

An
Bord
Pleanála

Board Direction
BD-017301-24
ABP-316270-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/08/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The proposed tourist accommodation would adjoin the settlement of Clondra, a developing tourist centre, and would also adjoin the Royal Canal, an important recreational asset for the county and region; and would comprise a sustainable form of tourism which would enhance the tourism product and offer and would be in compliance with Section 16.4.19 of the Longford County Development Plan 2021-2027. The proposed development, on a serviced site not subject to flooding risk, would not impact adversely on the natural heritage of the area and, subject to the following conditions and would not unduly impact on the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of

the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites other than the Lough Ree SAC 00440 and Lough Ree SPA 004064 sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Ree SAC 00440 and Lough Ree SPA 004064 are the only European sites for which there is a possibility of significant effects and must therefore be subject to 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 in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular, the following (i) Site Specific Conservation Objectives for these European Sites, (ii) Current conservation status, threats and pressures of the qualifying interest (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and (iv) mitigation measures which are included as part of the current proposal. In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, 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 European sites in view of the sites' Conservation

Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

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| 1. | <p>The proposed 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 2nd day of March, 2023, and in accordance with the mitigation measures contained in the revised Natura Impact Statement, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the Natura Impact Statement are implemented to avoid any likelihood of significant effects on any European Site, having regard to the qualifying interests and conservation interests for any such site.</p> |
| 2. | <p>If the proposed structures become un-used for a period in excess of one year they shall be removed from the site and the site shall be reinstated to agricultural use.</p> <p>Reason: In the interest of clarity, having regard to the nature of the proposed structures.</p> |
| 3. | <p>The proposed development shall be used for short term residential use only and no unit shall be let for a period in excess of one month.</p> |

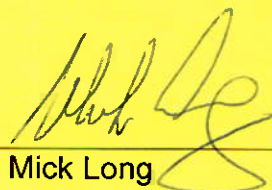
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| | <p>Reason: In the interest of clarity, having regard to the nature of the proposed development and its unsuitability for long term residential use.</p> |
| 4. | <p>The existing gateway entrance to the site from the Royal Canal bank shall not be used by vehicular traffic accessing the site.</p> <p>Reason: In the interest of clarity and orderly development.</p> |
| 5. | <p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p> |
| 6. | <p>The 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 clarity and orderly development.</p> |
| 7. | <p>Prior to commencement of development, measures to protect against the importation of invasive species during construction, shall be submitted in writing, for the written agreement of the planning authority.</p> <p>Reason: To protect the natural environment.</p> |
| 8. | <p>Prior to commencement of development, a landscaping scheme incorporating locally occurring species, including screening to the rear of residential properties, shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of clarity and orderly development.</p> |
| 9. | <p>Details of on-site refuse storage facilities, and arrangements for off-site disposal, for both the construction phase and the operational phase shall</p> |

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| | <p>be submitted for the written agreement of the planning authority, prior to the commencement of development.</p> <p>Reason: In the interest of clarity and public health.</p> |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p> |
| 11. | <p>Noise due to the normal operation of the development shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more or exceed NG4 limits whichever is lesser.</p> <p>Daytime (07:00 to 19:00 hrs) – 55dB LAr,T</p> <p>Evening (19:00 to 23:00 hrs) – 50dB LAr,T</p> <p>Night-time (23:00 to 07:00 hrs) – 45dB LAeq,T</p> <p>(As measured from nearest noise sensitive location/s).</p> <p>Reason: In the interest of clarity and orderly development.</p> |
| 12. | <p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p> |
| 13. | <p>Proposals for any required directional signage shall be submitted for the prior written agreement of the planning authority. No advertising signage shall be erected on the site.</p> |

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| | Reason: In the interest of clarity and visual amenity. |
| 14. | <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 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.</p> <p>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.</p> |

Note: In relation to the concerns raised about legal interest, the Board noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'Where a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Board Member


Mick Long

Date: 23/08/2024