



An
Bord
Pleanála

Inspector's Report

ABP-316270-23

Development	Provision of 10 prefabricated glamping pods, conversion of existing shed to communal toilet facility, universal access toilet & shower room, with kitchen, diner, laundry & drying room and games room, 13 car parking bays, 16 bicycle stands and all associated works.
Location	Glebe, Cloondara, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	22290
Applicants	Raymond and Ann Brogan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Aileen Mollaghan, School Bord of Management
Date of Site Inspection	4 th September 2023
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located at Glebe, Cloondara, Co. Longford. The site is located at a bend in the Royal Canal, at the edge of the village. The site falls away slightly from a raised bank / towpath along the canal. A hedge along the canal bank forms the northern and western boundary. To the north and north-east a hedge and high steel mesh security fence, is the boundary to the primary school adjoining. To the east are the rear boundaries of adjoining residential properties along the local road. To the south there is the remainder of the field, of which the site forms part.
- 1.1.2. A large, barrel-roofed shed is located near the northern end of the site. Stone in the vicinity may be the remains of a former building. A gap in the boundary provides access from the canal bank, where a pedestrian access is proposed. On the local road, an access twinned with a separate dwelling access, is proposed to be modified to provide vehicular access to the site.
- 1.1.3. A short distance to the north east, the Royal Canal joins the Camlin River. Both are crossed by a pair of bridges on the street which forms the main axis of the village. A large stone building on the northern bank of the Camlin, formerly a distillery, has been converted to residential use (known as The Mill). Richmond Harbour, on the canal, is to the north, immediately south of the Camlin. The Camlin River joins the River Shannon about half a kilometre to the north west, upstream of the site.
- 1.1.4. Dressed stone is a characteristic building material of older structures in the area, including boundary walls, retaining walls, structures associated with the river and canal, and important buildings. Former quarries are located in the vicinity.
- 1.1.5. The site is given as 0.6597ha.

2.0 Proposed Development

- 2.1.1. The proposed development is described in the notices as comprising the following:
 - 1. Provision of 10 No. prefabricated glamping pods.
 - 2. Conversion of existing shed to communal toilet facility, universal access toilet & shower room, with kitchen, diner, laundry & drying room at ground level and the provision of a first floor to the existing shed for use as a games room.
 - 3. Provision of 13 No. car parking bays.

4. Provision of 16 No. bicycle stands.
5. Provision of service road and footpaths including alterations to the existing vehicle entrance on to the local road L1162, and provision of a pedestrian entrance via existing entrance gate way on to canal path, including all associated ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decision, dated 23rd March 2023, was to grant permission, subject to 18 conditions, including:
 - 2) site reinstatement if the proposed accommodation becomes unused; 3) for short-term tourist accommodation only; 4) requirements of Inland Fisheries Ireland to be ascertained and complied with; 5) road licences, drainage etc; 6) Environmental Health Officer requirements to be ascertained; 7) Irish Water; 8) landscaping; 14 undergrounding of cables; and 18 development charge.
- 3.1.2. The application was accompanied by 12 drawings including drawing no. A103-SL which shows spot levels throughout the site and adjoining. Levels within the site are from +38.830m upwards.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. There are two planning reports on the file. The first, dated 14th February 2022, recommending further information, which issued, includes:
 - Noting the existing corrugated iron shed and ruinous cottage on the site.
- 3.2.3. Other Technical Reports
- 3.2.4. Roads Design, 1st February 2023 – further information.
- 3.2.5. HSE, 31st January 2023 – conditions.
- 3.2.6. A further information request, on 4 points issued, 15th February 2022, which includes:
 - Per Roads Design.

- Not zoned.
- Justify positioning in the north of the site.
- Re. submission from the school.

3.2.7. A further information response was received 2nd March 2023, including:

Letter of response from T&R Designs, Consulting Engineers,
Revised Drawing of proposed entrance.

3.3. Further Reports

3.3.1. Roads Design, 6th March 2023, conditions.

3.3.2. The second planning report, dated 23rd March 2023, recommending permission, which issued, includes:

Satisfied with responses.

3.4. Prescribed Bodies

3.4.1. Uisce Éireann, 12th March 2023 – conditions.

3.5. Third Party Observations

3.5.1. Third party observations on the file have been read and noted. Issues raised include: impact on the school: land for expansion of the school, increase in traffic in the vicinity of the school; child protection and overlooking of school grounds and classroom; potential for unauthorised access to school grounds; noise; possible use for accommodating refugees or homeless persons.

