



An
Bord
Pleanála

Inspector's Report ABP-303670-19

Development	To continue the use of an existing events marquee
Location	Lough Derg Holiday Village, Carrownakilly, Killaloe, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	18732
Applicant(s)	Jeremy and Jana Mannion
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Lough Derg Management Company CLG
Observer(s)	Inland Fisheries Ireland (IFI)
Date of Site Inspection	15 th May 2019
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies.....	6
3.4. Third Party Observations.....	6
4.0 Planning History.....	6
5.0 Policy and Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations.....	8
5.3. EIA Screening	9
6.0 The Appeal.....	9
6.1. Grounds of Appeal.....	9
6.2. Applicant Response	9
6.3. Planning Authority Response	11
6.4. Observations	12
6.5. Further Responses	12
7.0 Assessment.....	12
8.0 Recommendation.....	19
9.0 Reasons and Considerations	19

1.0 Site Location and Description

- 1.1. The site is located at Lough Derg Holiday Village, Carrownakilly Td, Killaloe, Co Clare. The site is part of Anna Carriaga / Lough Derg Holiday Village, on the shore of Lough Derg, approx. 3.2km north of Killaloe. Access to the site is via an existing entrance off the R463. To the north of the access roadway at the junction with the R463 there is a public bar and car parking area which links with the access roadway and which also has a separate entrance to the public road. To the south of the private roadway there are tennis courts, near the R463. Further along the roadway to the south there is a development comprising three sides of a courtyard surrounded by two storey plus dormer houses and to the north two rows of terraced two storey houses, further along the roadway there is an access roadway to the riverbank of the Annacarriaga River which enters the lake at this point and is used for boat moorings. Nine detached dormer dwellings along the south of the access road, have access from the rear to these moorings as well as from the front, to the access road. Access to the subject site is north from the access road opposite the first house.
- 1.2. To the north, the Killaloe Sailing club has access via a gateway on the R 463 to facilities at the lake shoreline. The R 463 is a busy scenic route. The site is given as 0.468ha.

2.0 Proposed Development

- 2.1. Permission is sought for the following works: to continue the use of an existing 435 sq. m. events marquee, along with ancillary site works, for an additional seven years from the date of expiration to that of the same development as previously granted under Planning Refs: P11-90 and P14-678 at Lough Derg Holiday Village, Killaloe, Co. Clare.

3.0 Planning Authority Decision

3.1. Decision

Grant permission. Conditions of note are as follows:

- Condition No. 2 – The period during which the development hereby permitted can be carried out shall be 1 year from the date of the expiry date of planning permission P14/678 i.e. 6th May 2019. In this regard, permission shall expire in relation to this application on the 6th May 2020. On expiry of this period, the marquee and related ancillary structures shall be removed from the site and the site reinstated, unless its continued use is allowed by reason of a further grant of planning permission.

Reason: Having regard to the nature and use of the development, the Planning Authority considers it appropriate to specify a period of validity of this permission not in excess of one year.

- Condition No. 3 – Operating times, weekdays and Saturdays 11am to 2.30am, Sundays 12.30pm to 2.30am.

Reason: In the interest of residential amenity.

Condition No. 4 – All effluent shall be disposed of off-site by a licenced waste contractor/inventory of waste disposal to be kept.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The reports of the planning officer reflect the decision of the planning authority.

Points of note are as follows:

Planning Report dated 05/11/2018

- Development is generally consistent with tourism objectives in the Clare County Development Plan 2017-2023.
- The use of the marquee on a limited temporary basis is not contrary to the proper planning and sustainable development of the area but it is considered the 7 year temporary permission is too long for a temporary structure and the life of the permission should be limited to a period of 2 or 3 years.
- Objections noted.

- Do not consider that the proposal will have a negative impact on the visual amenities of the surrounding area or on views from Lough Derg or the regional road which is designated as a scenic route.
- Flood Risk Assessment is not required as this issues was considered under the parent permission/use is not a highly vulnerable use.
- No complaints in relation to noise or non-compliance with planning conditions since the marquee has been in situ (since 2012).

