



Leitrim County Council Planning Report

Reference No:	ED 26-11
Applicant:	Colm O'Donnell
Location:	Drumshanbo Td, Drumshanbo, 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 erection of a gate at existing access onto the public road constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	04/03/2026
Due Date:	26/03/2026

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 erection of a gate at existing access onto the public road constitutes development and, if so, whether such development is or is not exempted development at Drumshanbo Td, Drumshanbo, 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 27th of February 2026.

Site Location and Context

The subject site is located in the townland of Drumshanbo Td, circa 450 metres northeast of Drumshanbo town centre. The subject site has direct access to the Local Primary Road L-3306, which is located to the south of the site.

The site is located within an Area of Outstanding Natural Beauty (AONB) A7: Lough Allen.

Fig. 1: Subject access



Fig. 2 Existing access serving adjacent dwelling



The nearest Natura 2000 site is Cuilcagh-Anierin Conservation (SAC Site Code: 000584) which is located approximately 4.39 km northeast of the subject site. The nearest proposed Natural Heritage Area is Carrickaport Lough (pNHA Site Code: 001920) which is 3.43 km southeast of the proposed site.

Planning History

P.00-776: In November 2000, Mr. Colm O' Donnell was granted planning permission to erect a 2 storey dwellinghouse, single domestic garage, connect to mains sewer, provide new site entrance and access road at Drumshanbo Td., Drumshanbo, Co. Leitrim.

P.00-341: In July 2000, Mr. Colm O' Donnell was granted planning permission to erect a 2 storey dwellinghouse, single domestic garage, connect to mains sewer, provide new site entrance and access road at Drumshanbo Td., Drumshanbo, Co. Leitrim.

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.

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.

(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,

Class 9 of Part 1 of 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:

Sundry Works

Class 9 *The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.*

Conditions and Limitation:

1. *The height of any such structure shall not exceed 2 metres.*

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 erection of a gate at existing access onto the public road constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development.

The submitted Site Layout Plan (ref: P-COD-0226/200) shows the location of the proposed gate. It is proposed for this new gate to be installed at an existing access from the public road which leads to agricultural lands further to the rear, as evidenced in Google Streetview imagery taken from December 2010 depicted in Fig.4 below.

The submitted drawings - Elevation of Proposed Gate (ref: P- COD-0226/300), states that the proposed access gate will comprise of galvanised steel frame with grey composite timber effect vertical sheeting. It is further clarified that the proposed gate will be 1.5 metres in height and 7.25 metres in width.

Fig. 4: Google Streetview Imagery (December 2010) of Existing Access

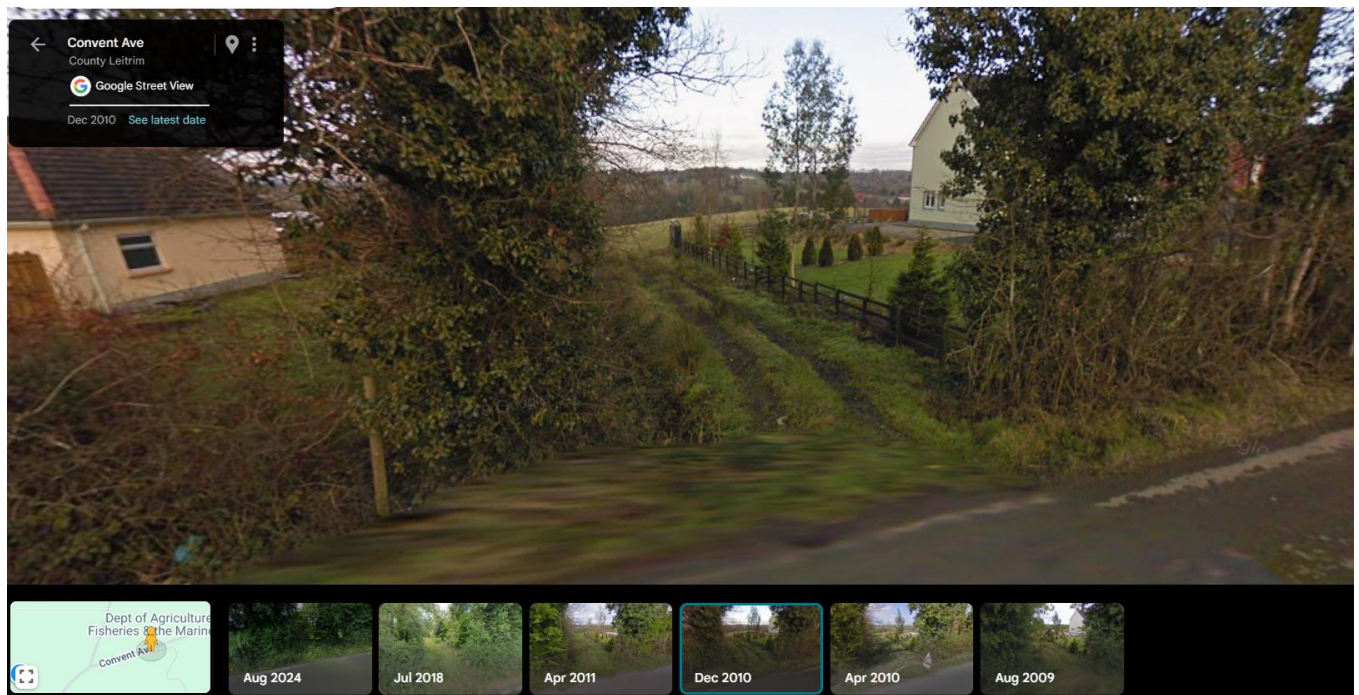
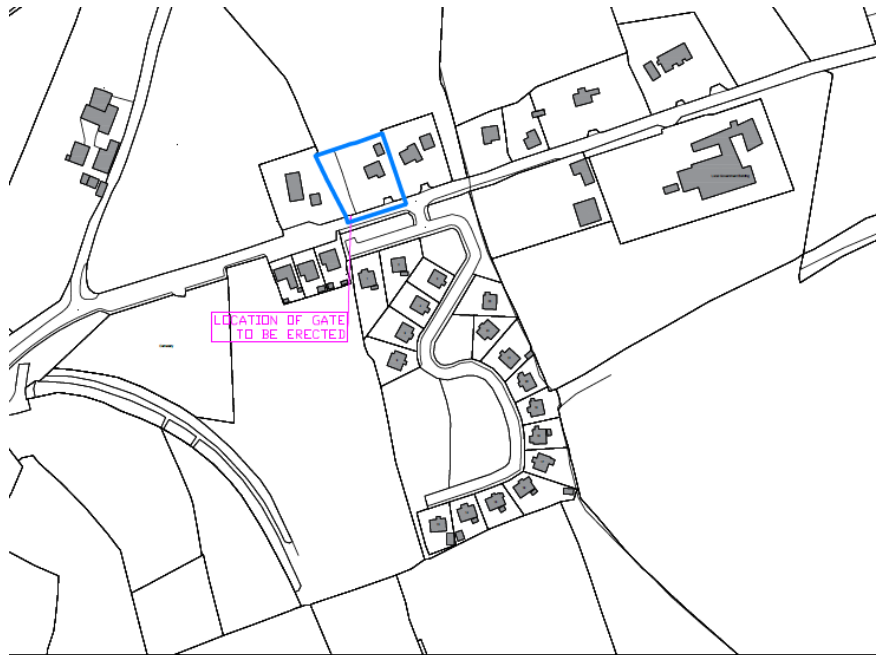


