



Reference No:	ED26-06
Applicant:	Sean Clinton
Location:	Stonepark, Dromahair, Co. Leitrim F91 CK38
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	To construct a 90 m² agricultural shed for storage of agricultural machinery associated with working the land.
Date of Site Inspection:	04/02/2026
Due Date:	23/02/2026

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 an agricultural shed together with ancillary site works and services is development or is not development and whether it is or is not exempted development at Stonepark, Dromahair, Co. Leitrim.

The proposed works which are the subject of this application are as follows: to construct an agricultural shed 10 metres by 9 metres (90 m²), for the storage of agricultural machinery, vehicles and equipment and materials associated with working the land.

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 27th of January 2026

Site Location and Description

The subject site is located within the rural townland of Stonepark, approximately 2km northwest of the village of Dromahair. The subject site directly adjoins the applicant's dwelling. The proposed shed is to be accessed from the grounds of the dwelling, which has direct access onto the R288 Regional Road.

The subject site is well set back from the road and is sloping in nature. The proposed shed will be located between the applicant's dwelling and an adjoining dwelling directly to the southwest this dwelling is approximately 40 metres from the proposed shed.

There was evidence of site clearance and drainage works on the day of the site visit. This site forms part of a larger land holding which is located directly across the road (5 acres) and to the northeast of the site (4 acres), both these areas are currently forested. The forested lands directly across from the site are within the Lough Gill SAC.

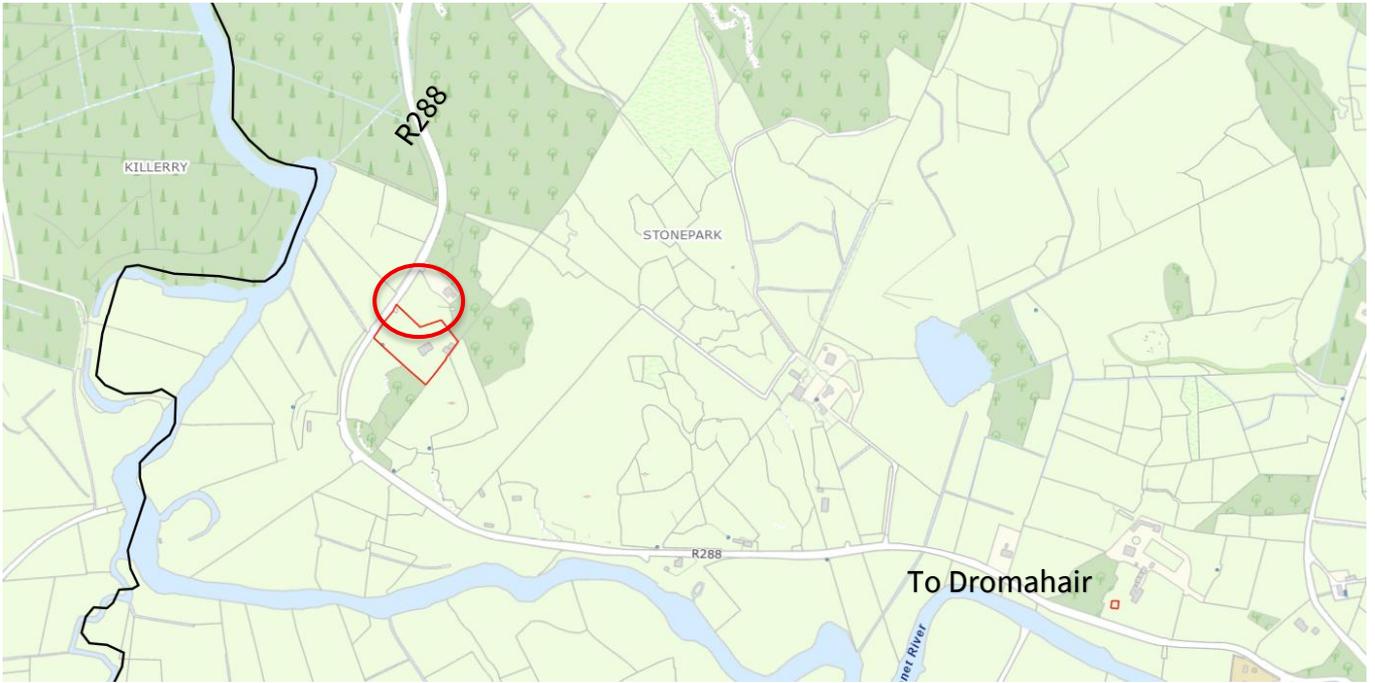


Fig. 1 Site Location



Fig. 2 subject site viewed from adjoining dwelling

Natural Heritage

The nearest Natura 2000 site is Lough Gill SAC (Site Code: 001976) which is located directly across the road from the site, approximately 14 m from the site boundary.