3.2.2. **Further Information** requested in relation to:

1. Legal Ownership.
2. Effluent treatment.

3.2.3. **Further information** was submitted on 10/12/18.

Planning Report dated 10/01/2019

- Confirmation of legal ownership submitted.
- Not connected to the private wastewater treatment infrastructure of Lough Derg Management Company/Is serviced by Drainpower Environmental Services.
- Noted that this is the third application on this site relating to the use (temporary) of the marquee structure.
- Regard is had to the location within a holiday village and third party submissions in relation to parking and amenity issues.
- Concerns of the Environment Section noted in relation to the sustainable management of the wastewater generated from the development.
- A more sustainable option would be for the provision of a permanent structure which addresses all noise and residential amenity issues or that an alternative site is provided within the area.
- Proximity to Lough Derg SPD is noted.
- An additional year only would be appropriate which would allow operation up to May 2020 and allow the applicants to honour any existing bookings.

- Recommendation was to grant with conditions.

3.2.4. Other Technical Reports

Environment – not enough evidence supplied in the application that waste water is managed at the site in a sustainable manner in order to minimise the risk of water pollution and minimise the public health risk.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 8 no. 3rd party observations were received. Issues raised are summarised below:

- Noise impacts including loud music late at night.
- Anti-social behaviour.
- Access/Rights of Way/Landownership
- Non-compliance with conditions.
- Visual impact/Impacts on view of the lake.
- Bigger weddings would generate more traffic.
- Insufficient parking.
- Inaccuracies in the application/site has previously flooded/incorrect site boundaries/connected to the on-site system without the consent of the LDMC.
- Impact on values of houses in the estate.

4.0 Planning History

4.1.1. Appeal Ref 301084 (17/388) **Split Decision** for development comprising the construction of a 275 square metre temporary extension to existing 435 square metre temporary events marquee (granted under Planning Register Reference Numbers P11/90 and P14/678) for a period of five years.

Grant proposed extension to the north, conditions of note being as follows:

Condition 2: The period during which the temporary development hereby permitted may be used is for a limited period, to the 6th day of May 2019, the expiry date of Planning Register Reference Numbers P11/90 and P14/678 upon which this development is reliant. Upon expiry of this period, the extension and all associated site works shall be removed from the site permanently.

Reason: Having regard to the nature of the development as proposed and in the interest of orderly development, the Board considers it appropriate to specify a period of validity of this permission in accordance with the existing permissions for this development.

Condition 4: All effluent to be disposed of off-site.

Condition 5: Temporary Toilet Block and the two existing containers to be removed off site within three months of the date of this order.

Refuse proposed extension to the west for 1 reason as follows:

1. On the basis of the information provided with the application and appeal, the Board is not satisfied that the proposed development of the western extension to the marquee, individually, or in combination with other plans or projects would not adversely affect the integrity of the Lough Derg (Shannon) Special Protection Area, (Site Code: 004058), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for this element of the proposed development.

4.1.2. 14/678 Jeremy & Jana Mannion permission granted to continue the use of an existing 435sq m events marquee, along with ancillary site works, for an additional 7 years, previously granted under Reg ref. 11/90; this permission is due to expire 06/06/2019.

4.1.3. R1313 Jeremy & Jana Mannion whether the erection of 2 no. pagodas adjacent to existing permitted marquee is development and is or is not exempted development. The planning authority considers that the propose development constitutes development and not exempted development.

4.1.4. 09/1317 Jeremy & Jana Mannion, permission granted to construct an entrance porch and covered terrace, elevational changes, internal modifications and ancillary site works.

