



Leitrim County Council Planning Report

Reference No:	ED26-30
Applicant:	Bee Park Field Committee
Location:	New Line, Manorhamilton, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	To build a retaining wall on this site.
Date of Site Inspection:	14/05/2026
Due Date:	04/06/2026

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 building of a retaining wall constitutes development and, if so, whether such development is or is not exempted development at New Line, Manorhamilton, Co. Leitrim

The proposed works which are the subject of this application are as follows: the construction of a retaining wall, with a height of 3.4 metres and an additional 600 cm of galvanised steel fence fixed to the top of the wall, set back 3 metres from an existing fence.

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 8th of May 2026

Site Location and Description

The subject site is located within the development envelope of Manorhamilton and is located within the grounds of a larger sporting complex known as Bee Park. While the address provided is New Line, the access to the site is from Cemetery Road.



Fig. 1 Site Location

The proposed retaining wall is to be located between the tennis courts and an area indicated to be for car parking.



Fig. 2 Proposed location of wall.

The nearest Natura 2000 site is Lough Gill Special Area of Conservation (SAC Site Code: 001978) which is located at its nearest point 560 metres southeast of the subject site. There is no direct link to this SAC from the site.

The site is zoned Social and Community (SC) within 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.

Planning History

There are a number of applications pertaining to the wider overall sports complex and the subject site as follows:

- P.18/268 Application to extend duration of planning permission P.13/68 for a period of 5 years. Granted 5th February 2019. Expired 17/12/2023.
- P.15/15 Permission was sought for a mini golf course, flood lighting and associated ancillary works Manorhamilton Co Leitrim. Further information was sought, and application deemed withdrawn on 4th December 2015.
- P.14/14 To retain the existing temporary portacabin adjacent to the existing astro turf. Granted 01/05/2014, subject to 3 conditions. *Of note is condition 2. This permission shall expire on the 17th day of December 2018, which relates to the life of Permission ref. P.13/68, the parent permission on the site. The portacabin shall be removed from the site after said date unless a further permission or time extension, as the case may be, in accordance with appropriate legalisation is granted.*
- P.13/229 An application to extend the duration of the permission granted under planning reference P.08/143. Extended for 2 years.
- P.13/68 Permission for 1. Construction of new 2 storey changing room facility incorporating 1st floor education& meeting room and surfaced car park, 2. All associated site works. All to be constructed for the purposes ancillary to the operation of the Astro turf pitch as granted under P.08-143.
- P.08/143 Change of use from existing private house site to a development consisting of (1) demolition of existing habitable house and existing part completed extension and decommissioning of existing septic tank, (2) construction of astra turf training pitch with associated flood lighting, generator housing, changing rooms and car-parking, (3) erection of floodlighting to existing Bee Park soccer pitch. Permission granted 15/12/2008.

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

Class 11 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:
Sundry Works

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- a) Any fence (not being a hoarding or sheet metal fence), or*
- b) Any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.*

Conditions and limitations:

- 1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.*
- 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.*

Assessment

Proposed Development:

The proposed development consists of the construction of a retaining wall. From the drawings submitted it is proposed to build a retaining wall of 3.4 metres in height with a painted galvanised steel fence (0.6 metres) attached on top of the wall; this would result in an overall height of 4 metres. The full extent of this wall would be visible from the adjoining tennis courts, with the edge of the court located 3 metres from the proposed wall. When viewed from the adjoining carpark, the wall will appear to be 0.7 metres in height with the fence a of 0.6 metres, resulting in an overall height of 1.3 metres. From site layout the proposed wall would have a length of approximately 32 metres.

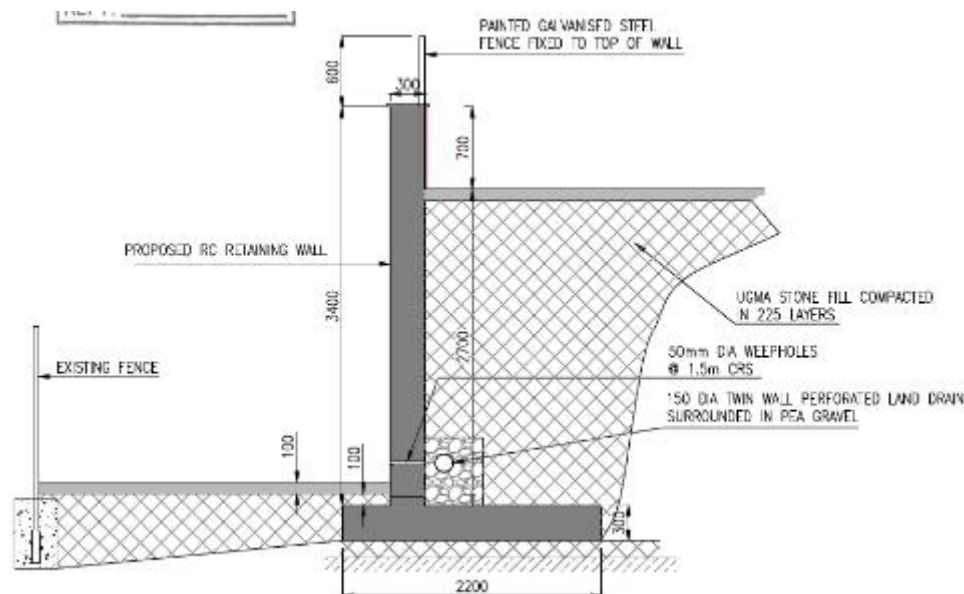


Fig. 3 Cross section of proposed retaining wall.

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 construction of a retaining wall at New Line, Manorhamilton, Co. Leitrim 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 retaining wall, the Planning Authority notes from the submitted application documentation that this element will comprise of a wall with a height of 3.4 metres (4 metres when including the fence element) therefore it does not satisfy the condition/limitation (1) of Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended. From a visual inspection of the subject site whether viewed from the tennis courts or the adjoining carpark the subject wall is in excess of 1.2 metres.

Accordingly, it is considered that the proposed retaining wall does not meet the applicable conditions and limitations set out in Class 11 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 to the construction of a retaining wall at New Line, Manorhamilton, Co. Leitrim, 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 Bee Park Field Committee on the 8th of May 2026;

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

(a) Sections 2(1), 3(1) and 4(2) 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 11 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 construction of a retaining wall at New Line, Manorhamilton, Co. Leitrim constitutes development which is not exempted development within the provisions of Section 4(2) (a) of the Planning and Development Act 2000, as amended and Class 11 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 construction of a retaining wall at New Line, Manorhamilton, Co. Leitrim is development that is **not exempted development**.



Aileen Farrell
Acting Executive Planner
Date: 29/05/2026



Liam Flynn
Senior Executive Planner
Date: 29/05/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-33
(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 Gill SAC (001976)	https://www.npws.ie/protected-sites/sac/001976	560m	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: 29/05/2026



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED26-33
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: 29/05/2026	