



Comhairle Chontae Liatroma  
Leitrim County Council

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

**Leitrim County Council Reference Number: ED- 24-41**

**WHEREAS** a question has arisen as to whether the change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons is or is not exempt development and whether any minor works to the property to facilitate such use are exempted development.

AND WHEREAS Goodwill Properties Ltd. requested a declaration on this question from Leitrim County Council on the 18<sup>th</sup> day of November 2024 with unsolicited additional information submitted on 10<sup>th</sup> December 2024 and with further information having been submitted to the Planning Authority on 3<sup>rd</sup> April 2025 following a request for further information by the Planning Authority

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

- a) Sections 2(1), 3(1), 4(1)(h) and 4(2) of the Planning and Development Act, 2000, as amended,
- b) Article 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001, as amended,
- c) Class 14H of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- d) the planning history and established use of the building,
- e) the submissions on file,
- f) the report of the Senior Planner:

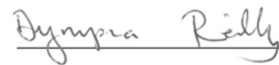
**AND WHEREAS** Leitrim County Council has concluded that

The change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons and any minor works to the property to facilitate such use

- a) would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended as the use of the subject property as a convent was abandoned in 2005, and
- b) the proposed change of use from use from that of a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons would not constitute exempt development and would not therefore fall within the scope of Class 14H of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended), and
- c) the proposed minor works to the property to facilitate such use would be considered exempted development in and of themselves, as outlined in the drawings submitted and would satisfy the requirements of section 4(1)(h) of the Act in that they do not materially affect the external appearance of the structure. However, as the works are required to give effect to a change of use which requires planning permission, the works are therefore development within the context of the question submitted and are not exempted development.

**NOW THEREFORE** Leitrim County Council, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended, hereby decides that the change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons is development and is not exempted development and that any minor works to the property to facilitate such use is similarly development **and is NOT exempted development.**

**Signed:**



**Administrative Officer  
Planning Department**

**Dated this**

**22<sup>nd</sup> April, 2025**

**Advice Note**

**Section 5 – Goodwill Properties Ltd, C/o Ann Mulcrone Reid Associates, Planning & Development Consultants – Rossinver Convent, Gubalaun, Co. Leitrim, F91 A718.**

***Advice Note***

The Planning Authority would contend with the advice of Reid Associates (Planning Development Consultants) that the proposed upgrade of the existing septic tank serving this property is exempted development. It is not. Equally, the statement that such upgrade is covered under a code distinct from that of the Planning code is misguided. It is covered primarily within the Planning code.

It is proposed to provide a new tertiary treatment system from which treated wastewater will be pumped to a new percolation area to include polishing filter which extends to 950 m<sup>2</sup> in extent. It is not credible to contend that such works relate to the improvement of an existing structure as they require the installation of additional structures (tertiary treatment system inclusive of pump and rising main) along with works comprising the laying out of a percolation area and infiltration drain) and that the provisions of section 4(1)(h) of the Planning & Development Act 2000, as amended, can be relied upon.

Under the provisions of Class 41, Part 1 of the Second Schedule of the 2001 Planning Regulations, as amended works consisting of, or incidental to, the carrying out of development in compliance with a notice under Section 12 of the Local Government (Water Pollution) Act 1977, as amended by the Local Government (Water Pollution) Amendment Act 1990 is an exempted development. No such notice was served by the Sanitary Services Authority on the current or former owners of the building.

The wastewater discharge from the wastewater treatment system is anticipated as exceeding 5m<sup>3</sup> per day. As such, a discharge license would also be required pursuant to Section 4 of the Local Government (Water Pollution) Act 1977 as amended by the Local Government (Water Pollution) Amendment Act 1990.