- 4.1.5. 212944 appeal against the planning authority decision to refuse permission, PI 04/2011, to Michael Mannion for development comprising construction of two number retail outlets, one number crèche, 12 number terraced houses, eight number detached houses, relocated site entrance, access roads, foul sewer connection to existing treatment plant, surface water outfall, boundary walls and all ancillary site services. The Board granted permission for the crèche, 12 number terraced houses, relocated site entrance and associated works and refused permission for two number retail units and eight number detached houses.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Clare County Development Plan 2017-2023 is the operative plan relevant provisions include:
- Tourism, Chapter 9 including CDP9.4 Tourism Developments and Tourist Facilities, CDP9.13 Lakeland and Waterway Tourism, 9.23 Tourism in East Clare.
 - Landscape, Chapter 13 – The site is located in a heritage landscape, and adjacent to a scenic route on a scenic route.
 - Climate Change Adaption, Flood Risk and Low Carbon Strategy, Chapter 18 - The site is located in Flood Zone A. Section 18.6 Flood risk management is of relevance.
 - Biodiversity, Natural Heritage and Green Infrastructure, Chapter 14 including CDP14.2 European Sites, CDP 14.4 Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs), CDP14.1 Inland Waterways and River Corridors

5.2. Natural Heritage Designations

- 5.2.1. The Lough Derg (Shannon) SPA site code 004058, is the nearest Natura Site located immediately adjoining. Lough Derg is also a pNHA Lough Derg (site code 000011).

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, an events marquee with a relatively limited floor area, there is no real likelihood of significant effects on the environment arising from the proposed development. 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. A Third Party Appeal has been received from Lough Derg Management Company CLG. The Grounds of Appeal are as follows:

- Application for a seven year period is inconsistent with the existing temporary permission which has already been extended once.
- ABP refused an application to extend the duration for this structure.
- Applicant's title to the land has not been registered.
- Location of the overflow parking is outside of the applicant's control.
- Right of way issue.
- Existing infrastructure is unable to support development.
- Existing estate roads were developed for 9 houses/damaged by the additional traffic to and from the marquee.
- Existing temporary development is in breach of conditions attached to the original permission.
- Impact on amenity- noise and anti-social behaviour.

6.2. Applicant Response

- 6.2.1. The First Party response to the appeal is summarised below:

- Marquee drives short-term holiday lettings for the owners of the attending holiday homes.

- The applicant seeks permission for a further 7 years.
- Condition 2 means the life of the temporary permission will expire on 6th May 2020/will cause applicant significant hardship/bookings up to summer 2021 (evidence of bookings submitted).
- Equates to €486,000 of revenue not including accommodation costs.
- Closure will have a knock on effect on viability of holiday homes.
- Requests that the Board extends the life of the permission up to 31 December 2021.
- Would allow time for a more permanent solution/if necessary would allow an orderly wind down, including honouring bookings.
- No reason from a planning or environmental perspective that this should not be allowed.
- Environmental Impact of the marquee has been assessed in the previous applications/no major issues arising.
- Applicant would like to explore a permanent solution, as suggested in the planners report.
- Will continue to ensure that all foul waste is removed from the site on a regular basis/there are multiple pick-ups of waste/no risk of foul sewage sitting in a holding tank for an extended period of time.
- This application is not inconsistent with the Boards decision on the 2017 application/Board imposed a condition on the extension element allowing it to operate until 16th May 2019 in line with the previous extending permission (P14/678).
- In relation to any unauthorised development, temporary toilet blocks have been taken off the site/containers have remained for the duration of the ancillary works associated with the recent grant of permission (17/388).
- In relation to rights of way, letter has been furnished from the applicant's solicitors stating that the marquee does enjoy a right of way/previous Inspector stated that this is not a matter for the Board to address

- In relation to noise, it is acknowledge that the events create noise/submissions in relation to noise appear to have come from parties using the holiday homes on a permanent basis or letting on a long-term lease basis, without planning permission.
- Users of short-term accommodation accept a certain degree of disturbance beyond that which they might expect in their own homes.
- If a person is using a house unlawfully they cannot be expected to be protected retrospectively.
- Applicant has not received any complaints from any of the holiday home owners, either verbally or in writing.

6.3. Planning Authority Response

6.3.1. The response of the Planning Authority is summarised below:

- Issues/concerns in relation to land ownership are noted/reference is made to Section 34(13) of the PDA 2000 (as amended).
- Environment Section has concerns in relation to wastewater collection and that wastewater may be sitting in holding tanks for a substantial period of time, resulting in overflow or odours.
- Regard is had to the location of the site within a holiday village and to the third party submissions regarding parking and amenity issues.
- More sustainable option would be the provision of a permanent structure which addresses all of the noise and residential amenity issues/or an alternative site is found.
- More sustainable method of waste disposal is required.
- Proximity to the Lough Derg SPA is noted.
- Planning Authority considers that an additional year only would be appropriate which would allow operation up to May 2020, allowing applicants to honour any existing bookings etc.

