



Leitrim County Council Planning Report

Reference No:	ED 26-28
Applicant:	Paul Bohan
Location:	Drumgunny, Aughavas, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended.
Proposal:	Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of a slatted shed constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	11/05/2026
Due Date:	11/06/2026

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 22nd of April 2026, and relates to whether the construction of a slatted shed is or is not exempted development at Drumgunny, Aughavas, Co. Leitrim.

Further information was sought from the applicant on the 14th of May 2026 with a response received by the Planning Authority on the 21st of May 2026. Further unsolicited information was submitted by the applicant on the 27th of May 2026.

Site Location and Context

The subject site is located in the townland of Drumgunny, 3.52km west of Carrigallen with an established access to the L-15082 Local Tertiary Road that connects to the Regional Road – R201. The site comprises of an active farm complex.

There are no protected national monuments affected by the development. The land is not affected by any designations as identified in the County Development Plan 2023-2029.

The nearest Natura 2000 site is Lough Oughter and Associated Loughs (SAC Site Code: 000007) which is located approximately 9.43 km northeast of the subject site. The nearest proposed Natural Heritage Area is Glasshouse Lake (pNHA Site Code: 000983) which is 8km northeast of the proposed site.

Planning History

There appears to be no planning history for this particular 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...'.

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.3 (a) A reference in this Act to exempted development shall be construed as a reference to development which is

(a) any of the development specified in subsection (1), or

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

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

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

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

Planning and Development Regulations, 2001 (as amended)

Article 6(1) of the Planning and Development Regulations 2001, as amended, states that:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions. Of relevance in this case would be the following:

(a) if the carrying out of such development would -

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(iii) endanger public safety by reason of traffic hazard or obstruction or road users

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or local area plan or the draft development plan or draft local area plan,

(viiA) consist of or compromise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the national Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under 26 of the National Monuments Act 1930 (No.2 of 1930) as amended.

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

Subject to the development of the proposed agricultural structure adhering to the conditions and limitations set out with respect to Class 6 and not breaching any of the 4 criteria extracted with respect to Article 9 above, the development would be considered to be exempted development.

Class 6 of Schedule 2, Part 3 of Exempted Development 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:

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 be 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 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

File History

I refer to the earlier planning report dated the 14th of May 2026 and the following request for Further Information as issued to the applicant on the 14th of May 2026. The referrer's response, received on the 21st of May 2026 in addition to unsolicited Further Information, received on the 27th of May 2026, is detailed hereunder.

1. Submit a Site Layout Plan which clearly identifies all existing agricultural structures including sheds, storage area and underground / overground structures or tanks for the storage of slurry, effluent or soiled water collected from agricultural buildings and agricultural farmyards within 100 metres of this farmyard complex. You shall outline the use of each structure, their individual floor areas and an approximate year in which each was constructed. This will enable the Planning Authority to satisfy ourselves that there is no existing breach of planning requirements at this location as we are precluded from making a Section 5 Declaration of exemption if there are. It will also allow us to ensure that the cumulative floorspace of all such structures, including what is proposed, does not exceed 450 sqm floorspace in aggregate.

Response: As part of the Further Information request, on the 21st of May 2026, the applicant submitted a revised Site Layout Plan identifying all the structures within 100m of the applicant's farm, stating each structures floor areas and approximate year of construction. On the 27th of May 2026, the applicant submitted through unsolicited information a further Revised Site layout Plan. This is shown in Figure 1 overleaf.

