



Comhairle Chontae
Leitrim
Leitrim County
Council

Leitrim County Council Planning Report

Reference No:	ED26-63
Applicant:	Kieran Connolly
Location:	Bundrowes, Tullaghan, Co. Leitrim, F91YT22
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Remove two chimneys on an existing cottage during derelict grant renovations work.
Date of Site Inspection:	14/09/2026
Due Date:	28/09/2026

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 removal of two chimneys on an existing cottage constitutes development and, if so, whether such development is or is not exempted development at Bundrowes, Tullaghan, Co. Leitrim, F91YT22.

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 01st September 2026.

Site Location and Description

The subject site is at Duncarbry, Tullaghan, Co. Leitrim, located at the eastern end of a row of 7 dwellings fronting onto the L2059.

The subject site currently accommodates an existing single storey dwelling with an extension to the rear, it would appear to have been vacant for some time but appears structurally sound.

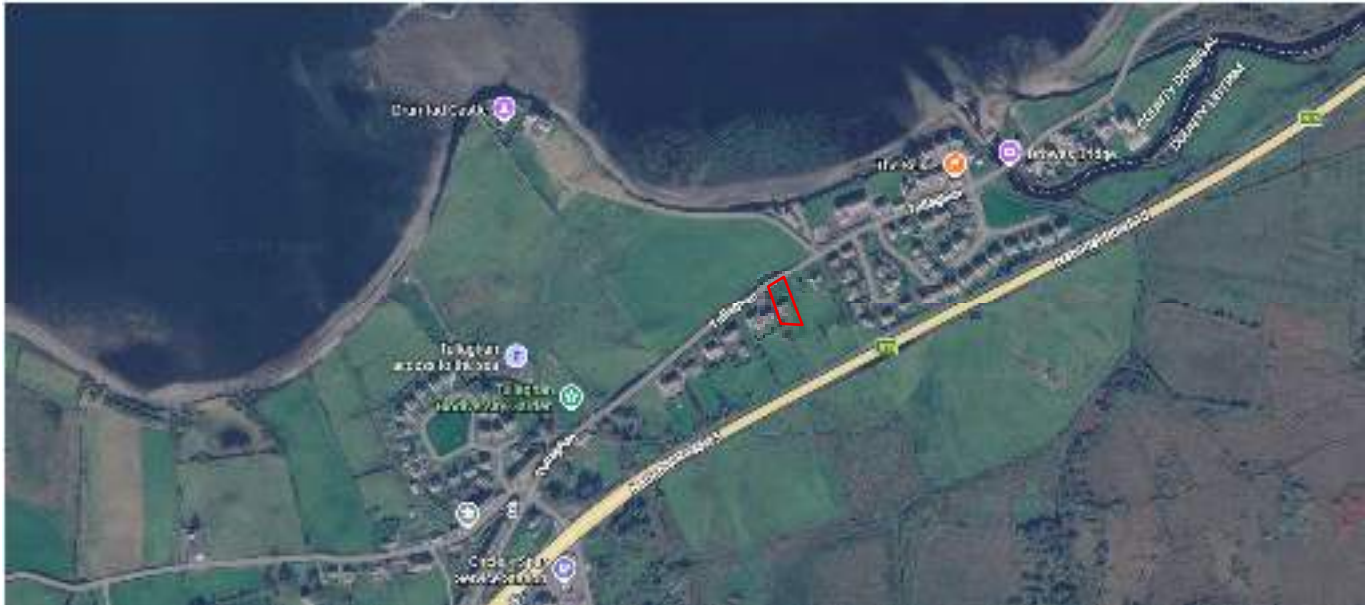


Fig. 1 Site Location

The nearest Natura 2000 site is Lough Melvin Special Area of Conservation (SAC Site Code: 000428) which is located approximately 105 m north of the subject site, there is no direct link to this SAC from the site. The Donegal Bay SPA (Site Code: 004151) is located 160 m north of the site.

The nearest nationally designated site is also Lough Melvin (pNHA Site Code: 000428) which is located approximately 140 m north of the subject site.

The subject site is located within an area designed as an Area of High Visual Amenity -B1- farmed hinterland of Arroo and Tievebaun 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 application site. Similarly, there are no Recorded Monuments or Zones of Archaeological Notification coinciding with the application site.

