



An
Bord
Pleanála

Inspector's Report

ABP-314366-22

Development	Construction of tourist campsite, including associated facilities and site works.
Location	Lurgan Glebe, Oldcastle Road, Virginia, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	21477
Applicant(s)	Maria Graham.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Liam Roche, Dagmar Termehr-Streib, and Martin Cosgrove.
Observer(s)	Fred Williams, Helen O'Keeffe, Brian and Jennifer Meade, Velma Curran,

Hillary Fagan, and
Eoin Meehan.

Date of Site Inspection

2nd May 2023.

Inspector

Barry O'Donnell

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 4.39ha and is located in the townland of Lurgan Glebe, approx 2km west of Virginia in south County Cavan. It comprises a greenfield site that is itself made up of a number of separate land parcels, stretching from the R195 Regional Road down to the shore of Lough Ramor.
- 1.2. The site comprises of four separate agricultural fields, which are themselves bounded and separated by mature hedgerow on all sides. Access to each field is currently provided from an agricultural access at the western corner of the site, which is set back from the road and is enclosed by mature trees. The field nearest to the R195 was in use for animal grazing at the time of my inspection, while the remaining fields did not appear to be in active use.
- 1.3. Lurgan Glebe is a rural area which displays signs of pressure for rural housing, particularly on the north side of the R195. Commercial development, St. Joseph's Nursing Home and St. John's Retirement Village, adjoins the site to the east.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of a tourist campsite, including vehicular access and internal routes, single storey cabin, winter storage and toilets/shower/laundry buildings, stables and sand arena, all-weather pitch and playground, on-site WWTP and associated site works. The development also includes 53 No. car parking spaces (Inc. 4 disabled spaces).
- 2.2. The tourism accommodation element of the development contains 49 units in the following mix: -
 - 14 No. log cabins,
 - 7 No. yurts,
 - 22 No. tent spaces,
 - 6 No. campervan spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 22nd July 2022, subject to 29 No. conditions. Relevant conditions include: -

- Condition No. 2 required payment of a financial contribution of €19,970 under the S48 development contribution scheme.
- Condition No. 3 restricted use of the site to short-term tourist accommodation with no occupancy period in excess of 30 days. The condition also required that no plots, tents, yurt or log cabin should be sold or conveyed separately to the overall site.
- Condition No. 4 states that the site should provide a maximum of 14 No. log cabin sites, 7 No. yurts, 21 No. tents and 6 No. RVs at any one time.
- Condition No. 8 stipulated maximum noise levels of 55dB(A) 08.00-18.00 Monday to Friday and 45dB(A) at any other time.
- Condition No. 11 required visibility splays of 2.4m x 160m in both directions at the site access.
- Condition No. 12 required implementation of a Stage 3 Road Safety Audit.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 21st September 2021 and 21st July 2022 have been provided, which reflect the decision to grant permission. The first report requests additional information regarding: -

- Surface water drainage,
- Foul drainage,
- Construction management,
- Management of organic material from dungstead and tank,
- External lighting,

- Noise,
- Justification of need,
- Traffic and transport,
- Flood risk, and
- Appropriate assessment.

3.2.2. The second report followed receipt of the AI response and followed a period of further public consultation, following the submission of significant additional information. It summarises and responds to the individual AI response items and recommends that permission be granted, subject to 29 No. conditions, which are consistent with those attached to the Planning Authority's decision.

3.2.3. Other Technical Reports

Environment reports dated 24th August 2021 and 1st July 2022 have been provided. The first report requests additional information regarding flood risk, foul and surface water drainage, noise, construction management, external lighting. The second report followed receipt of the AI response and recommends conditions as part of a grant of permission.

Municipal District Engineer reports dated 17th September 2021 and 20th July 2022 have been provided. The first report requests submission of a traffic and transport assessment and provision of 160m sightlines at the site entrance. The second report followed receipt of the AI response and indicates that adequate sightlines had been demonstrated.

A **Roads Design** report dated 21st July 2022 has been provided, which recommends conditions as part of a grant of permission.

3.3. Prescribed Bodies

3.3.1. The Department of Housing, Planning and Local Government (DAU) made a submission on 22nd September 2021, advising of the requirement to undertake archaeological assessment.

3.3.2. The Planning Report indicates that the application was circulated to An Taisce, The Heritage Council, Failte Ireland, Inland Fisheries Ireland and the Department of Culture, Heritage and the Gaeltacht but no responding submissions were received.

