



Leitrim County Council Planning Report

Reference No:	ED26-27
Applicant:	Sean Markham
Location:	Station Road, Manorhamilton, Co. Leitrim, F91 YV6W
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	The construction of a new manure pit, slatted shed and underground slurry tank along with all associated site works.
Date of Site Inspection:	27/04/2026
Due Date:	20/05/2026

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 a new unroofed manure pit (48 m²), three-bay slatted shed (217.44 m²) and underground slurry tank along with all associated site works 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 23rd April 2026.

Site Location and Description

The subject site is located on the outskirts of the town of Manorhamilton, just outside the development boundary of the town as defined in the County Leitrim Development Plan 2023-2029 and is accessed from Station Road (N16). It is proposed to utilise the existing access to the applicant's dwelling, which will involve driving directly past the dwelling and garage associated with it to access the proposed development.



Fig. 1 Site Location

Given the site's proximity to Manorhamilton town, the area to the south and west of the site is quite built up, to the north and east of the site are fields and the Owenmore River forms the eastern boundary of the overall landholding as can be observed in the following figure. The proposed development, the subject of this Section 5 request, provides for the construction of a new unroofed manure pit (48 m²), three-bay slatted shed (217 m²) and underground slurry tank along with all associated site works.

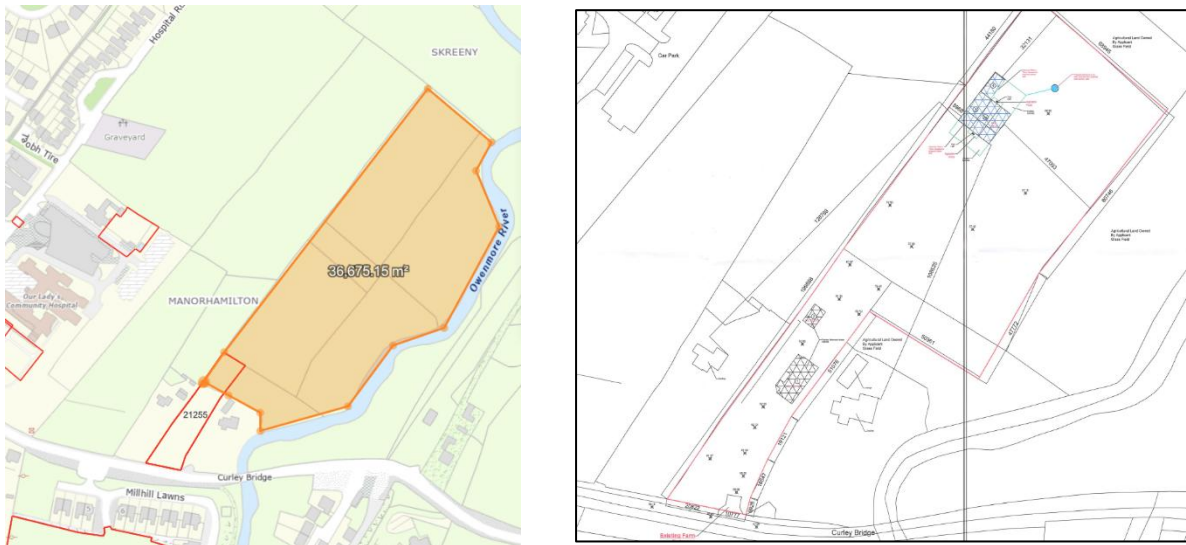


Fig. 2 Applicant's landholding, (excluding the existing house) and proposed layout.



Fig. 3 Site viewed from the rear of applicants dwelling



Fig. 4 Site slopes downwards from the applicant's dwelling



Fig. 5 The subject lands are quite wet and marshy.

Lough Gill SAC (Site Code: 0001976) is located approximately 60 metres east 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. 6 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.

