



Planning and Development Acts 2000 to 2020

Planning Authority: Leitrim County Council

Planning Register Reference Number: ED-19-25

WHEREAS a question has arisen as to whether the construction of a road on private land at Drummans Lower, Drumkeeran, County Leitrim is or is not development or is or is not exempted development:

AND WHEREAS Joachim Schaefer of Lecarrow, Spencer Harbour, Drumkeeran, County Leitrim requested a declaration on the said question from Leitrim County Council and the said Council issued a declaration on the 27th day of March, 2020 stating that (1) the repair and improvement of a private road constitutes development and such development is exempted development, and (2) the creation of a private road to access agricultural structures under construction constitutes development and such development is not exempted development:

AND WHEREAS Joachim Schaefer referred the declaration for review to An Bord Pleanála on the 18th day of June, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) section 2 (1) of the Planning and Development Act, 2000, as amended,
- (b) section 3 (1) of the Planning and Development Act, 2000,
- (c) section 4 (1) of the Planning and Development Act, 2000, as amended,
- (d) article 6 (1) and article 9 (1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the construction of a road on private land consists of the carrying out of works and, therefore, constitutes development within the meaning of the Act,
- (b) the northern spur and eastern-most section of the road constitute development which is exempted development under Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and

- (c) the northern-most section of the road, comprising a rectangular parcel of compacted stone of approximately 12 metres in width, and the southern-most spur of approximately seven metres in width, do not meet the limitations and conditions attached to Class 13, and as such, constitute development which is not exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) of the 2000 Act, hereby decides that the construction of a private road (1) is development which is exempted development and (2) comprises development which is not exempted development at Drummans Lower, Drumkeeran, County Leitrim.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.