

AN BORD PLEANÁLA
LDG- 0129 44-19
ABP- _____
14 FEB 2019
Fee: € 110 Type: Cal
Time: 17.23 By: hcl

An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Date: 12th February 2019
Our Ref: S5-1-19

Re: National Parks & Wildlife Service:-
To determine whether the infilling & drainage of a wetland and construction of a road access within and adjacent to Lough Lene Special Area of Conservation constitutes development that is not Exempted Development at - Lough Lene, Collinstown, Co. Westmeath.

Dear Sir/Madam,

Enclosed herewith please find attached referral in accordance with Section 5(4) of the Planning & Development Act 2000 as amended, submitted by the National Parks & Wildlife Service seeking to determine the planning status of development work that has taken place in and adjacent to Lough Lene SAC – site code: 002121.

The reasons for referral to the Bord are as follows:

Having regard to the nature of the declaration request under the Planning and Development Acts, situated adjacent to and within Lough Lene SAC, and the lack of available ecological expertise within the Council for the purpose of determining appropriate assessment requirements having regard to the provisions of Article 9(1)(a)(vii B) of the Planning & Development Regulations 2001 (as amended).

The submitted documentation includes all correspondence in relation to S5-1-19 and the prescribed fee.

Yours faithfully,



Eamonn Brennan,
Administrative Officer,
Forward Planning,
Tel No: 044-9332165
Fax No: 044-9342330
E-Mail: ebrennan@westmeathcoco.ie
Enc.

If you have any queries or require a PDF copy of attached report, please email me.

Ref: 85-1-19



PLANNING DEPARTMENT SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

1. Applicant's Name: TRIONA FINNEN
Applicants Address: NATIONAL PARKS & WILDLIFE SERVICE
DEPARTMENT OF CULTURE, HERITAGE & THE GAELTACHT
GOVERNMENT BUILDINGS, BELLVIEW, MULLINGAR, CO. WESTMEATH
Tel. No. 0876455258 Fax. No. E-Mail Triona.Finnen@chg.gov.ie

2. Name of Agent (if any):
Address:
Tel. No. Fax. No. E-Mail

3. Name and Address to which notifications should be sent:
AS ABOVE

4. Location of Proposed Development: COLLINSTOWN

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WESTMEATH COUNTY COUNCIL
PLANNING HQ
22 JAN 2019
RECEIVED

Description of Proposed Development: See attached report

6. Is location a Protected Structure or within the curtilage of a Protected Structure? YES / NO (delete as appropriate)

7. If yes to 6 above, has a Declaration under Section 57 (works affecting the character of a Protected Structure(s) or Proposed Protected Structure(s)) of the Planning and Development Act 2000-2010 been requested or issued for the property by the Planning Authority?

YES / NO (delete as appropriate)

8. Applicants Interest in site: Authorised Officer as appointed under Regulation 4 of the EC (Birds & Natural Habitats) Regs 2011 (SI 477 of 2011)

9. List of plans, drawings etc. submitted with this application: _____

Report attached with photo + location maps
SAC map 1:15000

9. Signature of Applicant (or Agent) Teóra Finnón

- NOTES: (a) Application must be accompanied by fee of €80.00
- (b) Application must be accompanied by a copy of the following documentation:
- (i) site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - (ii) site layout plan to scale 1:500 of the proposed development. All drawings to differentiate between the original building, all extensions and proposed development. Please indicate position of proposed development relative to premises and adjoining properties.
 - (iii) Drawings, plans, photographs and other particulars necessary to identify and describe the matter to which the question relates
 - (iv) Any relevant planning history (including details of any previous requests for related Section 5 requests/declarations)

OFFICE USE ONLY

Ref. No. _____

Date Received: _____

Fee Received: € _____

Receipt No. _____

AN BORD PLEANÁLA

14 FEB 2019

LTR DATED _____ FROM _____

I am seeking a Section 5 declaration in regard to the planning status of development work which has taken place within and adjacent to Lough Lene Special Area of Conservation in the townland of Collinstown, Co. Westmeath on lands owned by Ronan Fagan of the same address.