The nearest nationally designated site is also Lough Gill proposed Natural Heritage Area (pNHA Site Code: 001976) which is located approximately 14 m from west of the subject site. The River Bonnet flows into Lough Gill.

The subject site is located within an area designated as an Area of Outstanding Natural Beauty, A4- AONB, Lough Gill, Leean Mountain and Environs in the Leitrim County Development Plan 2023-2029.

Archaeological and Architectural Heritage

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

Planning History

There is no recorded planning history attached to the subject site.

Relevant Legislation

Planning and Development Act 2000, as amended

Section 2 Interpretation

Section 2(1) of the Planning and Development Act, 2000 (as amended) provides an interpretation of 'works' as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'. An "alteration" includes '...the replacement of a door, window or roof... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures...'

Section 3 Development

Section 3(1) In this Act 'development' means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4 Exempted Development

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Planning and Development Regulations 2001, as amended

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

Subject to article 9, development of a class specified in column 1 of Part 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.

Class 9 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:

Agricultural Structures:

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 exceeding 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 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 floor space 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 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

Proposed Development:

The construction of an agricultural shed, 10 metres by 9 metres (90 m²), for the storage of agricultural machinery, vehicles and equipment and materials associated with working the land. The proposed shed will be located to the southeast of the existing dwelling, and it is proposed to provide access to this shed from the existing hard standing area adjacent to the applicant's dwelling.

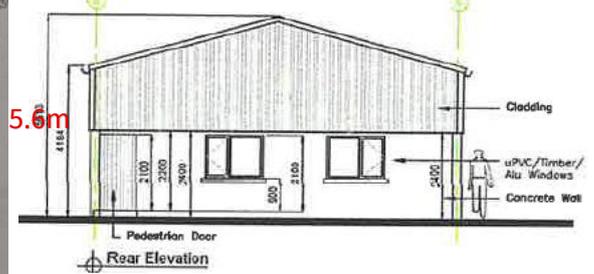
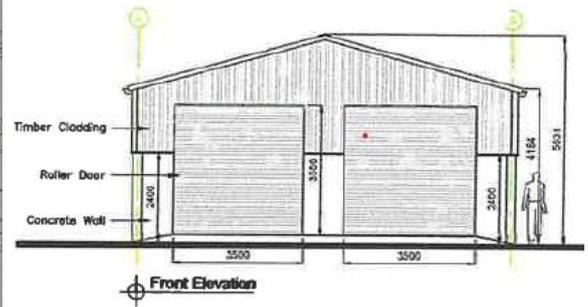


Fig. 3 Proposed layout and elevations of shed



Afforestation License Number: CN96525- currently on appeal for this 2.29 Ha Site.

Fig. 4 Lands in applicants' ownership

It is noted that the applicant's licence pertaining to lands across the R288, while initially granted was subsequently withdrawn due to an appeal being lodged, no decision has been reached on this appeal to date. Notwithstanding this, the applicant is currently managing an area adjacent to his house which has an area of approximately 4 acres of natural forest and on the opposite side of the road leading down to the river is another five acre area of semi natural emergent forest primarily of alder and willow, part of which has recently been drained. This forms part of the area where the licence application pertains, should the licence to afforest the full site not be granted the the existing alder and willow forests still remain and will continue to be managed accordingly.

The proposed shed is to store agricultural machinery, vehicles, equipment and materials associated with the working of the land (forestry). This is to include quad bike, 2 trailers, a lawnmower, a woodchipper, and a van used in connection with agricultural activities, together with the storage of timber logs arising from land management and maintenance.

While the proposal is located within an Area of Outstanding Natural Beauty, it is located between two existing dwellings well set back from the road and is surrounded by existing mature hedgerow and trees to the south, trees to the rear and a steep hill with numerous boulders and established forest to the north. It will therefore not be prominent in the landscape.

