



Leitrim County Council Planning Report

Reference No:	ED 26-25
Applicant:	Stephen Leahy
Location:	5 Croi na Carraig, Keshcarrigan, Co. Leitrim, N41 CD73
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 lowering of a 3600mm section of kerbing and the associated adjustment on the internal slope to provide vehicular access at 5 Croi na Carraig would constitute development, and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	16/04/2026
Due Date:	04/05/2026

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 lowering of a 3600mm section of kerbing and the associated adjustment on the internal slope to provide vehicular access constitutes development and, if so, whether such development is or is not exempted development at 5 Croi na Carraig, Keshcarrigan, Co. Leitrim, N41 CD73.

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 07th of April 2026.

Site Location and Context

The subject site is to the rear of 5 Croi na Carraig in a housing estate that is yet to be taken in charge by Leitrim County Council. The subject site is a semi-detached house. The housing estate comprises of a mixture of semi-detached and terraced housing and has private internal roads that connect to a Local Primary Road, the L-3051.

The proposed works are to the footpath to the rear of the property.

Fig. 1 The front of the subject site



Fig. 2 Showing extent of current lowered kerb



Fig. 3 The rear of the dwelling



Fig. 4 The proposed kerb to be lowered



Figure 5: Google Earth June 2014



Figure 6: Google Earth April 2020



The nearest Natura 2000 site is Cuilcagh – Anierin Uplands SAC (SAC Site Code: 000584) which is located approximately 7.23km north of the subject site. The nearest proposed Natural Heritage Area is Carrickaport Lough (pNHA Site Code: 001920) which is circa 2.2km northwest of the proposed site.

The site is located within a designated Area of High Visual Amenity: B9 – Lough Scur, St John's Lough and Environs.

Planning History

P.7718: In October 1983, Mr. Edward Donnelly, was granted planning permission to provide a septic tank at Keshcarrigan, Co. Leitrim.

P.02-144: In January 2003, Mr. Paul O' Reilly, was granted planning permission to 1) Demolish existing non habitable building. 2) Erect 2 no. one and half storey two bedroom dwellings and 1 no. one and half storey three bedroom dwelling, 1 no. commercial unit, 1 no. two bed apartment, 1 no. one and a half storey four bed detached dwelling, provide new site entrance and access road, connect to mains sewer including all ancillary site works at Keshcarrigan Td., Keshcarrigan.

Conditions 1 (a): The development shall be carried out strictly in accordance with the lodged plans, particulars, specifications and drawings save as is hereinunder otherwise required.
(b): The development shall be carried out in accordance with the revised site layout plan drawings, details, particulars and house plans submitted on the 17th September 2002, except where altered in this permission.

Reason: To ensure the satisfactory completion of the development.

Condition 2 (a): Units 1-5 inclusive shall be dual fronted buildings. Full revised details for all dwelling units shall be submitted to the Planning Authority, prior to the commencement of the development.

Reason: In the interests of proper Planning and Development Control and to ensure that proper Standards of Development are achieved.

Conditions 10 (e): Driveways should have a minimum width of 3 metres with a kerb upstand of 25mm provided at entrances.
(f): Prior to the commencement of any site work, the detailed layout, design of the internal roadway, shall be submitted to, and approved in writing by, the Planning Authority. Such works as approved shall be constructed concurrently with the road construction.
(g): Individual dwelling shall not be occupied until driveways have been completed in full accordance with the approved drawings. Thereafter, these facilities shall be retained for that purpose.

Reason: In the interests of the preservation of the public carriageway.

I am unable to find the Site Layout Plan dated the 17 September 2002 stated in Condition 1 above. However, the agent in a letter to the Local Authority dated 18 August 2003 relating to conditions submitted a number of drawings including, 'Alterations to houses no.6, 7 and 8'. In this drawing. This drawing shows that car parking access was provided to the rear of no.5. Please see drawing below

Figure 7: Alterations to houses no 6, 7, and 8 drawing dated 18 August 2003



P.03-935 – Application by Des Foley for retention and completion of minor alterations to the development granted permission under P.02-144 including change commercial unit at ground floor to a 2-bedroom apartment and to change 2 no. 2-bedroom dwellings to 2 no. 3-bedroom dwellings by providing living accommodation over the arch section of the development. Permission was granted on 16/12/2003, subject to 2 no. conditions, one of which reinstated condition nos. 2 and 4-28 of the permission granted under P.02-144.