Description of Existing Structures on Site:

The dwelling on site is single storey in height, with a rear return. The dwelling is setback some 20 metres from the roadway.



Fig. 2 – Front of subject dwelling



Fig. 3 – Image of rear of subject dwelling

There are three number chimneys associated with this dwelling.

Planning History

There is no recorded planning permission relating to the subject site.

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

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

(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.

Class 2A and of Part 1, 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: Development within the curtilage of a house.

The removal of a chimney from a house.

Conditions and Limitations:

- 1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house.*
- 2. Roof finishes shall be the same as the existing roof.*
- 3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the wildlife Act 1976, as amended.*

Assessment

Proposed Development:

It is proposed to remove two chimneys on an existing cottage. Following a site inspection, it is noted that there are three number chimneys associated with the subject dwelling, two on the main dwelling and one on a rear extension. The applicant provided additional information indicating that the gable end chimney on the eastern portion of the roof and the chimney on the rear extension are the two chimneys to be removed, one chimney will be retained. It is proposed to patch up the resultant holes with similar tiles with remainder of the roof remaining intact.

Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that referral question is based simply on whether the proposed works comprising of the removal of two chimneys

on an existing cottage at Bundrowes, Tullaghan, Co. Leitrim, F91 YT22 is or is not development and whether it is or is not exempted development.

Is or is not development

In relation to whether the proposed works are development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines 'development' as comprising of two possible components: "the carrying out of any works on, in, over or under land", or "the making of any material change in the use of any structures or other land".

Section 2(1) of the Act provides an interpretation of 'works' as "the carrying out of any works on, in over, or under land" including "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...".

The issue of whether or not the proposed works constitute development is not disputed. Having regard to the definition of "works" as set out in Section 2 of the Planning and Development Act 2000, as amended, it is clear that the works constitute development within the meaning of the Act.

Is or is not exempted development

In consideration of the proposed removal of the chimneys, the Planning Authority notes from the submitted application documentation that the following is true for the proposed development:

Class 2A:

The removal of a chimney from a house.

Conditions and Limitations:

1. *No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house. **The subject dwelling is detached.***
2. *Roof finishes shall be the same as the existing roof. **The applicant has indicated that the removed chimneys will be replaced by similar roof covering to the existing roof, of which the remainder is to be retained.***
3. *This exemption is subject to compliance with section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended. **An advice note will be attached to inform the applicant of this requirement.***

Accordingly, it is considered that the proposed removal of two chimneys meets the applicable conditions and limitations set out in Class 2A of Part 1, 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 limited 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 or 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 proposed works comprising of the removal of two chimneys on an existing cottage at Bundrowes, Tullaghan, Co. Leitrim, F91YT22 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 Kieran Connolly on the 01st 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 2A 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 proposed works comprising of the removal of two chimneys on an existing cottage at Bundrowes, Tullaghan, Co. Leitrim, F91YT22 constitutes development which is exempted development with the provisions of Class 2A 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 2000 Act, as amended, hereby declares that:

The proposed works comprising of the of the removal of two chimneys from an existing cottage at Bundrowes, Tullaghan, Co. Leitrim, F91YT 22 is development which **is exempted** development.



Aileen Farrell
Acting Executive Planner
Date: 21/09/2026



Liam Flynn
Senior Executive Planner
Date: 21/09/2026

As a separate addendum to the above declaration, I recommend that the referee be advised of the following:

1. Regarding the removal of chimneys, you are required to comply with Section 22 (*protection of nests of wild birds*) and Section 23 (*breeding or resting places of protected wild animals including bats*) of the

Wildlife Act 1976, as amended. To note, it is a criminal offense to wilfully harm protected species or damage their critical life-cycle habitats.

Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-63
(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
Lough Melvin SAC (000428)	https://www.npws.ie/protected-sites/sac/000428	105m	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.



File Reference No:	ED26-63
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

☐	Yes – specify class:	EIA is mandatory No screening required
☒	No	Proceed to Part B

☒	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

☐	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

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

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production of any significant waste, or result in significant emissions or pollutants?		
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: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location? Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		
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: 21/09/2026