3.4. **Third Party Observations**

3.4.1. A number of third-party letters of observation were received, the issues raised within which can be summarised as follows: -

- Public notices,
- Residential amenity,
- Noise,
- Flooding,
- Biodiversity,
- Traffic,
- Foul drainage,
- Archaeology

4.0 **Planning History**

4.1. I did not encounter any recent planning records pertaining to the site.

5.0 **Policy Context**

5.1. **Cavan County Development Plan 2022 - 2028**

5.1.1. The Cavan County Development Plan 2022 – 2028 was adopted following submission of the application and it now provides the operational development plan for the purposes of the proposed development.

5.1.2. The site is located in a rural, unzoned part of County Cavan.

5.1.3. Chapter 9 relates to Tourism. It states that the overarching policy is to provide for the continued expansion of the tourism sector, with a focus on creating strong visitor towns and sufficient high-quality visitor services and the continued development and

enhancement of visitor attractions and activities to provide memorable, immersive visitor experiences, capitalising on our natural and cultural heritage assets, whilst safeguarding these resources for future generations. Relevant tourism development objectives include: -

T 01: Promote the development and strengthening of the overall value of Cavan as a tourist destination by encouraging the enhancement and development of sustainable and high-quality visitor attractions, activities and infrastructure, enabling an increase in the overall capacity and long-term development of the county's tourism industry, subject to appropriate siting and design criteria and the protection of environmentally sensitive areas.

T 03: Support the implementation of the County's Tourism Strategy in line with national and regional policy, tourism trends and identified challenges, in collaboration with Fáilte Ireland, Waterways Ireland, tourism businesses and communities and other supporting agencies.

T 04: Continue to work closely with Fáilte Ireland to maximise the benefit of national and regional initiatives/plans/strategies for the county, with a particular emphasis on initiatives which will increase the economic benefit from tourism, support local business development and encourage new enterprise opportunities.

T 05: Utilise the county's natural and heritage resources to foster the development of tourism as a viable sector of the economy in a sustainable manner which complements the scale, quality and unique features of the location and county.

T 06: Protect and conserve the natural, built and cultural heritage features which add value to the visitor experience in Cavan and seek to restrict developments which would damage or detract from the quality of scenic areas and identified natural and cultural heritage assets.

T 07: Support actions to increase access to state and semi-state lands such as National Parks, Forest Parks, Waterways, together with Monuments and Historic Properties, for recreation and tourism purposes, subject to the requirements of the Habitats Directive, National Monuments Act and other provisions and policies to protect and safeguard these resources and subject to the ability of local infrastructure to support the resulting increased tourism.

T 08: Support the development and expansion of tourism-related enterprise including visitor attractions, services and accommodation and food and craft businesses, particularly those offering a visitor experience, such as tastings, tours and demonstrations.

T 09: Ensure all tourism developments shall integrate climate change adaptation, the enhancement of nature and biodiversity measures into their activities, plans and proposals.

T 10: Monitor and manage any increase in visitor numbers and/or any change in visitor behaviour in order to avoid significant effects, including loss of habitat and disturbance. Visitor/Habitat Management Plans will be required for proposed projects as relevant and appropriate.

T 13: It is an objective of the Council to support the provision of accessible tourism.

TV 02: Facilitate the development of high-quality tourist accommodation such as hotels, hostels, B&B's / guesthouses, camping and glamping at suitable locations, in both urban and rural settings throughout the county, subject to ensuring a high standard of design, layout, landscape and environmental protection and the provision of adequate infrastructure.

TV 04: Facilitate the development of visitor infrastructure linked to natural and heritage environments, while ensuring that it does not detract from the status, quality and value of these environments.

TV 05: Support, implement and require best-practice environmental management and climate proofing of tourism related developments and activities, such as accommodation, restaurants, activity providers, festivals, events and tourism enterprises, to include zero climate impact, energy efficiency, waste management, and recycling.

TV 09: Support rural tourism initiatives such as agri-farm tourism, health and wellbeing centres, glamping, trekking and trails together with new opportunities to promote food and nature tourism, in order to sustain employment in rural areas.

5.1.4. Other relevant policies include: -

LC3: Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural /horticulture units which would interfere

with the character of highly sensitive areas or with a view or prospect of special amenity value.

5.2. National Planning Framework

NPO22: Facilitate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level.

NPO23: Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a designated European site, the closest such site being River Boyne and River Blackwater SAC (Site Code 002299), which encroaches to c.6.2km south-east at the southern end of Lough Ramor, and River Boyne and River Blackwater SPA (Site Code 004232) which lies slightly further south.

