



An
Bord
Pleanála

Inspector's Report

ABP-314204-22

Development	Material change of use of existing dwelling to residence where care is provided for persons with intellectual or physical disability and ancillary site works all which is within SAC and pNHA.
Location	Cashel, Newtowncashel, Co Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	22123
Applicants	Galro Unlimited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Galro Unlimited
Date of Site Inspection	1 st September 2022
Inspector	Dolores McCague

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations	11
5.3. EIA Screening	12
6.0 The Appeal	12
6.1. Grounds of Appeal	12
7.0 Assessment.....	13
7.2. Screening for Appropriate Assessment.....	14
7.3. Material Contravention	16
7.4. Archaeology	16
7.5. Access	17
7.6. Extent of the Proposed Development and its Visual Impact.....	17
7.7. Other Issues.....	18
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	19

1.0 Site Location and Description

- 1.1.1. The is located in the townland of Cashel, Newtowncashel, Co Longford. The site is located in a picturesque location, at the end of a road at the shore of Lough Ree, where there are views across the lake and along the nearside shore. The narrow road is in poor condition and broken by tree roots. The site is at the shore extending to or into the lake, and there are no marked boundaries except between the site and road and along the north-eastern boundary. The site is indicated as being part of a landholding of about twice the size, extending to the south-east. A fence, of uncertain origin, and recent date, defines that boundary line. The site rises from the shore line by upwards of 1m. The road continues to rise more steeply away from the shore, to Cashel graveyard, about ½ km to the east.
- 1.1.2. The general area is sparsely populated. The predominant land use is pasture.
- 1.1.3. The site is occupied by a bungalow and a shed. The bungalow is rectangular in shape with the long axis orientated in line with the lake shore and with its gable to the road. The single doorway is in the north-eastern elevation, i.e. away from the shore.
- 1.1.4. On the opposite side of the road, uphill from the site, there is another dwelling. The nearest other developments in the vicinity are a farm and a dwelling beyond the graveyard.
- 1.1.5. The former gateway / entrance at the public road has been removed, and broken stone has been deposited, in large mounds, along the former driveway.
- 1.1.6. A planted double row of evergreen trees, parallel and close to the house on its lakeside, continues with a right angle change in direction, towards the eastern side of the bungalow. A biodiverse meadow covers the site, within which there is outcropping rock. To the south of the dwelling and between it and the lake, there is a rock placement: a large flat rock on top of another flat rock.
- 1.1.7. The site is within a SAC, a SPA and a pNHA. Signage at the road end refers to public usage of the area known as Cashel Commons.
- 1.1.8. The site includes an area along the shoreline indicated on historic mapping as liable to floods.

1.1.9. The site is given as 1.25ha.

2.0 Proposed Development

2.1.1. The proposed development is described as the material change of use of existing dwelling to residence where care is provided for persons with intellectual or physical disability. The proposed works will also include upgrade of the existing entrance and boundary treatments, removal of non-native invasive evergreen trees, proposed single storey extension (c.92 m.sq) and ancillary site works, all which are within a SAC and pNHA.

2.1.2. The proposed development involves the erection of an extension to the existing building, on the side away from the lake. Both the existing and proposed structures will be finished in timber cladding. The extension is 4.6m in height. The existing dwelling is given as 103 sq m in floor area, the proposed extension is 92 sq m.

2.1.3. The application is accompanied by drawings by Willdesign.ie and reports: Appropriate Assessment Screening, and Flood Risk Assessment both by Liam Madden, Architect.

2.1.4. The flood risk assessment by Liam Madden Architect states that the site is not liable to flooding.

2.1.5. The Appropriate Assessment Screening Report by Liam Madden Architect states:
For Lough Ree SAC, in relation to the 'natural eutrophic lakes,' due to the very limited nature of the built works proposed and the existence of an existing dwelling and existing driveway, and the existing use of the lands associated with the dwelling, and the lack of hydrological links to the lake surface waters, the impact, if any, is considered to be minimal. It states in relation to the 'semi-natural dry grasslands and scrubland facies on calcareous substrates' that, due to existing use of the lakeshore dwellinghouse and associated gardens, the change, if any, to the proposed user is considered to be minimal. For 'otter' it states, 'no direct interference/disturbance of holt habitats is proposed and no built works proposed on the foreshore. There are no new hydrological links to Lough Ree and no scope for passage of mammals.