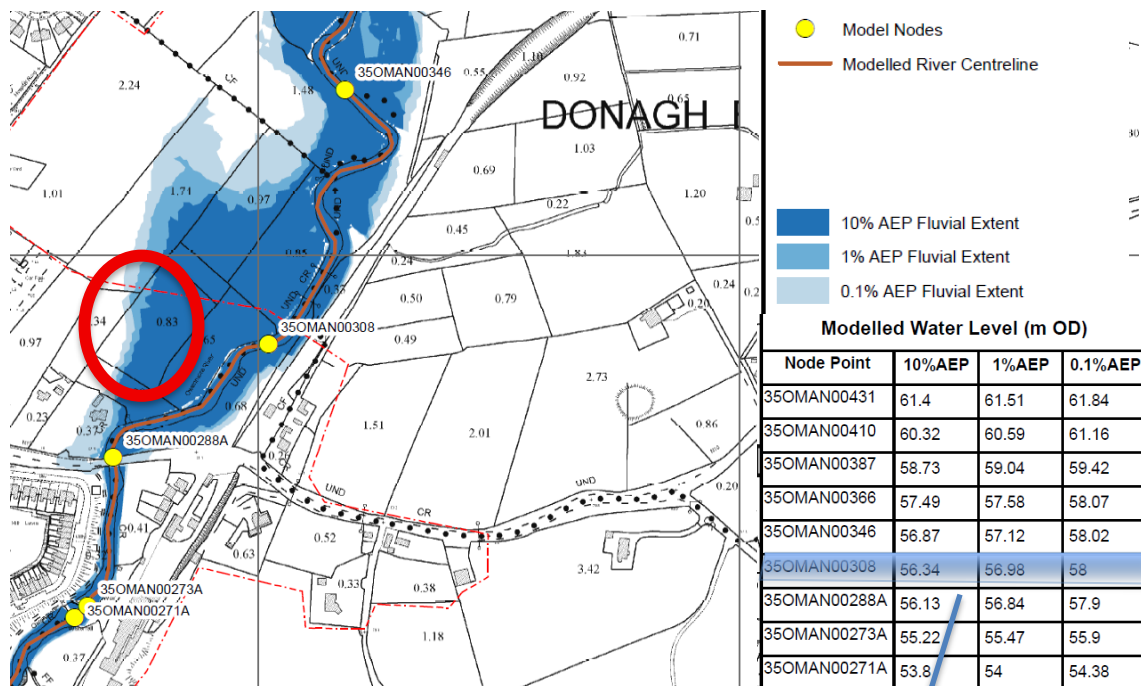


Fig. 7 OPW CFRAM flood extents mapping, with approximate location of the shed circled in red.

As can be observed in the above figure, which shows an extract from Catchment Flood Risk Assessment and Management – Manorhamilton Flood Extent, the subject site is located within an area with a high probability of a flooding event occurring.

