



An
Bord
Pleanála

Board Direction

BD-006797-20

ABP-306084-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/10/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

In deciding not to accept the Inspector's recommendation to refuse permission for the dining tent, the Board was satisfied that, following receipt of further information consisting of a revised Natura Impact Statement with additional mitigation measures and a revised Bat Assessment that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the Lough Oughter and Associated Loughs SAC (site code 000007), and the Lough Oughter and Associated Loughs SPA (site code 0049049), in view of the site's Conservation Objectives.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment 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 Oughter and Associated Loughs SAC (site code 000007), and the Lough Oughter and Associated Loughs SPA (site code 0049049), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely, the Lough Oughter and Associated Loughs SAC (site code 000007), and the Lough Oughter and Associated Loughs SPA (site code 0049049), 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 appropriate assessment, the Board 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 Sites.

In overall conclusion, the Board 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 sites' Conservation Objectives

Reasons and Considerations

Having regard to the location of the proposed development within an established serviced tourist/recreational development and to the proposal to re-use and adapt existing rural buildings for tourist accommodation, which the Cavan County Development Plan 2014-2020 promotes, it is considered that the proposed development, subject to the conditions set out below, would be compatible with the established use of the site, would not seriously injure the visual amenities or impact on the natural conservation of the area and would accordingly be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>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 submitted to the planning authority on the 9th day of September 2019, and by the further plans and particulars submitted to An Bord Pleanála on 17th day of August 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The facilities be used only for accommodation and resident dining. Use of outdoor sound amplification equipment is not permitted. Outdoor playing of music and/or other outdoor events which involve sound amplification equipment are not permitted.</p> <p>Reason: In the interests of nature conservation and the protection of designated sites and species.</p>
3.	<p>All mitigation measures outlined in Section 5 of the revised NIS submitted to An Bord Pleanála on 17th August 2020 shall be implemented in full except where modified by conditions set out below.</p> <p>Reason: In the interests of nature conservation and the protection of designated sites and species.</p>
4.	<p>(a) Lighting of the proposed development shall be carried out in accordance with the plans and particulars submitted to An Bord Pleanála on 17th August 2020.</p>

	<p>(b) All of the mitigation measures recommendation in Section 5.2 of the revised Bat Report submitted submitted to An Bord Pleanála on 17th August 2020 shall be implemented in full.</p> <p>Reason: In the interests of conservation of the bat community in the area.</p>
5.	<p>The wastewater treatment facilities shall be managed, operated and maintained in accordance with the Local Government (Water Pollution) Acts 1977 and 1990; Section 4 discharge licence requirements.</p> <p>Reason: In the interests of public health and proper planning and development.</p>
6.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to the commencement of this development the applicant to submit details of the proposed oil interceptor traps for the written agreement of the planning authority.</p> <p>Reason: In the interests of public health and proper planning and development</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p>

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 28/10/2020

Terry Prendergast