



Leitrim County Council Planning Report

Reference No:	ED26-35
Applicant:	Carrick-on-Shannon Rugby Club
Location:	Keenaghan, Carrick-on-Shannon, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	To develop land for use as a sports ground (rugby pitch). The development involves grading of the area by cut and fill, and by importing approximately 16,600m³ of suitable subsoil. The existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground.
Revised Proposal:	To develop land for use as a sports ground (rugby pitch). The development involves grading of the area infilling with the importation of approximately 16,600m³ of suitable subsoil. The existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground.
Date of Site Inspection:	28/05/2026
Due Date:	10/06/2026

Introduction

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 14th of May 2026 and relates to whether the proposed development of land for use as a sports ground (rugby pitch) is or is not development and whether it is or is not exempted development. The initial proposed development involved grading of the area by cut and fill, and by importing approximately 16,600m³ of suitable subsoil. The existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground. The revised request which was submitted as unsolicited further information eliminates the proposed excavation element and excludes the zone of notification associated with a recorded monument from the proposed development. Figure 1 outlined the initial development extent which has been reduced in its extent in the revised development area as shown in Figure 2 which follows.

Site Location and Context

The subject site consists of the existing training area associated with Carrick-on-Shannon Rugby Club, at Keenaghan, Carrick-on-Shannon in addition to an adjoining low lying field to the south east of same and parts of two other fields adjoining to the west. The existing low lying field to the south east of the training pitch is bordered on all sides by hedgerows with an existing watercourse, the Aghancarra or Keenaghan stream, forming the southern boundary of same. There is a considerable difference in levels in this low lying field from north to south, a fall of approximately 3 metres. The nearest dwellings are located on the adjoining local road, L-7415, some 175 metres to the northeast. The subject site is located approximately 2.5km northeast of Carrick-on-Shannon town centre.

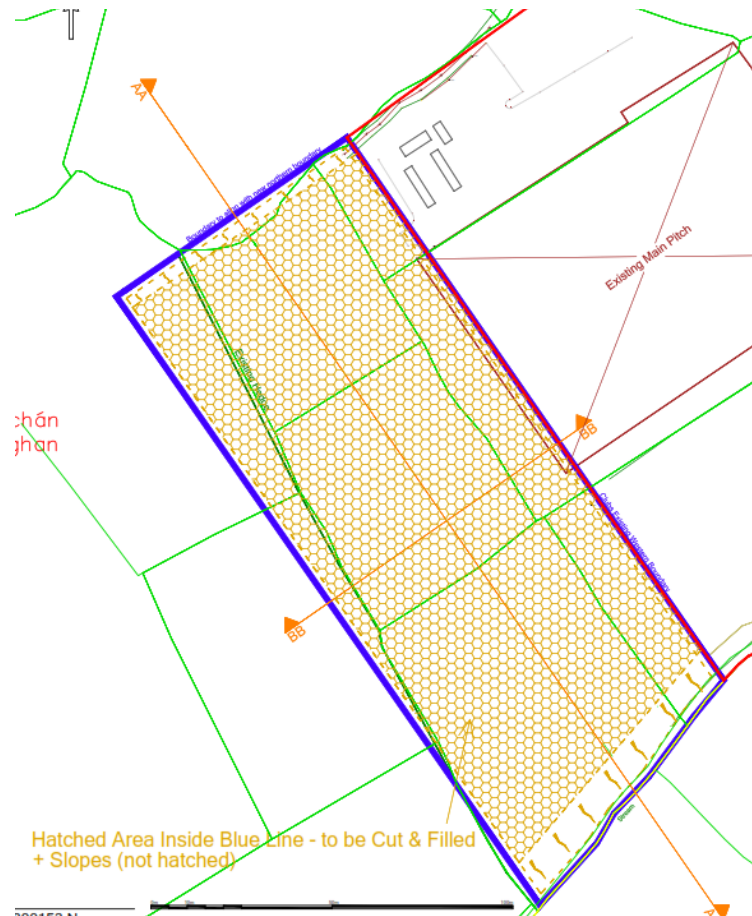


Figure 1: Extent of land initially proposed to be developed as new training pitch for Carrick-on-Shannon Rugby Club