5.3.2. Lough Ramor is designated as a proposed Natural Heritage Area and the designation also encompasses a woodland area that abuts the south-west/west site boundary.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class 12(d) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Permanent camp sites and caravan sites where the number of pitches would be greater than 100.

- 5.4.3. The proposed development comprises a mix of 49 No. temporary accommodation units, including 14 No. log cabins, 7 No. yurts, 22 No. tent spaces and 6 No. campervan spaces. The proposed development falls well below the development threshold and mandatory EIA is therefore not required.
- 5.4.4. In respect of sub-threshold EIA, having regard to the nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects on the environment. 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. Separate third party appeals have been received from Liam Roche, Dagmar Termehr-Streib and Martin Cosgrave. The individual grounds of appeal are summarised below.

Appeal by Liam Roche

- The site notice was not maintained properly and was not always visible to the public.
- Ownership of the site is unclear and potentially invalidates the application.
- The development does not comply with objectives RTO23 and RTO29 of the 2014 – 2020 development plan.
- References to the development approved under ABP Ref. ABP-305664-19 are not comparable to the proposal.
- Disturbance associated with human activity on the site will affect wildlife in the area. Lough Ramor is a designated site and potential impacts have not been adequately assessed by the application.
- The appropriate assessment screening report did not adequately consider impacts on Kingfisher, Little Egret, Brown Long Eared Bat.
- The local area contains a number of archaeological sites, which are likely to be affected by increased levels of footfall.

Appeal by Dagmar Termehr-Streib

- The area where the site addresses Lough Ramor is home to nesting wildlife and in order to provide access to the lake, the applicant will need to remove a substantial area of bull rush.
- The public road is of insufficient width to accommodate large vehicles.

Appeal by Martin Cosgrave

- The development is too intensive for the site and will result in damage to the surrounding area.
- The site has a history of flooding.
- The development will impact on water quality with Lough Ramor, which has taken nearly 20 years to restock and reinvigorate.
- It is not credible to say the development will have no impact on flora and fauna in the area.
- The foul and surface water drainage systems are not sufficient to avoid pollution to Lough Ramor in severe weather conditions.

6.2. Applicant Response

- 6.2.1. The first party made submissions on the appeals on 14th and 16th September 2022, submitted on the applicant's behalf by Hanley Taite Design Partnership. The contents of the submissions can be jointly summarised as follows: -

Submission dated 16th September 2022

- The applicant is the registered owner of the site and folio details are provided as evidence of same.
- All surfaces other than roof structures will be permeable, allowing for infiltration. Should it be deemed necessary, run-off from roofs can drain to a soakaway and this can be controlled by condition.
- The development is located outside of the proposed Natural Heritage Area site and a buffer zone of 40-50m is retained in the southeast section of the site and

the area will be retained for the promotion of wildlife. Mitigation measures have also been proposed by an ecologist, which will be beneficial.

- Tourism is acknowledged by the development plan as one of the county's most important economic sectors and there are supports within the development for further tourism development.
- The applicant will promote awareness of bye-laws that prohibit the use of certain motorised vessels on the Lough. No water activity will be permitted as part of the development.
- Regarding justification, the proposal is suitably located for a number of reasons including (a) the significant demand for camping accommodation in the area, (b) the development cannot be located within an existing settlement as there is no settlement within walking distance of the southern shore of the Lough and (c) there are other visitor attractions in the area that would benefit guests staying at the site
 - The Board has recently granted permission for visitor accommodation at Killykeen, Co. Cavan, with reference to appeal Ref. ABP-311150-21.
- Proposed lighting was outlined within the AI response and will adhere to European Commission recommended practice and no adverse impacts for neighbouring property will arise. It should also be noted that the seasonal operation of the site will be April-September.
- A traffic and transport assessment was submitted as part of the AI response, which addresses the issues raised within the appeals.

6.3. Planning Authority Response

6.3.1. The Planning Authority made a submission on 6th September 2022, the contents of which can be summarised as follows: -

- Planning issues raised within the appeal were addressed as part of the assessment of the application.
- Site notices were inspected and were visible and legible from the public road.

- Regarding ownership, the applicant asserts ownership of the site. The planning system is not the forum for resolving land ownership disputes.
- The Board is requested to uphold the decision to grant permission.

6.4. Observations

- 6.4.1. Submissions have been received from Fred Williams, Helen O’Keeffe, Brian and Jennifer Meade, Velma Curran, Hillary Fagan and Eoin Meehan. The contents of each is summarised separately below.

