



An
Bord
Pleanála

Inspector's Report ABP-306641-20

Development	Private breakwater with floating jetty, extension of existing breakwater and deepening of boating channel
Location	Lough Allen Lodge, Tawlaght townland, Lough Allen, County Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	PD/19/584
Applicant(s)	Juergen Blomenkamp
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Saskia de Jong
Observer(s)	None
Date of Site Inspection	28 th May 2020
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy & Context	6
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant's Response.....	8
6.3. Observations.....	10
6.4. Planning Authority Response	10
6.5. Further Submissions	10
7.0 Assessment.....	10
7.1. Introduction	10
7.2. Location & Landscape.....	10
7.3. Water Quality	12
7.4. Flora.....	14
7.5. Other Matters	14
8.0 Appropriate Assessment.....	15
9.0 Recommendation.....	19
10.0 Reasons and Considerations	19
11.0 Conditions	19

1.0 Site Location and Description

- 1.1.** The appeal site is located in the rural townland of Tawlaght, in the northeast corner of County Roscommon and approximately 6km north of Drumshanbo in County Leitrim. The surrounding topography is defined by rolling drumlins below Corry and Kilronan mountains, sweeping down to Lough Allen on the upper Shannon catchment. The character of the surrounding area is dominated by agricultural fields, bordered by mature hedgerows and trees, interspersed with rural housing and farmsteads. The site is accessed off the R280 regional road, along a stretch with an 80km/hr speed limit.
- 1.2.** The site is stated to measure 0.076ha and forms part of a residential property on grounds amounting to 3ha, accommodating a roadway leading from the entrance through a wooded area to a cluster of buildings, including a two-storey house with contemporary-style flat roof extensions, a single-storey garage, a screen wall and a refurbished stone boathouse. Fronting the boathouse is a breakwater extending into the lake and a slipway leading into the water alongside this. The existing wastewater treatment system serving the house is understood to be located to the southwest of the house on higher ground. The finished-floor level of the house is approximately 3m above the high-water mark to the lake.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:
- construction of a rock-armoured breakwater approximately 32m in length, fronting the boathouse and extending into the lake, to include a moveable ramp serving a floating pontoon section;
 - construction of a rock-armoured extension to an existing breakwater, 8m in length and extending into the lake;
 - deepening of the lake via dredging to a depth of approximately 1.75m to form a boating channel fronting the existing slipway and between the existing and proposed breakwaters.
- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a letter of consent to make the application from the

stated owner of part of the site area that is stated not to be in control of the applicant, a Method Statement with Schedule of Works and an Ecological Report, including a section screening the proposed development for Appropriate Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to eight conditions of a standard nature, including the following:

Condition 2 – full implementation of the stated mitigation measures and an ecological monitoring programme should be adhered to;

Condition 3 – install a silt curtain/boom;

Condition 4 – submit details regarding the reuse of dredged materials;

Condition 5 – provisions for the storage of construction materials and the management and containment of fuel;

Condition 6 – install sediment and fuel interceptor traps.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer's report (January 2020) reflects the decision of the planning authority and noted the following:

- there is evidence of a boathouse existing on the site prior to 1963 and it is reasonable to suggest that a boat slipway has been in existence alongside this;
- the proposed development is typical of this type of location, it is supported in principle in planning policy and it would not give rise to traffic safety concerns;
- white-clawed crayfish and pollan would not be significantly impacted due to the limited nature of the development and the construction period involved;
- sufficient and comprehensive information has been submitted to enable an assessment of the proposed development;

- subject to undertaking mitigation measures during the construction phase of the proposed development and providing best practise is followed, no significant pollution of the environment is envisaged to arise from the project.

3.2.2. Other Technical Reports

- Roads Section – no objection, subject to conditions regarding sight visibility;
- Environment Section – no objection, subject to conditions regarding waste material management and provision of a construction method statement;
- Chief Fire Officer – no response.

3.3. Prescribed Bodies

- Waterways Ireland – no response;
- Inland Fisheries Ireland – no response;
- Department of Culture, Heritage and the Gaeltacht – observations refer to best practise measures and water quality protection guidelines.

