



Leitrim County Council Planning Report

Reference No:	ED 26-40
Applicant:	Mark Bohan
Location:	Agharann, 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 an agricultural shed to store agricultural machinery & associated works, constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	24 June 2026
Due Date:	05 October 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 18th of June 2026, and relates to whether the construction of an agricultural shed to store agricultural machinery & associated works, is or is not exempted development at Agharann, Aughavas, Co. Leitrim.

Further information was sought from the applicant on the 9th of July 2026 with a response received by the Planning Authority on the 15th of September 2026.

Site Location and Context

The subject site is located in the townland of Agharann circa 3.8km west of Carrigallen with an established access to the L-15086 Local Tertiary Road. The site comprises of a dwelling, with a number of outbuildings including a small shed and a garage.

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 9.29km northeast of the subject site. The nearest proposed Natural Heritage Area is Glasshouse Lake (pNHA Site Code: 000983) which is 7.68km northeast of the proposed site.

Planning History

P.16-17: In March 2016, Mark Bohan was granted planning permission to erect dormer type bungalow with living accommodation at attic level, domestic garage, provide new site entrance and access road, install an Integrated Constructed Wetlands (ICW) system as on-site wastewater system including all ancillary site works necessary to complete development at Agharann, Aughavas Co. Leitrim.

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;
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

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,

Class 9 of Part 3 of Schedule 2 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 any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceed 300 square metres.

Conditions and limitations

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floorspace in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated 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 of in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Assessment

File History

I refer to the earlier planning report dated the 7th of July 2026 and the following request for Further Information as issued to the applicant on the 9th of July 2026. The referrer's response, received on the 15th of September 2026 is detailed hereunder.

1. *Regard is had to the context of the proposal site, which is characterised as a residential property and is not indicative of an active farm holding or complex. Accordingly, you are requested to submit evidence to demonstrate that this proposed agricultural shed is associated with an active agricultural practice under your ownership with such evidence to comprise of the submission of a herd number and the submission of a landholding map or maps indicating the extent of farm holding under your ownership or which you are actively associated. Any such response should also detail the need for the proposed agricultural shed to be located next to a residential property instead of being within or located near a farmyard complex under your control.*

Upon receipt of the further information as requested above, your application will be considered further.

Response: As part of the Further Information request, on the 15th of September 2026, the applicant submitted:

- **A Cover Letter:** summary of the referee's response to FI Request.
- **A letter submitted by the Department of Agriculture, Food and the Marine:** confirming that Mark Bohan is the Keeper for Herd Number: 1621197 and Herd Designator: 2133317.
- **A Letter Confirming Residency:** A letter by Gerry Gallogly confirming that Mark Bohan and his family live at the subject site.
- **Farm Site Map:** showing parcels of land associated with the farm, which includes lands where the applicants house is located.

Referral Question

Having reviewed all of the documents relating to this referral, including the Further Information response received on the 15th of September 2026, I consider the question to be based on whether the construction of an agricultural shed to store agricultural machinery & associated works, is or is not exempted development at Agharann, 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 proposal is considered 'works' in this regard and therefore development.

Is or is not exempted development

Regard is had to Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and its associated conditions and limitations. The applicant submitted as part of the Further Information response on the 15th of September 2026, further information with evidence showing the herd number and farmlands within the applicant's ownership/control.

As detailed above, Class 9 Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, allow exemptions for the development of extensions subject to a number of conditions and limitations, including confirmation:

- It is confirmed that this shed will be used for the storage of agricultural machinery only.
- It will be located next to a residential property; however, the applicants herd number was submitted with a map showing the farmland associated with these activities. The applicant's house is located within these farmlands.
- The proposed structure is 294.5 sqm (15m x 19.6m), just shy of 300 sqm.
- The proposed structure is located more than 10 metres away from a public road.
- The proposed structure measures 7.7 metres in height which is lower than 8 metres.
- The proposed structure is located within 100 metres of two residential units however one dwelling is within the ownership of the applicant, and a letter of consent dated 03 June 2026 has been submitted by the owners of property located to the north of the property.
- It is unclear from the submitted information if the metal sheeting used for the roof or for the external finish of the structure will be painted.

With reference to whether the proposed construction of an agricultural shed to store agricultural machinery and associated works measuring 294.5 sqm, would constitute development, regard is had to Class 9 Part 3 of Schedule 2 Exempted Development – General and its associated conditions and limitations under which the construction of an agricultural shed is acceptable.

Conclusion

Having examined carefully the submission and reviewed all of the documents relating to this development including the Further Information response received on the 15th of September 2026, along with the relevant legislation, I conclude that the construction of an agricultural shed to store agricultural machinery & associated works at Agharann, 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 construction of an agricultural shed to store agricultural machinery & associated works at Agharann, Aughavas, Co. Leitrim constitutes development and, if so, whether such development is or is not exempted development.

AND WHEREAS the said question was referred to Leitrim County Council by Mark Bohan on the 18th of June 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) Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) a question has arisen as to whether the proposed works comprising of an agricultural shed to store agricultural machinery & associated works at Agharann, Aughavas, Co. Leitrim is in accordance with the conditions and limited associated with Class 9 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)(a) of the 2000 Act, as amended, hereby declares that:

The proposed works comprising of the construction of an agricultural shed to store agricultural machinery & associated works at Agharann, Aughavas, Co. Leitrim, is development and it is exempted development.



Claire Lynch
Executive Planner
Date: 17/09/2026



Liam Flynn
Senior Executive Planner
Date: 18/09/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 26-40
(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

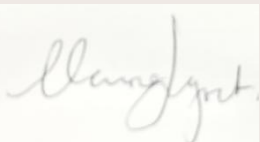
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European (code)	Site	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further screening in Y/N
Lough Oughter and Associated Loughs SAC (000007)		https://www.npws.ie/protected-sites/sac/000007	9.3 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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Signature of Recommending Planner:													
Date:	17/09/2026												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 26-40
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

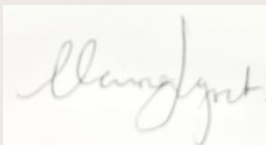
Part C – If yes, has Schedule 7A information/screening report been submitted?

☐ 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

<i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		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: <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>		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: 17/09/2026