Submission by Fred Williams

- There are no known examples of similar tourism accommodation developments adjacent to nursing home sites. The development will disrupt the amenity and way of life of residents of the adjacent nursing home.

Submission by Helen O’Keeffe

- The development will affect vulnerable residents’ enjoyment of their homes, by bringing a large number of strangers to the area.
- The intensity of the proposed use will affect the mobility of local elderly residents, who use the local road.

Submission by Brian and Jennifer Meade

- The development will affect the operation of the adjacent nursing home, with reference to noise and disturbance.
- A bush is proposed as a measure to mitigate noise, but this is inadequate. Given the nature of the proposed, there is unlikely to be a practical way of controlling noise.
- There are better suited sites elsewhere in the county for this development.
- A potential conflict of interest arises as the applicant is involved with Cavan County Council.

Submission by Velma Curran

- The impact of the development on adjacent residents was not properly considered. The development is too close to adjacent housing.

- The proposed layout is questionable and omitted adjacent housing.
- The development will give rise to anti-social behaviour.

Submission by Hilary Fagan

- The development is an example of overdevelopment.
- The need for additional tourism development is questioned.
- The development will lead to disturbance issues for the surrounding community.
- Claims that the development will not generate excessive noise or traffic are disputed.
- This area of Lough Ramor is dangerous water for swimming.
- The site is unsuited to the proposed use.
- Flooding is an issue in this area.

Submission by Eoin Meehan

- A similar campsite at Lough Ramor has had anti-social behaviour issues. The threat if similar issues at this site is of concern.
- The Planning Authority did not address the potential for anti-social behaviour.
- Claims that the development would have a marginal noise impact are questioned. Specific proposals for a boundary hedge have not been provided.
- Construction noise will be an issue and proposed hours of 07.00-19.00 are excessive.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the third-party appeals in detail, the main planning issues in the assessment of the proposed development are as follows:

- Application validity
- Principle of development;
- Residential amenity;
- Biodiversity
- Drainage;
- Road safety;
- Other issues; and
- Appropriate Assessment.

7.2. **Application Validity**

- 7.2.1. The appellant, Liam Roche, submits that ownership of the site is unclear and potentially invalidates the application. He further submits that the site notice was not maintained properly and was not always visible to the public.
- 7.2.2. The issue of public notices is for the Planning Authority, which validated the application. Similar concerns were raised in the third-party submissions on the application and I note that as part of their report, the Planning Officer provided a picture of the site notice and commented that it was in place and visible from the road on the date of inspection. The Planning Authority's submission on the appeal restates that the site notices were inspected and were visible and legible from the public road.
- 7.2.3. Whilst I note the appellant's concerns, the appeal does not include any evidence that undermines or causes me to question the Planning Officer's assessment of the issue and I consider it would be unjustified to refuse permission on this basis.
- 7.2.4. Regarding the concerns over site ownership, in responding to the appeal the applicant has provided ownership details of Folio 11235F and I am satisfied, from this information, that she is the registered owner of the site.

7.3. **Principle of Development**

- 7.3.1. The proposed development comprises a tourist campsite, which includes a mix of campervan pitches/log cabins/yurts/tents, vehicular and circulation routes, storage

and facilities buildings, a stables and sand arena, an all-weather pitch and playground and an on-site wastewater treatment plant.

- 7.3.2. The overarching approach taken by the Cavan County Development Plan 2022 – 2028 to tourism development is to support development that enhances the county's tourism offering but at the same time safeguard resources for future generations. Of particular relevance to the current appeal, objective TV 02 supports the provision of tourist accommodation in suitable locations and objective LW 05 supports the provision of infrastructure to enable increased tourism activity. The Board will note that both objectives include the caveat that supports are subject to protection of the environment.
- 7.3.3. The need for the development has been questioned within both the appeals and submissions received. The Board will note that the above-mentioned policies within the new development plan do not impose any locational restriction or require specific site justification for this type of development, however; I note that the issue was raised at the AI stage (pursuant to a requirement under the old development plan) and the applicant identified other tourist accommodation in the area and made the case that the development would rejuvenate the local tourist industry. The submission was accepted by the Planning Authority as adequate and there is nothing in the appeal that would lead me to question this conclusion.
- 7.3.4. I am satisfied that the development is consistent with the aforementioned development plan policies and is acceptable in principle, subject to consideration of other relevant factors below.