6.4. Observations

6.4.1. An Observation has been received from Inland Fisheries Ireland (IFI). This is summarised below:

- Not opposed to the development in principle.
- On-site treatment system appears to have been designed for the needs of the holiday village.
- Very little information as to the design capabilities of this treatment plant for the volume of effluent and its ability to treat the effluent to an acceptable standard.
- Key issue for IFI is the capacity of the wastewater treatment system/extended sewage storage can give rise to nuisance caused by unpleasant odours and gases, unless the operation is properly managed.
- Invoices show that only two tanks of effluent were removed from the holiday village/IFI would expect that this may need to be done on a much more regular basis unless the tanks have a very large capacity.
- IFI recommends that further information is sought with regard to the capacities of the effluent treatment system/care should be taken that there is no overflow from the effluent tanks.
- ABP should request that the developer engage with a wastewater treatment professional to assess the capacity of the treatment system and make recommendations based on the findings.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development

- Impact on Residential Amenity
- Wastewater
- Parking and Access
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The existing development consists of an event marquee which has the benefit of a temporary permission under P11/90 and P14-768. The original temporary permission P11/90 was due to expire on 06/05/16. P14-768 permitted the continuance of the marquee and associated use for a further 3 years from 06/05/16 to 06/05/2019.
- 7.2.2. The most recent permission on the site is Appeal Ref 301084 (17/388) which allowed for an extension to the north of the existing marquee but required its removal by the 06/05/2019, which is in line with the date the main marquee structure is required to be removed. This permission does not appear to have been implemented.
- 7.2.3. The current appeal relates to an application to continue the use of the existing 435 sq. m. events marquee for an additional seven years from the date of expiration to that of the same development as previously granted under Planning Refs: P11-90 and P14-768. This would allow the marquee to operate until 06/05/2026.
- 7.2.4. In granting permission, the Planning Authority imposed a condition limited the timeframe of the permission to 1 year to 06/05/2020, in order to allow existing bookings to be honoured, but citing concerns in relation to amenity and wastewater in limiting the permission.
- 7.2.5. The applicants, while they have not formally appealed condition No. 2, have requested that the Board consider a 2 year extension to 6th May 2021, to allow time for either a permanent operation to be explored or that the business can honour bookings up to this time and allow an orderly wind-down of the business.
- 7.2.6. Given the events marquee has been operating for a relatively long period of time (since 2012) and temporary permissions have previously been granted, the principle of a further temporary permission is therefore acceptable, but subject to the detailed considerations below.

7.3. Residential Amenity

- 7.3.1. The issue of residential amenities arises in relation to the nearby residential holiday properties. The stated hours of operation in the application documents are weekdays 11.00am – 2.30 pm, Saturdays 11.00 am – 2.30pm and Saturdays 12.30 am – 2.30 pm. The stated hours suggest that the operation is from late morning to early afternoon, rather than running through to the early hours. It is more likely that the hours of operation are: weekdays 11.00am – 2.30 am, Saturdays 11.00 am – 2.30am and Saturdays 12.30 pm – 2.30 am, given the nature of the events that take place in the marquee.
- 7.3.2. The Third Party Appellant (Lough Derg Management Company) cites noise and anti-social behaviour arising from the development. A number of third party submissions were received at application stage from owners of the holiday cottages citing similar concerns.
- 7.3.3. The Planning Authority has also cited concerns in relation to amenity impacts, but in granting an extension to the parent permission that was limited to 1 year only, concluded that the amenities of the area would not be unduly impacted upon.
- 7.3.4. The applicant does not dispute that these are noise impacts but argues that, given that these properties are short-term lettings, some disturbance over and above a long-term residence is expected. It is further argued that submissions from parties occupying the properties on a longer term basis, contrary to planning permission, should be disregarded.
- 7.3.5. I do not accept that noise impacts on short-term occupiers should be expected as a matter of course, and it is likely that a function such a wedding, running from 11am to 2.30am would have a significant impact in terms of noise volumes and disturbance. As noted in the previous Inspector's report (appeal ref 301084), the lack of sound insulation from the marquee is also an issue.
- 7.3.6. In its reasons and considerations for granting permission for an extension to the marquee to the north under appeal ref 301084, the Board had regard to the limited duration of the parent permission, which expired on 6th May 2019, when concluding that the proposed development would not unduly impact on the amenities of the area. This current application proposes to extend the temporary permission for

