



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306084-19

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<b>Development</b>	Change of use of stables building to guest accommodation. Significant further information including revised Natura Impact Statement has been submitted
<b>Location</b>	Killykeen Forest Park, Killykeen, Co. Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	19188
<b>Applicants</b>	Killykeen Forest Holidays Ltd,
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	R Lee
<b>Date of Site Inspection</b>	20 <sup>th</sup> March 2020
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located within Killeen Forest Park and accessed off a local road L1529 which links Franham with Drumcor and via a private road that leads to the Forest Park. From this private road, before the controlled entrance to the park, a road leads left to the Chalets, a development of 28 two storey, timber houses for holiday rental, currently being refurbished, together with associated services, uphill from the lakeshore, to the north of the proposed development and within the same property. The site access is via a recently improved road which runs through this holiday complex and continues southwards to the end of the property, where a wastewater treatment system for the complex has recently been developed.
- 1.1.2. The site is beside the wastewater treatment system, in a secluded area, at the end of the roadway, where it adjoins the lakeshore. The shoreline is fringed by a broad tree line and other vegetation, a large proportion of which stands submerged in the lake. The lakeside vegetation is interrupted in one area near the subject development where the tree line has been replaced by a slightly raised area of ground, which projects into the lake and where attractive views are available over the lake and opposite shore.
- 1.1.3. The site is occupied by a single storey building-block of timber construction, forming four sides of a courtyard, with a break on the northern elevation, which provides an entrance to the courtyard. Some of the buildings have entrances from outside the block; all open inwards towards the courtyard and mainly comprise stables. There is also what appears to have been domestic accommodation. The buildings have been disused for some time and have some broken and some boarded up windows. In the stables the underside of the corrugated asbestos roofing material is exposed. In the domestic area, except for a section where the ceiling has been removed and the insulation is visible, the roofing material is concealed. There is an overhang of the roofing on the courtyard elevation. The building is provided with electricity but no external or outdoor lighting is in evidence.
- 1.1.4. An open area adjoins the stables. Other than the stable block and open area, the wastewater treatment system and the access roadway, the general area is wooded.
- 1.1.5. The site is 7.3km west of Cavan Town and 4km east of Killeshandra.

1.1.6. The site is given as 0.452ha.

## 2.0 Proposed Development

2.1.1. The proposed development is the conversion of the existing stables to guest accommodation and the erection of what is described as a dining tent close by. The published notice refers to change of use of existing stables building to guest accommodation, works to include carrying out of internal alterations and erection of extensions to sides and rear of existing building to provide ensuite accommodation to new bedrooms, bicycle and bin storage facilities, erection of a dining tent, connection to existing sewage treatment facilities and all ancillary works. The accompanying details describe the tent as an Albion Canvas Dining Tent.

2.1.2. The application was accompanied by:

- Bat Assessment
- Natura Impact Statement
- Noise Risk Assessment and Acoustic Design Statement
- Environmental Risk Assessment
- Construction/ Demolition Waste Management Plan
- Treatment System Details Design
- Operational Waste & Recycling Management Plan
- Drawings –

PI 18-013-01 – Survey 1:100

PI 18-013-02 Ground Floor Plan, Elevation & Section 1:100, and

PI 18-013-03 Site Layout Plan, Location Map & 3D Image

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 25 conditions including:

3) All mitigation measures outlined in Section 5 of the NIS submitted and revised on the 22/05/2019 and 09/09/2019 shall be implemented in full except where modified by conditions set out below.

No infilling of the Lough Oughter and Associated Loughs SAC 000007 and SPA 004049 shall occur.

Reason: In the interests of the protection of designated sites and species.

4) The developer shall consult with the Bat Eco Services regarding the positioning of and number of long-life bat boxes required.

Reason: In the interests of the protection of designated sites and species.

5) This permission relates solely to the proposed stables, storage and dining tent. There shall be no woodland clearance or works to alter or degrade the shoreline of the lake, (note: under the European Communities (Birds and Natural Habitats) Regulations (2011). An application for consent must be made to the Minister for Culture, Heritage and the Gaeltacht should exempted works (or certain recreational activities) be proposed at this location.

Reason: In the interests of planning and sustainable development.

6) The developer shall engage the services of a specialized lighting design consultant to ensure that the lighting layout reflects the lighting plan on page 33 and 34 of the Bat report.

Reason: In the interests of the protection of designated sites and species.

7) Prior to the commencement of work on site, the developer shall prepare a programme of works to be submitted to the Planning Authority for written approval, specifying how the mitigation measures listed in Section 5 of the submitted NIS shall be carried out.

Reason: In the interests of the protection of designated sites and species.

9) Asbestos removal shall only be carried out by specialist, competent and experienced contractors who shall have regard to Health and Safety Authority requirements and guidelines related to asbestos.

Reason: In the interests of public health and proper planning and development

13) (i) Precautions shall be put in place to prevent silt, suspended solids and deleterious matter from entering the watercourse and works on site shall comply in full with the Inland Fisheries Ireland (IFI) guide for the protection of watercourses during construction works document 'Requirements for the protection of Fisheries during Construction and Development Works at River Sites.'

(ii) During construction works any fuel tanks on site shall be bunded to 110% capacity.

(iii) Measures shall be put in place to prevent the introduction of alien invasive species on site.

Reason: In the interests of protection of nearby watercourses and the proper planning and sustainable development of the area.

14) Prior to the commencement of this development the applicant shall submit proposals for the noise monitoring plan for approval by the local authority.

15) Prior to the commencement of this development the applicant shall indicate on a revised site layout plan, the settlement ponds and any discharge point from same to waters for written approval by the local authority.

Reason: In the interests of public health and proper planning and development

16) Prior to the commencement of this development the applicant shall indicate on a revised site layout plan the designated area for washing out, as referred to in the Sediment Erosion and Pollution Control Plan. The applicant shall provide details on the management of run off from same, for written approval by the local authority.

Reason: In the interests of public health and proper planning and development

17) Prior to the commencement of this development the applicant shall indicate on a revised site layout plan the designated area for washing out of machinery and tools to be treated with a hot power wash before use in the channel or riparian zone, as referred to in the Sediment Erosion and Pollution Control Plan. The applicant shall indicate the location of this power wash and provide details on the discharge from same (if any), for written approval by the local authority.

Reason: In the interests of public health and proper planning and development

18) Prior to the commencement of this development the applicant shall demonstrate that the wheel wash facilities are inspected weekly and also that the discharge from same to waters (if any) for written approval by the local authority.

Reason: In the interests of public health and proper planning and development

19) Prior to the commencement of this development the applicant to submit details on proposed oil interceptor traps for written approval by the local authority.

Reason: In the interests of public health and proper planning and development

20) The facilities shall not be used for any purpose other than accommodation in the stable and dining in the tent. Playing of music and/or other events which involves amplification equipment is not permitted.

Reason: In the interests of public health, amenity and proper planning and development.

21) No hydrocarbons shall enter surface waters and appropriate infrastructure shall be maintained in order to prevent any such discharges occurring. Any storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 1.5 times the capacity of the largest tank. The developer shall take precautions to ensure that oils and fuels used in the operations are stored in a secure place. All waste oil shall be removed from the site and disposed of to the satisfaction of the planning authority.

Reason: In the interests of public health and proper planning and development.

22) 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.

Reason: In the interests of public health and proper planning and development.

23) The applicant shall provide and maintain a suitable sampling location on the surface water drainage system prior to discharge to waters and ensure that direct access to the sampling location is available at all reasonable times to personnel authorised by Cavan County Council. This sampling location must be agreed with the Local Authority prior to commencement of the development.

Reason: In the interests of public health and proper planning and development.

24) The sampling chamber prior to discharge of waters on the surface water drainage system shall be maintained and monitored by the applicant. A visual examination of the surface water discharges shall be carried out weekly. A log of such inspections shall be maintained.

Reason: In the interests of public health and proper planning and development.

25) In the event that any analyses or observations made on the quality or appearance of the surface water should indicate that contamination has taken place the applicant shall:

- a) Carry out an immediate investigation to identify and isolate the source of the contamination,
- b) Put in place measures to prevent further contamination and to minimise the effects of any contamination to the environment.
- c) Notify Cavan County Council within 24 hours of the applicant becoming aware that contamination has occurred.

Reason: In the interests of public health and proper planning and development.

3.1.2. The decision was in accordance with the planning recommendation.

## **3.2. Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending a further information request, includes:

- The development plan encourages sustainable and suitably located tourist accommodation and facilities and seeks the highest standards in terms of sustainability and protection of the environment and landscapes.
- Designations – high landscape quality; major lakes and lakeside areas – related objectives NHE033 & NHE034. Killykeen is designated a County Heritage site NHE027 applies – to restrict incompatible development to protect the amenity, scientific and historical value of these areas. It is one of 5 important forest parks in the county.