For Lough Ree SPA it states, due to the very limited development proposed in terms of a house and driveway enlargement and fencing, together with a change of use

from dwelling to a dwelling wherein respite care is provided, the potential disturbance from the proposed development is considered to be of low significance and therefore an unlikely impact.

A conclusion is reached of no likely significant effect, such that stage 2 appropriate assessment and submission of a NIS is not required.

- 2.1.6. Unsolicited further information, received 5th July 2022, comprises a solicitor's letter stating that the property has been registered with the Property Registration Authority.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority (PA) decided to refuse permission for 4 reasons:

1 The proposed development site, situated adjacent to Lough Ree, is located within the Broad Zone of the lake as identified in appendix 7: Natural Heritage and Environment specifically under Policy CPO 12.34 of the Longford County Development Plan 2021-2027 as being of high amenity and landscape quality in relation to their setting and, as such, required to be protected from inappropriate development, i.e. development which adversely affects high amenity and landscape quality in relation to their setting. The proposed development would, if permitted, either by itself or the precedent it would set for other similar developments in the area, materially contravene these objectives and policies and, as such, would be contrary to the proper planning and sustainable development of the area.

2 The proposed development site, situated adjacent to Lough Ree, is located within the Broad Zone of the lake as identified in appendix 7: Natural Heritage and Environment specifically under Policy CPO 12.34 and Policy CPO 14.20 of the Longford County Development Plan 2021-2027 in addition to being located within a designated Special Area of Conservation (SAC site code 000440), Special Protection Area (SPA site code 004064), and is a proposed Natural Heritage Area (pNHA site code 000440), and, as such, is required to be protected from inappropriate development, i.e. development which would adversely affect the natural environment as well as the high amenity and landscape quality in relation to their setting. The unauthorised developments recently carried out on the site without

the benefit of planning permission in addition to the development proposed without adequate landscaping and screening would, if permitted, either by itself or the precedent it would set for other similar developments in the area, materially contravene these objectives and policies and, as such, would be contrary to the proper planning and sustainable development of the area.

3 It is considered that the proposed development, by reason of its location within an area of high landscape sensitivity and its size, layout and design would be visually obtrusive and have a detrimental impact on the visual amenity of the surrounding landscape having regard to Policy CPO 14.20 of the Longford County Development Plan 2021-2027. The proposed development would, if permitted, either by itself or the precedent it would set for other similar developments in the area, materially contravene this policy and would be contrary to the proper planning and sustainable development of the area.

4 The planning authority are not satisfied that the proposed development, given its proximity to the Lough Ree and its resultant intensification on an existing wastewater treatment system, where no information regarding capacity or current working condition has been submitted, would not give rise to the risk of pollution of the water course and pose a significant threat to public health, including the health of the occupants of the proposed new dwelling and to the quality of ground and surface waters. The proposed development would, if permitted, therefore be contrary to Policy CPO 5.92 as designated under Section 5.3.2.2 of the Longford County Development Plan, which aims to protect the water quality in unserviced areas, and as such would be contrary to the proper planning and sustainable development of the area.

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. The planning report, which recommends refusal, includes:

The proposed site is located within the Lough Ree Broad Zone. The existing dwelling is located approximately 55m from the shore of Lough Ree.

Works have already commenced with the applicant constructing a fence along the boundary of the land right into the lake, widening of the gateway and deposit of large volumes of stone and the movement of stones along the shoreline. It is noted that the applicant has not proposed to retain any of these works.

The applicant has indicated that an existing septic tank will be used. No information has been submitted in relation to the existing system, whether it's in working order, and if it has capacity to deal with the proposed development.

The applicant intends to source water from the public mains. However there is no record of water mains in the area.

Location in Shannon Basin/Lough Ree character area; High landscape sensitivity, along the shore.

CPO 14.20 Restrict development in the vicinity of the lakes and maintain aquifer protection zone for 1km around boreholes at Carrowroe.

Given the prominent, elevated nature of the proposed development site in relation to L Ree and within an area of high landscape sensitivity, it is considered that the proposed development would be visually obtrusive and have a detrimental impact on the visual amenity of the surrounding landscape.

The planning authority are not satisfied that the proposed development, given its proximity to L Ree and its intensification of an existing wastewater treatment system, where no information regarding capacity or current working condition has been submitted, would not give rise to the risk of pollution of the water course and pose a significant threat to public health and the quality of ground and surface waters.

Elements of the work have been carried out within the SAC boundary and no proposal to rectify same have been submitted.

The recommended refusal issued.

3.2.3. Other Technical Reports

HSE EHO – conditions.