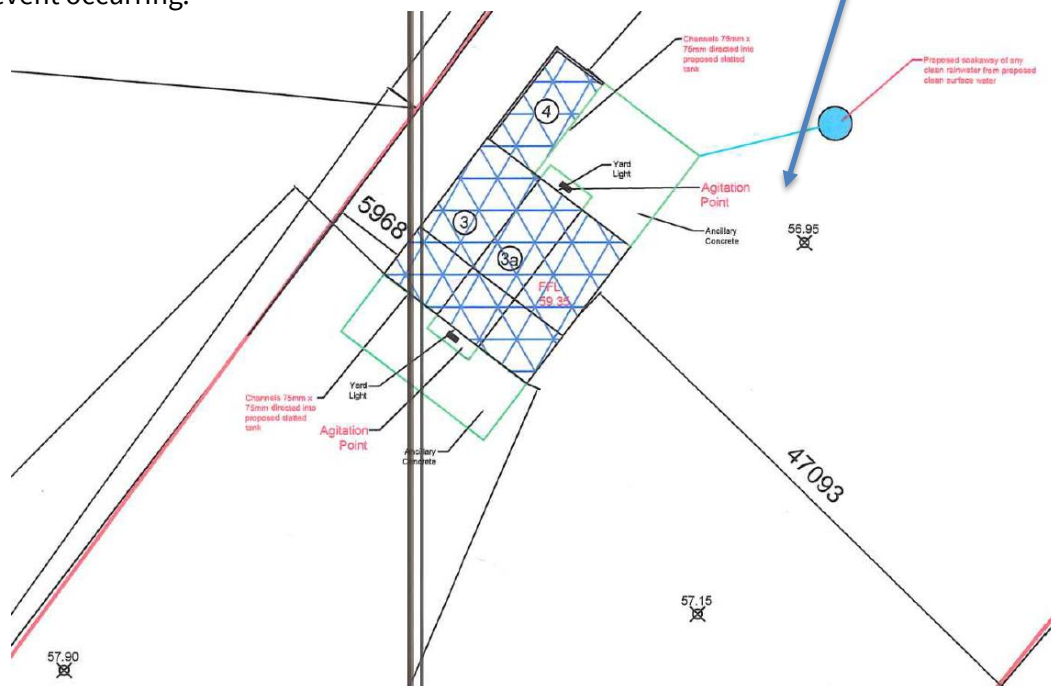


Fig. 8 OD for the subject site indicated to range from 56.95 to 57.90

Planning History

The following planning history is attached southern end of the subject site, pertaining to the applicant's dwelling.

P.24-60048 - on the 14/06/2024 planning permission was granted to the subject applicant to: (1). construct a two-storey type domestic dwelling. (2). To construct a domestic garage. (3.) To construct a shared domestic/agricultural entrance. (4). To connect to existing public foul sewer mains together with all ancillary works. A Natura Impact Statement will be submitted to the Planning Authority with this application.

P.23/60146 – on the 22/11/2023 the subject applicants applied for permission consequent to (a) *construct a two-storey type domestic dwelling*, (b) *construct a domestic garage*, (c) *construct a new site entrance*, (d) *connect to existing public foul sewer mains together with all ancillary works*, Consequent to Grant of Outline Permission reg. ref. P21/255. A Natura Impact Statement will be submitted to the Planning Authority with this application. A further information request was issued on 19/01/2024. This application was withdrawn on 19/03/2024.

P.21/255 – on 22/11/2022 outline permission was granted to Cathy and Vincent McEneaney to (a) *construct a dormer type domestic dwelling*, (b) *construct a domestic garage*, (c) *construct a new site entrance*, (d) *connect to the public services together with all ancillary works* on 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.

S.4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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.*
 - (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*

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 a new unroofed manure pit (48 m²), three-bay slatted shed (217 m²) and underground slurry tank along with all associated site works, the proposed shed contains an effluent storage tank of 17.2 m by 2.4 m by 4.1m resulting in a capacity of 169.25 m³. The subject shed has a proposed ridge height of 6.8 metres.

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 a new unroofed manure pit (48m²), three-bay slatted shed (217m²) and underground slurry tank along with all associated site works at Station Road, Manorhamilton, 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

Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, is relevant in relation to 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 217.44 m²**

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 450m².**
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 proposed development is located within an area that has been identified as a high probability of a flood event occurring (AEP of 10%) and as such the potential for pollution of the Owenmore River is high.**
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 over 100 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 proposed development is located over 100 metres from the closest dwelling and adjoining hospital.**
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 subject lands are located within an area identified as Flood Zone A.**
8. No such structure shall be within 60 metres of a public or private water source. **No information provided.**
9. No such structure shall be situated, at the closest point, less than 50 metres from a watercourse 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 watercourse, the Owenmore River is located approximately 90 metres to the east of proposed shed.**
10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **The drawings indicate that all buildings will be constructed according to Department of Agriculture Guidelines S101 and S123.**
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 criterion.**
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.

In further consideration of the proposed agricultural structure, the Planning Authority has regard to the provisions of Section 4(4) of the Planning and Development Act 2000, as amended, wherein the following is stated:

“Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required”.