- NHE032 to regulate development within parks to maximise recreational, amenity and community uses.
- Geopark sites – S9.9 of the plan outlines the importance of the geopark and Killykeen as one of 18 listed sites.
- Noting the various reports and submissions.
- Visual impacts are considered acceptable.
- The proposed dining tent will be visible from the lake at a point where no mature vegetation exists; however the assessment is that there is no concern regarding the visual impact.
- Recommends that the applicant provides details of the erection of a security fence and appropriate landscaping around the existing WWTP.
- The existing effluent disposal system can cater for 250pe organic and 250pe hydraulic load. The proposed change of use will add 29pe organic and hydraulic to the existing loadings for the site calculated at 112pe, total 141pe.
- Water supply from existing Group Scheme. Further information required.
- Waste Management and Construction and Demolition Waste Management Plan to be conditioned.
- The development maintains the amenity value of L Oughter and protects the landscape, recreational and ecological features of the area. It does not propose works on the shoreline and this is not being affected. It maximises amenity and recreational uses of the site through the re-use of an existing building and the policies and objectives set out in the development plan have been complied with.
- Bat survey – the report submitted recommends that mitigation measures be implemented strictly in order to reduce the development to a low potential impact.
- Appropriate Assessment – stage 2 carried out concluding that the proposed development, individually or with other plans or projects would not be likely to adversely affect the integrity of Lough Oughter and Associated Loughs SAC

and SPA or any other European site in view of the sites' conservation objectives.

- Recommending FI on 14 points, which issued.

### 3.2.3. Other Technical Reports

### 3.2.4. Waste Enforcement Officer

Contaminated – asbestos roofing, and faeces – removal of 400mm of soil.

Waste producers are legally obliged to manage their waste appropriately.

Recommends that consideration be given to waste storage provisions and apply conditions; 5 listed.

### 3.2.5. A/Senior Executive Scientist report.

Recommending further information.

Groundwater protection scheme maps prepared for Cavan County Council by GSI, it is evident that the area is designated as a locally important aquifer with high vulnerability.

Ern\_080 river water body classed as 'moderate' ecological status, must be improved to at least 'good' by 2021, in accordance with the requirements of the Water Framework Directive. Recommending further information on 8 points, (included in the request which issued).

## 3.3. **Prescribed Bodies**

3.3.1. IFI – sensitive salmonid habitat. Measures to be put in place to minimise the potential damage from sediment run-off, spillages and discharges (cement paint oils) and avoiding damage to riparian vegetation. IFI guidance for the protection of watercourses during construction works document 'Requirements for the protection of Fisheries during Construction and Development Works at River Sites,' and their website, and in addition measures critical for preserving water quality and aquatic habitats, are listed.

3.3.2. Department of Culture, Heritage and the Gaeltacht

Nature conservation

The proposed development has the potential to impact on semi-natural woodland and the habitat 'natural eutrophic lakes' a qualifying interest for the SAC and indirectly on wildlife: bats and otter. This would arise through woodland clearance and modification of lakeshore habitat (landscaping, shore access and pathway construction),

Conditions – adhere to the mitigation measures outlined in the NIS.

Consult with Bat Eco Services regarding number and positioning of long – life bat boxes.

This permission relates solely to the proposed stables, storage and dining tent.

There shall be no woodland clearance or works to alter or degrade the shoreline of the lake. Noting that under the EU (Birds and Natural Habitats) Regulations 2011, an application for consent must be made to the Minister for Culture, should exempted works or certain recreational activities be contemplated at this location.

The Department recommends that the applicant be requested to engage an experienced lighting design consultant to ensure that the lighting layout reflects, as closely as possible, the lighting plan on pages 26 and 27 of the Bat report (note that this refers to the initial Bat report, the second report has different page numbering).

### **3.4. Further information request**

#### **3.4.1. A request for further information on 14 points including:**

- 1) A revised drawing detailing the proposed base to accommodate the new Dining Tent. Should these foundations comprise concrete base, full details and detailed construction method outlining how construction will protect the sensitive and protected area adjoining.
- 2) Water supply.
- 3) Surface water drainage system and discharge.
- 4) Security fence surrounding the existing wastewater treatment facilities; mindful of protecting the ecology of the area and visual impacts.
- 5) Details of proposed landscaping scheme to provide screening around the existing Waste Water Treatment Plant.

- 6) How measures outlined in IFI submission will be implemented.
- 7) Confirm how measures outlined in Section 5 of the NIS will be implemented.
- 8) Details of additional camping and the clearing towards the lake, referred to in the Bat Assessment report. The planning authority (PA) note this camping area has not formed part of the development description. In the event that this is an error an amended NIS to be submitted.
- 9) Confirm that the measures proposed within Section 5.2 of the Bat Report will be implemented.
- 10) Noise with reference to sensitive receptors and amplification over water.
- 11) Waste storage providers and intended removal.
- 12) The planning authority requires a submission from Dr Tina Aughney on the need for a further bat survey and analysis on the site having regard to the time of year the assessment was carried out. In the event that a further study is required, submit 4 copies.
- 13) Submit a noise impact report by ecologist confirming that the noise outputs from the existing and proposed development during construction and operation are satisfactory and will not negatively impact on wildlife.
- 14) Include impacts of the existing effluent treatment plants and the results of its discharge licence in the NIS; amend the NIS.

### **3.5. Response to FI Request**

3.5.1. Further information was received 9<sup>th</sup> September 2019 including:

Letter from Wynne Gormley Gilsenan, Architects & Surveyors.

Bat Assessment

Natura Impact Statement

Noise Assessment Report

Soakaway Test & Design

Operational Waste & Recycling Management Plan

Sediment Erosion and Pollution Control

## Drawings – 19-119-101 – Landscaping Plan for Screening of Wastewater Treatment System

PI 18-013-03FI Site Layout Plan, Location Map 1:500

3.5.2. The letter from Wynne Gormley Gilsenan, Architects & Surveyors includes:

- 1) The concrete base for the tent is already in place.
- 2) Water supply if from the GWSS.
- 3) Surface water drainage to soakaway, details supplied.
- 4) Security fence and landscaping, details provided.
- 5) A 2m wide planted screening belt, details provided.
- 6) Sediment Erosion and Pollution Control Plan provided.
- 7) All measures outlined in Section 5 of the NIS will be implemented.
- 8) Camping does not form part of this application.
- 9) All measures outlined within Section 5.2 of the Bat Report will be implemented.
- 10) Noise Assessment provided.
- 11) Operational Waste Management Plan provided.
- 12) Further Bat Report provided.
- 13) Revised NIS which confirms that the noise outputs from the existing and proposed development during construction and operation are satisfactory and will not negatively impact on wildlife.
- 14) Extracts from discharge licence provided.

3.5.3. Bat Assessment – this report is an amended version of the previous report which includes further surveys: a further survey carried out on 27<sup>th</sup> July 2019 when three soprano pipistrelles were recorded roosting within the folds of the curtain in one room while an additional soprano pipistrelle was roosting behind a piece of ply wood and an accumulation of droppings was noted in particular rooms or sections of the building – below the roof sheeting stable rooms, below curtain in kitchen, both on this survey and the August survey. Additional survey on 3<sup>rd</sup> August 2019, no bats were recorded but droppings were noted between timber panels.

Additional dusk emergence surveys on 27<sup>th</sup> July and 3<sup>rd</sup> August with camcorders. In the July survey soprano pipistrelle activity was high due to a small number of individuals continuously flying. It was estimated that at least 10 soprano pipistrelles roosted in the building.

The August survey was carried out by two people with camcorders and recorded soprano pipistrelle's, Leisler's bats, common pipistrelles and Nathusius' pipistrelle. In one of the stable rooms two soprano pipistrelles exited from the gap in the internal timber panelling, from a gap under the asbestos one soprano pipistrelle emerged into the square, 4 from a second stable room and 5 from a 3<sup>rd</sup> stable room; minimum 11 soprano pipistrelles roosting. Table 7 lists the bat species recorded during static bat detector surveys; Table 8 lists the bat passes at each location; and table 9 lists the number and species of bats recorded over a 4 minute period at various locations: soprano pipistrelle, common pipistrelle, brown long-eared bat, Daubenton's bat, Nathusius' pipistrelle, Leisler's bat and whiskered bat. The only remaining bat species likely to occur in county Cavan that has not been recorded to date is the Natterer's bat. Therefore the recording of at least seven bat species emphasises the importance of Killykeen Forest Park for local bat populations. This is to be expected due to the large array of waterbodies, mature deciduous trees and extensive woodland habitat.

The soprano pipistrelle population of the survey area is likely to be important at county level with a large number of individuals roosting, commuting and foraging within the greater survey area (i.e. outside the equestrian centre zone). Bats are a landscape species and therefore surveys need to consider the area adjacent to the proposed development site (i.e. equestrian centre) to correctly assess the potential impact of the development on local bat populations. Extensive surveying has been undertaken of the chalets located within the park in order to determine the minimum soprano pipistrelle population. It is estimated from dusk emergence surveys, that there is at least 1,113 soprano pipistrelle individuals roosting within buildings other than the equestrian centre. The details of these surveys form part of a full season bat survey report currently being undertaken, separate to this report.

The principal maternity roosts are not in the Equestrian centre as the number of bats recorded here is low in comparison to the number of bats recorded roosting in the chalets. Also the fact that the number of bats and their roosting locations in the

equestrian centre varies from survey night, indicates a very transient population roosting opportunistically from night to night in available spaces. Therefore, the soprano pipistrelles roosting in the equestrian centre represent a satellite roost of the main maternity population.

