Comhairle Chontae Liatroma | Leitrim County Council	**Leitrim County Council Planning Report**
Reference No:	**ED 26-76**
Applicant:	**Brendan McGourty**
Location:	**Tullynapurtlin, Ballinaglera, 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 (gross floor area 173 sqm) completed with concrete aprons, and all associated ancillary site works constitutes development and, if so, whether such development is or is not exempted development.**
Date of Site Inspection:	**05/11/2026**
Due Date:	**27/11/2026**

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of an agricultural shed (gross floor area 173 sqm) completed with concrete aprons, and all associated site works constitutes development and, if so, whether such development is or is not exempted development at Tullynapurtlin, Ballinaglera, Co. Leitrim.

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 30th of October 2026.

Site Location and Context

The subject site is located in the townland of Tullynapurtlin, 1.3 km southeast of Dowra. There is an existing farm on-site. The L-8295 Local Secondary Road runs to the south of the site. The land is not affected by any designations as identified in the Leitrim County Development Plan 2023-2029.

The nearest Natura 2000 site is Cuilcagh-Anierin Uplands SAC (SAC Site Code: 000584) which is located approximately 1 km east of the subject site. Cuilcagh-Anierin Uplands SAC is also the nearest proposed Natural Heritage Area.

Fig. 1: Subject Site



Planning History

There is no documented planning history on file for 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...'.*

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.

(b) 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 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 (1A), or
(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

S.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.

4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is-

(a) Authorised, or required to be authorised by or under any statute (other that this Act) whether by means of a license, consent, approval or otherwise, and
(b) As respects which an environmental impact assessment or any appropriate assessment is required,

To 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

Referral Question

Having carried out a site inspection and reviewed all of the documents relating to this referral, I consider the question to be based simply on whether the construction of an agricultural shed to house sheep (gross floor area 173 sqm) completed with concrete aprons, and all associated works at Tullynapurtlin, Ballinglera, Co. Leitrim, constitutes development and, if so, where such development is or is not exempted development.

Is or is not development

There is an existing active farm on site. 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..."*.

As per the submitted drawings, the proposal is to construct an agricultural shed with concrete aprons. As per the submitted layout drawings, the shed technically provides 3-bay dry bedded sheep pen with a feed passage (size 14.4 metres in length and 12.7 metres in width). The question is whether this proposal is considered 'works' and therefore development.

The applicant submitted the proposed layout, floorplan and elevations. These are shown in Figures 3, 4, and 5 below. Please note the proximity of the proposal to the L-8295 Local Secondary Road.

