

An
Coimisiún
Pleanála


Direction
CD-020494-25
ABP-322018-25

The submissions on this file and the Inspector's report were considered at a meeting held on 15/08/2025.

The Commission decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Mary Henchy

Date: 15/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Reasons and Considerations

Having regard to:

- (a) The EU Directive on the Assessment and Management of Flood Risks (2007/60/EC)
- (b) the EU Habitats Directive (92/43/EEC),
- (c) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (d) the Climate Action plan 2025
- (e) the EU Water Framework Directive (2000/6-EC), as amended

- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (g) the conservation objectives, qualifying interests and special conservation interests for the Lough Gill SAC (site code:001976),
- (h) the policies and objectives of the Leitrim County Development Plan, 2023-2029,
- (i) the nature and extent of the proposed works as set out in the application for approval,
- (j) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (k) the submissions and observations received in relation to the proposed development,
- (l) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter

Appropriate Assessment

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Gill SAC (site code: 001976), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Lough Gill SAC (site code: 001976), in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment
It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a. all mitigation measures indicated in the Natura Impact Statement,
 - b. location and extent of silt fencing to be installed on site.
 - c. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness,

Reason: In the interest of protecting the environment and the European Site.

5. The following nature conservation requirements shall be complied with:
- a. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - b. no vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
 - c. a pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence.
 - d. A pre-construction kingfisher survey shall be carried out.
 - e. a pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and,

any destruction of roosting sites or relocation of protected species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

6. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. A suitably qualified (license eligible) archaeologist shall be appointed to carry out an Underwater Archaeological Impact Assessment (UAIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/ survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the UAIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the Local Authority. The planning authority and the

National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.

REASON To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

8. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the UAIA, Final Design AIA. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, site, features or other objects of archaeological interest.

9. In default of agreement on any requirements of the National Monuments Service, the matter shall be referred to An Bord Pleanála for determination.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Note

The Commission having considered, the extent of the works proposed, the archaeological report submitted by the Local Authority and the submission from the DAU regarding archaeology decided to amend the condition recommended by the Inspector so as to require the investigation to be carried out in the first instance,

and for the findings of that investigation in consultation with National Monuments Services to determine what if any further mitigation is required.