It is noted that the site layout submitted as part of the above application detailed off-street vehicular parking to the rear of unit no. 5 (subject property of this declaration application).

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:

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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 13 of Schedule 2 Part 1 of Exempted Development – General allows for the following exemption subject to conditions and limitations as set out in column 2;

13. the repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

Conditions and Limitations:

- 1. The width of any such private footpath or paving shall not exceed 3 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 lowering of a 3600mm section of kerbing and the associated adjustment on the internal slope to provide vehicular access constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development

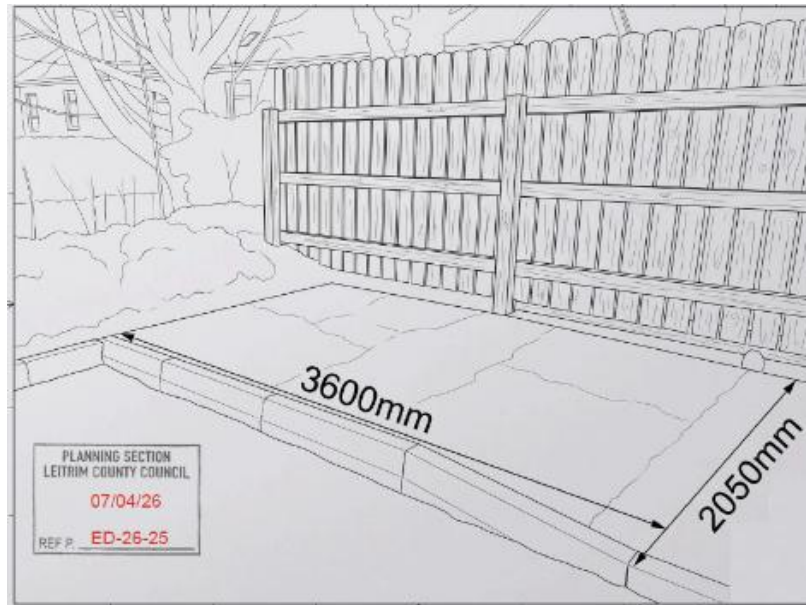
In consideration of lowering the kerb to provide a car parking space to the rear of the property, this would be classed as works that would require development in accordance with Section 2(1) and Section 3(1) of the Planning and Development Act, 2000 (as amended).

Is or is not exempted development

Class 13 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, allows for the repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any footpath or paving.

The applicant submitted their proposal annotating clearly measurement of the proposed works. Please see Figure 8 below.

Figure 8: Proposed Works



The proposed works are 3.6 metres in width and 2.05 metres in length. This proposal relates to a housing estate that has not been taken in charge by the Local Authority, and therefore it is technically private.

As per granted planning permission P.02-144, there is an existing lowered kerb to the rear of the property to provide existing rear access to the property. It appears that this access was bounded by a fence to provide a private space. Looking at aerial photography, and as shown in Figures 5 and 6, it would suggest that these changes were made in circa 2020. Technically under granted planning permission P.02-144, the applicant can remove the boundary fence and use the existing lowered kerb to reinstate the car parking space again. However, as shown in Figure 8 above, the applicant's intention is for the lowered kerb to be extended.

Article 9(1)(l) of the Planning and Development Regulations 2001, as amended, identifies restrictions on an exemption if it contravenes a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. There are a number of conditions attached to the grant of planning permission P.02-144. Of note is Condition 10 (e) of P.02-144 which states:

“Driveways should have a minimum width of 3 metres with a kerb upstand of 25mm provided at entrance.

