	<p><input type="checkbox"/></p> <p>There is <b>real likelihood of</b> significant effects on the environment.</p> <p>An <b>EIAR is required.</b></p>	<p><input type="checkbox"/></p> <p>There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit <b>the Information specified in Schedule 7A</b> for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>
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**Signature of Recommending Planner:**



**Date:** 07/04/2026