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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Leitrim County Council**

**Planning Register Reference Number: P.19/5**

**Appeal** by Joachim Schaefer of Lecarrow, Spencer Harbour, Drumkeeran, County Leitrim and by Saskia de Jong of Lecarrow or Strandhill, Drumkeeran, County Leitrim against the decision made on the 26<sup>th</sup> day of February, 2020 by Leitrim County Council to grant subject to conditions a permission to Waterways Ireland of 2 Sligo Road, Enniskillen, County Fermanagh in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development on the Shannon Navigation comprising construction of a new small boat slipway and turning area on the foreshore of Lough Allen at an existing amenity site at Spencer Harbour, Derrynahinch, County Leitrim. The proposed development was revised by further public notices received by the planning authority on the 8th day of January, 2020.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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.

## **Reasons and Considerations**

Having regard to:

- (a) the policy objectives of the Leitrim County Development Plan 2015-2021,
- (b) the location of the proposed development within an existing leisure harbour with a long history of use, including commercial uses, and
- (c) the relatively limited scale of the works,

the Board considered that the proposed development, subject to compliance with the conditions set out below, would be appropriate in scale and nature, would not seriously impact on habitats or local amenities, would not cause traffic congestion or obstruction, would not be prejudicial to public health and

would, otherwise, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board considered the Screening for Appropriate Assessment and the amended Natura Impact Statement and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Forbes Complex Special Area of Conservation (Site Code: 001818) is the European Site for which there is a likelihood of significant effects and for which an Appropriate Assessment is required.

### **Appropriate Assessment**

The Board considered the amended Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the Lough Forbes Complex Special Area of Conservation (Site Code: 001818) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the assessment, the Board considered, in particular,

- (i) the likely impacts arising from the proposed development, both individually and 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 Board 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 aforementioned European Site, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lough Forbes Complex Special Area of Conservation (Site Code: 001818) in view of the sites' Conservation Objectives.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12<sup>th</sup> day of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

3. Construction, demolition, and dredging waste shall be managed in accordance with a construction management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of dredging materials, storage of this material, and the methods and locations to be

employed for the recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region.

**Reason:** In the interest of sustainable waste management.

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**Paul Hyde**

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

**Dated this            day of            2020.**