3.4. Third-Party Observations

- 3.4.1. During consideration of the planning application by the planning authority, two submissions were received from a neighbouring resident of the Lecarrow area of Drumkeeran, which is a rural townland located approximately 5.5km to the north of the appeal site. The issues raised in these submissions are similar to those raised in the grounds of appeal and they are collectively summarised under the heading 'grounds of appeal' below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Formal pre-planning discussions (under reference PP3328) between representatives of the applicant and the planning authority were undertaken in March 2019 regarding a private harbour to serve the house on the appeal site. Matters raised by the planning authority during pre-planning discussions referred to the likely consultees,

the need to consider relevant sections of the Roscommon County Development Plan 2014-2020 and the need to substantiate any existing harbour facilities on site.

4.1.2. The following recent planning applications relate to the appeal site:

- planning reference (ref.) PD/14/401 – permission granted by the planning authority in February 2015 for amendments to the house previously permitted under planning ref. PD/14/78;
- planning ref. PD/14/78 – permission granted by the planning authority in June 2014 for amendments and extensions to the house on site, the construction of a garage and a front porch, removal of an outbuilding, refurbishment of a boathouse building, replacement wastewater treatment system and upgrading of the vehicular access.

4.2. Surrounding Sites

4.2.1. I am not aware of any recent planning applications in the immediate vicinity of the appeal site.

5.0 Policy & Context

5.1. Roscommon County Development Plan 2014-2020

5.1.1. Chapter 7 of the Development Plan addresses nature conservation in the County, including objective 7.25, which aims to ensure that the County's wetlands are retained for their biodiversity and flood protection values. Section 7.4 of the Plan identifies Lough Allen as part of the Shannon inland waterway and includes objective 7.30 to preserve the appearance of such waterways and objective 7.32 to enhance public access to waterways.

5.1.2. Chapter 9 of the Development Plan provides Development Management Guidelines & Standards, including Section 9.24.4, which addresses 'private harbours and jetties' and outlines that the planning authority will look to limit development of this type to the appropriately-scaled refurbishment and improvement of existing authorised works or works that have been historically in place since 1963.

5.2. National Guidelines and Legislation

5.2.1. The following guidance and plans are relevant:

- River Basin Management Plan 2018-2021;
- Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016);
- The Planning System and Flood Risk Management: Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European site to the appeal site is the Cuilcagh-Anierin Uplands Special Area of Conservation (SAC) (Site Code: 000584), which is located approximately 4.1km to the east of the site. The nearest designated sites downstream from the appeal site are the Lough Forbes Complex SAC (Site Code: 001818) and the Ballykenny-Fisherstown Bog Special Protection Area (SPA) (Site Code: 004101), which are both located approximately 35km to the south of the appeal site, near Roosky village on the river Shannon.

5.3.2. Lough Allen South End and Parts proposed Natural Heritage Area (pNHA) (Site Code: 000427), includes four lakeside areas, the closest of which is approximately 2km to the east of the appeal site on the opposite side of the lake.

5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. Notwithstanding the location of the site within Lough Allen and the connectivity and proximity of the proposed development to Lough Allen South End and Parts pNHA, the nature and scale of the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. In conjunction with the third-party submissions, the issues raised in the grounds of appeal from a neighbouring resident of the Lecarrow area, can be collectively summarised as follows:

- proposals that lead to the proliferation of private lakeshore developments are undesirable and further development along the lakeside should be stopped on ecological and environmental grounds;
- the proposed development would not benefit the public and it would restrict public access to fisheries and the lakeshore;
- proposals are excessive in terms of the development footprint and would impact on the aesthetic value and water quality of Lough Allen;
- negative impacts on lamprey fish would arise, including loss of spawning, shelter and feeding habitat;
- a single investigative ecological field survey is inadequate, as it would not sufficiently account for seasonality and other circumstances that potentially impact on species using the area, including the flowering period for the plant 'Irish Lady's Tresses', a protected orchid;
- details of proposals for the reuse of the dredged materials are needed;
- the information provided by the applicant is incomplete and the proposed development would have negative impacts on the natural environment and sensitive species;
- there is no planning permission for the existing breakwater and the development description is inaccurate, as it does not refer to the physical amendments to the lakeshore area.