The subject site is located approximately 60 metres from the Lough Gill Special Area of Conservation (SAC Site Code: 001976). Given this proximity and the presence of hydrological connectivity from the subject site to this SAC, which is further exacerbated by its location within a 1:10 AEP flood extents, and having regard to the nature of the proposed development, the Planning Authority is unable to screen out the proposed development for likely significant effects on the conservation objectives and qualifying interests of the Lough Gill SAC site. This position is consistent with the previous Stage I Appropriate Assessment screening of the application under P.24-60048 (for the existing dwelling on site) and previous applications under P.23-60146 and P.21-255 whereby these applications could not be screened out for likely significant effects on the Lough Gill SAC and required a Stage II Appropriate Assessment and the submission of a Natura Impact Statement for these applications.

Having regard to the above, and on the basis of the precautionary principle, I am of the opinion that there is sufficient rationale for a Stage II Appropriate Assessment under the Habitats Directive to be required and on the basis of the provisions of Section 4(4) of the Planning and Development Act 2000, as amended, the proposed development cannot therefore avail of any exempted development provisions.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The subject site is located approximately 60 metres from the Lough Gill Special Area of Conservation (SAC Site Code: 001976). Given this proximity and the presence of hydrological connectivity from the subject site to this SAC, which is further exacerbated by its location within a 1:10 AEP flood extents, and having regard to the nature of the proposed development, I am not satisfied that the proposed development would not give rise to significant effects on the conservation objectives and qualifying interests of the Lough Gill SAC site in the absence of appropriate mitigation measures that can only be introduced as part of a Stage II Appropriate Assessment.

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 a new unroofed manure pit (48 m²), three-bay slatted shed (217 m²) and underground slurry tank along with all associated site works at Station Road, Manorhamilton, 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 Sean Markham on the 23rd April 2026;

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

- (a) Sections 2(1), 3(1), 4(1) and 4(4) 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) having regard to the proximity (60m) and hydrological connectivity of the subject site to the Lough Gill Special Area of Conservation (SAC Site Code: 001976), which is further exacerbated by its location within a 1:10 AEP flood extents, and having regard to the nature of the proposed development, the Planning Authority is not satisfied that the proposed development would not give rise to significant effects on the conservation objectives and qualifying interests of the Lough Gill SAC site in the absence of appropriate mitigation measures that can only be introduced as part of a Stage II Appropriate Assessment, and
- (b) having regard to the provisions of Section 4(4) of the Planning and Development Act 2000, as amended, the proposal cannot be considered exempted development as a Stage II Appropriate Assessment of the proposal is required.

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 of a new unroofed manure pit (48 m²), three-bay slatted shed (217 m²) and underground slurry tank along with all associated site works at Station Road, Manorhamilton, Co. Leitrim is development and is not exempted development.



Aileen Farrell
Acting Executive Planner
Date: 30/04/2026



Liam Flynn
Senior Executive Planner
Date: 01/05/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-27
(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)	https://www.npws.ie/protected-sites/sac/001976	60m	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.)
Construction phase e.g. - 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	Uncertain based on submitted application documentation
Operational phase e.g. - 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	Uncertain based on submitted application documentation

In-combination/Other		
(b) Describe any likely changes to the European site:		
• 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	Uncertain based on submitted application documentation	
(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 proximity to a European site, the 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 could have significant effects on the European site Lough Gill SAC , Site Code:001976 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.	☐	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.	☒	☐ Request further information to complete screening ☐ Request NIS ☒ Refuse Section 5 Exemption
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature of Recommending Planner:		Date: 30/04/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED26-27
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required ☒ 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)

☐ Yes – specify class:	EIA is mandatory No screening required
☒ 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)

☒ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ 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
☐ 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?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

EIA Preliminary Examination:

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

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

<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?		
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>		
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☐ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:	 Date: 30/04/2026	