Description of Development

1. **Infilling and drainage of a wetland**, namely reed and large sedge swamp¹ and marsh¹ habitats within and immediately adjacent to the Lough Lene Special Area of Conservation (Site code: 002121). The wetland area outside the SAC boundary is contiguous and hydrologically connected to the SAC wetland habitat. **Please refer to the Guidance for Planning Authorities on Drainage and Reclamation of Wetlands²**. The extent of works completed to date include:
 - A drain of approximately 137 metres in length and approximately 1.5 metres in width has been excavated through a wetland (partly including the SAC) and into an old drain which flows into Lough Lene. This is a new drain and is constructed through reed and large sedge swamp and marsh habitat. Water is flowing within the drain towards the lake thereby causing drainage of the wetland habitat. This drain was dug between 9th of June 2017 and 21st of December 2018. See photos 3 and 4.
 - Approximately 0.25 of a hectare of former marsh and reed bed habitat has been infilled with up to 30-40 centimetres of soil and partly burned tree trunks, branches. The area of wetland infilled includes approximately 0.04 hectares of SAC.
 - The remaining wetland habitat within the SAC has also been affected by a certain amount of dumped soil on the north side of the new drain. The remaining wetland habitat is likely to be negatively affected by the interference with water levels due to the presence of the new drainage channel.

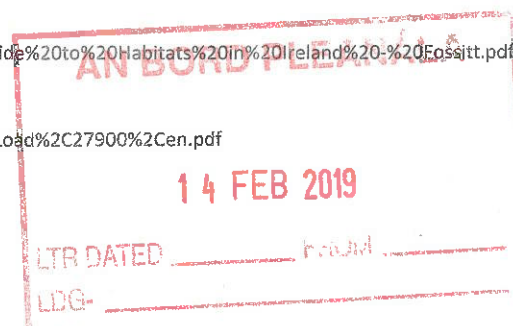
Along with the loss and damage to the wetland habitats, the development has removed the important buffer zone between the intensively farmed land and the lake.

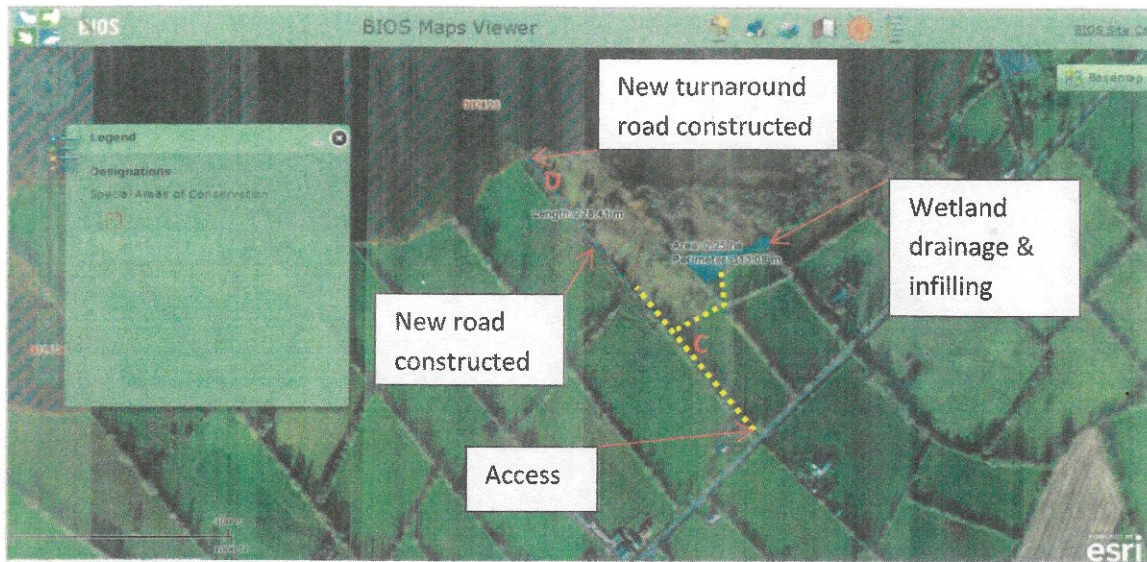
2. **Construction of a new road** of approximately 228 metres in length and between 3.5 to 4 metres in width on former wet and dry grassland habitat all within the Lough Lene Special Area of Conservation (Site code: 002121). The surface of the road has been covered with hard core and crushed rock. See photos 8 and 9 and also see Map 1 for location.
3. **Construction of a triangular shaped turnaround** road area comprising of approximately 200 square metres on former dry grassland habitat all within the Lough Lene Special Area of Conservation (Site code: 002121). The surface of the yard has been covered with hard core and crushed rock. See photos 10 and 11 and also see Map 1 for location.