7.4. Residential Amenity

- 7.4.1. Appellants and observers have expressed a number of concerns relating to impacts on the amenity of adjacent residents, including in relation to noise, disturbance and anti-social behaviour. It is also argued that the development constitutes overdevelopment.
- 7.4.2. Regarding claims of overdevelopment, the site occupies a large area, with the accommodation element contain in the south-east section. In my view the development has a density, low intensity character, which by reason of its distance from the public road will have a limited if any impact on the character of the area. The entrance, stable and sand arena will be visible from the R195, but I do not

consider they will have a negative visual impact and would not have a material impact on the character of the area. In view of the above, I do not consider the issue of overdevelopment arises.

- 7.4.3. The site, whilst in a rural area, is adjacent to St. Joseph's Nursing Home and St. John's Retirement Village. There are also a number of residential properties in the surrounding area, primarily on the opposite side of the R195.
- 7.4.4. For housing on the opposite side of the R195, the main camping area is at least c.250m from these properties and I do not consider any noise nuisance issue is likely to arise.
- 7.4.5. For the adjacent retirement housing and nursing home, this housing is in excess of 100m from the main camping area and lies adjacent to the stables, sand arena and car park. The development is likely to give rise to some increase in noise level and may result in some potential disturbance, associated with the presence of and movement of people in the area. In my view, such noise is likely to be similar to existing noise sources/levels in the area and I do not consider the effect of the development would be of such a degree that a refusal of permission would be justified. I would also advise the Board that the Planning Authority has powers under separate codes in respect of noise nuisances, should such issues arise.
- 7.4.6. In order to control potential noise sources I recommend that, should the Board decide to grant permission, a condition be attached precluding the use of external amplified broadcast equipment. Subject to this control, I am satisfied that the development will not have any significant or unacceptable noise for neighbouring residents.
- 7.4.7. I do not share the appellant or observer concerns regarding the potential for anti-social behaviour. There is a controlled entry at the point of access from the R195 and a reception building adjacent to the proposed carpark, which I consider are adequate to control access to the site.

7.5. **Biodiversity**

- 7.5.1. Appellants have expressed concern that the development will affect wildlife in the area and will affect water quality within Lough Ramor, which has taken time to restock and reinvigorate.

- 7.5.2. In responding to the appeals, the applicant states that the development is located outside of the pNHA designation and a buffer zone of 40-50m is retained in the southeast section of the site and the area will be retained for the promotion of wildlife. The applicant also refers to ecological mitigation measures outlined at Appendix 1 of the Appropriate Assessment Screening Report, which are stated to have a beneficial effect.
- 7.5.3. The NPWS Site Synopsis document for Lough Ramor pNHA states that it is an important wetland site, supporting nationally important numbers of Cormorant and notable concentrations of Whooper Swan, Wigeon, Teal, Mallard and Lapwing. Available Birdwatch Ireland species records indicate that a number of these species, whilst water-based, will forage or nest on grassland habitat.
- 7.5.4. The development area is set back from Lough Ramor, but the site layout drawing indicates that it abuts the pNHA designation. I am satisfied that the development will not affect the primary wetland habitat of Lough Ramor and I consider the proposed buffer zone retains a reasonable level of grassland habitat in the area immediately adjacent to the lakeshore, for foraging. I would also advise the Board that the shore of Lough Ramor comprises mainly grassland habitat and the development will affect a minor reduction in the overall area of grassland habitat adjacent to the Lough.
- 7.5.5. Birds present on the land in the vicinity of the site are likely to experience some disturbance associated with the presence of humans in the area. It is not expressly stated on the site layout drawing, but it appears to me that a mature hedge at the eastern end of the development site is unaffected by the development. This hedge provides a visual screen between the lakeshore and the development site and I consider it should be retained and strengthened as part of the development. This can be controlled by condition, should the Board decide to grant permission.
- 7.5.6. Regarding potential noise disturbance, I have previously recommended that a condition be attached precluding the use of external amplified broadcast equipment. Subject to the absence of such equipment, I do not consider the development would have a significant or unacceptable noise impact.
- 7.5.7. External lighting proposals are not outlined on the site layout drawing. Should the Board decide to grant permission, I recommend a condition be attached requiring the

applicant to submit and agree a lighting scheme with the Planning Authority, with all lighting oriented away from Lough Ramor.