While brown long-eared bat droppings and evidence of feeding, (butterfly wings), was recorded, brown long-eared bat were not encountered during the surveys. Therefore the usage of the equestrian centre by this bat species is likely to be confined to feeding perches and/or night roosting.

The presence of whiskered bat (woodland species) and Nathusius' pipistrelle (species associated with large waterbodies) is also of county importance while all other remaining bat species are of local importance. However, neither of these species were recorded roosting in the equestrian centre buildings.

The current nature of the survey site (lack of lighting, large number of unused chalets and buildings, mature trees, woodland and extensive waterbodies), is an important factor to be considered, and as a consequence this is reflected in the bat survey results.

The bat species can be categorised into:

- a) Woodland bat species: brown long-eared bat, whiskered bat, Daubenton's bat (light sensitive species);
- b) Associated with waterbodies: Daubenton's bats, Nathusius' pipistrelle, soprano pipistrelle; and
- c) Tree roosting species: brown long-eared bat, whiskered bat, Daubenton's bats and Leisler's bats.

**Bat Foraging Habitat & Commuting Routes:**

The array of woodland edge, woodland track and water edge habitats provides extensive foraging and commuting habitat for local bat populations. There is extensive commuting and foraging and this was recorded by the numerous surveys undertaken both around the equestrian centre and in the greater area being surveyed as part of a season bat survey programme.

**Zone of Influence – Bat Landscape Connectivity:**

The landscape of Killykeen forest park, in association with Lough Oughter, is a highly bat connected landscape. This is reflected in the high level of bat usage recorded in the wider survey area of Killykeen Forest Park.

#### Impacts:

Renovation will reduce the location of satellite roosts for soprano pipistrelle and night roosts for brown long-eared bats. There is a potential that other bat species may occasionally use the buildings as night roosts and feeding roosts.

This would have a low-medium impact. It is important that alternative roosting sites are provided adjacent, to ensure that there are roosting sites available in the immediate area during inclement weather conditions.

#### Lighting:

Proposed lighting of the complex post construction will impact on all bat species in relation to commuting roosting and foraging potential, the degree of impact is dependent on how sensitive the particular bat species is to lighting as some bats are tolerant of lighting; it is also dependent on the type of lighting. Current lighting on the chalets, while of low level, disperses 360°. The bollard lighting on the other hand is directed downwards, which is recommended to reduce light pollution.

#### Landscaping:

Killykeen Forest Park is an established forest and any proposed planting should tie in with the species mix already present. No landscaping plans have been proposed. Depending on the lighting plans, landscape buffering may be required. Tree clearance is not recommended and if any is required such should be assessed for wildlife prior to felling.

#### Infrastructure

Preparation of roads and paths may result in removal of woodland. Tree clearance should be kept to a minimum.

Operation of the complex as a tourist site will increase human usage and as a consequence potential disturbance due to increased noise levels. This is considered to have an overall potential low-medium impact on local bat populations.

Table 10 lists potential impact on different bat species – varying from low to medium.



## Mitigation

Due to the fact that the proposed renovation will exclude bats a NPWS Derogation licence is required. Erection of an alternative roosting site prior to removal of the renovation works. This will be erected in the autumn months before the planned works to allow local bat populations to use alternative sites.

Rocket bat box (x2) free standing chamber on free standing pole, these are to be located adjacent to woodland to rear of equestrian centre and adjacent to woodland along water shore.

Exact location to be discussed to ensure that the areas chosen are within a dark corridor. Carefully sited by bat specialist to ensure use.

- Located adjacent to woodland/treelines.
- Erected on 5m mild steel box poles, set in 1m x1m concrete (45 newton) ensuring that there is 4m of pole above ground; the Rocket bat box is secured on top of this steel pole.
- Locations selected to ensure the lighting plan does not impact.
- As bats are a protected species, it is against the law to harm or kill a bat.

Therefore the following procedure (subject to NPWS derogation licence) should be followed in order to ensure that no bats are trapped within the walls of the equestrian centre during renovation works:

- Identify all potential roosting sites behind the timber panels. Set up a one-way valve system that will allow the bats to fly out of the gap but not return to the gaps post -foraging.
- Once a room is bat free, set up a polythene cover on the doorway to reduce bats from entering the room again. These temporary polythene doors will need to be closed at the end of each working day as bats will opportunistically check out spaces during nightly activity. Failure to close polythene doors will require the exclusion procedure to start again. Ensure that all potential entry points into the room are covered to prevent roosting.
- This will require supervision by a bat specialise and an exclusion plan to be drawn up in consultation with the on-site construction firm.

Procedure to follow if a bat is encountered is set out:

- Stop work
- Contact the NPWS conservation Ranger for Co Cavan for advice and the bat specialist.
- Under instruction from the ranger or specialist remove the bat, using gloves, to the Rocket bat box.

Additional alternative roosting sites, in order to replicate those current roosting sites, could be provided on service buildings. Timber panels could be erected on the rear walls of service buildings (facing woodland and in a dark zone. Locations could be discussed with the client and an overall bat conservation plan should be considered in order to manage the large soprano pipistrelle population within the park.

Lighting plan – nocturnal animals are highly impacted by lighting. Therefore it is important that lighting installed within the equestrian centre facility is completed with sensitivity for local wildlife while still providing the necessary lighting for human use.

The following principals should be followed:

- Artificial lights shining on bat roosts, their access points and the flight paths from the roost must always be avoided.
- Lighting design should be flexible and be able to fully take into account the presence of protected species. Therefore, appropriate lighting should be used within a proposed development and adjacent areas, with more sensitive lighting regimes deployed in wildlife sensitive areas.
- Dark buffer zones can be used as a good way to separate habitats or features from lighting by forming a dark perimeter around them. This could be used for habitat features noted as foraging areas for bats.
- Buffer zones can be used to protect dark buffer zones and rely on ensuring light levels (level of illuminance measured in lux) within a certain distance of a feature do not exceed certain defined limits. The buffer zone can be further subdivided into zones of increasing illuminance limit radiating away from the feature or habitat that requires to be protected. Luminaire design is extremely important to achieve an appropriate lighting regime. Luminaries come in a myriad of different styles,

applications and specifications, which a lighting professional can help to select. The following should be considered when choosing luminaries. This is taken from the most recent BCT lighting guidelines (Bat Conservation Trust, 2018).

- All luminaries should lack UV/IR elements to reduce impact.
- LED luminaries should be used due to the fact that they are highly directional, lower intensity, good colour rendition and have dimming capability.
- A warm white spectrum (<2700 Kelvins is recommended to reduce the blue light component of the LED spectrum).
- Luminaries should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- The use of specialist bollard or low level downward directional luminaries should be considered in bat sensitive areas to retain darkness above.
- Column heights should be carefully considered to minimise light spill. The shortest column height allowed should be used where possible.
- Only luminaries with and upward light ratio of 0% and with good optical control should be used.
- Luminaries should always be mounted on the horizontal, no upward tilt.
- Any external security lighting should be set on motion sensors and short (1min) timers.
- As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

Planting of screening could also be effectively used to prevent lighting spillage onto the surface of canal, in areas where bat foraging is recorded.

It is recommended that lighting is not erected in the following locations:

- Lakeshore
- To the rear of the equestrian centre where a high level of bat activity was recorded.
- Within the woodland and along the edges of the adjacent woodland.

Landscaping – while there is extensive woodland adjacent to the equestrian centre, it is important that landscaping compliments this habitat. Due to lighting, landscaping can be used to buffer dark zones used by bats to reduce the filtering of lighting into dark woodland habitat.

Alternative roosting sites – There is a large soprano pipistrelle bat population within Killykeen Forest Park. While there are a large array of bat boxes erected within the chalet complex, these are timber bat boxes and will only cater for small groups. Timber will only last for 3-5 years before falling apart. Therefore to provide alternative and more secure roosting sites for local bat populations, it is recommended to install 2 Rocket Bat Boxes at the lake shore and woodland track. Websites for design are cited, such as - Habibat Double Chambered Rocket Box – a pole mounted bat box to provide extensive roosting space.

Additional timber panels could be erected as illustrated in the submission:

Overlapping timber lengths of larch to provide a 2.5cm space between the wall and cladding with a 2.5cm space between overlaps to allow individual bats to enter.

The proposed development will likely have a low to medium negative impact on local bat populations.

A number of mitigation measures have been provided and incorporated into the design and subject to strict adherence will reduce the overall impact level to low negative. The proposed development will increase the degree of lighting. The lighting plan is designed to reduce lighting spillage onto woodland/treelines/lakeshore which will allow their continued usage by commuting and foraging bats.

The proposed development will result in the loss of a satellite roost for soprano pipistrelles but alternative roosting will be erected within the proposed development. This alternative roosting will also cater for brown long-eared bats.

#### 3.5.4. Natura Impact Statement

This report is an amended version of the previous report.

NIS – the natura sites considered – Lough Oughter and Associated Loughs SAC 000007 and SPA 004049.

Qualifying interests

Lough Oughter SAC natural eutrophic lakes with magnopotamion or hydrocharition vegetation, bog woodland and otter.