another 7 years, to 6th May 2026. In my view this would not be consistent with the Board's previous decision in relation to this development and is not acceptable.

- 7.3.7. The Planning Authority, in granting permission, imposed a condition limiting the life of the temporary permission for 1 year, up to 6th May 2020, the justification being to allow the existing bookings to be honoured. In my view this is not a sufficient planning justification for a development which is otherwise not acceptable, having regard to amenity impacts.
- 7.3.8. As previously noted, the applicants have requested that the Board consider a 2 year extension to 6th May 2021, to allow time for either a permanent operation to be explored or that the business can honour bookings up to this time and allow an orderly wind-down of the business. Again, having regard to the Board's previous decision, there is insufficient justification in planning terms for a 2 year extension.
- 7.3.9. In conclusion, it is my view that any further extension of the temporary permission, without sufficient planning justification, would be unacceptable having regard to amenity impacts, and would set an undesirable precedent in terms of consistency in development control.

7.4. Waste Water

- 7.4.1. There is a general lack of detail on file in relation to proposals for the treatment and removal of wastewater. It is stated in the Further Information Response received by the Planning Authority on 10/12/18 that the existing marquee development is not connected to the private wastewater infrastructure on site (serving the holiday homes).
- 7.4.2. It would appear that waste water generated by the development is stored in holding tanks, and then removed from the site by registered contractors. While the applicant has stated that there has been multiple pick-ups over a two year period, the exact number of pick-ups on an annual basis is not specified, nor is the volume of waste generated or the storage capacity of the tanks. The location of the tanks is not clearly specified within the application documents.
- 7.4.3. The Third Party Appellant has raised the issue of the capacity of the existing infrastructure and states that it is unable to support the development.

- 7.4.4. The Planning Authority has raised concerns in relation to the duration of time that waste water is stored in the tank, and has cited concerns in relation to odours and potential overflow of the tanks.
- 7.4.5. An Observation on the appeal from Inland Fisheries Ireland (IFI) has also raised similar concerns and has recommended that the Board seek further information in relation to the volume of effluent generated, the volume of the tanks and proposals for dealing with same.
- 7.4.6. I note that in the determination of the previous appeal that the Board was satisfied that this issue could be dealt with by way of a condition requiring that all effluent arising from both the existing development and the proposed development shall be disposed of off-site by a licensed waste contractor. As the nature of the development has not changed, and is in fact slightly smaller in floor area than that permitted by the Board previously, albeit on a time-limited basis, I can only conclude that should the Board be minded to grant permission, a similar condition be imposed.
- 7.4.7. However, should the Board be minded to Grant Permission, and should the Board consider a longer timeframe for the temporary permission should warrant more detailed effluent treatment proposals, regard should be had to the observation made by Inland Fisheries Ireland (IFI) in relation to effluent disposal, and the Board may wish to seek **Further Information** on this issue, as per the IFI observation.

7.5. **Roads/Parking/Access**

- 7.5.1. Concerns in relation to the location of the proposed overflow parking have been raised by the appellants and it is stated that this area is located in an area that is outside the applicant's control. Concerns have been raised too in relation to the roads infrastructure, and it is stated that the existing estate roads were developed for 9 houses and have been damaged by the additional traffic to and from the marquee.
- 7.5.2. The Planning Authority has not raised concerns in relation to parking. The quantum and location of parking is as per the previous appeal and was considered acceptable by the Board. There is little evidence to demonstrate the impact of the additional traffic on the roads infrastructure and I do not consider that this is a material issue.

