



Leitrim County Council Planning Report

Reference No:	ED 26-70
Applicant:	Pat Cummins
Location:	Bridge Street, Carrick on Shannon, Co. Leitrim N41 HX71
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Internal works to the upper floors of the existing building serving two no. residential units
Date of Site Inspection:	07/10/2026
Due Date:	21/10/2026

Introduction

This subject application was received by the Planning Authority on 24 September 2026 and seeks a declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether internal works to the upper floors serving two no. residential units at Bridge Street, Carrick on Shannon, Co. Leitrim, N41 HX71 is development and whether or not it is exempted development.

Site Location and Context

The subject building is a three-storey terraced building located on Bridge Street in Carrick on Shannon with the wider landownership extending to Quay Road. The land is zoned 'Town Core' and is within the Architectural Conservation Area for the town. The land is subject to inundation. The referral relates to the first floor and second floor of the building which are arranged as two individual residential units. The units are accessed from a shared entrance door on Bridge Street.



Fig. 1- Existing building

Natural, Archaeological and Architectural Heritage

The nearest Natura 2000 site is Annaghmore Lough (Roscommon) Special Area of Conservation (SAC Site Code: 001626) which is located approximately 15.5km south of the subject site. The nearest nationally designated site is Lough Drumharlow proposed Natural Heritage Area (pNHA Site Code: 001643) which is located 0.8km northwest of the subject site. The subject site is located within an Area of High Visual Amenity in the Leitrim County Development Plan 2023-2029. There are no protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) located within the subject site. The subject building is located within the recorded Monument Town Zone (archaeological interest) associated with the historic town of Carrick on Shannon.

Planning History

- **P.21/163** – in November 2021 permission was granted to Brencopharm Ltd., for a change of use of ground floor unit from retail to off-licence with new signage.
- **P.12391** – in January 1996 retention permission was granted to retain enlargement of window dimensions and alterations to shape of roof.
- **P.11738** – in September 1994 permission was granted for a change of use of store to extended abattoir.
- **P.10997** – in August 1992 permission was granted for alterations to abattoir facility.

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...'. An "alteration" includes '...the replacement of a door, window or roof.... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures...'

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.

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

(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.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area,

On 27 July 2026 the following exemption was introduced for the subdivision of a house into two units. Class 1A of Part 1, Schedule 2 of the Planning and Development Regulations 2001 to 2026, as amended, allows for the following exemption subject to conditions and limitations:

CLASS 1A

The subdivision of a house and the restoration of a house to its original form if subdivided under this Class.

Conditions and limitations:

- 1. For the purposes of this exemption, the relevant period begins on the date that this Regulation is signed and ends on 31 December 2030.*
- 2. This exemption shall apply only to development that is commenced and completed during the relevant period.*
- 3. For the avoidance of doubt, the relevant building control legislation shall apply, such as Building Regulations (including Fire Safety) and Building Control Regulations.*
- 4. Subdivision of a house shall not create more than two units in total.*
- 5. Each unit shall be no less than 32 square metres in floorspace.*
- 6. Each unit shall be self-contained and not reliant on the use of shared internal space, other than for access.*
- 7. This exemption shall not be used in cases where there has been a construction, erection or placing of a detached house in the rear garden of a principal house.*
- 8. Subject to paragraph 9, a notification shall be submitted to the relevant planning authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use.*

9. *A notification under paragraph 8 shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.*
10. *The planning authority shall maintain a record of all notifications under this exemption and report annually to the Minister on the number of notifications received under this Class.*

Assessment

I have considered all relevant exemptions available under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

The applicant has advised that the first floor and second floor were occupied as a single residential unit until June 1992 when they were divided into two individual residential units. Unit 1 comprises a two-bedroom apartment on the first floor and unit 2 comprises a two-bedroom apartment on the second floor. Both units were occupied until 2006. The applicant proposes to carry out internal works to improve both apartments.

There is no record of planning permission for apartments at this location. The Planning and Development Act 2000, as amended defines 'unauthorised use' as a '*use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development*'. The subdivision of the single residential unit into two apartments circa. 1992 was carried out without the benefit of planning permission and therefore is an unauthorised use and cannot avail of exempted development. The development cannot satisfy the conditions and limitations of the new exemption, commenced on 27 July 2026, for the subdivision of a house into two units.

Having carried out a site visit, examined the proposal, planning history, and reviewed all of the documents relating to this development, along with the relevant legislation, I recommend that the referrer be advised that the subdivision of the single residential unit into two apartments circa. 1992 was carried out without the benefit of planning permission and therefore is considered an unauthorised use and cannot avail of 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 which relates to an established building, served with all mains connections and with no ground works proposed, 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 carrying out of internal works to the upper floors of the existing building serving two no. residential units at Bridge Street, Carrick on Shannon, Co. Leitrim, N41 HX71 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 Pat Cummins (C/O McKiernan Architects Ltd.) on the 24 September 2026;

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 1A 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 carrying out of internal works to the upper floors of the existing building serving two no. residential units at Bridge Street, Carrick on Shannon, Co. Leitrim, N41 HX71 constitutes development within the meaning of Section 3 of the Planning and Development Act 2000 (as amended)
- (b) the subdivision of the single residential unit into two apartments circa. 1992 was carried out without the benefit of planning permission and therefore is an unauthorised use and cannot avail of exempted development.

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 works comprising the carrying out of internal works to the upper floors of the existing building serving two no. residential units at Bridge Street, Carrick on Shannon, Co. Leitrim, constitutes development that is not exempted development.



Deirdre Lardner
Executive Planner
Date: 07/10/2026



Liam Flynn
Senior Executive Planner
Date: 08/10/2026

Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-70
(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
Annaghmore Lough SAC	https://www.npws.ie/protected-sites/sac/001626	15.5km	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 - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risks) - Potential for accidents or incidents	No significant potential impacts.

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:		
	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
Signature of Recommending Planner:		Date: 07/10/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED26-70
Development Summary:	As per Planning 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> <i>Will the development result in the</i>		

<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?			
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>			
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: 07/10/2026