7.6. Drainage

Foul Drainage

- 7.6.1. The development includes the provision of a tertiary treatment system and infiltration bed. Following a request from the Environment section, the applicant incorporated ferric sulphate dosing into the proposed system as a means of reducing the discharge of Phosphorous to groundwater.
- 7.6.2. The Site Suitability Assessment Report submitted with the application identifies the category of aquifer as 'Poor' but does not identify the vulnerability category. Notwithstanding this, available Geological Survey of Ireland mapping¹ identifies that the vulnerability classification is 'High'. The EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) does not contain a site suitability response matrix but, with reference to the EPA Code of Practice Domestic Wastewater Treatment Systems, the Report concludes that the site is suitable for the installation of a WWTP.
- 7.6.3. The Report indicates that a trial hole with a depth of 2.1m recorded 300mm of sandy silt/clay with humus, 1200mm of gravelly silt/clay and 600mm of sandy gravelly silt/clay. The water table is stated to have been encountered at a depth of 0.65m. In relation to the percolation characteristics of the soil, a subsurface percolation test result of 45.78 min/25mm was returned. A surface percolation test result of 37.67 min/25mm was returned. The report concludes that the soil and subsoil display adequate percolation characteristics and are well-suited for use of a polishing filter. The drawings provided with the Report indicate that the system includes raising the ground level by 1.2m in the infiltration beds, with further unspecified ground raising to conceal the coconut husk filter units.
- 7.6.4. The appellant Martin Cosgrave expresses concern that the proposed system is inadequate to avoid pollution of Lough Ramor.
- 7.6.5. Whilst the site suitability assessment may have indicated that the site displays adequate percolation characteristics, I have concerns regarding the proposal to

¹ <https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aac3c228>

serve a development of the proposed scale with a private WWTP. Available EPA Lake Water Quality records state that Lough Ramor has a 'Poor' ecological status and that it is 'At risk' of not achieving its Water Framework Directive water quality status objective. The WWTP is set back from the lakeshore by c.200m, but there is a drain adjacent to the west site boundary that is in close proximity to the infiltration bed and which flows into Lough Ramor, providing a direct route for treated water to the lake.

- 7.6.6. As a tourist accommodation development, the site is likely to experience fluctuations in demand and the WWTP is likely to experience periods of reduced or no usage. The application documents indicate that the operational season for the development will be April-September, which means the system will have little or no usage for 6 months of the year. Such a pattern of usage is likely to affect the operation of the system, for example media present within the system as part of the treatment process are very likely to be affected by such long periods of non-usage. Any failure in the system is likely to lead to inefficient treatment of effluent and is likely to lead to the discharge of pollutants to groundwater and, ultimately, to Lough Ramor. The Board will note in this regard that the water table was encountered at a shallow depth of 0.65m BGL within the trial hole.
- 7.6.7. Further, and as I have already outlined, the WWTP includes the use of Ferric sulphate, which was requested by the Planning Authority at the AI stage as a means of reducing Phosphorous discharges to groundwater. Details of the proposed usage of this additive have not been provided but the fact that it was required to be incorporated can be seen as an acknowledgement of the issue of nutrient enrichment of ground and surface waters in the area. The specific suitability of ferric sulphate to a seasonal development such as this has not been addressed by the application.
- 7.6.8. Based on the information submitted with the application and my assessment, I am not satisfied that wastewater can be dealt with effectively on site and the development poses an unacceptable risk of environmental pollution. I recommend that permission should be refused on this basis.

Surface Water Drainage

7.6.9. Surface water is proposed to drain via a mix of attenuated discharge and infiltration techniques and design calculations underpinning the system are provided within the AI submission prepared by Hydrocare Environmental Ltd. As the point of outfall is to the drain that runs adjacent to the west site boundary and which drains into Lough Ramor, it would be appropriate to require that an interceptor should be incorporated into the system, to ensure surface waters discharging to the drain to not contain suspended solid and/or pollutant content. This can be controlled by condition.

Flooding

7.6.10. The appellant, Martin Cosgrave, and observer, Hilary Fagan, claim that there are flooding issues on the site.

7.6.11. The issue of flood risk was raised by the Planning Authority at the AI stage and a Site Specific Flood Risk Assessment was submitted on the applicant's behalf by Traynor Environmental Ltd. The SSFRA has not been provided as part of the appeal documents but is publicly accessible on the Planning Authority's file and I have given consideration to its contents.

7.6.12. The SSFRA included a hydrological assessment of the Aghacashel Stream, which is adjacent to the site boundary, and Lough Ramor and predicts that the site is not at risk of flooding in a 1-in-100 or 1-in-1000 flood event. In view of this, the SSFRA concludes that the site is at low risk of flooding.