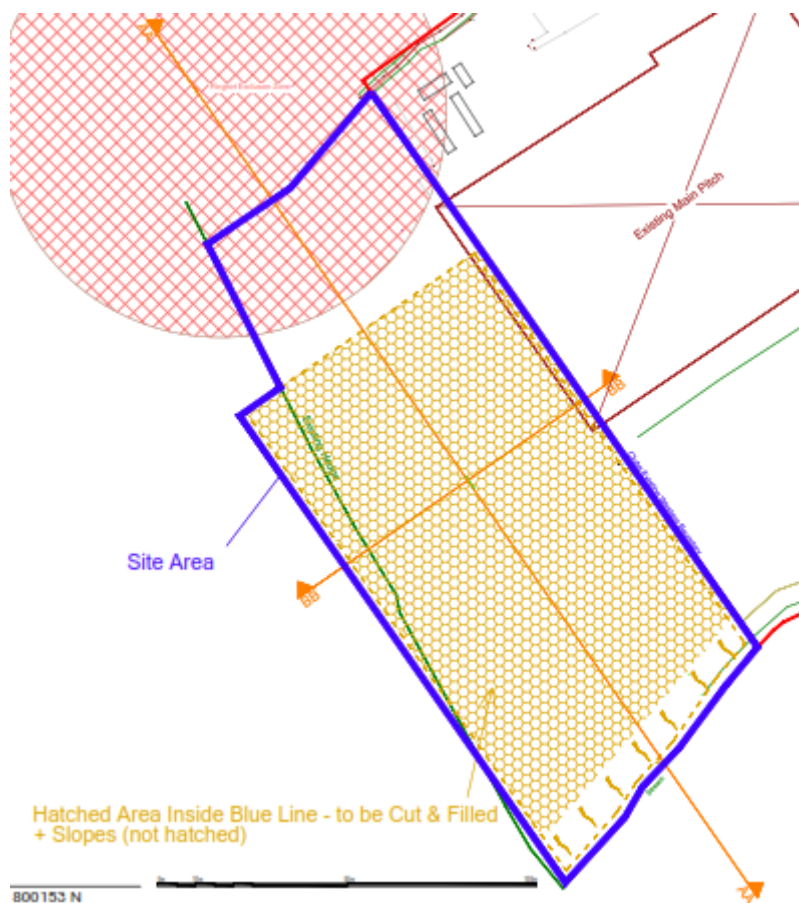


Figure 2: Revised extent of land proposed to be developed as new training pitch for Carrick-on-Shannon Rugby Club



Figure 3: Approximate extent of works relative to existing playing pitch and adjoining dwellings

The subject site (as revised) has an approximate area of 1.2 ha and is set back from the public road by the existing rugby pitch and the adjoining permitted training field which is under construction. The landowner consent to the making of this application has been provided with the application documentation.

The subject site is not located within any landscapes designated for amenity value in the Leitrim County Development Plan 2023-2029. The lands are outside of the development boundary of the Joint Local Area Plan for Carrick-on-Shannon 2025-2031.

Planning History

There is detailed planning history in relation to the rugby club grounds.

P.24/60077 Application for permission for the retention of: (1.) installation of 2 no. new steel shipping containers to serve as temporary changing rooms, new portacabin to facilitate refreshments area, complete with concrete apron between; (2.) relocation of existing toilet block portacabin and former changing room to facilitate equipment storage; (3.) installation of portaloo; and (4.) construction of stoned car parking area. Permission granted 18/07/2024.