6.2. Applicant's Response

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

- the property is an old lodge dating from approximately the mid-19th century and was probably provided with a breakwater and slipway at this time also. The breakwater required some repair works in 2013, as it had not been maintained in the preceding years;
- improvements to the existing mooring and shoreline access is to be undertaken for safety and convenience purposes, as well as to enable enjoyment of the lake;
- water levels in the lake dropped significantly during recent summer periods, restricting access from the lakeside to deeper waters. The ESB manages the lake water levels primarily based on weather conditions;
- the combination of specific mitigation measures for the project, conditions of the planning permission and the submitted construction method report, would ensure that the proposed development would not impact on ecology or the water quality of the lake;
- the public does not currently have a right to access this property or fish from the lakeshore, and public access to the shore and lake is available at various other locations;
- no adverse impacts on water quality would arise and the applicant has effectively addressed and agreed to matters raised by the Department of Culture, Heritage and the Gaeltacht within the planning application and via conditions;
- Waterways Ireland owns the area below the high-water mark for the lake and, if granted planning permission, the applicant would have to enter into a conditional lease agreement with Waterways Ireland;
- Irish lady's tresses have not been recorded at the site or along the lakeside on the applicant's landholding and the proposed development would not interfere with the potential of this plant to recolonise the lakeside area;
- proposals to reuse or dispose of dredged materials can only be ascertained during the works and conditions have been framed to allow for same, including the environmental monitoring programme.

6.3. Observations

6.3.1. None received.

6.4. Planning Authority Response

6.4.1. The Planning Authority did not respond to the grounds of appeal.

6.5. Further Submissions

6.5.1. Following consultation by An Bord Pleanála with Fáilte Ireland, the Heritage Council and An Taisce, no responses were received from these parties.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the appeal, relate to the following:

- Location & Visual Amenities;
- Water Quality;
- Flora;
- Other matters.

7.2. Location & Landscape

7.2.1. The proposed development is intended to upgrade, improve and extend an existing private harbour area serving a house that is stated to date from the mid-19th century and was recently renovated and extended under planning refs. PD/14/78 and PD/14/401. The proposed development would be a significant distance (approximately 200m to 250m) and screened from the nearest neighbouring residential properties and would not result in an increase in traffic, with the exception of the temporary construction period, which is stated would take six to eight weeks. The appellant asserts that there is no planning permission for the existing breakwater on site and that the proposed development would lead to the proliferation

of private lakeshore developments and such developments should be refused planning permission primarily based on their impacts on water quality and ecology. I address issues relating to water quality in section 7.3 of this report, while ecology is primarily addressed under sections 7.4 and 8.

7.2.2. Table 7.2 of the Roscommon County Development Plan 2014-2020 identifies Lough Allen as an inland waterway and policy 3.70 discourages the proliferation of individual private marinas onto the lakes and waterways of the county. In deciding to grant planning permission for the proposed development, the planning authority was satisfied that there was evidence that a boathouse existed along the lakeshore adjoining the site prior to 1963 and the enactment of planning legislation, and that it was reasonable to suggest that a boat slipway had been in existence alongside this. Consequently, the proposed development was not considered to result in an additional individual private marina onto the waterway, as one had already been established on site. The applicant states that the existing breakwater was in existence in 2013, although it had been in need of repair at this time, as it had not been used in the preceding years. Ordnance Survey Ireland (OSi) aerial photography reveals that the existing breakwater was in situ between 2013-2015, prior to works commencing on the extensions to the adjacent house on the applicant's landholding. Historical OSi mapping dating back to the mid-19th century, identifies various 'piers', 'quays' and 'landing places' along the lakeshore, including a 'coal quay' in the subject site area. A building similar in footprint and orientation to the existing stonewall boatshed adjoining the site is also identifiable on these historical maps. It is reasonable to determine that some form of mooring with associated infrastructure historically existed on site to enable the functioning of the coal quay and a private marina had been established on the site.

7.2.3. Consequently, I am satisfied that there is sufficient evidence to indicate that the proposed development would be appropriate and typical for this location and that it would not lead to the proliferation of individual private marinas onto the lake. Furthermore, given the extent of works required, including the temporary nature of same, the nature and scale of the existing breakwater and the height of the proposed breakwater and pontoon relative to lake water levels, the proposed development would have a largely imperceptible impact on the visual amenities of the area and would not be contrary to Objective 7.30 of the Development Plan, which aims to

protect and maintain the visual aesthetics of inland waterways. The proposed development, which aims to maintain and preserve the appearance of Lough Allen as an inland waterway. Consequently, I am satisfied that permission should not be refused for the proposed development, as the location for the development would be appropriate and as there would be negligible impacts on the visual amenities of the area.

