

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/264

APPEAL by John Lovatt of 9 Fairways, Donabate, County Dublin and by Tonagh and District Residents' Association care of Environmental Management Services of An Tinteán Nua, Ballymanus, Castlepollard, County Westmeath against the decision made on the 14th day of June, 2022 by Cavan County Council to grant subject to conditions a permission to Garvan Hanley care of Hanley Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan.

Proposed Development: Construction of a tourist campsite comprising: vehicular access from existing laneway, passing areas on existing laneway and works associated with achieving requisite sight distances at laneway junction with public road, parking area for cars and camper vans, pathways leading to tent, yurt and shepherds hut grassed camping area, a single storey winter storage building for yurts and tents, a single storey building incorporating toilets, showers and laundry facilities, installation of a sewage treatment system, formation of a floating marina with disabled access and landscaping boundary fencing and all other ancillary works, all at Tonagh, Mountnugent, County Cavan, as revised by the further public notices received by the planning authority on the 21st day of April, 2022 which included a revised/updated Natura Impact Statement.

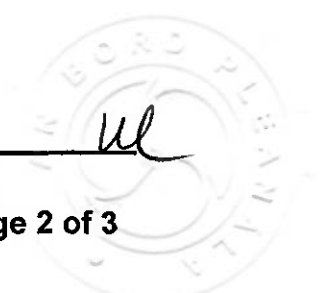


Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. The proposed development lies partly within and adjoining Lough Sheelin Special Protection Area (Site Code: 004065) and it has been identified in the Natura Impact Statement, provided as part of the planning application, that the proposed development, at both construction and operational stages, has the potential to impact on water quality within the Special Protection Area. It is considered that insufficient information has been provided regarding the proposed surface water drainage system, foul water drainage system and the proposed floating marina to demonstrate that these aspects of the proposed development will not affect water quality and/or the integrity of the special conservation interests for which the Special Protection Area is designated. On the basis of the information provided with the planning application and the appeal, and in light of the Stage 2 Appropriate Assessment undertaken, the Board is not satisfied that the development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the integrity of the Lough Sheelin Special Protection Area (Site Code: 004065) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.



2. Having regard to:

- (a) the seasonal nature of the proposed development, which is proposed to operate between April to September annually,
- (b) the seasonal nature of the use of the proposed on-site wastewater treatment system, which includes the proposed use of ferric sulphate as a means of reducing phosphorus emissions from the site, and
- (c) the vulnerability of Lough Sheelin to discharges containing suspended solids and/or pollutants which would degrade water quality,

the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the proposed development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would pose an unacceptable risk of environmental pollution and would, therefore, be contrary to the proper planning and sustainable development of the area.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *30th* day of *January* 2024.