P.21-261 Application for permission for the (a) proposed relocation of the existing site entrance and access roadway; (b) the proposed development of a training pitch to the southeast of the

existing pitch complete with training lights; (c) the proposed development of a Clubhouse containing changing & ancillary facilities; (d) revised site boundaries; (e) associated site works & services. The decision of the Planning Authority to grant permission for the development was the subject of a third party appeal to An Bord Pleanála under ABP Ref. 314865-22 which was subsequently granted by the Board on 15/12/2023.

- P.16/154 Application for erection of temporary toilet and shower block and associated site works. Permission granted 28/10/2016.
- P.14/23 Application for retention of newly constructed playing surface and three existing temporary structures including waste holding tank. Retention of existing lighting and erection of additional training lights. The decision of the Planning Authority to grant permission for the development was the subject of a third party appeal to An Bord Pleanála under ABP Ref. PL 12.244577 which was subsequently granted by the Board on 14/07/2015.

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...'

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,

(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
(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

Class 33 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:

Development for amenity or recreational purposes

Development consisting of the laying out and use of land

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

There are no conditions and limitations attached for this sub class of development.

Assessment

Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that referral question is whether the proposed development of land for use as a sports ground (rugby pitch) is or is not development and whether it is or is not exempted development. The development involves grading of the area by cut and fill, and by importing approximately 16,600m³ of suitable subsoil. The existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground. The revised question removed the proposed excavation element of the northern element of the existing training pitch and reduced the extent of the proposed 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

I note the proximity of a recorded monument, ref. LE 031-011- - - Ringfort (Rath). This is shown graphically below in Figure 4. However, this contrasts to a separate layout which shows the dimensions of the proposed pitch in Figure 5 which had been provided by the Rugby Club under separate cover. The proposed excavation indicated on the Cross Section – Figure 6 which would lower ground levels by approximately 1.0 metre within the zone of notification of the recorded monument is not exempted development.



Figure 4: Zone of Notification associated with Ringfort (Rath) – Recorded Monument