Lough Oughter SPA - great crested grebe, Whooper swan, wigeon, wetlands and waterbirds.

Generic conservation objectives.

Potential impacts:

- Deterioration in water quality in designated areas resulting from pollution from surface water run-off during site preparation and construction
- Deterioration in water quality in designated areas resulting from pollution during operation.
- Habitat loss within designated areas
- Risk to Annex I and II species associated with the site from construction noise and operational activities, including human activity and noise.
- Cumulative impacts with other proposed / existing developments.

The main habitat types within the SAC include:

- Inland water bodies, standing water running water
- Bogs, marshes, water fringed vegetation, fens
- Broadleaved deciduous woodland
- Humid grassland, mesophile grassland
- Heath, scrub, maquis and Garrigue, Phygrana
- Improved grassland

The habitats within the SAC SPA outside the site include L Oughter itself and its associated riparian woodland and shoreline habitats. Some of these habitats have been recently cleared and disturbed.

Non-relevant qualifying interest – bog woodland priority habitat of L Oughter SAC, excluded as proposed application will not lead to any impacts on this habitat whether through peat extraction, tree clearance or drainage.

Relevant qualifying interests whooper swan, great crested grebe, Wigeon.

Potential impacts:

Construction deterioration in water quality.

Operation deterioration in water quality.

Habitat loss and fragmentation – inappropriate disposal of construction waste or excavated soil infilling of any designated area resulting in loss of biodiversity and loss of feeding for wintering birds.

Risk to Annex I and II species sensitive to deterioration in water quality.

Cumulative impacts with other proposed / existing developments – including existing pressures on the Erne catchment, listed.

Oil contaminated run-off and a poorly managed and maintained treatment plant / percolation area. Groundwater quality can impact on surface water quality as these two resources mix at the hyporheic zone. The proposed facility will be open all year around and will provide accommodation for up to 29 people. Guests will be encouraged to make use of the existing amenities of Killykeen Forest Park including the existing cycling and walking routes. Boats will be made available for hire and an area close to the jetty will be cordoned off for swimming. Night time disturbances along the lake shore from people and inappropriate lighting may result in a disturbance to the normal behavioural pattern of the otter. Inappropriate water based sports and activities may result in disturbances to nesting and breeding birds and their habitats. An increase in visitor numbers to the area may result in more litter in the area, and more fragmentation of habitats that are close to the SAC/SPA.

SPA – whooper swan and widgeon are wintering birds and time of construction can mitigate impact. Great crested grebe is a resident and breeds in the lakes of L Oughter Complex SPA. Noise impact was prepared and assessed, at 4 ecological receptors. Noise levels at these points are below 42.3dB, below the criteria set out by Habitat Directive which indicate that noise from industry at protected habitat / nest

sites should be below 55dB. Predicted noise levels during the operational phase will be negligible.

Cumulative impacts with licensed EPA facilities at Farragh Proteins; S4 discharges in Butlersbridge; urban waste water treatment plants in Belturbet, Killeshandra and Ballinagh; domestic waste water; and agricultural pressures from land-spreading and farm yard operations; and within the Erne catchment as a whole, there would be many more pressures that potentially lead to cumulative impact; and three large scale recreational projects – Killykeen Forest Park – holiday village to accommodate 112 people; Cavan Canoe Centre in Butlersbridge (2018 application for inflatable play area accompanied by a NIS); and proposed Cavan County Council amenity development at the Castle Saunderson Estate, granted planning permission by An Bord Pleanála. The Natura 2000 Standard Data form identifies outdoor sports and leisure activities and recreational activities as a medium level threat to the SAC and nautical sports as a medium level threat to the SPA. With the proposed mitigation and the mitigation required for the other developments, no significant cumulative impacts will occur.

Detailed mitigation in section 5 of the NIS. Including

Construction Phase:

Works confined to those on the planning drawings;

Contractor to be made aware of site sensitivity...:

Best practice construction...;

IFI recommendations and those of the Dept of Culture, Heritage and the Gaeltacht to be adhered to;

No deterioration in water quality...:

WWTP to be operated according to design...:

Noise Assessment Report mitigations adhered to...;

Waste disposal by registered contractors...;

No disturbance to riparian areas or marginal vegetation..;

Avoid construction during very wet weather...;

Only clean surface water to discharge to soakaway, via sediment and oil interceptor...;

Bunding and refuelling...;

Bunding...;

Stockpile areas to be kept to a minimum size and well away from L Oughter...;

No removal of trees or disturbance of any habitats within the woodland or along the lake shore;

Bare soil seeding...;

No additional walking/cycling pathways around the lake should be created;

Landscaping using native species...

#### Operational Phase:

Number of people using the site 29 plus staff;

No power boats or jet skis...;

Only mammal friendly low intensity lighting.

- 3.5.5. Noise Assessment Report – includes – noise monitoring at locations: N1 near stables, N2 lake, N3 near lake to NW. Table 3 sets out the baseline noise levels at these locations which indicates a quiet environment (La90 night time 24.8, 24.9 and 21), table 3.

Noise on wildlife – the operation noise model includes four points around the proposed development. These points are below the criteria set out in the Habitats Directive (92/43/EEC), which indicated noise from industry at habitat/nest site should be below 55 Laeq.

Point 1 - 42.1; point 2 - 35.1; point 3 - 38.2 and point 4 - 42.3 (perhaps all in vicinity of N1).

- 3.5.6. Soakaway Test & Design

This includes a trial pit log and soakaway calculation.

- 3.5.7. Operational Waste & Recycling Management Plan



This includes a review of the national, regional and local waste management policy context, estimates of waste arising during the operational phase and proposals for its storage, collection and disposal.

#### 3.5.8. Sediment Erosion and Pollution Control

This includes proposals to prevent water pollution during the construction phase under headings such as stockpiles, concrete, invasive species, emergency procedures.

#### 3.5.9. Drawings:

2 revised drawings: Landscape Plan for Screening of Wastewater Treatment System; and Site Layout Plan & Location Map.

## 4.0 Policy Context

### 4.1. EIA Screening

- 4.1.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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.

### 4.2. Development Plan

The Cavan County Development Plan 2014-2020 is the operative plan. Relevant provisions include:

The site is located within the Marble Arch Caves Global Geopark and Killykeen is listed as one of 18 sites which form a key part of the Geopark. The promotion of geological sites to the general public as a tourism destination, whilst simultaneously protecting and conserving the integrity of their geological value, is envisaged. The development of a sustainable geotourism approach should aim to inform both visitors and locals of the geological value of an area thus encouraging destination stewardship and supporting the local economy.

The site is located in a high landscape area – major lakes and lake environs: lakes which have amenity value due in part to their size and location within a scenic landscape and their recreational value. Objectives referring to these areas: NHE026 - to maintain the scenic and recreation value of these areas by restricting all adverse uses and negative visual impacts; NHE033 - to maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context and NHE034 - to implement the above along the shorelines of these lakes and the immediate area adjoining, including skyline development on surrounding hill crests. Inland Waterways Policies NHEP21 - to protect and enhance the natural heritage and landscape character of the Waterways and to provide for public access, where feasible, acknowledging the existence of contiguous Natura 2000 sites, and objectives NHE039 - to protect the biodiversity, NHE040 re consultation Inland Fisheries Board and 41, re consultation with Waterways Ireland, the NPWS, the DECLG and the Inland Waterways Association, also apply. Objective RT025 promotes the re-use and adoption of existing rural buildings for tourist accommodation outside existing settlements. The development plan encourages sustainable and suitably located tourist accommodation and facilities and seeks the highest standards; Objective RTO30 - promotes the continued sustainable development of Integrated Tourism/Recreational Complex's throughout the County as important generators of tourist and economic activities; and Policy re Green Infrastructure NHEP23 - to develop and support the implementation of a Green Infrastructure Strategy for County Cavan during the lifetime of this plan, are relevant.

## 5.0 Planning History

9119169 – permission to erect 8 houses and ancillary services.

9119385 – permission granted to construct recreation building, stables complex, boat jetty and ancillary services.

18/221 Killykeen Forest Holidays Ltd, permission granted for change of use of small amenity building to shop and off licence, also carry out alterations to fenestration on all elevations and roof. Change use of larger amenity building to clubhouse (bar and restaurant), erect single storey extension to front of same and additional single

storey toilet block extension to side. Change use of existing plant and storage building into plant and changing rooms, add 3 external seating pods to side of same and all associated alterations to elevations; erect new outdoor spa area incorporating hot tub pods, sauna barrels and a new single storey treatment room building; erect outdoor seating and lounge area structure, known as The Sitooterie, on the location of the former tennis court; connect into existing service connections and carry out ancillary siteworks. A NIS was submitted.