7.3. Water Quality

- 7.3.1. In accordance with the Water Framework Directive (WFD), proposals that have the potential to impact on waterbodies are required to demonstrate that actions would not result in a deterioration in their ecological status and would not result in waterbodies being unable to achieve the relevant target ecological status. According to the maps available from the Environmental Protection Agency (EPA) on catchments.ie, Lough Allen is noted to be an 'at risk' waterbody, with a 'moderate' water quality status for the period 2013-2018. Lough Allen does not have a specific designation for shellfish, salmon, bathing or public water supplies. Within the catchment serving the site, the River Basin Management Plan 2018-2021 requires improvements to any existing 'at risk' waterbodies to 'good' status.
- 7.3.2. As part of the application, a construction method statement was submitted, which included the various measures that would be undertaken to address the impacts on water quality potentially arising from pollution, with particular regard to measures to address disturbance of sediment and the need for fuel containment. As requested during consultation with the Department of Culture, Heritage and the Gaeltacht, the applicant has stated that all works within the lake would be carried out in accordance with the Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (2016). Other construction phase measures proposed include use of a fitted silt curtain within the lake extending the entire perimeter of the works area, supervision of the works by qualified personnel and the safe storage and use of fuels, machinery and materials. The level of suspended solids would not exceed 25mg/l and a dry works area would be used where possible, according to the method statement submitted. Sheet piling would be used, while cast-in-place concrete or cement would not be used.

- 7.3.3. The grounds of appeal raise concerns in relation to the storage of dredged materials during the construction phase. Within the method statement submitted with the application, the applicant outlined that dredged materials arising would be stockpiled and kept well away from watercourses during the construction phase and the Environment Section of the planning authority requested the installation of a drainage filtration system surrounding any drying dredged material, the suitable reuse of materials on site and the removal of unsuitable materials to a licenced facility. These additional mitigation measures appear reasonable, as well as necessary to address potential impacts on water quality, and in the event of a grant of planning permission for the proposed development, conditions can be attached to clarify the necessity for these measures. Other than requiring the works to be overseen by a qualified ecologist, I do not consider any further measures would be necessary to address potential impacts on water quality during the construction phase. Outside of the breakwaters, no additional hard surface areas are proposed. During the operational phase, the shoreline immediate to the site would be likely to naturally alter over time via restrictions in movement of loose materials as a result of the extended breakwater and the new breakwater, as illustrated in the sketch drawing appended to the construction method statement. The proposed development would allow for the continued operation of a private mooring from the site, which would not be likely to result in an increased risk of pollutants to water during the operational phase of the proposed development.
- 7.3.4. Objective 7.25 of the County Development Plan aims to ensure that the County's wetlands are retained for their biodiversity and flood protection values. The site directly abuts and is within Lough Allen and the Ecological Report submitted with the application identifies the habitats on the site, which are dominated by the 'mesotrophic lake'. Proximity to the nearest natural heritage sites is listed in section 5.4 above. The site is sufficiently removed by extensive lakewaters from the nearest of these sites, Lough Allen South End and Parts proposed Natural Heritage Area (pNHA), and other designated sites beyond, to ensure that no likely significant effects would result (see Section 8).
- 7.3.5. Lough Allen provides habitat for various species, including the protected fish species crayfish and pollan, as referred to by the Department of Culture, Heritage and the Gaeltacht; white-clawed. The proposed development would not be a large-scale

project and the Method Statement submitted with the application outlines the measures to be undertaken to prevent environmental degradation of the water body, particularly in relation to the deepening of the channel, the construction of the breakwater and the use of machinery. I would be satisfied that, if these mitigation measures are undertaken, the proposed development would not have any significant impact on the lake and those freshwater species reliant on this lacustrine environment.