Figure 1: Revised Site Layout Plan

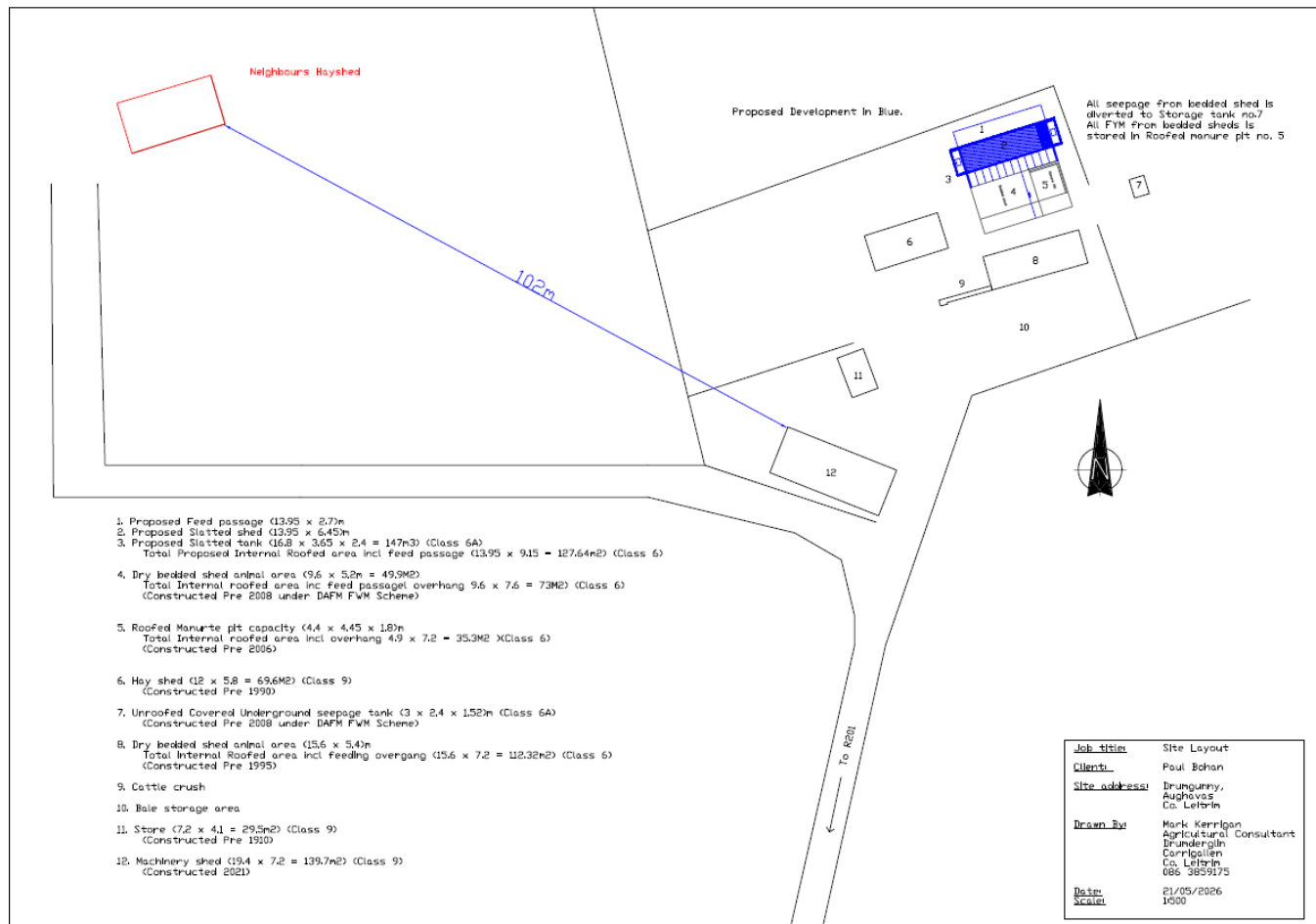


Figure 2: Table detailing existing and proposed floorspace

Building No.	Type of Building	Use Class	Dimensions	Floorspace	Date of construction
1	Proposed Feed Passage	Class 6A	13.95m X 2.7 m	34.875	proposed
2	Proposed Slatted Shed		13.95m x 6.45m	89.9775	proposed
3	Proposed Slatted Tank		16.8 m x 3.67m x 2.4m	147.9 m3	proposed
			Proposed	147 m3	127.64 m2
4	Dry Bedded Animal Area - Internal roofed area including feed passage overhang	Class 6	9.6m x 7.6m	72.96 m2	Constructed pre 2008 under DAFM FWM Scheme
5	Roofed Manure Pit - Internal roofed area including overhang	Class 6	4.9 x 7.2 m	35.28m2	Constructed pre 2006
6	Hay shed	Class 9	12m x 5.8 m	69.6 m2	Constructed pre 1990