## **5.1. Third Party Observations**

5.1.1. Third party observations on the file have been read and noted.

## **5.2. Natural Heritage Designations**

5.2.1. The nearest Natura sites are Lough Oughter Complex SPA (site code 004049) and Lough Oughter Complex SAC (site code 000007), which the subject site is located immediately adjoining or within. The site is also within Lough Oughter Complex pNHA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. An appeal against the planning authority's decision has been submitted by R Lee. The issues raised include:

- The site is partially within the SAC and adjoining the SPA.
- The planning authority (PA) had insufficient information to properly conduct an AA.
- There are numerous lacunae and gaps in scientific data presented.
- The information presented does not place the application in its appropriate context. Recent reports point to significant decline in the Favourable Conservation Status of designated EU habitats and species associated with L Oughter. In order to assess the effectiveness of proposed mitigation measures, a thorough review of how effective previous and on-going mitigation measures have been on specific species would be expected.

- No information on the impact since business recommenced on the site has been presented.
- It is therefore impossible to evaluate the in-combination effects.
- There are numerous discrepancies in the information presented in the NIS:
- Noise – the initial report focused on the impact on visitors not wildlife. In response to the planning authority’s further information request, the response missed the point; that the in-combination impacts be assessed by an ecological noise consultant. The report does not provide scientific information as to impacts on sensitive designated fauna. No map was submitted indicating the most sensitive areas for designated species. Is the author an ecological noise consultant as stipulated? Until such time as an appropriate noise assessment has been carried out the PA has insufficient information to assess impact.
- Hydrology – one would expect a discharge licence, independently verified laboratory analysis of discharge quality over a 3-5 year period with appropriate compliance review and assessment of medium to long term impacts on receiving water body of continuous discharge. The location of the discharge point is not shown.
- Where will excavations, between the proposal and wastewater system take place, and what impacts.
- A discharge licence was granted, yet the application states the system is not yet functional. What wastewater treatment has been in use? What are the results from associated discharges and why no information?
- Despite empirical evidence of deterioration in water quality of the Erne River and associated L Oughter Loughs, permission was granted in the absence of comprehensive, unequivocal scientific hydrological evaluations and data.
- The application is poorly conceived and begs questions as to the ecological sustainability of an intrusive holiday complex in such a precariously sensitive location. The application does not meet the requirements of the habitats regulations.

## 6.2. Applicant Response

Wynne Gormley Gilsonan, Architects & Surveyors have responded on behalf of the applicant to the grounds of appeal, which response includes:

- Killykeen holiday chalets was developed initially in the mid 1980's and managed under the umbrella of the Department of Agriculture, Food and the Marine, subsequently by Coillte Teoranta. The stables were developed c1991-1992 and were utilised until the facility ceased operations in the mid 2000s.
- Killykeen Forest Holidays Ltd purchased the holiday village in 2017 and a maintenance and upgrade programme on the existing 28 holiday cabins within the 75 acre park retreat is nearing completion, and due to recommence trading for the Easter holidays 2020.
- They query the validity of the appeal, based on the appellant's name R Lee, stating that the initial R is not a name; and they query the appellants motive and intent. A full name should be a minimum requirement for an appeal.
- The appeal fails to acknowledge that this facility was sold by a state department and the precedent was established over 30 years ago.
- Re. wastewater – the complex has been dormant for almost 15 years. A new discharge license was granted by Cavan Co Co which required a new sewage treatment facility to be installed.
- It is the intention to establish a low impact holiday destination which will embrace the rich environmental and ecological qualities and which aims to encourage visitors to cultivate an appreciation for same.
- The planning permission (reg ref 18221) granted in 2018 to repurpose the other existing amenity buildings included a management plan with statements relating to restricting vehicular access within the park, security, activities to be provided etc.
- An exercise in adaptive re-use of existing building stock, as this, is the most environmentally sensitive method of development.

- If they were simply to reuse the stables for keeping horses and ponies, without needing to go through the planning process, this would entail activities causing greater impact –
  - agricultural machinery daily delivering feed – the proposal intends to restrict vehicular access to the car park at the entrance and buggies to the lodgings.
  - Removal of bedding and mucking out in close proximity to the lake.
  - Resumption of horse and pony trekking through wooded areas, and possibly lake shore, as previously carried out.
- The applicants are very aware of environmental concerns and in addition to setting up procedures to ensure sensitive management will include resuming appropriate woodland management regime.
- Attached to the response are a submission from Traynor Environmental Ltd.
- A response from Whitehill Environmental Ltd.
- A response from Dr Chris Peppiatt,
- A certificate of noise competency from Nevin Traynor,
- A copy of the Discharge Licence, to groundwater.

6.2.1. Traynor Environmental Ltd. attachment to the submission includes:

Re noise – it is incorrect to state that the FIR requested the assessment of an ecological noise consultant. The noise assessment submitted takes into account noise levels associated with Killykeen holiday complex. Nevin Traynor, who carried out the noise surveys and assessment, is competent and certified and the certification is attached. An extract from the environmental report which took account of the noise assessment is cited.

Re hydrology – the discharge licence permits discharge to ground. In 2018 extensive meetings were held with Cavan Co Co's Environment Section. It was agreed, in the interests of protecting L Oughter, that the discharge would enter a polishing filter and subsequently discharge to groundwater and not to surface water. The previous discharge licence (05) allowed for a discharge of treated effluent to L Oughter.

The system is fully certified to EPA guidelines. The roof water will be directed to a soakaway designed in accordance with BRE digest 2365. No tarmac or concrete surfaces are proposed and natural percolation will occur. A maintenance contract for the effluent system is in place.

The system has not been fully commissioned due to the need to have the site operational and a steady flow of wastewater for the system to work effectively. Since 2017 welfare cabins/portaloos have been used and emptied in accordance with the Waste Management Acts.

A new sewer line will be installed to the treatment system as included in the NIS. There will be no excavation in the SAC/ SPA area.

Work carried out to date has been sensitively executed to minimize negative impact on L Oughter.

6.2.2. Whitehill Environmental Ltd attachment to the submission includes:

Site Specific Conservation Objectives have not yet been prepared, the NIS was prepared with respect to the Site Specific Conservation Objectives (SSCOs) for the SACs/SPAs of sites that have similar qualifying interests.

6.2.3. There are two habitat qualifying interests (QIs) and one species QI of the L Oughter SAC. The potential impacts on these features were assessed in the NIS. There are three bird species listed as QIs of the L Oughter Complex SPA.

Current status of qualifying interests:

Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation

Impact deemed likely.

Screened in and mitigation proposed.

Impacts comprehensively assessed included:

- Eutrophication from runoff during construction and operation.
- Pollution from inadequate management of existing wastewater treatment plant.
- Additional pressures due to human activity/recreational activities.

These potential impacts can be mitigated against and with successful mitigation no residual significant impacts on this habitat are anticipated.

The client is willing to monitor monthly the water quality of the lake at various points around the site to ensure that the operation of the treatment plant and the development as a whole does not give rise to any sustained deterioration of water quality.

Bog woodland – no areas close. No impacts considered likely.

Otter – no signs of otter were observed. Potential impacts considered – changes in diet due to pollution; pollution of habitat; habitat loss and disturbance; disturbance due to noise from construction and operation; and disturbance from increased visitor numbers.

Potential impacts can be mitigated against as outlined in NIS. The NPWS recommended otter buffer zone of 10m from the lake. This buffer zone will remain intact.

Wigeon, Whooper swan and Great-crested Grebe – impacts on these species were considered as part of the NIS. Impacts included:

- Impacts on diet from eutrophication and sedimentation, including the management of the WWTP;
- Disturbance from visitors;
- Disturbance from construction / operational noise.

No Wigeon or Whooper swan recorded. Letter from Dr Chris Peppiatt referred to which concludes that the proposed development will not impact on these bird species.

The appeal refers to on-site wastewater treatment plant and noise. These issues were dealt with previously in the NIS.

- 6.2.4. Dr Chris Peppiatt's attachment to the submission includes: he has been carrying out bird surveys in Killykeen area since March 2019. The old stables stand in an open grassed area and will involve no tree felling. It is unlikely that the renovations and use of the stables building for accommodation will have any negative impacts on the birds in the surrounding woodland. The stable building was found to have been



occupied by several pairs of nesting swallow during the previous breeding season. No sign of occupation of the stables building by any other bird species was noted. The loss of breeding sites for swallow that will be caused can be easily mitigated by fitting artificial swallow nests (proposes 4) under the eaves on the outside of the renovated stable block. The woodland areas adjacent to the stable block can be improved for woodland birds by the deployment of a number of nesting boxes of varying designs (proposes large and small holed tit boxes, open fronted boxes, treecreeper boxes, kestrel boxes and baskets for Long-eared Owl). A bird feeding station could be set up on the open area between the stable block and the woodland that would provide winter supplemental food for birds and interest for the guests at the facility.

Re the special conservation interests of the SPA, during the surveys neither wigeon nor whooper swan were observed. Greenland White – fronted Goose has not been recorded in the area either.

The species diversity of waterbirds recorded in the area has not been notably high, with only 12 species recorded. One SCI species Great-crested Grebe has been recorded in the lake in the area around the stables – a maximum of 10 birds in November 2019 and well-grown chicks in August 2019. It was thought that pairs nested in reedbed sites at Derinish More (1.7km north) and near Inch Island (1.6km nw). They are quite shy when breeding and are likely to avoid the areas where there is human activity, for breeding/nesting. The area around Killykeen has an occupied private holiday village, a public car park and pedestrian bridge. The nearby parking makes it popular with fishermen, who use both the banks and often go out in small fishing boats. One would not expect Great-crested Grebe to use nest sites in the vicinity. Disturbance to waterbirds would be minor to negligible. Common Tern was recorded once during the 2019 breeding season. There is a small breeding colony at Farnham Lough, 5km ne. no disturbance to breeding is anticipated.