The application form was also accompanied by a letter from the adjoining landowner whose house is located some 40 metres from the proposed shed, stating that they have no objection to locating the shed in its proposed location.

Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that referral question is based simply on whether the proposed works comprising of the construction of a 90 m² agricultural shed at Stonepark, Dromahair, Co. Leitrim, F91 CK38 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

I have considered all relevant exemptions available under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

The proposed development provides for the construction of a new agricultural shed together with ancillary site works and services with a total floor area of 90 square metres and a pitched roof of ridge level of 5.6 metres. Class 9 of Schedule 2, Part 3 of Exempted Development applies to this application. Having regard to the proposed floor area and ridge height of the intended shed, the Planning Authority considers that the proposal would fall well under this threshold and also under the threshold of 300 square metres. In terms of distance from this nearest 3rd party house, the Planning Authority observes that the proposed structure is located at a stated distance of 40 metres from this 3rd party owned house. Notwithstanding, the application details include a letter of consent from the owner of this 3rd party dwelling house. With the inclusion of this letter of consent, it is considered that this allows this proposal to remain in accordance with the Conditions and Limitations of column 2 as identified in the Planning and Development Regulations, 2001 (as amended) as set out below.

Class 9

Agricultural Structures

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 exceeding 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.

YES

2. The gross floor space of 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 floor space in aggregate.

YES

3. No such structure shall be situated within 10 metres of any public road.

YES

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

YES

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 in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

YES (letter of consent from the nearby homeowner included).

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

YES

Appropriate Assessment

Given the limited nature and scale of the works, it is considered that the proposed development would not detrimentally affect any Natura 2000 sites. Accordingly, an Appropriate Assessment is not considered required.

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 construction of an agricultural shed together with ancillary site works and services is Development or is not Development and whether it is or is not Exempted Development at Stonepark, Dromahair, Co. Leitrim, F91 CK38 constitutes development which is exempted development;

AND WHEREAS the said question was referred to Leitrim County Council by Sean Clinton on the 27th January 2026;

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

- (a) Section 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000 (as amended)
- (b) Article 6 (1) of the Planning and Development Regulations 2001 (as amended)
- (c) Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended)
- (d) Class 9 of Schedule 2, Part 3 of Exempted Development Agricultural Structures of the Planning and Development Regulations 2001 (as amended) and,
- (e) the documentation submitted as part of this referral;

AND WHEREAS Leitrim County Council has concluded that –

- (a) the construction of an agricultural shed with a floor area of 90 square metres at Stonepark, Dromahair, Co. Leitrim, F91CK38 is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended;
- (b) the proposed development comes within the scope of Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (c) having regard to the inclusion of a letter of consent from the owner of a dwelling house situated within 100 metres of the proposed structure which is not the house of the person providing the structure. Accordingly, the Conditions and Limitations of Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, are being met and as such, the proposed structure would comply with all of the available exemptions that the proposed development could otherwise avail in this instance.

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

The construction of an agricultural shed together with ancillary site works and services at Stonepark, Dromahair, Co. Leitrim F91 CK38 constitutes development which is exempted development.



Aileen Farrell
Assistant Planner
Date: 16 /02/2026



Liam Flynn
Senior Executive Planner
Date: 18/02/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-06
(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	14 m	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. <ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> 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 	No significant potential impacts.

In-combination/Other	No significant potential impacts.	
(b) Describe any likely changes to the European site:		
<ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Step 4. Screening Determination Statement		
<p>The assessment of significance of effects:</p> <p>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.</p>		
<p>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.</p>		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature of Recommending Planner:		Date: 16/02/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED26-06
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	<input type="checkbox"/> Yes – No further action required <input checked="" type="checkbox"/> No – Proceed to Part A

Part A - Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

<input type="checkbox"/> Yes – specify class:	EIA is mandatory No screening required
<input checked="" type="checkbox"/> 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)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No screening required
<input type="checkbox"/> 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
<input type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> 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>		

<p><i>production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p>Size of the development: Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there cumulative considerations having regard to other existing and/or permitted projects?</p>		
<p>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></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>		

Preliminary Examination Conclusion:

Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)

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



Date: 16/02/2026