7.6.13. Available flood mapping pertaining to the site² contains an indicative map for Lough Ramor, which encroaches to the lakeshore in the area of the site. The site is set back from the lakeshore and, further, has a small developed footprint, with the primary built elements, i.e. the storage and facilities buildings, set further back.

7.6.14. The Planning Authority did not question the conclusions of the SSFRA and there is nothing within the appeals that would cause me to question its conclusions. From the information available to me, I am satisfied that the site is at low risk of flooding and it would be unjustified to refuse permission on this basis.

7.7. Road Safety

² <https://www.floodinfo.ie/>

- 7.7.1. Concerns are expressed within the appeals that the public road is of insufficient width to accommodate large vehicles and that the development will affect other road users.
- 7.7.2. Access is proposed from the R195, via a controlled access point. The site layout drawing provided as part of the AI identifies the provision of 2.4m x 160m sightlines in both directions from the site access.
- 7.7.3. The internal circulation route runs parallel to the east site boundary and serves the proposed parking area before terminating in a turning circle in the area of the campervan pitches. The main camping area is not accessible by vehicle.
- 7.7.4. In responding to the appeals, the applicant highlights the submission of a traffic and transport assessment, which justifies the development in the context of identified issues.
- 7.7.5. The TTA submitted with the application was prepared by Traffic Transport and Road Safety Associates Ltd. It bases trip generation predictions on comparable data for the Center Parcs development in County Longford and the Cabu by the Lakes development, Killykeen Forest Park, Co. Cavan and predicts that the site access junction will operate with 98% space capacity.
- 7.7.6. I am satisfied that in view of the scale of the development and the number of pitches provided, low levels of traffic will arise and I am also satisfied that it will not have any unacceptable impact on the efficient operation of the R165, where adequate visibility sightlines have been identified in both directions.

7.8. **Other Issue**

- 7.8.1. The Board will note that Department of Housing, Planning and Local Government made a submission on the application, advising of the requirement to undertake archaeological assessment. The recommendation is grounded in the scale of development proposed and the surrounding context.
- 7.8.2. There are a number of recorded monuments on Lough Ramor and there is potential for further finds on the site, which is in close proximity to a number of these sites. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to undertake an archaeological assessment of the site, prior to the commencement of construction work.

7.9. **Appropriate Assessment**

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.9.2. The applicant submitted a *Habitats Directive Screening Report* as part of the application, prepared by Whitehill Environmental. It provides a description of the proposed development, identifies European sites within a possible zone of influence and identifies potential impacts in relation to River Boyne and River Blackwater SAC and SPA sites.
- 7.9.3. Having reviewed the appeal documents provided and submissions, I am satisfied that there is adequate information in relation to the European sites to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Need for Stage 1 Appropriate Assessment Screening

- 7.9.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 7.9.5. The proposed development is not directly connected with or necessary to the management of a European site and accordingly is subject to the provisions of Article 6(3).

Brief Description of the Development

- 7.9.6. Section 3.1 of the Screening Report contains a description of the proposed development. The development is also summarised at Section 2 of this Report. In summary, permission is sought for the construction of a tourist campsite, including vehicular access and internal routes, single storey cabin, winter storage and

toilets/shower/laundry buildings, stables and sand arena, all-weather pitch and playground, on-site WWTP and associated site works. The development also includes 53 No. car parking spaces (Inc. 4 disabled spaces). Foul water is proposed to be treated within an on-site WWTP and infiltration bed. Surface water is proposed to drain via a mix of infiltration and attenuated discharge, to a drain adjacent to the west site boundary.

7.9.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, I consider the following potential impact mechanisms require examination:

- Disturbance of species of conservation interest within a European site.
- Impact of potential surface water discharges from the site during construction on water quality within a European site.
- Impact of foul and surface water discharges from the development during the operational phase on water quality within a European site.

Submissions and Observations

7.9.8. The submissions from the appellants, applicant and the Planning Authority are summarised as Section 6 of this Report.

European Sites

7.9.9. The Screening Report identifies the following European sites as falling within a 15km search zone: -

- River Boyne and River Blackwater SAC (Site Code 002299), c.6.2km south-east,
- River Boyne and River Blackwater SPA (Site Code 004232), c.6.2km south-east,
- Kilconny Bog SAC (Site Code 000006), c.10.3km south-east,
- Lough Sheelin SPA (Site Code 004065), c.10.4km west,
- Moneybeg and Clareisland Bog SAC (Site Code 002340), 13km south-west, and
- White Lough, Ben Lough and Lough Doo SAC (Site Code 001810), c.14.7km south-west.