3.3. **Prescribed Bodies**

Irish Water – conditions.

3.4. Third Party Observations

- 3.4.1. The third party observer claims squatters rights; that he has been farming this land for the last twenty years.

4.0 Planning History

Pre-planning meeting 31/11/2021 – site is in the SAC of L Ree. Applicant proposes to change an existing bungalow into a care home with extending same. The council were aware that works on the site had already commenced. The gateway had been widened, fencing had been erected, a digger was on site, large volumes of stone had been imported onto the site. An existing harbour, which never had the benefit of planning, and stones had been removed from the shoreline and placed on this harbour. There is no exemption for the works and retention may trigger Substitute Consent. Advised to liaise with NPWS.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Longford County Development Plan 2021-2027, is the operative plan. Relevant provisions include:

The site is within the landscape designation - Inland Lakes, Waterways and Broad Zone Areas, the counties inland waterways lakes, rivers, canals and streams, are living systems that are home to a wide variety of habitats and species. They function as ecological corridors that connect habitats and designated sites which enable species to travel from place to place. Waterways also contribute significantly to the landscape character, the amenity and quality of life of the County; they help to support our tourism offer and provide recreational facilities.

The 'Broad Zone' areas, mapped in Appendix 7: Natural Heritage and Environment, of the Plan are designated areas of high amenity value and recreational potential associated with the major rivers and lakes in the County as well as the Royal Canal and areas of outstanding landscape quality in the northern fringes of the

County. The Council aims to protect against residential developments which are urban-generated or speculative in these designated 'Broad Zone' areas.

Inland Lakes, Waterways and Broadzones – County Policy Objectives

It is the County Policy Objective to:

CPO12.34 Preserve, protect and enhance the Counties inland lakes and waterways for their amenity and recreational resource amenity, including the Royal Canal, the Rivers Shannon, Inny and Camlin and Lough Ree, Lough Gowna as well as the County's other rivers and lakes.

CPO12.38 Provide additional accesses to lake shores, river and canal banks, through the acquisition of land for public rights of way, parking and layby facilities, where appropriate.

CPO12.39 Require that land adjacent to lakeshores and river and canal banks in the County be protected and reserved for public access provision.

CPO12.40 Protect the broadzones of the lakes, rivers, canals and deciduous woodlands from inappropriate development (see Appendix 7: Natural Heritage and Environment), i.e. development which adversely affects high amenity and landscape quality in relation to their setting, such as the environs of Newcastle House and Woods, particularly adjoining the River Inny Bridge.

CPO12.48 Reserve land adjacent to the canal, riverbanks and other waterbodies to promote and facilitate the creation of waterside linear routes to link with existing routes and amenity spaces and to facilitate the provision of walking/cycling routes along canals and watercourses. Protect, enhance and improve existing public rights of way and, where possible, provide additional access to inland waterways through agreement, permissive access and/or the acquisition of land for public rights of way and parking and lay-by facilities

CPO14.20 Restrict development in the vicinity of the lakes and maintain aquifer protection zone for 1km around boreholes at Carrowroe.

CPO 5.92 Ensure that development will only be permitted in instances where there is sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) of wastewater.

14.7 Protected Views and Prospects The landscape of the County has many vantage points which offer attractive views from hilltops and upland areas, along river valleys and the boglands. These scenic views are of an amenity and tourism value and contribute to our quality of life. There are two distinct types of views identified Full (uninterrupted) (see Table 14.2) and Intermittent (broken or sporadic) (see Table 14.3).

F.S-20 Cashel, Loughfarm, Elfeet (Adamson), Leab, Carrowbeg, 'Full uninterrupted view'.

It is not envisaged that the designation of a Protected View would prohibit all development within the view, but rather that any development proposed within the view should be designed and located so as not to obstruct the view both to and from a location and/or be unduly intrusive in the landscape as seen from both to and from these vantage points.

CPO14.37 Preserve the views and prospects listed in Table 14.2 and 14.3 and detailed in Appendix 9: Landscape Character with accompanying maps and to protect these views from development which would interfere unduly with the character and visual amenity of the landscape.

14.6.3 Landscape Unit 3 – Shannon Basin/Lough Ree, includes:

Lough Ree is interspersed with several small, uninhabited islands and the predominantly flat landscape provides for panoramic vistas across the lake at numerous locations.

Much of the geology in the area to the south of Lanesborough is classified as a regionally important aquifer, highly to extremely vulnerable.