The development is not expected to cause significant negative impacts from disturbance on birds during construction or operation or due to habitat loss. Provided no pollution or negative impact on water quality there will be no significant impact on birds.

### **6.3. Planning Authority Response**

The Planning Authority have responded to the grounds of appeal, stating that the development is acceptable with regard to the potential impact on the adjoining Natura 2000 sites.

## **7.0 Assessment**

- 7.1.1. The issues which arise in relation to this appeal are principle of the development, appropriate assessment, impact on bats, wastewater treatment, and other issues and the following assessment is dealt with under these headings.

### **7.2. Principle of the Development**

- 7.2.1. As outlined in the section referring to the Development Plan the proposed development is located within that large portion of the county which is designated as Marble Arch Caves Global Geopark and Killykeen is listed as one of 18 sites which form a key part of the Geopark. The promotion of sustainable geotourism is encouraged in this area. Other relevant development plan provisions are those which refer to the protection of natural heritage and the managed use of the waterways for uses including angling and recreation. It is an objective of the plan and to protect and enhance the natural heritage and landscape character of the Waterways and to provide for public access. It should be acknowledged that the transfer of ownership from Coillte to Killykeen Forest Holidays Ltd may have removed/reduced public access.
- 7.2.2. As stated in the planner's report objective RT025 promotes the re-use and adoption of existing rural buildings for tourist accommodation outside existing settlements. The subject development is such re-use and adaptation and is part of an established holiday development at this general location.
- 7.2.3. In my opinion the proposed development is acceptable in principle subject to the many safeguards set out in the plan.

### 7.3. **Appropriate Assessment**

- 7.3.1. The impact on the SAC and SPA which the site is both within and adjoining is raised as a concern in the grounds of appeal.
- 7.3.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment.

### 7.4. AA Screening Report and NIS

- 7.4.1. To facilitate the Board in carrying out this function the applicant has submitted a Natura Impact Statement which includes a Screening Report.
- 7.4.2. The sites with potential for impact and the qualifying interest/special conservation interest species (QI/SCI) for these sites are:

Lough Oughter and Associated Loughs SAC 000007 and SPA 004049.

Conservation objectives are generic.

Potential impacts:

Deterioration in water quality in designated areas resulting from pollution from surface water run-off during site preparation and construction

Deterioration in water quality in designated areas resulting from pollution during operation.

Habitat loss within designated areas.

Risk to Annex I and II species associated with the site from construction noise and operational activities, including human activity and noise.

Cumulative impacts with other proposed / existing developments.

Habitat loss and fragmentation – inappropriate disposal of construction waste or excavated soil infilling of any designated area resulting in loss of biodiversity and loss of feeding for wintering birds.

Risk to Annex I and II species, sensitive to deterioration in water quality.

Cumulative impacts with other proposed / existing developments – including existing pressures on the Erne catchment, listed.

Oil contaminated run-off and a poorly managed and maintained treatment plant/percolation area. Groundwater quality can impact on surface water quality as these two resources mix at the hyporheic zone. The proposed facility will be open all year around and will provide accommodation for up to 29 people. Guests will be encouraged to make use of the existing amenities of Killykeen Forest Park including the existing cycling and walking routes. Boats will be made available for hire and an area close to the jetty will be cordoned off for swimming. Night time disturbances along the lake shore from people and inappropriate lighting may result in a disturbance to the normal behavioural pattern of the otter. Inappropriate water based sports and activities may result in disturbances to nesting and breeding birds and their habitats. An increase in visitor numbers to the area may result in more litter in the area, and more fragmentation of habitats that are close to the SAC/SPA.

SPA – whooper swan and widgeon are wintering birds and time of construction can mitigate impact. Great crested grebe is a resident and breeds in the lakes of L Oughter Complex SPA. Noise impact was prepared and assessed. At 4 ecological receptors. Noise levels at these points are below 42.3dB, below the criteria set out by Habitat Directive which indicate that noise from industry at protected habitat / nest sites should be below 55dB. Predicted noise levels during the operational phase will be negligible.

Cumulative impacts with licensed EPA facilities at Farragh Proteins; S4 discharges in Butlersbridge; urban waste water treatment plants in Belturbet, Killeshandra and Ballinagh; domestic waste water; and agricultural pressures from land-spreading and farm yard operations; and within the Erne catchment as a whole, there would be many more pressures that potentially lead to cumulative impact; and three large scale recreational projects – Killykeen Forest Park – holiday village to accommodate 112 people; Cavan Canoe Centre in Butlersbridge (2018 application for inflatable play area accompanied by a NIS); and proposed Cavan County Council amenity development at the Castle Saunderson Estate, granted planning permission by An Bord Pleanála. The Natura 2000 Standard Data form identifies outdoor sports and leisure activities, recreational activities as a medium level threat to the SAC and

nautical sports as a medium level threat to the SPA. With the proposed mitigation and the mitigation required for the other developments no significant cumulative impacts will occur.

Detailed mitigation in section 5 of the NIS.

## 7.5. Appropriate Assessment

7.5.1. The Board has before it sufficient information, including the NIS submitted with the application, the revised NIS submitted in response to the further information request and the response to the grounds of appeal, to enable the carrying out of Appropriate Assessment.

7.5.2. The proposed development comprises the conversion of the existing stables to guest accommodation with internal alterations and erection of extensions to sides and rear of existing building to provide en-suite accommodation to new bedrooms, with connection to existing services; and the erection of a dining tent, close by.

7.5.3. The proposed development is within or beside the Lough Oughter and Associated Loughs SAC SPA and pNHA. The protected site connects with the cross border Upper Lough Erne which is proposed as a SAC in Northern Ireland, (eg the protected site runs through the middle of waterways which form the national border).

7.5.4. The proposed development is not likely to impact on any other Natura sites.

Table 1 - Details of Natura sites likely to be affected

European Site	Site Code	Relevant QIs & SCIs	Distance
Lough Oughter and Associated Loughs SAC	000007	Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation Bog woodland * Otter	Site is partly within the protected site
Lough Oughter and Associated Loughs SPA.	004049	Great Crested Grebe Whooper Swan Wigeon Wetland and Waterbirds	Site is marginally within the protected site

\*Denotes priority habitat

7.5.16. The conservation objectives for the SPA are:

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA Great Crested Grebe, Whooper Swan and Wigeon; and

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

7.5.17. The conservation objective for the SAC is:

To maintain or restore the favourable conservation condition of the Annex I habitat(s) Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation Bog woodland\* priority habitat, and the Annex II species otter; for which the site has been selected.

7.5.18. Per the document 'The vegetation, ecology and conservation of the Lough Oughter Lake system, Co. Cavan' hosted on the NPWS website, the Lough Oughter complex, at over 5,000 ha, comprises a maze of small to medium sized lakes and river sections and is considered the best inland example of a flooded drumlin landscape. The River Erne is the main inflowing and outflowing river. The lakes are classified as naturally eutrophic. Most are relatively shallow (<10 m), with well developed marginal vegetation including swamp, marshes and wet woodland. There are many small islands within the lakes. The most serious threat facing the site at present is the reduction in water quality in many of the lakes within the site. This reduction in water quality has been taking place for at least the last 30 years (document is dated 1999) and is primarily due to the intensive cattle-based agricultural activities in the surrounding land. Unless the problem of eutrophication is addressed, this pollution will continue to have a negative effect on the aquatic plant and animal communities within the site.

7.5.19. The site synopsis for the SAC states the main threats to the quality of the site as water polluting activities (such as run-off from fertiliser and slurry application, and sewage discharge) which have raised the nutrient status of some lakes to hypertrophic. Housing and boating developments are on the increase, both adjacent to and within the site. There is also significant fishing and shooting pressure on and around the lakes. Increased afforestation has resulted in some loss of wetland

habitat and also loss of feeding ground for wintering birds such as Greenland White-fronted Goose. The site as a whole is the best inland example of a flooded drumlin landscape in Ireland and has many rich and varied biological communities. Nowhere else in the country does such an intimate mixture of land and water occur over a comparable area, and many of the species of wetland plants, some considered quite commonplace in Lough Oughter and its associated loughs, are infrequent elsewhere.

7.5.20. The site synopsis for the SPA states that Lough Oughter is at the centre of the Irish breeding range of Great Crested Grebe and the site supports in excess of 10% of the estimated national breeding total of this species (115 individuals in 1986-88). The Lough Oughter Complex SPA is of ornithological importance for its wintering waterbird populations. Of particular note is the internationally important population of Whooper Swan that is based in the area. The site also supports nationally important populations of a further two wintering species. Two of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan and Greenland White-fronted Goose. Lough Oughter is a Ramsar Convention site and a Wildfowl Sanctuary.

7.5.21. For the SAC, the priority habitat bog woodland does not occur in the vicinity of the site and it is considered not likely that the habitat would be affected by the proposed development.