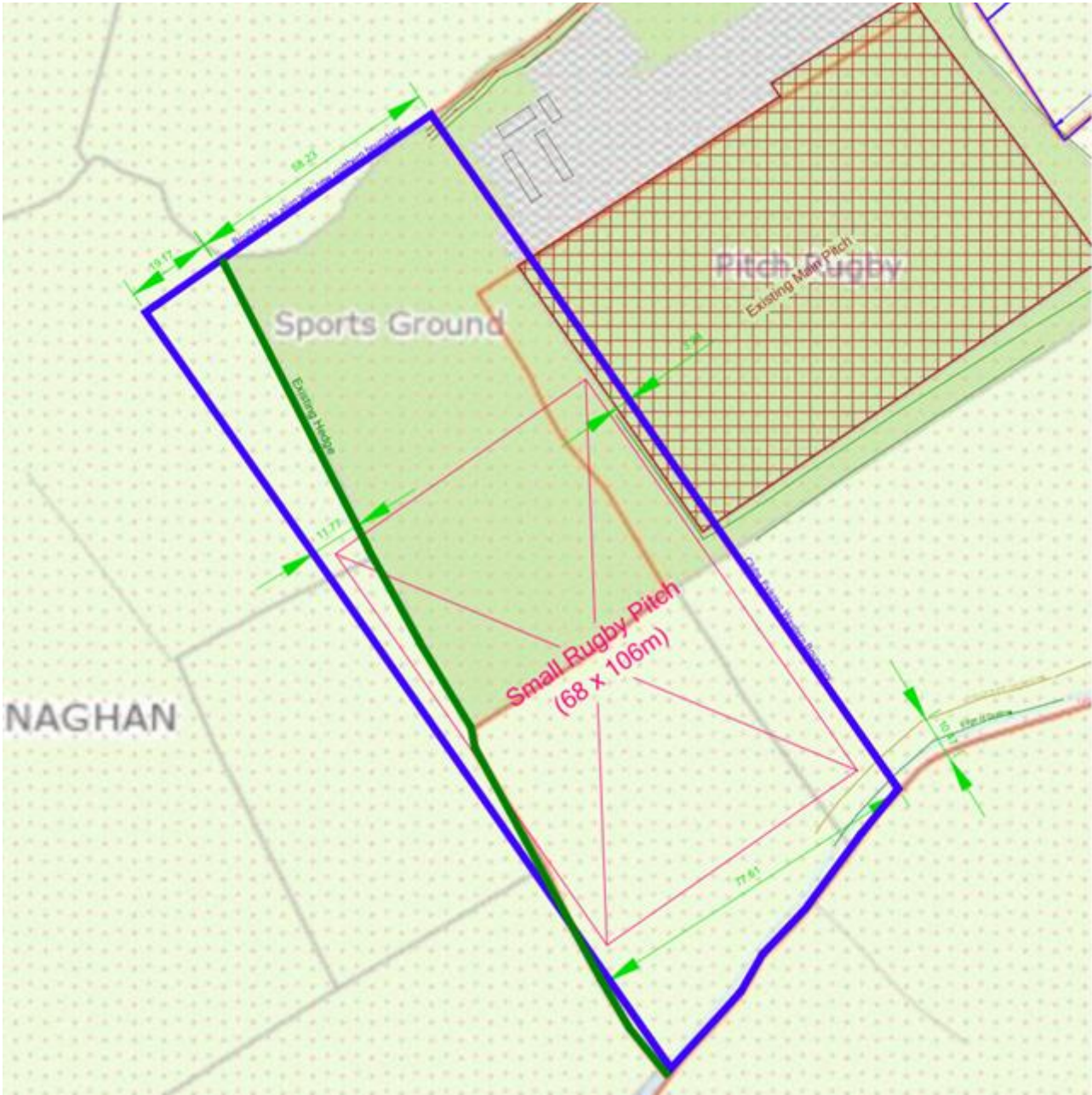


Figure 5: Location and Dimensions of Proposed Pitch

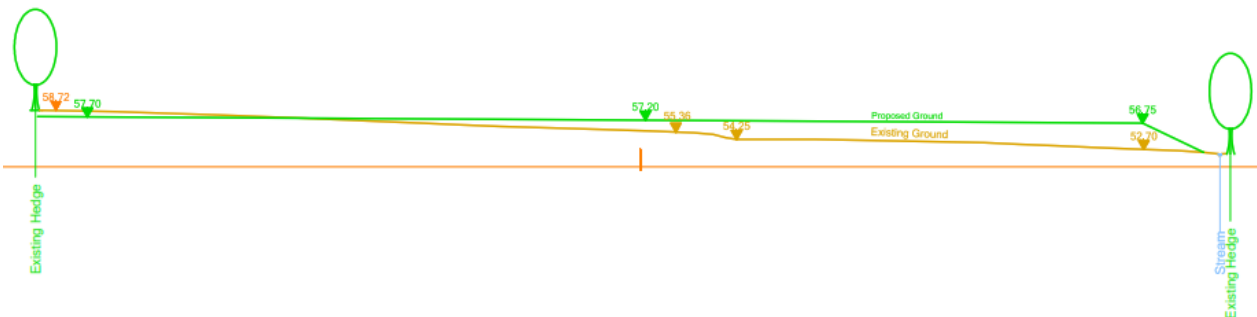


Figure 6: Long Cross Section through proposed site

As outlined above, the question has been revised to avoid the zone of notification associated with the recorded monument. This is outlined in Figure 2 with the revised Cross Section in Figure 7 confirming that the excavation of the northern part of the existing training pitch is no longer proposed and that no works are proposed within the zone of notification of the ringfort (rath).