7	Unroofed Covered Underground Seepage Tank	Class 6	3m X 2.4 m x 10.94 1.52 m		Constructed pre 2008 under DAFM FWM Scheme
8	Dry Bedded shed - Roofed area including feeding overhang	Class 6	15.6m x 7.2m	112.32m2	Constructed pre 1995
9	Cattle Crush				
10	Bale storage area				
11	Store	Class 9	7.2m x 4.1m	29.52m2	Constructed pre 1910
12	Machinery shed	Class 9	19.4m x 7.2 m	139.68 m2	Constructed 2021
Existing agricultural structures (excluding ancillary tanks and pits).				587 m2	including m3 floorspace
As above, however with existing structures within Class 6 only				348.2 m2	

Assessment of Response: The submitted Further Information, and as shown in Figure 1 and 2 above, confirms that this development would result in 348.2 sqm which is less than the 450 sqm threshold as set out in Schedule 2, Part 3, Class 6, of the Planning Development Regulations 2001 (as amended)

2. Submit a new Site Location Plan confirming the distance of this farming complex from the neighbouring farm. To note, this should be measured from the building - No 12: Machinery Shed in the submitted Site Layout Plan, to the nearest building in the neighbouring farm. Should structures within the neighbouring farm be less than 100 metres from the subject farming complex, these structures would need to be included in this exempted development request. Information required for these additional structures would need to be in accordance with advice note 1 above.

Response: As part of the Further Information request, on the 21st of May 2026, the applicant submitted a revised Site Layout Plan showing the distance between the neighbour's hay shed and the subject sites machinery store (building ref no.12). These buildings are 102 metres apart.

Assessment of Response: The submitted Further Information confirms that the distance between the neighbour's hay shed, and the subject sites machinery store are 102 metres apart.

3. Confirm that this proposal is not located within 60 metres of a public or private water source and 50 metres from a water course or water body. In addition to this, should there be any historic wells on-site, confirmation that these wells or no longer in active use and have been decommissioned.

Response: As part of the Further Information request, on the 21st of May 2026 a Cover Letter from the applicant, in addition to the Site Layout Plan, were submitted confirming that there are no wells or watercourses within 60 metres radius of the proposed development.

Assessment of Response: The submitted Further Information confirms that there are no wells or watercourses within 60 metres radius of the proposed development.

4. Confirm the width and length of the proposed slatted shed as it is different in the submitted documents. All drawings that will be submitted as part of this further information request should correspond with these figures.

Response: As part of the Further Information request, on the 21st of May 2026 a Cover Letter from the applicant confirmed that the internal length of the building is 13.95 metres and the internal width of the building is 9.154 metres.

Assessment of Response: The submitted Further Information confirms the dimensions of the proposed structure.

Referral Question

Having reviewed all of the documents relating to this referral, including the Further Information response received on the 21st of May 2026 and 27th of May 2026, I consider the question to be based on whether the construction of a slatted shed at Drumgunny, Aughavas, Co. Leitrim, constitutes development and, if so, whether such development 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 change of proposed works comprising of the construction of a slatted shed is or is not exempted development at Drumgunny, Aughavas, Co. Leitrim, is considered ‘works’ in this regard and therefore development.

Is or is not exempted development

Regard is had to the provisions of Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, which related to Class 6 – Agricultural Structures for the provision of roofed structures to house cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floorspace space not exceeding 300 sqm.