4.0 Planning History

21-362 – planning permission refused for the conversion of the existing building to a one bedroom cottage, 2 x 1 bedroom detached single storey lodges, 2 x 2 bedroom semi-detached 2 storey lodges, 3 x 1 bed glamping pods with ensuite toilet, 5 x 1 bed glamping pods, 13 campervan parking bays, conversion of existing shed to communal toilet facility, universal access toilet & shower room, with kitchen, diner, laundry & drying room at ground level with the provision of first floor to existing shed for games room overhead, 13 car parking spaces, 16 bicycle stands, PV panels on

the roof of the communal building, service road and services. Reasons for refusal: 1) policy; 2) wastewater; 3) design and layout; 4) environmental impacts; and 5) inadequacy of watermain.

18-308 application withdrawn for 14 dwellings.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Longford County Development Plan 2021-2027 is the operative plan; relevant provisions include:

Section 16.4.19 refers to tourism and recreation stating that the Council is keen to promote and encourage sustainable forms of tourism, niche tourism and recreation in the countryside, in appropriate locations; and recognises that certain facilities may be required in order to enhance, grow and develop the tourism product and offer.

Development management issues that should be considered include:

Adherence to Landscape Protection Development Policies.

Sympathetic relation to the scale and level of activity in the locality.

Avoidance of traffic hazard.

Protection of groundwater sources.

Protection of residential amenities.

Cognisance of environmental, archaeological and historical considerations.

Fáilte Ireland marketing brand 'Ireland's Hidden Heartlands', referred to at paragraph 10.4.9, includes a plan: 'The Shannon, Mighty River of Ireland, A Tourism Masterplan for the Shannon 2020 – 2030,' in which Longford is identified as part of 'Discovery Zone 2; Mid Shannon': an area stretching from Clondra in the north to Portumna in the south of the region.

5.2. Natural Heritage Designations

- 5.2.1. Ballykenny - Fisherstown Bog SPA site code 004101, and Lough Forbes Complex SAC site code 001818, c600m straight line distance to the north, are the nearest Natura sites.

- 5.2.2. Lough Ree SAC, site code 000440, and Lough Ree SPA, site code 004064, are c5km downstream.

5.3. EIA Screening

- 5.3.1. The site is serviced land at the edge of a settlement in a location with no notable sensitivities.
- 5.3.2. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Liam Madden agent has submitted the appeal on behalf of the appellant. The grounds include:
- The site includes a stone building, not within any of the folio maps supplied by the applicant. The shed is on Royal Canal (Waterways Ireland) lands, recorded in the Registry of Deeds. The applicant has not demonstrated sufficient legal interest in this part of the site.
 - A letter of consent from Waterways Ireland on the file refers only to the agreement in principle to grant a licence to lay a sewer, and a licence to pass and re-pass over part of the canal embankment.
 - Mr Madden viewed this area c 25 years ago, when he took photos of flooding at The Mill nearby. Flood waters were flowing into the lowest level windows in The Mill.
 - The submitted drawings record the Royal Canal water surface level as c39.62m. The invert level of the proposed manhole ranges from 39.37m to 38m (existing MH IL). The drain is below Royal Canal water level.

- The national flood maps confirm that the surrounding lands are prone to flooding. A Flood Risk Assessment should have been prepared.
- The site was within the village development in the expired (2015-2021) plan. It is now agricultural. There can be no justification for change to commercial.
- Re. CPO 10.8, to promote increased access to state and semi-state lands such as Bord na Móna Bogs, Coillte Forests, Waterways, etc., together with monuments and historic properties, for recreation and tourism purposes. This is not state lands.
- It is irrelevant that 10.5.2 promotes tourism. It must accord with the current zoning. The zoning was changed after public consultation.

6.2. Applicant Response

6.2.1. Tony McManus, agent, has submitted a response to the grounds of appeal on behalf of the applicants. The response includes:

- Applicant has used the building as a cattle crush for 20 years and the previous owner used it for 50 years, as did his father before him. The two existing entrances on the canal side, are to the right and left of this building. Scoil Mhuire are aware of the ownership. The applicant removed the roof of the building at their request, to make the building safe. The property has not been registered but this can be done in due course. Waterways Ireland is not the owner and written consent is not required.
- The Mill development is c 200m from the site, beside the Camlin River not the Royal Canal. Flood Risk is identified in relation to The Mill, but not this site. Lagan Consultants Flood report, which was completed on a previous proposed housing development, is provided.
- All foul sewer drains will be to Irish Water specifications and fully sealed.
- Longford County Council recognise the dearth of tourist facilities and encouraged the applicant to provide tourist related facilities for the area.
- The Langan report includes:
 - Canal bank levels range between +39.79 mOD to +40.30 mOD in the vicinity of the site. The water level in the canal on the date of the survey

was +39.62mOD. Some minor remedial works were noted to the bank on the western side of the canal.