Waterways corridor study has identified the potential for the discovery of underwater archaeology which is not addressed at present in the County Development Plan.

Threats - Pollution of ground and surface water sources from residential or intensive agricultural development - Inappropriate development and privatisation of lakeshores and riverbanks; - Road network insufficient to cater for large numbers of visitors associated with tourism development; - Loss of important archaeological and architectural features and/or their setting, underwater and lakeside archaeology in

particular - Proliferation of invasive species – Japanese knotweed, rhododendron, zebra mussel – threatens biodiversity and ecosystem functioning.

Public Rights of Way – County Policy Objectives

It is the Council Policy Objective to:

CPO13.30 Review and protect existing public rights of way and trails for the common good and bring forward proposals for the creation of additional public rights of way.

CPO13.31 Cooperate with Coillte, Bord na Mona, private land owners and other Public Bodies in the establishment of access ways, nature trails etc. with a view to the opening up of state forests and cut away bogs for recreational use, compatible with forestry requirements.

CPO13.32 Identify links to established public rights of way with adjoining counties, where appropriate.

CPO13.33 Ensure that existing Public Rights of Way and trails are appropriately waymarked, signposted and accessible.

CPO13.34 Encourage and facilitate the creation of additional rights of way and extend existing ones for pedestrian, cycling, amenity or recreational purposes, either by agreement or by the use of compulsory powers, for the creation of public rights of way, particularly in areas of high amenity and recreational importance.

CPO13.35 Promote the preservation, protection, enhancement, maintenance and improvement, for the common good of all public rights of way particularly those giving access to lakes, riverbanks, geomorphological features of heritage value and other places of natural beauty or recreational utility/activity.

Table 13.2 county Longford public rights of way includes at no. 8. Lough Ree access, Cashel.

5.2. Natural Heritage Designations

5.2.1. The site is located entirely within Lough Ree SAC (site code 000440), and partly within Lough Ree SPA (site code 004064).

5.2.2. It immediately adjoins and is to the SE of the limestone pavement identified on map 8 of the SAC.

5.2.3. It is identified as within the 250m otter commuting buffer map 9 of the SAC.

5.3. EIA Screening

5.3.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal on behalf of the applicant was submitted by Liam Madden Architect. The grounds include:

The existing house, shed, driveway and fencing have been in situ since 1977, built on foot of and in accordance with a grant of planning permission Reg. Ref. PL5505 (copy attached).

There is an existing, fully operational septic tank with percolation area also erected on foot of and in accordance with a grant of planning permission.

There is no record of any enforcement notice or proceedings in relation to non-compliance with the permission or with condition 3, in relation to wastewater treatment.

Works to the then existing driveway and post and wire fencing were commenced without the benefit of planning permission and a mound of hardcore / stones was brought onto the site and remains there. The then existing post and wire fencing was removed.

The fencing and driveway alteration would ordinarily be exempted development but for the fact that the site lies within an SAC and pNHA.

The hardcore will either be used in an approved driveway or in the reinstatement of the existing driveway. No enforcement notice was issued in respect of the commenced works. GALRO has engaged with the PA and the NPWS.

No works or development is proposed for the wastewater treatment unit and no assessment of the unit was carried out. A detailed assessment is attached to the appeal. If change of use and no extension is granted permission no wastewater unit assessment is relevant or necessary. The Board may condition upgrading.

The driveway and fence are replacements. The house has existed for 45 years.

Re. reason no. 1 – the proposed development would not create a precedent because of the unique circumstances: its existing residence since 1977. The Board could grant permission for the change of use, retain the trees, and refuse the extension.

Re. reason no. 2 – changing the identity of persons occupying the house is not inappropriate development. The Board could grant permission for the change of use and require retention of the trees.

Re. reason no. 3 – changing the identity of persons occupying the house is not inappropriate development. The Board could grant permission for the change of use and require retention of the trees.

Re. reason no. 4 – no works and no intensification of the wastewater treatment unit is proposed. The change of use does not increase the level of occupancy. It is only a three bedroom house even when extended. Most of the existing house would become a living/congregation area for persons with disabilities, not intensified use.

They request the overturn of the refusal or at least overturn of the refusal of the change of use.

A compliance report is attached which refers to the septic tank.

7.0 Assessment

- 7.1. I consider that the main issues which arise in relation to this appeal are screening for appropriate assessment, material contravention, archaeology, access, extent of the proposed development and visual impact, and other issues and the following assessment is dealt with under those headings.