- 7.3.6. Having regard to the nature and scale of the proposed development, including the various mitigation measures to address water quality arising from the construction phase of the proposed development, I am satisfied that the proposed development would not result in deterioration in the ecological status of Lough Allen and would not result in this waterbody being unable to achieve the relevant target ecological status. Consequently, I am satisfied that permission should not be refused for reasons relating to the impact of the proposed development on water quality.

7.4. Flora

- 7.4.1. The appellant asserts that Irish lady's tresses, protected under the Flora (Protection) Order 2015, is known to grow in areas around Lough Allen, such as the appeal site and its environs. During the applicant's field survey in the middle of the flowering season for Irish lady's tresses in August 2019, this plant and other rare, threatened or protected plants were not identified within the site and its environs. The appellant asserts that the flowering period may have ended prior to the survey, or the plant may not have flowered. The area of the site is not part of a designated flora refuge and proposals for use of dredged materials have been assessed in section 7.3 of this report. I am satisfied that based on the results of the investigations undertaken, destruction, damage or compromising of Irish lady's tresses or other protected flora would be unlikely to occur in undertaking the proposed development.

7.5. Other Matters

- 7.5.1. The appellant asserts that the proposed development would impede fishing rights and public rights to access the lakeshore. Section 34(13) of the Planning and Development Act 2000, as amended, states that 'a person shall not be entitled solely

by reason of permission under this section to carry out any development'. Should the Board decide to grant planning permission, the onus is on the developer to ensure that they have adequate legal interest to carry out the proposed development. Notwithstanding this, the proposed works would not appear to result in any further substantive obstructions to access than what might presently be the case. Waterways Ireland have also stated in their letter consenting to the submission of this application that the use of Waterways Ireland lands would be subject to a lease agreement. As the subject development relates to an established and private marina, it would not be necessary or reasonable to attach a condition in the event of a grant of planning permission seeking to enhance public access to the lakeside at this site, as sought under Objective 7.32 of the Development Plan.

- 7.5.2. The Development Plan highlights that development impacting upon lakes may encounter underwater archaeology. Given the limited area of the site and the absence of 'wreck sites' in the vicinity identified by the National Monument Services, it would not appear necessary to require archaeological monitoring during the construction phase of the project.

8.0 Appropriate Assessment

8.1. Stage 1 - Screening

- 8.1.1. The site location is described in section 1 of this report above. A description of the proposed development is provided in section 2 of this report and expanded upon below where relevant. A screening report for appropriate assessment was appended to an Ecological Report submitted with the planning application. Consultation was undertaken with the Department of Culture, Heritage and the Gaeltacht, as referenced above.

8.2. Relevant European Sites

- 8.2.1. Relevant European sites proximate to the appeal site and in the wider area are referenced in section 5.3 above.

8.3. Conservation Objectives

8.3.1. Conservation objectives for the nearest relevant European sites are listed below in Tables 1, 2 and 3.

Table 1. Conservation Objectives for Cuilcagh-Anierin Uplands SAC

To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>);
To maintain the favourable conservation condition of Natural dystrophic lakes and ponds;
To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> ;
To restore the favourable conservation condition of European dry heaths;
To restore the favourable conservation condition of Alpine and Boreal heaths;
To restore the favourable conservation condition of Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe);
To restore the favourable conservation condition of Blanket bogs
To maintain the favourable conservation condition of Transition mires and quaking bogs;
To restore the favourable conservation condition of Petrifying springs with tufa formation (<i>Cratoneurion</i>);
To restore the favourable conservation condition of Siliceous scree of the montane to snow levels;
To maintain the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation;
To maintain the favourable conservation condition of Slender Green Feather-moss (<i>Shining Sickle-moss</i>).

Table 2. Conservation Objectives for Lough Forbes Complex SAC

To restore the favourable conservation condition of Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> -type vegetation;
To restore the favourable conservation condition of Active raised bogs;
The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set;
Depressions on peat substrates of the <i>Rhynchosporion</i> is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat;

To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.

Table 3. Conservation Objectives for Ballykenny-Fisherstown Bog SPA

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:		
Bird Code	Common Name	Scientific Name
A395	Greenland White-fronted Goose	Anser albifrons flavirostris

8.4. Is the Project necessary to the Management of European sites?

8.4.1. The project is not necessary to the management of a European site.

8.5. Direct, Indirect or Secondary Impacts

8.5.1. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality, for example via the release of suspended solids during the construction phase, accidental spills or release of contaminants.