7.6. **Other Issues**

7.6.1. Land ownership/Rights of way - In this regard I refer to Section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, should the Board be minded to grant permission, the developers must be certain under civil law that they have all necessary rights in the land to execute the grant of permission.

7.7. **Appropriate Assessment**

7.7.1. Legal protection is provided for habitats and species of European importance under the Habitats Directive 92/43/EEC, which established a network of designated conservation areas known as Natura 2000 or European sites, which include Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive (Directive 2009/147/EC). Article 6(3) of the Habitats Directive requires Appropriate Assessment to be carried out for any plan or project not directly connected with or necessary to the management of a European site (or sites) concerned, but that it likely to have a significant effect thereon, on its own or in combination with other plans or projects, in view of its conservation objectives.

7.7.2. The proposed development is not directly connected with or necessary to the management of any European site.

Stage 1 Screening

7.7.3. Stage 1 is concerned with determining whether a described development, not being a development directly connected with or necessary to the management of a European site, in itself or in-combination with other described projects or plans, is likely to have a significant effect on a European Site.

7.7.4. No Appropriate Assessment Screening report was submitted at application stage nor has a Natura Impact Statement been submitted.

7.7.5. Screening for Appropriate Assessment was carried out by the Planning Authority who concluded that there was no potential for significant effects on Europeans Sites.

7.7.6. Within a 15km radius of the site there are 8 no. Natura 2000 sites as detailed below.

- Lough Derg (Shannon) SPA (004058) 0m.
- Slieve Bernagh Bog SAC (002312) 1.9km west

- Lower River Shannon SAC (002165) 4.9km south
- Slieve Aughty Mountains SPA (004168) 9.5km north-west
- Glenomra Wood SAC (001013) 11.7km south-west
- Slievefelim to Silvermines Mountains SPA (004165) 12.9km south-east
- Silvermines Mountains West SAC (002258) 13.4km south-east
- Loughatorick South Bog SAC (000308) 13.7km north-west

7.7.7. The site is directly adjacent to Lough Derg (Shannon) SPA [004058] and given the nature and scale of the project, and the distance to the other Natura 2000 sites listed above, in my view, this is the only Natura Site likely to be impacted by the proposed development.

7.7.8. The conservation objectives for Lough Derg (Shannon) SPA are:

To maintain or restore the favourable condition of the bird species listed as Special Conservation Interests for this SPA: Cormorant, Tufted Duck, Goldeneye, and Common Tern; and

To maintain or restore the favourable conservation condition of the wetland habitat at Lough Derg (Shannon) SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.7.9. In carrying out a Stage 1 Screening I have had regard to the relevant information on file, my observations on site and the Conservation Objectives Series documents for Lough Derg (Shannon) SPA and other related documentation accessed on the National Parks and Wildlife website (accessed 24/05/2019).

7.7.10. There is a direct physical source-pathway link to the SPA as the marquee is located directly adjacent to Lough Derg, and its associated wetland habitats. There is a potential hydrological source-pathway link via surface water run-off.

7.7.11. Potential impacts include the disturbance of the wetland habitats by users and staff of the events marquee, potential contaminants entering the waters of the lake or impacting on wetland habitats arising from refuse or pollutant spills in an around the lakeshore, potential contaminants entering the waters of the lake or impacting on wetland habitats from surface water run-off, and potential contaminants entering the

waters of the lake or impacts on wetland habitats arising from foul water effluent storage, collection and disposal.

7.7.12. In conclusion then, and applying the precautionary principle, significant effects on the Lough Derg (Shannon) SPA cannot be ruled out.

7.7.13. Therefore, on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Lough Derg (Shannon) SPA European site No.004058, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

8.0 Recommendation

8.1. Refuse permission.

9.0 Reasons and Considerations

1. Having regard to the nature of the use of the marquee, the proposed development would seriously injure the residential amenity of the surrounding holiday homes, by virtue of noise and disturbance impacts. Furthermore, and having regard to the planning history of the site, further extension of the temporary permission, without sufficient planning justification, would set an undesirable precedent in terms of consistency in development control.
2. On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Lough Derg (Shannon) SPA European site No.004058, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Rónán O'Connor
Planning Inspector

27th May 2019