

## **Leitrim County Council**



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

#### **Leitrim County Council Reference Number: ED- 24-45**

**WHEREAS** a question has arisen as to whether the construction of 2 no. sheds with a stated floor area of 290m<sup>2</sup> and 160m<sup>2</sup> respectively, each with a height of less than 8m and a total aggregate floor area of less than 900m<sup>2</sup>, at Donaghmore, Manorhamilton, Co. Leitrim is development 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 Damien Comiskey on the 6<sup>th</sup> of December 2024; in regard to a property/site at Donaghmore, Manorhamilton, Co. Leitrim.

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

- (a) Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (c) Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended, restrictions on exemptions.
- (d) Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) the documentation submitted as part of the referral;

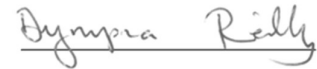
**AND WHEREAS** Leitrim County Council has concluded that:

- (a) the construction of 2 no. sheds with a stated floor area of 290m<sup>2</sup> and 160m<sup>2</sup> respectively, each with a height of less than 8m and a total aggregate floor area of less than 900m<sup>2</sup>, at Donaghmore, Manorhamilton, Co. Leitrim is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended;
- (b) the proposed development comes within the scope of Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (c) having regard to the location of the subject site adjacent to the N16 national primary road, the Planning Authority considers that the proposed development would constitute a serious traffic hazard as a result of traffic movements associated with the proposed development at this substandard section of the national primary route and at a location where traffic volumes and traffic speeds are significant, resulting in a very serious and unacceptable traffic hazard onto a N16 national primary road and its users;

- (d) accordingly, the provisions of Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended, in removing any available exemptions that the proposed development could otherwise avail of, apply in this instance.

**NOW THEREFORE** Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development 2000 Act, as amended, hereby declares that:

the construction of 2 no. sheds with a stated floor area of 290m<sup>2</sup> and 160m<sup>2</sup> respectively, each with a height of less than 8m and a total aggregate floor area of less than 900m<sup>2</sup>, at Donaghmore, Manorhamilton, Co. Leitrim constitutes development which is **not exempted development**.



**Signed: Administrative Officer  
Planning Department**

**Dated this 8<sup>th</sup> January, 2025**