Most of the work took place between the 9th of June 2017 and 21st of December 2018 and according to the landowner it was done at the end of the summer 2018.

¹<https://www.npws.ie/sites/default/files/publications/pdf/A%20Guide%20to%20Habitats%20in%20Ireland%20-%20Fossjtt.pdf>

²<https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload%2C27900%2Cen.pdf>



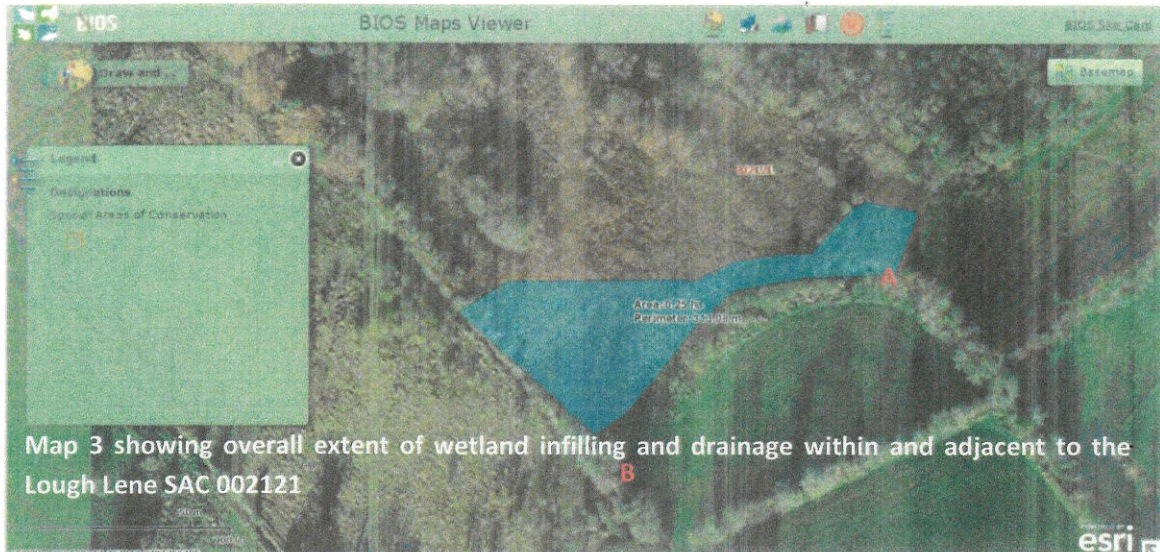


Map 1 showing location of site within Collinstown townland and showing location of road construction and wetland infilling and drainage



Map 2 showing location of part of SAC affected by wetland infilling and drainage

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Map 3 showing overall extent of wetland infilling and drainage within and adjacent to the Lough Lene SAC 002121

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Photo 1 looking north from point A on Map 3 showing wetland still partly intact but affected by some recent drainage work as noted on 10th of May 2017, all within the Lough Lene SAC.



Photo 2 looking north from point A on Map 3 showing area as per Photo 1 where wetland was infilled with soil and land drains inserted and land reseeded. This was completed between 10-05-2017 and 21-12-2018. Photo taken on 18th of January 2019. This is within the Lough Lene SAC.