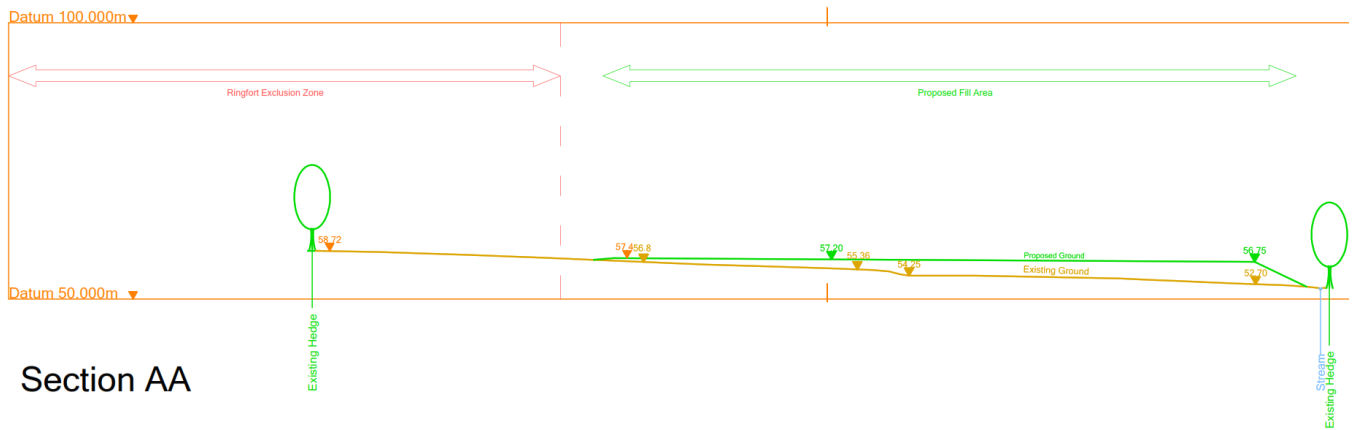


Figure 7: Revised Long Cross Section through proposed site

Subject to no works taking place within the zone of notification of the recorded monument, I am satisfied that the proposed laying out of the lands for a rugby pitch are exempted development as set out in Class 33 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended. There are no restrictions or limitations contained within this Class in relation to modifying ground levels for example as contained within Class 6. I am equally conscious of the provisions of Article 8C which relates to land reclamation works consisting of the recontouring of land, including infilling of soil within a farm holding being considered exempted development. The lands in question are not considered to be 'wetlands' within the meaning contained in Article 5. It is clear therefore that the legislature in devising these exemptions had regard to altering ground levels but saw no necessity to include same for Class 33. There are no criteria within Article 9 which affects this exemption.

I have carefully considered the conditions attached to the most recent decision by An Coimisiún Pleanála and the proposal does not contravene a condition of this planning permission. Whilst it was indicated in that planning application that the existing small training pitch was no longer available to the Rugby Club due to the lease from the landowner not been renewed, it did not form part of the description of the development applied for.

Accordingly, it is considered that these proposed works would be development and would be exempted development outside of the zone of notification associated with the recorded monument.

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 development of land for use as a sports ground (rugby pitch) which is qualified as involving the grading of the area by infilling with the importation of approximately 16,600m³ of suitable subsoil with the existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground** on lands within and adjoining Carrick-on-Shannon Rugby Club at Keenaghan, Carrick-on-Shannon, 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 representatives of Carrick-on-Shannon Rugby Club on the 14th of May 2026 and revised by unsolicited further information submitted to Leitrim County Council on 28th of May 2026;

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

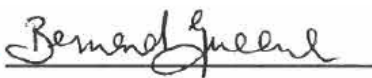
- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 33 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

the development of land for use as a sports ground (rugby pitch) which is qualified as involving the grading of the area by infilling with the importation of approximately 16,600m³ of suitable subsoil with the existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground on lands within and adjoining Carrick-on-Shannon Rugby Club at Keenaghan, Carrick-on-Shannon, Co. Leitrim constitutes development which is exempted development with the provisions of Class 33 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 Planning & Development Act 2000, as amended, hereby declares that:

The proposed works comprising of land for use as a sports ground (rugby pitch) which is qualified as involving the grading of the area by infilling with the importation of approximately 16,600m³ of suitable subsoil with the existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground on lands within and adjoining Carrick-on-Shannon Rugby Club at Keenaghan, Carrick-on-Shannon, Co. Leitrim is development that is exempted development.