7.5.22. The potential effects which could arise for the SAC from the proposed development during the construction phase are:

Deterioration in water quality from pollution from surface water run-off during site preparation and construction, with associated effects on the species which are water dependent, and

Disturbance to protected species during site preparation and construction.

7.5.23. Mitigation is proposed in relation to these potential effects. Section 5 of the NIS sets out construction phase mitigation which includes that there should be no disturbance to the riparian areas or the marginal vegetation of Lough Oughter and that there must be no removal of trees or disturbance of any habitats within the woodland or along the lake shore.

No signs of otter were observed during the ecological survey of the site.

The Department of Culture, Heritage and the Gaeltacht, in their submission to the planning authority, stated that the proposed development has the potential to impact on semi-natural woodland and the habitat 'natural eutrophic lakes' a qualifying interest for the SAC, and indirectly on wildlife: bats and otter. This would arise through woodland clearance and modification of lakeshore habitat (landscaping, shore access and pathway construction), subsequent to a grant of planning permission.

The applicant's response to the grounds of appeal refers to the NPWS recommended otter buffer zone of 10m from the lake; and that this buffer zone will remain intact.

7.5.24. In my opinion, the proposed mitigation measures would ensure that during the construction phase, the proposed development would not impact on the conservation objectives of the SAC, through deterioration in water quality or disturbance to otter. Should disturbance from noise or human activity occur, it would be of short duration and its impact would not be likely to be significant.

7.5.25. The potential effects which could arise for the SAC from the proposed development during the operational phase are:

Deterioration in water quality in designated areas resulting from pollution during operation, in particular the operation of the wastewater treatment plant with associated effects on the species which are water dependent; habitat loss within designated areas during the operational phase; disturbance to otter from operational activities, including human activity and noise; and cumulative effects with other proposed / existing developments.

7.5.26. Mitigation is proposed in relation to these potential effects. Section 5 of the NIS sets out operational phase mitigation which includes that the number of people using the site should not be allowed to exceed that which is outlined in the planning application: 29 guests plus staff; and that all visitors would be informed of the ecological sensitivity of the area and its designation as a European Natura 2000 site; that there would be no use of power boats or jet skis by the guests using the site; and that during operation only low intensity, mammal friendly lighting would be used.

7.5.27. In relation to the proposed mitigation of operational effects, it has been demonstrated that the wastewater treatment plant, which has been provided to serve the permitted



development, towards the middle and north of the overall lands, has capacity to cater for the additional discharge and will operate under a discharge licence which permits discharge to ground.

7.5.28. In relation to habitat loss within designated areas during the operational phase, it has been stated that a buffer zone of 10m from the lake will remain intact; that there would be no disturbance to the riparian areas or the marginal vegetation of Lough Oughter and no removal of trees or disturbance of any habitats within the woodland or along the lake shore and no paths.

7.5.29. In relation to disturbance to otter from operational activities, including human activity and noise, it is stated that buffer zone of 10m from the lake will remain intact and that no additional walking/cycling pathways around the lake would be created. While this would limit the impact, I have some concerns in relation to disturbance from human activity. The previous use was as a stable for use by those renting the chalets, or others. There are no lights in evidence on the pathways around the stables and therefore it can be deduced that, for those availing of the opportunity to ride horses along pathways, the activity was largely confined to daylight hours. The proposed use of the stable accommodation and the dining tent is not described in any detail but it appears to me, given the proximity / distance of the tent from the accommodation block, that it is likely to be used for events and celebrations such as weddings. I note condition no. 20 of the planning authority's decision which states that 'The facilities shall not be used for any purpose other than accommodation in the stable and dining in the tent. Playing of music and/or other events which involves amplification equipment is not permitted.' The enforcement of this condition would be difficult, the location being remote from public roads, in addition, even if the development were to adhere strictly to the condition, the use of the dining tent by parties, late into the evening/night would be likely, in my opinion, to have an adverse effect on otters, which are a crepuscular species with activity peaks at dusk and dawn. This concern relates in particular to the use of the tent, a new structure close to secluded areas which would involve additional lighting and human activity and would have virtually no noise insulation. Notwithstanding that no evidence of otter has been identified within the site, the Board cannot, in my opinion, conclude that the use of the proposed tent would not impact adversely on this species, for which the protected site has been selected.

- 7.5.30. As regards the use of the stable block for accommodation, while this would involve an increase in human activity, over and above that which would have been experienced from the use of the block as a stable, the location is father from the lake, the noise and light impact and human activity would be considerably less and more contained within the building perimeter, such it would be reasonable to conclude that this part of the proposed development, subject to conditions regarding noise insulation and lighting, would not be likely to significantly impact on otter.
- 7.5.31. In relation to in-combination effects with other proposed / existing developments, a number of developments are referred to in the NIS. Other developments with discharges to the L Oughter lake complex are referred to. Since the proposed discharge to ground is licenced and is deemed not to impact on the water quality of the lake, in-combination effects with other discharges are not likely to occur.
- 7.5.32. Other recreational facilities are referred to in the NIS: ongoing developments within Killykeen Forest Park, which application was accompanied by a NIS; Cavan Canoe Centre at Inishmuck Lough in Butlersbridge, which application was accompanied by a NIS; and the proposed Cavan County Council amenity development at the Castlesaunderson Estate. These developments are identified in the county development plan, which supports the development of Tourism/Recreational facilities subject to environmental controls. In my opinion in-combination effects with these other widely dispersed and controlled Tourism/Recreational facilities are not likely to occur.
- 7.5.33. The potential effects which could arise for the SPA from the proposed development during the construction phase are:
- Deterioration in water quality from pollution from surface water run-off during site preparation and construction with associated effects on the species which are water dependent, and
- Disturbance to protected species during site preparation and construction.
- 7.5.34. The mitigation in relation to the potential deterioration in water quality from pollution from surface water run-off during site preparation and construction with associated effects on the species which are water dependent; this has already been referred to in relation to the SAC.

7.5.35. In relation to the potential for disturbance to protected species, this is referred to in the NIS, and also in the Dr Chris Peppiatt's attachment to the first party response to the grounds of appeal which includes that:

- It is unlikely that the renovations and use of the stables building for accommodation will have any negative impacts on the birds in the surrounding woodland.
- Re. the special conservation interests of the SPA, during the surveys neither wigeon nor whooper swan were observed. Greenland White – fronted Goose has not been recorded in the area either.
- The species diversity of waterbirds recorded in the area has not been notably high, with only 12 species recorded.
- One special conservation interest species Great-crested Grebe has been recorded in the lake in the area around the stables – a maximum of 10 birds in November 2019 and well-grown chicks in August 2019. It was thought that pairs nested in reedbed sites at Derinish More (1.7km north) and near Inch Island (1.6km nw). They are quite shy when breeding and are likely to avoid the areas where there is human activity, for breeding/nesting. The area around Killykeen has an occupied private holiday village, a public car park and pedestrian bridge. The nearby parking makes it popular with fishermen, who use both the banks and often go out in small fishing boats. One would not expect Great-crested Grebe to use nest sites in the vicinity.
- Disturbance to waterbirds would be minor to negligible.
- Common Tern was recorded once during the 2019 breeding season. There is a small breeding colony at Farnham Lough, 5km ne. no disturbance to breeding is anticipated.

7.5.36. In my opinion disturbance to special conservation interest species Great Crested Grebe, Whooper Swan or Wigeon is not likely during the construction phase of the proposed development.

7.5.37. The potential effects which could arise for the SPA from the proposed development during the operational phase are:

Deterioration in water quality in designated areas resulting from pollution during operation, in particular the operation of the wastewater treatment plant with associated effects on the species which are water dependent;

Habitat loss within designated areas during the operational phase;

Disturbance to from operational activities, including human activity and noise; and cumulative effects with other proposed / existing developments.

Mitigation is proposed in relation to these potential effects. Section 5 of the NIS sets out operational phase mitigation which includes that the number of people using the site should not be allowed to exceed that which is outlined in the planning application: 29 guests plus staff; and that all visitors would be informed of the ecological sensitivity of the area and its designation as a European Natura 2000 site; that there would be no use of power boats or jet skis by the guests using the site; and that during operation only low intensity, mammal friendly lighting would be used.

- 7.5.38. The proposed mitigation of operational effects, in relation to the wastewater treatment plant, has been referred to earlier in this report.
- 7.5.39. In relation to habitat loss within designated areas during the operational phase, this is referred to in the NIS, as previously outlined it is stated that a buffer zone of 10m from the lake will remain intact; that there would be no disturbance to the riparian areas or the marginal vegetation of Lough Oughter and no removal of trees or disturbance of any habitats within the woodland or along the lake shore and no additional access to the shoreline will be developed.
- 7.5.40. In relation to disturbance to special conservation interest species Great Crested Grebe, Whooper Swan or Wigeon from operational activities, including human activity and noise, Dr Chris Peppiatt's attachment to the first party response to the grounds of appeal has been referred to earlier, which includes that disturbance to waterbirds would be minor to negligible.
- 7.5.41. In my opinion disturbance to special conservation interest species Great Crested Grebe, Whooper Swan or Wigeon is not likely during the operational phase of the proposed development.
- 7.5.42. In relation to in-combination effects with other proposed / existing developments, this has been referred to earlier in relation to the SAC. In relation to effects on water quality, since the proposed discharge to ground is licenced, and is deemed not to

impact on the water quality of the lake, in-combination effects with other discharges are not likely to occur. In relation to other developments of Tourism/Recreational facilities, in my opinion in-combination effects with these other dispersed and controlled Tourism/Recreational facilities are not likely to occur.