7.2. Screening for Appropriate Assessment

- 7.2.1. A report titled Appropriate Assessment Screening Report by Liam Madden Architect accompanied the application. It reached a conclusion of no likely significant effect; that stage 2 appropriate assessment and submission of a NIS is not required.
- 7.2.2. I am satisfied that the only Natura sites with any potential for effect are Lough Ree SAC (site code 000440), and Lough Ree SPA (site code 004064).
- 7.2.3. Conservation objectives for the SPA: to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA; and, to maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
- 7.2.4. Site specific conservation objectives have been developed for the SAC which could be summarised as to restore and or maintain the favourable conservation condition of the qualifying interest habitats and species.
- 7.2.5. Screening summary matrix

European Site	Qualifying Interest features and Conservation Objectives:	Connections to site and issues that require examination in stage 1 Screening for AA
Lough Ree SAC (site code 000440),	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (important orchid sites)</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Bog woodland</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i></p> <p>Otter</p>	<p>The site is within the SAC</p> <p>It immediately adjoins and is to the SE of the limestone pavement identified on map 8 of the SAC.</p> <p>It is identified as within the commuting buffer for otter, on map 9 of the SAC.</p> <p>There is outcropping rock on the site, shallow soil and a biodiverse meadow.</p> <p>The proposed development would involve loss of existing habitat.</p> <p>There is a likelihood of direct effects on commuting otter by disturbance or barrier effects.</p>

		<p>There is a likelihood of indirect effects through surface water during construction.</p> <p>There is a likelihood of indirect effects through surface water during operation.</p>
Lough Ree SPA (site code 004064)	<p>Little Grebe</p> <p>Whooper Swan</p> <p>Wigeon</p> <p>Teal</p> <p>Mallard</p> <p>Shoveler</p> <p>Tufted Duck</p> <p>Common Scoter</p> <p>Goldeneye</p> <p>Coot</p> <p>Golden Plover</p> <p>Lapwing</p> <p>Common Tern</p> <p>Wetland and Waterbirds</p>	<p>Part of the site is within the SAC</p> <p>The potential for impact on the qualifying interests would need to be examined in a specialist ornithological report.</p>

7.2.11. The site is within both protected sites.

7.2.12. , it is entirely within the SAC and partly within the SPA. It is also directly hydrologically connected to the lake via overland flow and groundwater.

7.2.13. The scale of the construction is small, nevertheless there is potential for effects from runoff during construction.

7.2.14. During the operational phase of the development, there is potential for effects from runoff. Other operational phase effects include disturbance. The house, which has been in place for many years appears to have had little use. The observer's claim of squatters rights, through 20 years of use of the land, points to such limited use or disuse. The proposed use will involve more human activity. The development may involve barrier effects. Although not detailed as part of this application / appeal, it is possible that barriers such as fences may be erected or may have been erected,

with potential impact on the qualifying interest features and conservation objectives of the protected sites.

- 7.2.15. The Board cannot be satisfied, based on the information provided, that the proposed development would not impact adversely on the conservation objectives of Lough Ree SAC/SPA, and this is a reason to refuse permission.

7.3. Material Contravention

- 7.3.1. Reasons 1, 2 and 3 of the planning authority's decision state that the proposed development would materially contravene the county development plan.

Reason 1 refers to materially contravening Policy CPO 12.34.

Reason 2 refers to materially contravening Policy CPO 12.34 and Policy CPO 14.20

Reason 3 refers to materially contravening Policy CPO 14.20

CPO12.34 states as policy to 'preserve, protect and enhance the Counties inland lakes and waterways for their amenity and recreational resource amenity, including the Royal Canal, the Rivers Shannon, Inny and Camlin and Lough Ree, Lough Gowna as well as the County's other rivers and lakes'.

CPO14.20 states as policy to 'restrict development in the vicinity of the lakes and maintain aquifer protection zone for 1km around boreholes at Carrowroe.'

- 7.3.2. In my opinion these policies are stated in general or qualified terms and are not so specific that Section 37, subsection 2, of the Planning and Development Act would apply should the Board be minded to grant permission.

7.4. Archaeology

- 7.4.1. The area is rich in known archaeological sites including features which the access road traverses. As a waterway there is potential for archaeological material to exist along the shoreline. The development plan refers to a waterways corridor study which has identified the potential for the discovery of underwater archaeology. The potential for impact on archaeology has not been addressed in the application.