7.9.10. Regarding each of Moneybeg and Clareisland Bog SAC, Kilconny Bog SAC, White Lough, Ben Lough and Lough Doo SAC and Lough Sheelin SPA, the Screening

Report states that there is no hydrological connectivity to the subject site and in view of the separation distance between sites, the possibility of significant effects can be excluded. I concur with the conclusions of the Screening Report for each of these sites and I am satisfied that the possibility of significant effects can be excluded.

European Site (Site Code)	List of Qualifying interest /Special conservation Interest
River Boyne and River Blackwater SPA (Site Code 004232)	<ul style="list-style-type: none"> • Kingfisher
River Boyne and River Blackwater SAC (Site Code 002299)	<ul style="list-style-type: none"> • Alkaline Fens, • Alluvial Forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>, • River Lamprey, • Salmon, • Otter.

7.9.11. In respect of Screening, the Screening Report concludes that: -

'In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

...

It is the opinion of the author that an AA of the proposed development is not required as significant effects upon all designated sites identified within 15km can be ruled out.'

Evaluation of potential effects

7.9.12. As has been outlined already, I consider that (1) disturbance of species of conservation interest within a European site, (2) impact of potential surface water discharges from the site during construction on water quality within a European site and (3) impact of foul and surface water discharges from the development during the operational phase on water quality within a European site require consideration.

7.9.13. Regarding the potential for disturbance of SCI, the subject site is distant from the European sites and is separated from it by the entire Lough Ramor waterbody.

Kingfisher are identified by Birdwatch Ireland species records as foraging on water and breeding in tunnels dug in the vertical banks of rivers and streams. The site does not provide foraging habitat for Kingfisher and is adequately set away from the primary foraging and breeding habitat, such that I am satisfied that the potential for significant effects can be excluded at this stage.

- 7.9.14. Regarding the potential for significant impacts arising from surface water discharges, a drain that routes alongside the west site boundary provides a direct route into Lough Ramor. The development requires construction in proximity to the drain and there is potential for suspended solids and/or pollutants to be discharged to the drain. The construction area is set back from the shore of Lough Ramor by a minimum of c.60m and any such discharge is likely to be contained within the drain. In the unlikely event of a discharge being transferred to Lough Ramor, it is unlikely to be transferred to the European sites.
- 7.9.15. Foul water is proposed to be treated in a tertiary treatment system and infiltration bed. I have previously expressed concern that the application has not adequately demonstrated that wastewater can be dealt with effectively on site and that, in this context, the development poses an unacceptable risk of environmental pollution. Inefficient treatment of foul water may lead to discharges entering the adjacent drain. The WWTP and infiltration bed are set back from the lakeshore by c.200m and it is likely that any such discharge is likely to be contained within the drain. In the unlikely event of a discharge being transferred to Lough Ramor, it is unlikely to be transferred to the European sites.
- 7.9.16. It is also relevant, for both the surface and foul water systems, that the European sites are separated by the entire Lough Ramor waterbody. This presents an effective barrier to pollutants being transferred from the subject site to the European sites, by reason of dilution.
- 7.9.17. In view of the above, I am satisfied that the development will not have a significant effect on qualifying interests within either European site and the issue can be excluded.
- 7.9.18. I am aware that Appendix 1 of the Screening Statement contains a series of ecological recommendations. The recommendations are stated to be not intended for the protection of a Natura 2000 site and are outside of the AA process. For

completeness, I am satisfied that none of the recommendations represents a response to an identified potential impact and I have not given consideration to or relied upon any of these recommendations in my assessment.

Screening Determination

7.9.19. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 004232 and 002299, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.9.20. This determination is based on the following: -

- The separation distance between the subject site and the European sites and the presence of a large waterbody, Lough Ramor, in the intervening area that will contain any potential discharges from the site containing pollutant material.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reasons and considerations set out hereunder.

9.0 Reasons and Considerations

1. Having regard to: -

- The nature of the proposed development, which will involve seasonal highs and lows of occupancy,
- The seasonal nature of the use of the proposed on-site wastewater treatment system, which includes the use of ferric sulphate as a means of reducing Phosphorus emissions from the site, and
- The shallow observed depth of the water table on the site,

The Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that effluent from the development can

be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a tertiary wastewater treatment system. The proposed development would therefore pose an unacceptable risk of environmental pollution and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry O'Donnell
Planning Inspector

2nd August 2023.