



**Declaration regarding Development/Exempted Development  
(Section 5 of Planning & Development Act 2000, as amended)**

**Leitrim County Council Reference Number: ED- 25-28**

**WHEREAS** a question has arisen as to whether the replacement of a boundary timber & post fence with a concrete fence of the same size at Tents, Tarmon, Spencer Harbour, Drumkeeran, Co. Leitrim, N41 K752 and whether it 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 John Joe Byrne (Chairperson of the John McKenna Traditional Society) on the 25<sup>th</sup> June 2025 and on the 14<sup>th</sup> July 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,
- (c) Class 5 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the documentation submitted as part of the referral;

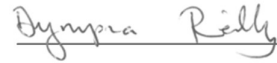
**AND WHEREAS** Leitrim County Council has concluded that –

- a) The condition & limitation of Class 5 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, is relevant and the replacement fence would accord with same.
- b) The replacement of a boundary timber & post fence with a concrete fence of the same size constitutes development which is exempted development with the provisions of Class 5 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, applying in this instance.

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

The replacement of a boundary timber & post fence with a concrete fence of the same size at Tents, Tarmon, Spencer Harbour, Drumkeeran, Co. Leitrim, N41 K752 is development that **is exempted development.**

**Signed:**



**Administrative Officer  
Planning Department**

**Dated this**

**17<sup>th</sup> July, 2025**