7.5. Access

- 7.5.1. Access along the shore line is referred to in the documentation with reference to the issue of the erection of a fence. The erection of a fence is not addressed in the application.
- 7.5.2. For Landscape Unit 3 – Shannon Basin/Lough Ree, (14.6.3 of the plan) one of the threats identified is privatisation of lakeshores and riverbanks.
- 7.5.3. The county development plan refers to various objectives in relation to access to amenity areas such as reviewing and protecting existing public rights of way and trails and bringing forward proposals for the creation of additional public rights of way, in cooperation with public bodies and private landowners. It is council policy to encourage and facilitate the creation of additional rights of way and extend existing ones for pedestrian, cycling, amenity or recreational purposes, either by agreement or by the use of compulsory powers, for the creation of public rights of way, particularly in areas of high amenity and recreational importance. It is council policy to reserve land adjacent to the canal, riverbanks and other waterbodies to promote and facilitate the creation of waterside linear routes to link with existing routes and amenity spaces and to facilitate the provision of walking/cycling routes along canals and watercourses; and to protect, enhance and improve existing public rights of way and, where possible, provide additional access to inland waterways through agreement, permissive access and/or the acquisition of land for public rights of way and parking and lay-by facilities.

Table 13.2: County Longford Public Rights of Way includes at item 8. Lough Ree access, Cashel. This is also shown in the Rights of Way Map in appendix 8 Green Infrastructure.

- 7.5.4. The site appears to facilitate or to have facilitated access to or along the shore line. The matter of access has not been addressed to the satisfaction of the planning authority. This is a reason to refuse permission

7.6. Extent of the Proposed Development and its Visual Impact

- 7.6.1. The proposed development, as documented, would increase the footprint of the structures on site by doubling the floor area.

- 7.6.2. It also appears that the entire development has not been documented. The planner's report refers to development carried out by the applicant which is not addressed in the application. It refers to the applicant constructing a fence along the boundary of the land right into the lake, widening of the gateway and deposit of large volumes of stone and the movement of stones along the shoreline.
- 7.6.3. The visual impact and extent of the proposed development are reasons for refusal.

7.7. Other Issues

- 7.7.1. Water Resource Protection is a policy objective of the plan. The plan identifies a regionally important aquifer in this area. The GSI mapping confirms that the aquifer is a regionally important, karstified, conduit aquifer and is of extreme vulnerability.
- 7.7.2. I do not accept that a doubling of the floor area of the building would not increase the population served by the effluent treatment system.
- 7.7.3. A report accompanied the appeal which states that no evidence of surface water pollution or ponding was found, and refers to the type of construction of the septic tank. It is most unlikely that any ponding would occur in a karst area, unless the groundwater level rose above ground level. The concern would be that effluent treatment provided by soil, would be likely to be unsatisfactory in shallow soil, such that untreated effluent could either discharge to rock fissures and be transported to the groundwater, or, given the proximity to the lake, could discharge via surface water to the lake body. An examination of the nature and depth of the soil and the detailed design of the percolation area has not been carried out..
- 7.7.4. In the absence of evidence that effective on-site effluent treatment can be achieved, it is reasonable to conclude that the proposed development would be likely to give rise to pollution of both groundwater and surface water. This is a reason to refuse permission

8.0 Recommendation

- 8.1.1. In accordance with the foregoing assessment it is considered that the proposed development should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

- 1 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of European sites, Nos 000440, and 004064, in view of the sites' Conservation Objectives, having regard to the location within these sites, the hydrological connectivity with the sites and the possibility that the development may pose a disturbance or barrier risk to qualifying interest species of these sites. In such circumstances the Board is precluded from granting permission.

- 2 On the basis of the information provided with the application and appeal the Board cannot be satisfied that the proposed development would not present a barrier to amenity use of the shoreline, in contravention of CPO12.34, and CPO12.48 to preserve, protect and enhance the Counties inland lakes and waterways for their amenity and recreational resource amenity and to improve access thereto. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

- 3 In the absence of information in relation to the site's suitability for the treatment of effluent, the Board cannot be satisfied that the proposed development would not impact adversely on groundwater and surface water and be contrary to policies to restrict development in the vicinity of the lakes to protect waters and aquifers. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

- 4 The proposed development would increase the built form and the level of usage of an existing dwelling in an area of high amenity and landscape quality. From the information provided with the application and appeal the

Board is not satisfied that the proposed development would not adversely impact on the visual amenities of the area. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

Planning Inspector

16th September 2022

Appendices

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts

Appendix 3 GSI.ie map extracts.