Fig 2: Site Location Plan

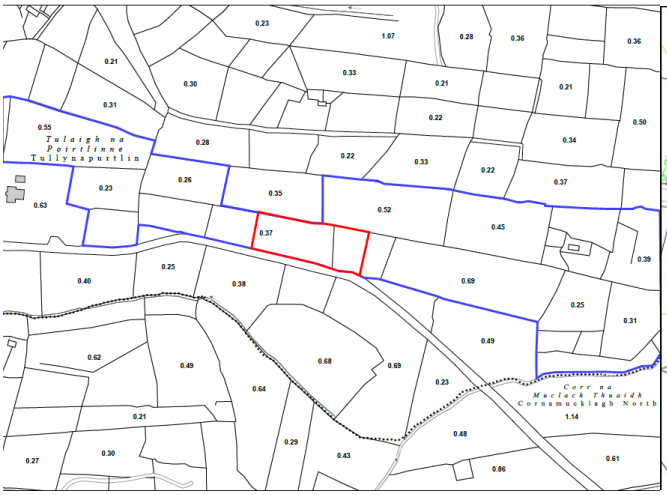


Fig.3: Submitted Site Layout Plan

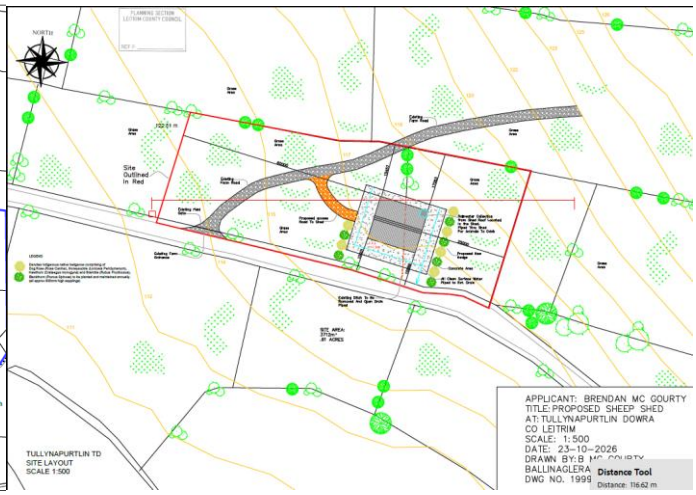


Fig 4: Site Floorplans

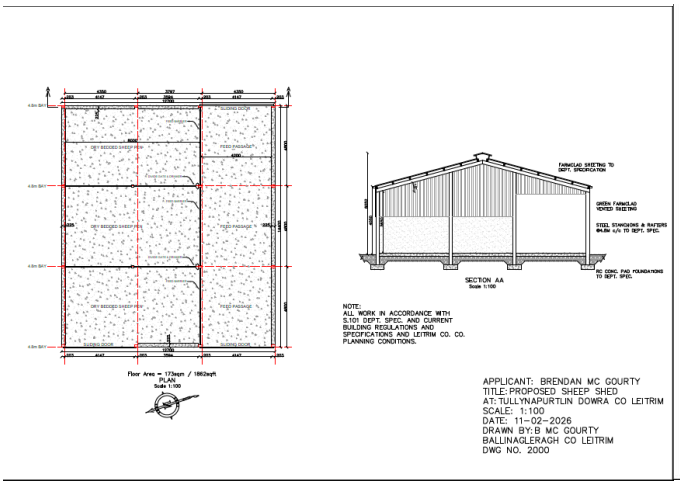
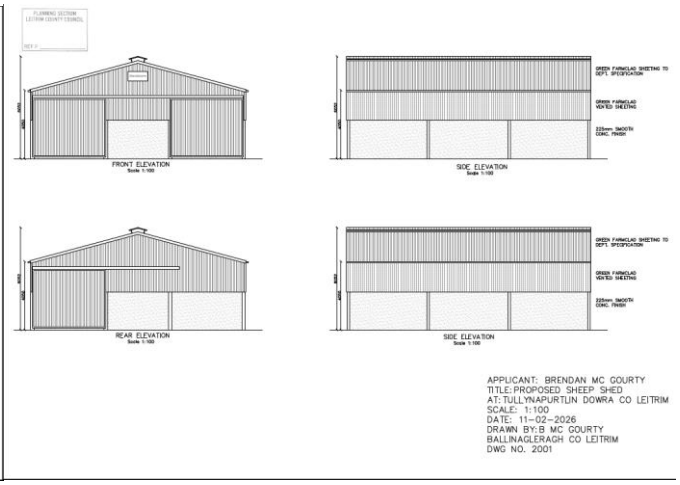


Fig.5: Submitted Elevation Plans



As detailed above, Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations (2001) allow exemptions for the development of a roofed structure to house sheep, with ancillary effluent storage, subject to a number of conditions and limitations including:

- The gross floorspace 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.
- That the septic tank is adequate to serve the structure having regard to its size, use and location.
- That no such structures 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.
- That no such structure shall be situated and no effluent from such structure shall be stored within 10 metres of any public road.
- That the proposal and effluent from the proposal is not stored within 100 metres of any house (other than the house of the person providing the structure), or school, hospital, church or building used for public assembly unless you have written from the owner and in some circumstances, the occupier of the building.
- The proposal is not located within 60 metres of a public or private water source.
- That no such structure shall be within 50 metres from a watercourse or waterbody.

Measuring the distance from the location of the proposed shed on the Site Layout Plan, the proposal is located less than 10 metres from the public road. The submitted Site Location Map shows that there is sufficient land to move this proposal to ensure that it meets requirements.

Although the description is for an agricultural shed, the drawings show that this is a shed that will be used to house sheep. It is noted that there is no proposal for an underground tank or a manure pit to store soiled hay. Part 3 of Class 6 of Schedule 2, Part 3 of Exempted Development of the Planning and Development Regulations 2001 allow for:

"*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.*"

In the event that it is considered that this proposal is exempt, the applicant will be advised of the above.

Conclusion
Having examined carefully the submission and reviewed all of the documents relating to this development, it is clear that this proposal 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 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 (gross floor area 173 sqm) completed with concrete aprons, and all associated site works at Tullynapurtlin, Ballinaglera, 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 Brendan McGourty on the 30th of October 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 6 of Part 3 of Schedule 2 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 an agricultural shed to house sheep (gross floor area 173 sqm) completed with concrete aprons, and all associated site works at Tullynapurtlin, Ballinaglera, 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)(a) of the 2000 Act, as amended, hereby declares that:

The proposed works comprising of the construction of an agricultural shed to house sheep (gross floor area 173 sqm) completed with concrete aprons, and all associated site works at Tullynapurtlin, Ballinaglera, Co. Leitrim, is development and it is exempted development.



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Claire Lynch
Executive Planner
Date: 06 /11/2026



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Liam Flynn
Senior Executive Planner
Date: 23/11/2026

Comhairle Chontae Liatroma | Leitrim County Council	**Appropriate Assessment Screening and Determination**

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	ED 26-76
(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 Site (code)	**List of Qualifying Interest/Special Conservation Interest**	**Distance from proposed development (km)**	**Connections (Source-Pathway-Receptor)**	**Considered further in screening Y/N**
Cuilcagh-Anierin Uplands SAC (000584)	https://www.npws.ie/protected-sites/sac/000584	1km	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	No significant potential impacts.

• 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	
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:	

	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	
Signature of Recommending Planner:		**Date:**	06/11/2026

Comhairle Chontae Liatroma | Leitrim County Council	**Environmental Impact Assessment (EIA) Pre-Screening**

Establishing if the proposal is a *'sub-threshold development'*	
File Reference No:	**ED 26-76**
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 *sub-threshold*:	**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: *Is the nature of the proposed development exceptional in the context of the existing environment?*		No
Will the development result in the		No

production of any significant waste, or result in significant emissions or pollutants?		
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 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:**	06/11/2026