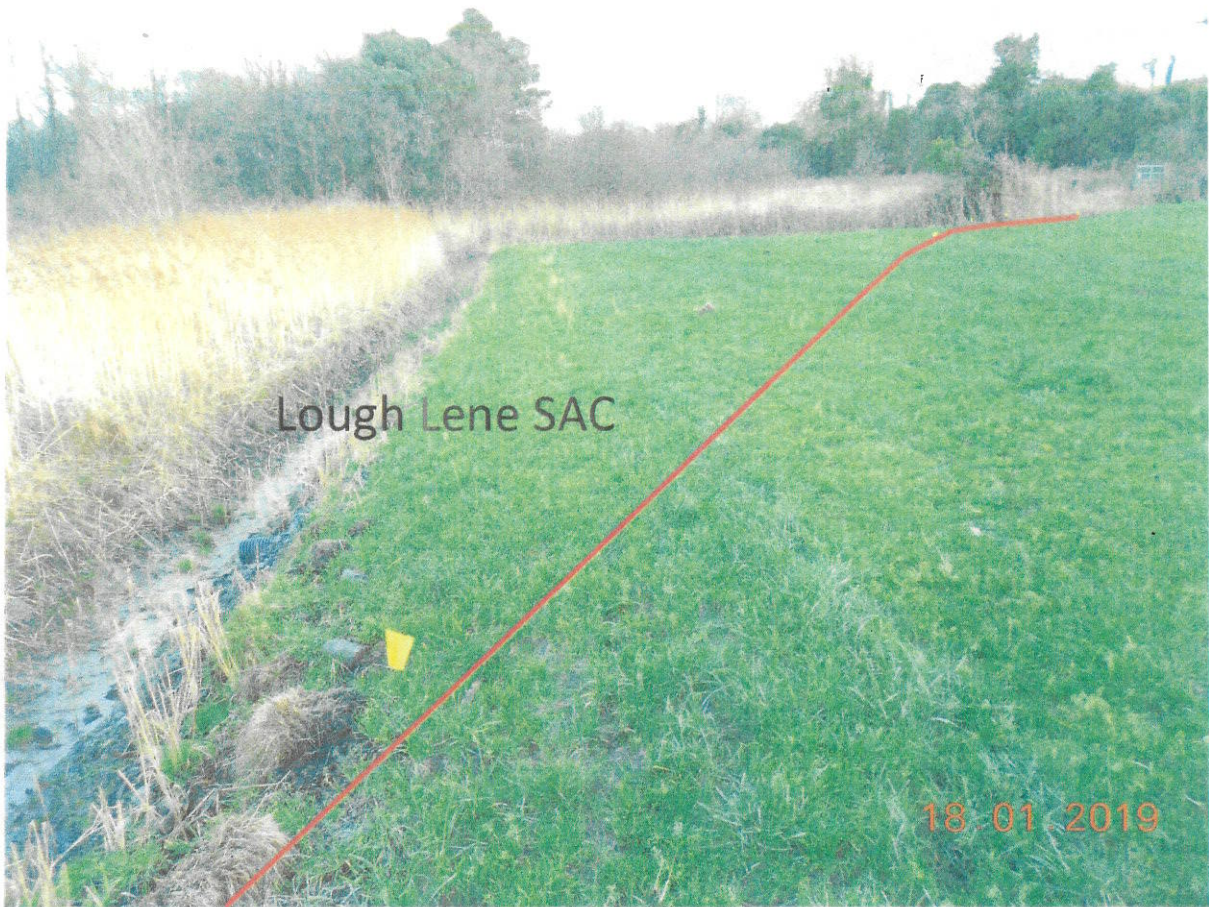


Photo 3 showing one of the areas, east side on Map 2 measuring approximately 0.03ha, of SAC wetland affected by infilling and drainage (left of red line). New drain on left side of photo.



Photo 4 showing one of the areas, west side on Map 3 measuring approximately 0.01ha, of SAC wetland affected by infilling and drainage (right of red line). New drain on right side of photo.



Photo 5 looking northwest from point B on Map 3 showing wetland partly infilled as noted on 10th of May 2017.



Photo 6 looking northwest from point B on Map 3 showing part of wetland infilled with land drains inserted as noted on 21st of December 2018. Photo taken on 18th of January 2019.



Photo 7 looking north from point B on Map 3 showing heaped soil material on edge of wetland and wetland partly infilled as noted on 17th of May 2017.

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Photo 8 looking northwest from point C on Map 1 showing no road within SAC on 9th of May 2017. Above red line is approximate area of SAC.



Photo 9 looking northwest from point C on Map 1 showing new road extending into the SAC as noted on 21st of December 2018.