## 7.6. Conclusion of AA

- 7.6.1. In my opinion it is open to the Board to permit the conversion of the existing stables to guest accommodation. The erection of the dining tent should not be permitted based on the likelihood of impact, by disturbance, on otter, a species for which the site has been selected.

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed stable conversion, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites Nos. 000007 and 004049, or any other European site, in view of the site's Conservation Objectives.

On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed dining tent development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 000007 and 004049, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.'

## 7.7. Impact on Bats

- 7.7.1. The potential impact on bats has been given detailed examination and assessment in the course of this application.
- 7.7.2. Two expert reports were submitted, the first accompanied the application, the second was submitted in response to the request for further information, and supplements and updates the earlier report.

These reports indicate the level of bat activity at this location. One of the 9 bat species resident in Ireland is limited to western counties; 8 species might occur in the subject area and 7 were recorded in a 4 minute period at various locations around the site: soprano pipistrelle (in significant numbers), common pipistrelle, brown long-eared bat, Daubenton's bat, Nathusius' pipistrelle, Leisler's bat and whiskered bat. Bats were recorded using the disused buildings for roosting or feeding and the surrounding area for commuting and foraging. The array of woodland edge, woodland track and water edge habitats provides extensive foraging and commuting habitat for local bat populations. There is extensive commuting and foraging and this was recorded by the numerous surveys undertaken both around the equestrian centre and in the greater area being surveyed as part of a season bat survey programme.

The reports set out recommendations for providing bat boxes to replace the loss of roosting in the stable buildings; recommendations regarding the exclusion of bats from the buildings; and recommendations for the use of low impact lighting, the design to be agreed with a lighting specialist, and no lighting to be erected at certain locations:

- Lakeshore
- To the rear of the equestrian centre where a high level of bat activity was recorded.
- Within the woodland and along the edges of the adjacent woodland.

7.7.3. The development comprising the conversion of the existing stables to guest accommodation with internal alterations and erection of extensions to sides and rear of existing building to provide en-suite accommodation to new bedrooms, with connection to existing services; and the erection of a dining tent for 29 guests plus staff, will involve a significant increase in activity. The previous use was as a stable for use by those renting the chalets, or others. There are no lights in evidence on the pathways around the stables and therefore it can be deduced that for those availing of the opportunity to ride horses along pathways the activity was largely confined to daylight hours. The proposed use of the stable accommodation and the dining tent is not defined in any detail but it appears to me, given the proximity / distance of the tent from the accommodation block, that it is likely to be used for events and

celebrations such as weddings. I note condition no. 20 of the planning authority's decision which states that 'the facilities shall not be used for any purpose other than accommodation in the stable and dining in the tent. Playing of music and/or other events which involves amplification equipment is not permitted.' The enforcement of this condition would be difficult, the location being remote from public roads. In addition, even if the development were to adhere strictly to the condition, the use of the dining tent by parties, and the lighting and noise and human activity which would be associated with its use late into the evening/night, would be likely, in my opinion, to have an adverse effect on bats, which are a nocturnal species. The dining tent is proposed to be located close to lakeshore vegetation in an area where lighting should be avoided and in my opinion the dining tent should not be permitted.

- 7.7.4. As regards the use of the stable block for accommodation, while this would involve an increase in human activity, over and above that which would have been experienced from the use of the block as a stable, the noise and light impact and human activity would be considerably less and more contained within the building perimeter, such that it is considered that this part of the proposed development is acceptable, subject to conditions regarding noise insulation and lighting.

## 7.8. **Wastewater treatment**

- 7.8.1. The grounds of appeal refers to wastewater discharge querying what wastewater treatment has been in use, what the results from associated discharges are and why no information has been provided; that one would expect independently verified laboratory analysis of discharge quality over a 3-5 year period with appropriate compliance review and assessment of medium to long term impacts on receiving water body of continuous discharge.

The applicant has responded that the stables were developed c1991-1992 and were utilised until the facility ceased operations in the mid 2000s. Killykeen Forest Holidays Ltd purchased the holiday village in 2017 and a maintenance and upgrade programme on the existing 28 holiday cabins within the 75 acre park retreat is nearing completion, and due to recommence trading for the Easter holidays 2020.

Since 2017 welfare cabins/portaloos have been used and emptied in accordance with the Waste Management Acts. The wastewater treatment system has not been

fully commissioned due to the need to have the site operational and a steady flow of wastewater for the system to work effectively.

- 7.8.2. The grounds of appeal states that the location of the discharge point is not shown, and queries where excavations, between the proposal and wastewater system will be and what impacts will arise.
- 7.8.3. The discharge is to ground via the existing soil polishing filter shown on Drawing no. PL 18-013-03. The wastewater treatment system is located very close to the stable block, nevertheless it should be noted that no foul sewer layout has been provided; while the surface water layout is shown on Drawing no. PL 18-013-03FI. This omission is capable of being corrected by the submission of prior to commencement drawings for the agreement of the planning authority. The proximity of the proposed development to the wastewater treatment system means that the information outstanding is very limited.
- 7.8.4. It is stated that the existing effluent disposal system can cater for 250pe organic and 250pe hydraulic load, the proposed change of use will add 29pe organic and hydraulic to the existing loadings for the site calculated at 112pe, total 141pe.
- 7.8.5. The proposed development will be served by an existing licensed treatment plant which is capable of accepting the additional load. Effluent disposal should not be a reason to refuse or amend the proposed development.

## 7.9. **Other Issues**

- 7.9.1. The applicant queries the bona fides of the appellant and states that the initial 'R' is not a name and a full name should be a minimum requirement for an appeal.
- 7.9.2. Per Article 29 of the Planning and Development Regulations the observation was required to include the name and address of the person making the observation, I am not aware of any legal impediment to the use of a single letter as a Christian name. It seems clear that the planning authority's correspondence was delivered to the addressee at the address given (ie that name, at that address). I am satisfied that this is a valid appeal.



## **8.0 Recommendation**

- 8.1.1. In accordance with the foregoing I recommend that planning permission should be refused for the dining tent and granted for the conversion of the existing stables to guest accommodation in accordance with following conditions and for the following reasons and considerations.

## **9.0 Reasons and Considerations (1)**

On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, the Board is not satisfied that the proposed development comprising the dining tent, individually, or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 000007 and 004049, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

## **10.0 Reasons and Considerations (2)**

The site of the proposed development is located within an established serviced tourist/recreational development and comprises the re-use and adaptation of 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 attached conditions, would be compatible with the established use of the site, would not impact on the visual amenities or on the natural conservation of the area and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 on the 9th day of September 2019, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The dining tent as proposed shall be omitted from the development. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans and details showing any required dining facilities, within the enclosure of the stable buildings.</p> <p><b>Reason:</b> In the interests of amenity.</p>
3.	<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><b>Reason:</b> In the interests of nature conservation and the protection of designated sites and species.</p>
4.	<p>All mitigation measures outlined in Section 5 of the NIS submitted and revised on the 22/05/2019 and 09/09/2019 shall be implemented in full except where modified by conditions set out below.</p>

	<p><b>Reason:</b> In the interests of nature conservation and the protection of designated sites and species.</p>
5.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, detailed plans for lighting the proposed development and for any lighting which may be proposed between this part of the site and the main complex/parking area. These proposals shall include the recommendations in pages 33 and 34 of the second Bat Report submitted on the 9th September 2019 including that no lighting shall be provided at:</p> <p>the Lakeshore,</p> <p>to the rear of the equestrian centre where a high level of bat activity was recorded, and</p> <p>within the woodland and along the edges of the adjacent woodland.</p> <p>The details shall be prepared by a lighting design specialist and shall include the endorsement of an expert in bat ecology.</p> <p><b>Reason:</b> In the interests of conservation of the bat community in the area.</p>
6.	<p>Prior to the commencement of the development, the developer shall provide and install bat boxes, following the recommendations of the Bat Reports on the number, type and locations; and details regarding the installation of these boxes shall be notified to the planning authority, following endorsement of those details by a bat ecologist.</p> <p><b>Reason:</b> In the interests of conservation of the bat community in the area.</p>
7.	<p>Prior to the commencement of this development the applicant shall submit proposals for the noise monitoring plan for approval by the local authority.</p> <p><b>Reason:</b> In the interests of nature conservation and the protection of designated sites and species.</p>

8.	<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><b>Reason:</b> In the interests of public health and proper planning and development.</p>
9.	<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><b>Reason:</b> In the interest of public health.</p>
10.	<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><b>Reason:</b> In the interests of public health and proper planning and development</p>
11.	<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><b>Reason:</b> 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>
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Planning Inspector

14/04/2020

Appendices

Appendix 1 Photographs

Appendix 2 Cavan County Development Plan 2014-2020, extracts.