Bernard Greene

Senior Planner

Date: 29/05/2026

Please include the following as an Advice Note with the Section 5 Declaration of Exemption:

The question considered by the Planning Authority related to the revised extent of development as outlined in unsolicited further information furnished to the Planning Authority on Thursday 28th May 2026. You are advised that part of the existing training pitch includes a zone of notification associated with recorded monument, ref. LE 031-011- - - Ringfort (Rath). No works, exempted development or otherwise, can take place within this area without the prior written consent of the Minister of Housing, Local Government and Heritage. This is governed under the National Monuments Act 1994 (as amended) Section 12 whereby such works are notifiable to the Minister and must give 2 months prior notice of such intention. You are advised therefore to exercise caution with regard to any works which you might propose to undertake within this area.



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-35
(b) Brief description of the project or plan:	The development of land for use as a sports ground (rugby pitch) which is qualified as involving the grading of the area by infilling with the importation of approximately 16,600m ³ of suitable subsoil with the existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground on lands within and adjoining Carrick-on-Shannon Rugby Club at Keenaghan, Carrick-on-Shannon, Co. Leitrim
(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 Oughter and Associated Loughs SAC (000007)	https://www.npws.ie/protected-sites/sac/000007	19 km	Via Keenaghan stream to the River Shannon	No
Please Select				

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. <ul style="list-style-type: none"> 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 	No significant potential impacts.

<ul style="list-style-type: none"> • Pests 	
Operational phase e.g. <ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • 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

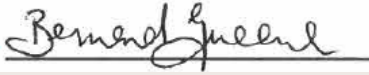
Step 4. Screening Determination Statement

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.

The appeal site is substantially removed from any Natura 2000 site. Potential connectivity exists from the subject site to downstream water bodies is via the stream that runs to the south of the site. The stream to the south of the site, discharges into the River Shannon and >18 km downstream of Carrick-on-Shannon, the river discharges into Lough Forbes Complex SAC. The proposed development has potential to give rise to the pollution of downstream waterbodies during construction and operation for example, arising from contaminated surface water from increased sedimentation or petrochemicals. However, and in the absence of mitigation, having regard to the relatively modest scale of the development, the substantial distance between the appeal site and downstream European sites, the large body of water separating the site from a protected site and the likely effects of settlement and dilution, it is concluded that no Appropriate Assessment issues arise.

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.	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> 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:	ED26-35
Development Summary:	The development of land for use as a sports ground (rugby pitch) which is qualified as involving the grading of the area by infilling with the importation of approximately 16,600m ³ of suitable subsoil with the existing topsoil is to be stripped, stockpiled and reinstated on the finished graded ground on lands within and adjoining Carrick-on-Shannon Rugby Club at Keenaghan, Carrick-on-Shannon, Co. Leitrim.
Was a Screening Determination carried out under Section 176A-C?:	<input type="checkbox"/> Yes – No further action required <input checked="" type="checkbox"/> 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)

<input type="checkbox"/> Yes – specify class:	EIA is mandatory No screening required
<input checked="" type="checkbox"/> 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)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No screening required
<input type="checkbox"/> 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
<input type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> 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.

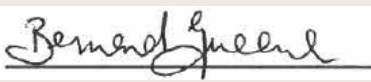
Comment:	Yes/No/Uncertain:
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Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		
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)

<input type="checkbox"/> There is no real likelihood of significant effects on the environment. EIA is not required.	<input type="checkbox"/> There is real likelihood of significant effects on the environment. An EIAR is required.	<input type="checkbox"/> 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.
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Signature of Recommending Planner:		Date:	29/05/2026
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