



## Leitrim County Council Planning Report

<b>Reference No:</b>	<b>ED25-36</b>
<b>Applicant:</b>	<b>Breda &amp; Billy Byrne</b>
<b>Location:</b>	<b>Corraneary, Aughavas, Co. Leitrim H12 F588</b>
<b>Application Type:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended</b>
<b>Proposal:</b>	<b>Construction of an agricultural entrance</b>
<b>Date of Site Inspection:</b>	<b>15/08/2025</b>
<b>Due Date:</b>	<b>03/09/2025</b>

### 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 7 August 2025 and relates to whether the proposed construction of an agricultural entrance at Corraneary, Aughavas, Co. Leitrim H12 F588 is development and whether it is exempted development.

### Site Location and Context

The subject site is located within the rural townland of Corraneary, approximately 3.6km south of Carrigallen. The land is located within Landscape Character Type 9 Drumlin Farmland which is described in the County Leitrim Landscape Character Assessment of the Leitrim County Development Plan 2023-2029 (Appendix VII) as follows:

*'The Drumlin Farmland occupies a large part of the southern part of the county and features a distinctive drumlin hill topography. The consistent orientation of the hills gives the landscape a uniform grain and has its origins from the direction of ice flows during glaciation. The pattern or grain can be difficult to appreciate, being masked largely by the abundant mature hedgerows which race up and down the hillsides forming a patchwork pattern usually of small-scale. The drumlins have steep sides with broad rounded tops although their size and shape vary considerably throughout. Land cover is generally pasture with marshy areas within the inter drumlin hollows. Patches of commercial coniferous forestry are dispersed throughout this landscape, some areas being fairly extensive in size. The plantation coniferous forest is a frequent feature and has become influential in the local landscape character.'*

The subject land contains a dwelling and a wider field that is overgrown. Local tertiary road L-15101 bounds the land to the west and is 2 metres in width. The road is a boreen-style road i.e. it is not wide enough for two cars to pass and has grass growing in the middle.

The nearest Natura 2000 site is Lough Oughter and Associated Loughs Special Area of Conservation (SAC Site Code: 000007) which is located approximately 11km northeast of the subject site.

The nearest nationally designated site is Lough Naback proposed Natural Heritage Area (pNHA Site Code: 001449) which is located approximately 10km southeast of the subject site.

The subject site is not located within any landscapes designated for amenity value in the Leitrim County Development Plan 2023-2029.



**Fig. 1 – Image of L-15101 and location of proposed entrance (LHS)**

## Planning History

File Reference P.14425 is a planning application mapped at the subject site dating from 1963-2000. I could not locate the hard copy file.

## 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 together 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.*

### **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*

*(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width*

*(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.*

### **Assessment**

The applicant has advised that the proposed entrance is required to maintain the land. Local tertiary road L-15101 is 2 metres in width and there are adequate sight lines. I do not consider that the proposed entrance will create a traffic hazard.

The works do not comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, nor does the development endanger public safety by reason of traffic hazard or obstruction or road users. I consider the creation of an agricultural entrance at this location to be exempt.

### **Referral Question**

Having all of the documents relating to this referral, it is considered that referral question is based simply on whether the construction of an entrance at Corraneary, Aughavas, Co. Leitrim is or is not development and whether it is or is not exempted development.

### Is or is not development

In relation to whether the proposed works are development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines ‘development’ as comprising of two possible components: *“the carrying out of any works on, in, over or under land”, or “the making of any material change in the use of any structures or other land”*.

Section 2(1) of the Act provides an interpretation of 'works' as *“the carrying out of any works on, in over, or under land”* including *“any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”*.

The proposed construction of an entrance is considered ‘works’ in this regard and therefore development.

### Is or is not exempted development

The applicant has demonstrated that the proposed development does not comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, nor does the development endanger public safety by reason of traffic hazard or obstruction or road users.

The development therefore is considered to be development that 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 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 entrance at Corraneary, 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 Breda and Billy Byrne on the 7<sup>th</sup> of August 2025;

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

- (a) Sections 2(1), 3(1) and 4(1) 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, and
- (c) the documentation submitted as part of the referral;

**AND WHEREAS** Leitrim County Council has concluded that:

- (a) the construction of an entrance at Corraneary, Aughavas, Co. Leitrim is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended;

- (b) the construction of the proposed entrance is exempted development as per Article 9 (1) (a) (ii) 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 construction of an entrance at Corraneary, Aughavas, Co. Leitrim is development and is exempted development.




Deirdre Lardner  
Executive Planner  
Date: 28/08/2025



Liam Flynn  
Senior Executive Planner  
Date: 29/08/2025

STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		ED25-36Error! Reference source not found.Error! Reference source not found.		
(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 Oughter and Associated Loughs SAC (000007)	<a href="https://www.npws.ie/protected-sites/sac/000007">https://www.npws.ie/protected-sites/sac/000007</a>	11km	None	No
Please Select				
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.)		
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>		No significant potential impacts.		
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> </ul>		No significant potential impacts.		

<ul style="list-style-type: none"> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>													
<b>In-combination/Other</b>	No significant potential impacts.												
<b>(b) Describe any likely changes to the European site:</b>													
<ul style="list-style-type: none"> <li>Examples of the type of changes to give consideration to include:</li> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No significant potential impacts.												
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<b>Step 4. Screening Determination Statement</b>													
<b>The assessment of significance of effects:</b> Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> 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.													
<b>Conclusion:</b>													
	<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 <b>no likelihood</b> of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening  <input type="checkbox"/> Request NIS  <input type="checkbox"/> Refuse planning permission               </td> </tr> <tr> <td>(iii) <b>Significant effects</b> are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS  <input type="checkbox"/> Refuse planning permission               </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
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<b>Signature of Recommending Planner:</b> 	<b>Date:</b> 28/08/2025												



## Environmental Impact Assessment (EIA) Pre-Screening

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

<b>File Reference No:</b>	ED25-36Error! Reference source not found.Error! Reference source not found.
<b>Development Summary:</b>	As per Planning Report
<b>Was a Screening Determination carried out under Section 176A-C?:</b>	<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:	<b>EIA is mandatory</b> No screening required
<input checked="" type="checkbox"/> No	<b>Proceed to Part B</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	<b>No screening required</b>
<input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):	<b>EIA is mandatory</b> No screening required
<input type="checkbox"/> Yes, the project is of a type listed <b>but</b> is <i>sub-threshold</i> : [Schedule 5 Part 2 10 (dd) <i>All private roads which would exceed 2000 metres in length</i> ]	<b>Proceed to Part C</b>

### 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	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

### 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:
<b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>		



<p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p><b>Size of the development:</b></p> <p>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><b>Location:</b></p> <p><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>		
<p><b>Preliminary Examination Conclusion:</b></p>		
<p><b>Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)</b></p>		
<p><input checked="" type="checkbox"/></p> <p>There is <b>no real likelihood</b> of significant effects on the environment.</p> <p>EIA is not required.</p>	<p><input type="checkbox"/></p> <p>There is <b>real likelihood of</b> significant effects on the environment.</p> <p><b>An EIAR is required.</b></p>	<p><input type="checkbox"/></p> <p>There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit <b>the Information specified in Schedule 7A</b> for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>
<p><b>Signature of Recommending Planner:</b></p>		<p><b>Date:</b> 28/08/2025</p>