Reason: *In the interests of the preservation of the public carriageway”.*

Having regard to the nature of the proposal and the fact that the permitted scheme under P.02-144 authorises the provision of onsite/off-street car parking to the rear of the subject premises, the fact that the estate in question has not been taken in charge by the Local Authority thereby the receiving road to the rear of the subject premises is deemed to be a private road, to the dimensions of the proposed alterations to the existing kerb and to the condition and limitation associated with Class 13 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, the Planning Authority is satisfied that the proposed works can be considered exempted development with this exemption not inhibited by Condition 10 (e) of the grant of permission P.02-144.

Article 9(1)(vi) of the Planning and Development Regulation 2001 identifies further restrictions on exemptions if it interferes with the character of a landscape, or a view or proposed of special amenity value or special interest. This site is located within a designated Area of High Visual Amenity: B9 – Lough Scur, St John's Lough and Environs. Although this site is located within an AHVA, this proposal is to the rear of properties on a private housing estate that is unfinished. In my opinion, this minor development and given the planning history, this proposal would not have a significant adverse impact on the AHVA.

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 lowering of a 3600mm section of kerbing and the associated adjustment on the internal slope to provide vehicular access to the rear of no. 5 Croi na Carriag, Keshcarrigan, Co. Leitrim, N41 CD73, 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 Stephen Leahy on the 7th of April 2026:

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

- (a) Sections 2(1), 3(1) and 4(1)(h) 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 13 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:

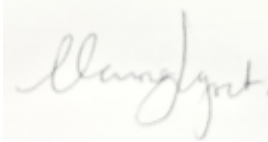
- (a) the permitted scheme under P.02-144 authorises the provision of onsite/off-street car parking to the rear of the subject premises,
- (b) the estate in question has not been taken in charge by the Local Authority thereby the receiving road to the rear of the subject premises is deemed to be a private road,
- (c) the proposed alterations to the existing kerb conforms with the condition and limitation associated with Class 13 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the Planning Authority is satisfied that any exemption from requiring planning permission the proposed works may avail of is not restricted by any condition of the relevant grant of permission under P.02-144.

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 lowering of a 3600mm section of kerbing and the associated adjustment on the internal slope to provide vehicular access to the rear to no. 5 Croi na Carriag, Keshcarrigan, Co. Leitrim, N41 CD73, is development that is exempted development.

Advice:

- While development is exempt for purposes of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (amended), this does not confer a right to avail of this exemption as it is necessary to ensure all the legal entitlements to access this area are available to you.
- Having regard to the provisions of Condition 10 (e) of the grant of permission under P.02-144, you are advised that a kerb upstand of 25mm from the finished surface course, and not the current base course that is in situ, shall be provided at the entrance.



Claire Lynch
Executive Planner
Date: 30/04/2026



Liam Flynn
Senior Executive Planner
Date: 01/05/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 26-25
(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

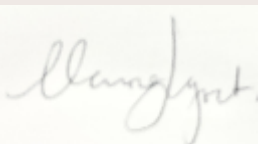
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

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/000584	7.3 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.)
Construction phase e.g. - 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. - 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	No significant potential impacts.

• Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents													
In-combination/Other	No significant potential impacts.												
(b) Describe any likely changes to the European site:													
• 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? ☐ 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:													
	<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 no likelihood of significant effects on a European site.</td> <td>☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td>☐</td> <td> ☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td>☐</td> <td> ☐ Request NIS ☐ Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission	(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
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(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission											
Signature of Recommending Planner:													
Date:	30/04/2026												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 26-25
Development Summary:	As per Section 5 Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required ☒ 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)

☐ Yes – specify class:	EIA is mandatory No screening required
☒ 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)

☐ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ 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
☒ Yes, the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C

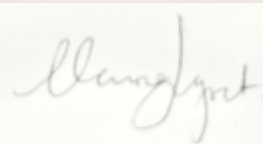
Part C – If yes, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☒ 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

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		No
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> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☐ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:		
	Date:	30/04/2026