The applicant submitted as part of the Further Information response on the 21st of May 2026 and 27th of May 2026, a:

- Cover Letter addressing the points set out in the Further Information Request;
- Revised Plan and Cross Section,
- Revised Site Layout Plan, and
- Revised Site Location Map.

The Revised Site Location Map confirmed the distance of the subject farm being more than 100 metres from the nearest building of the neighbouring farm, and that there are no wells or watercourses within 60 metres of the subject site. The Revised Plan and Cross Sections confirmed the internal dimensions of the proposed slatted shed amounts to a total floorspace of circa 127 sqm, which is below the 300 sqm threshold. The information contained in the revised Site Layout Map confirms that the existing structures considered within Class 6, alongside with this proposal, would amount to less than 450 sqm of floorspace on the site.

The proposed works are therefore considered to be development that is exempted development.

Conclusion

Having carried out a site inspection, examined the submission and reviewed all of the documents relating to this development including the Further Information response received on the 21st of May 2026 and 27th of May

2026, along with the relevant legislation, I conclude that the proposed the construction of a slatted shed at Drumgunny, Aughavas, Co. Leitrim, is development and is exempted development.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposed development has been screened for Appropriate Assessment (AA), and it has been determined that an AA is not required. See Appropriate Assessment (AA) screening report attached.

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, its location in a serviced built-up area, the absence of any connectivity to any sensitive location and the likely emissions therefrom and the fact that the development proposed is not of a development type or class set out in Part 1 and is sub-threshold of applicable development type/class set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended. It is therefore concluded that EIA is not required.

Recommendation

Having regard to the foregoing, I recommend that the Planning Authority issue the following Declaration under Section 5 of the Planning and Development Act 2000, as amended:

WHEREAS a question has arisen as to whether the proposed works comprising of the construction of a slatted shed at Drumgunny, Aughavas, 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 Mr. Paul Bohan on the 22nd of April 2026;

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

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

AND WHEREAS Leitrim County Council has concluded that:

the proposed works comprising of the construction of a slatted shed is exempted development at Drumgunny, Aughavas, Co. Leitrim, and is in accordance with the conditions and limitations associated with Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

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

The proposed works comprising of the construction of a slatted shed at Drumgunny, Aughavas, Co. Leitrim, is development and it is exempted development.



Claire Lynch
Executive Planner
Date: 27/05/2026



Liam Flynn
Senior Executive Planner
Date: 27/05/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 26-28
(b) Brief description of the project or plan:	As per Section 5 report
(c) Brief description of site characteristics:	As per Section 5 report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

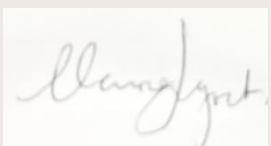
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European (code)	Site	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further screening Y/N
Lough Oughter and Associated Loughs SAC (000007)		https://www.npws.ie/protected-sites/sac/000007	9.43 km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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	No significant potential impacts.
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	No significant potential impacts.

- Physical presence of structures (e.g. collision risks) - Potential for accidents or incidents													
In-combination/Other	No significant potential impacts.												
(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	No significant potential impacts.												
(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:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td>☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td>☐</td> <td> ☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td>☐</td> <td> ☐ Request NIS ☐ Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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 planning permission	(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
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(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission											
Signature of Recommending Planner:													
Date:	27/05/2026												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 26-28
Development Summary:	As per Section 5 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> : [Schedule 5 Part 2 10 (dd) <i>All private roads which would exceed 2000 metres in length</i>]	Proceed to Part C

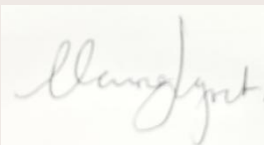
Part C – If yes, has Schedule 7A information/screening report been submitted?

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

EIA Preliminary Examination:

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

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

Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		No
Location: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location? Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
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: 27/05/2026	