Fig. 5: Proposed location of gate




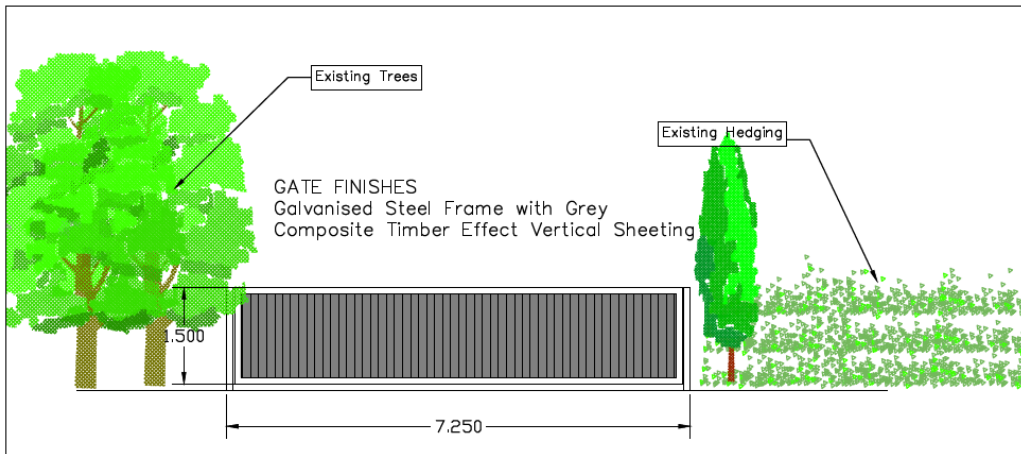
 Lands under Applicants Control Outlined Blue

Fig. 6: Proposed gate



Proposed Sheetting

Elevation of Proposed Gate

In consideration of the proposed installation of the gates at the existing access onto the public road, the dimensions provided would meet the conditions and limitations set out in Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

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 erection of a gate at existing access onto the public road at Drumshanbo Td, Drumshanbo, Co. Leitrim, is or is not development and whether it is or is not exempted development;

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether:

AND WHEREAS the said question was referred to Leitrim County Council by Colm O' Donnell on the 27th of February 2026:

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

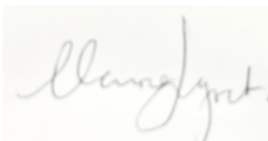
- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 9, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) The installation of a gate comprising of galvanised steel frame with grey composite timber effect vertical sheet (measuring 7.25 metres in width by 1.5 metres in height) at an existing access onto the public road is in accordance with the conditions and limitations associated with Class 9 of Part 1, 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 erection of a gate at existing access onto the public road at Drumshanbo Td, Drumshanbo, Co. Leitrim, is development that is exempted development.



Claire Lynch
Executive Planner
Date: 05/03/2026



Liam Flynn
Senior Executive Planner
Date: 06/03/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 26-11
(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/002348	4.29 km	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.)
<p>Construction phase e.g.</p> <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.
<p>Operational phase e.g.</p> <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) 	No significant potential impacts.

• Potential for accidents or incidents	
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.
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(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? Yes No

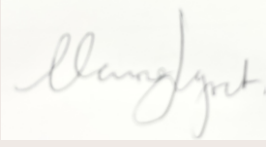
Step 4. Screening Determination Statement

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.	<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: 05/03/2026
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Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 26-11
Development Summary:	As per Section 5 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 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 checked="" 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 checked="" 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>		No
<i>Will the development result in the</i>		No