8.6. Connectivity

8.6.1. There is one European site within 10km of the appeal site, Cuilcagh-Anierin Uplands SAC, and this is upstream of the appeal site. Based on the source-pathway-receptor model, there is no direct connectivity from the proposed works on the appeal site to this nearest European site or other European sites upstream.

8.6.2. The nearest downstream European sites, Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA, are a minimum separation distance of approximately 35km from the appeal site with significant intervening surface waters from the appeal site and these European sites, including Lough Allen and the River Shannon. Based on the source-pathway-receptor model, there is a direct connection from the appeal site to these European sites. Lough Allen is not identified as surface water habitat for SPA or SAC qualifying interest species. I am satisfied that given

the dilution effect of intervening waters between the appeal site and the nearest downstream European sites, the proposed development would not be likely to have a significant effect on the nearest downstream European sites or European sites further downstream.

- 8.6.3. I am satisfied that the mitigation measures proposed as part of the development, as set out in the application, and the additional mitigation measures recommended to be attached as conditions in the event of a grant of planning permission, have not been proposed to avoid adverse effects of the proposed development on European sites or to reduce effects on European sites to non-significant levels. The appropriate assessment screening report submitted does not specify any measures to address significant effects on European sites. I note the mitigation measures listed in table 4 of the Ecological Report submitted, including mitigation measures to address the potential impacts of siltation, pollution and cumulative impacts on 'designated areas'. While the suggested mitigation measures in the table are of relevance for aquatic ecology in Lough Allen and specific reference to a European sites has not been made in this table, based on best scientific information available and for the reasons outlined above, I am satisfied that there would be no significant effect on any European sites, in the absence of mitigation.

8.7. In-combination Impacts

- 8.7.1. I am satisfied that likely significant in-combination impacts would not arise.

8.8. Stage 1 – Screening Conclusion

- 8.8.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Cuilcagh-Anierin Uplands Special Area of Conservation (Site Code: 000584), Lough Forbes Complex Special Area of Conservation (Site Code: 001818) and the Ballykenny-Fisherstown Bog Special Protection Area (Site Code: 004101), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

- 8.8.2. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

9.0 Recommendation

- 9.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, historical use of the site and the existing development on site, the location of the site along a designated waterway and the objectives of the River Basin Management Plan 2018-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Roscommon County Development Plan 2014-2020, including those relating to the protection of wetlands and inland waterways, would be appropriate for the location, would not seriously injure the visual amenities of the area or of property in the vicinity and would not be likely to cause a deterioration in the quality of water or the ecological status of Lough Allen. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 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. (a) The mitigation measures and associated monitoring, outlined in the plans and particulars relating to the proposed development, shall be carried out in full, except as may otherwise be required in order to comply with the following conditions.

(b) A suitably qualified ecologist shall be retained by the developer, or any agent acting on its behalf, to oversee site set-up and the construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology set out in the construction method statement submitted. The ecologist shall be present during site construction works.

Reason: In the interest of clarity and the protection of the environment and in order to minimise the impact of construction activity on species and habitats of conservation interest and on the wider terrestrial and aquatic biodiversity of the area.

3. a) All dredged material to be stored for drying, shall be located in an area surrounded by a drainage filtration system, in order to prevent dredged material from contaminating the lake.

b) All suitable dredged material shall be reused on site.

c) All dredged material deemed to be unsuitable as fill material shall be removed by an approved waste collector to a licenced or permitted facility, within one month of the completion of the development.

Reason: In the interests of orderly development and environmental protection.

4. (a) All construction materials shall be stored in a designated storage area which shall be fenced off;

(b) No fuel shall be stored on site unless suitably banded;

(c) All refuelling of plant shall be carried out in a designated area, in order to prevent spillage into the lake. The designated area shall be identified on

a revised site layout to be submitted to the Planning Authority prior to the commencement of development.

(d) All waste oils shall be collected by a licensed waste oil collector;

(e) Spill kits including an adequate number of oil booms and soakage pads shall be retained on site at all times in order to deal with any accidental spillage.

Reason: In the interests of orderly development and environmental protection.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

Colm McLoughlin
Planning Inspector

30th July 2020