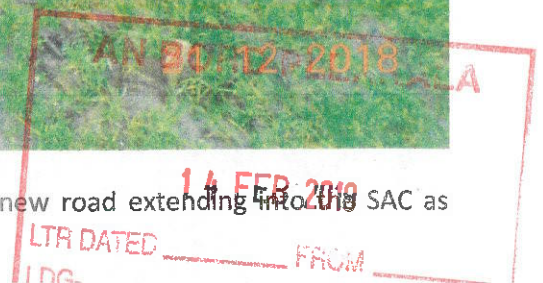


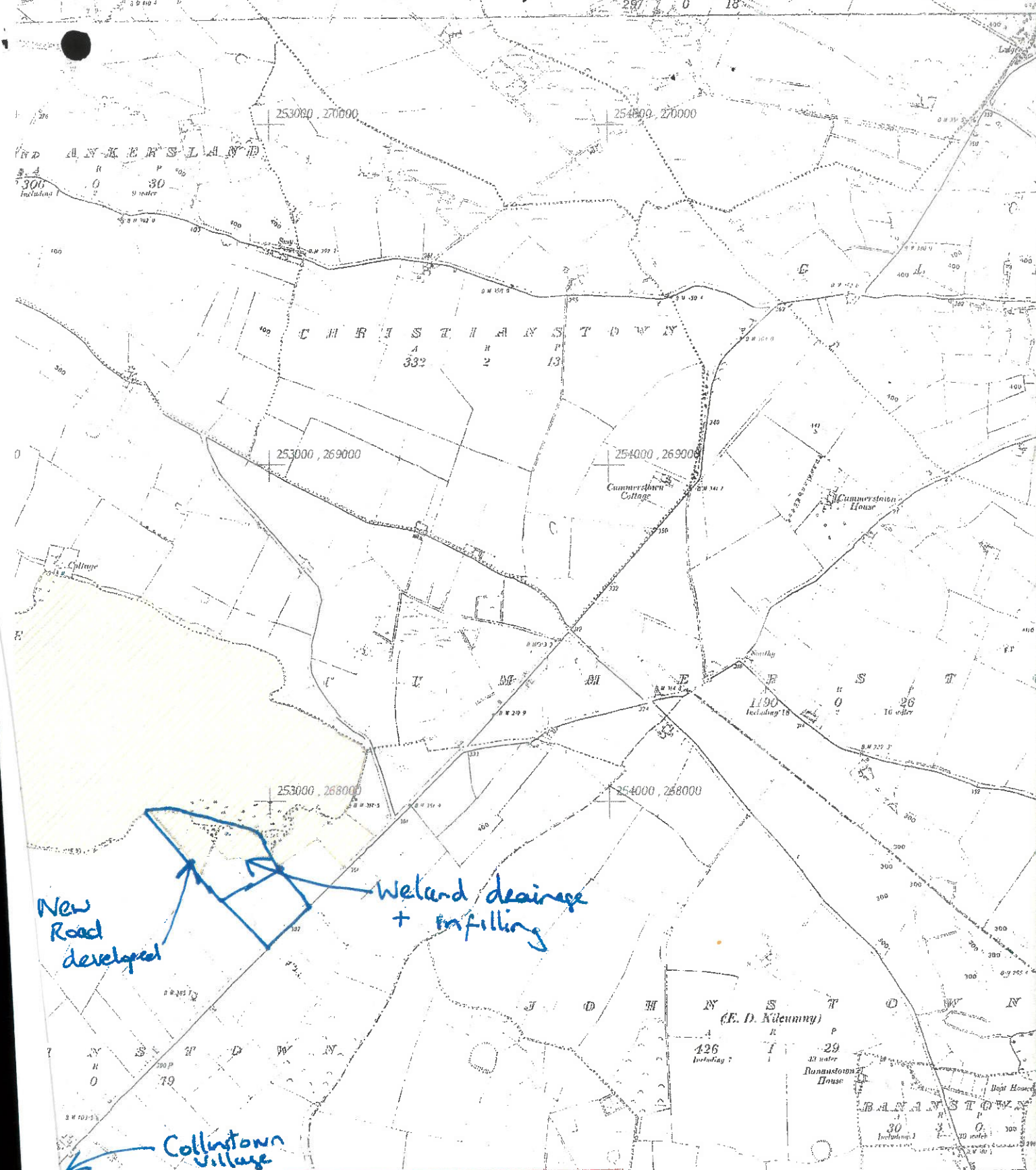


Photo 10 looking northwest from point D on Map 1 showing no turnaround road present within SAC on 15th of May 2017.



Photo 11 looking northwest from point D on Map 1 showing new turnaround road present within SAC on 21st of December 2018.

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6" O.S. WESTMEATH SHEET C08a 2 of 3

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14 FEB 2019

subject to revision
 Réilias (Ceardúnas Uimh. 5953)
 Government (Permit Number 5953)

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 LDG-

1km
 Scale 1:15000

Version: 1

Printed on: 18/02