- Water levels on the canal are controlled by a series of lock gates. A lock (no. 1) is located approx. 0.4km upstream (south). The level of the wall and lock gate are +43.08mOD and +42.63mOD respectively. A second lock (no. 2) is located approx. 0.5km downstream (north). The level of the wall and lock gate are +40.34mOD and +39.93mOD respectively. The water level at the time of inspection (breaching the lock gate) was approximately +39.73mOD. A third lock (no. 3) located approx. 1.3km north-west in Termonbarry, controls the water level in the River Shannon locally. The level of the wall, lock gate and water level are +38.93mOD, +39.15mOD and +37.43mOD respectively.
- There is no history of past flooding at the site.
- Catchment Flood Risk Assessment and Management Area for Further Assessment, data are given in table 3.1 for 1:10 years (+37.31), 1:100 years (+37.67) and 1:1000 years (+37.99). The site is within flood zone C. The estimated design flood level for structures is +38.80mOD and for access / egress is +38.99mOD.
- There is a residual risk at the proposed site inherent in the design and maintenance of the drainage network in the vicinity of the site.
- It is assumed that in the event that the canal embankments in the vicinity of the site failed, the maximum volume of canal water that could potentially drain out is the 1.5km canal section between adjacent locks. It is envisaged that these waters would drain positively towards the Shannon via the adjacent watercourse and associated culvert. It is assumed that if a failure occurred in the mechanisms of the adjacent canal locks, the worst case scenario would be if the downstream lock failed to open. The top of the lock gate is +39.93mOD, this would become the downstream boundary condition.

6.3. Further Responses

6.3.1. Liam Madden has responded, on behalf of the appellant, to the applicant's response to the grounds of appeal. The response includes:

- The appellant reiterates the assertion that title to part of the land is not clear. The claim of possessory title requires a grounding affidavit. The ability to do so is questioned since the land is not fenced off. Case law is referred to.
- Not being the registered owners, they have not demonstrated sufficient interest.
- Referring to the withdrawn application, the response refers to red and blue line application boundaries, flood risk, and material contravention.

7.0 Assessment

7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, flood risk, the impact on the school, and ownership, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. 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.

7.2.2. To facilitate the Board in carrying out this function the applicant has submitted a Screening Report and a Natura Impact Statement.

7.3. NIS

7.3.1. The NIS Screening Report was prepared by ByrneLooby consultants.

7.3.2. The screening report identifies sites with potential for impact, and the qualifying interest/special conservation interest species (QI/SCI) for these sites as set out in the following table:

European Site	Site Code	Relevant QI & SCI	Distance
Ballykenny - Fisherstown Bog SPA	004101	Greenland White-fronted Goose	600m straight line distance and upstream. The last record of Greenland White-fronted Goose was in 1990/91. No physical or hydrological connection.
Corbo Bog SAC	002349	Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporio	C12km straight line distance and upstream
Fortwilliam Turlough Lough SAC	000448	Turlough	C13km straight line distance. No physical or hydrological connection.
Mount Jessop Bog SAC	002202	Degraded raised bogs still capable of natural regeneration Bog woodland	C18.5m straight line distance. No physical or hydrological connection.
Brown Bog SAC	002346	Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion	C3.5m straight line distance. No physical or hydrological connection.
Lough Forbes Complex SAC	001818	Natural eutrophic lakes Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion	600m straight line distance and upstream. No direct physical or hydrological connection.

		Alluvial forests	
Lough Ree SAC	000440	<p>Natural eutrophic lakes</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</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>	c5km downstream
Lough Ree SPA	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>	c5km downstream.

7.3.27. I am satisfied that these are the only protected sites which require to be considered and that no other sites are likely to be affected by the proposed development.

- 7.3.28. Based on the nature of the site and the proposed development and on lack of connectivity, other than Lough Ree SPA/SAC, no further consideration of the remaining sites is required.
- 7.3.29. The screening report considers the potential for impact on the qualifying interest/special conservation interest species of Lough Ree SPA/SAC, stating the possibility of impact on some of the habitats and on all of the species of the SPA.
- 7.3.30. Cumulative and in-combination effects are considered in relation to a proposed development of 8 houses and a 40 berth marina in Cloondara in the vicinity of the project. It is not foreseen that these developments will significantly interact with each other, resulting in negative impacts on surrounding areas.
- 7.4. The Natura Impact Statement was prepared by ByrneLooby consultants.
- 7.4.1. It considers that the mobilisation of sediment from the development site and the release of contaminants, are potential impacts on habitats and species.
- 7.4.2. The species of the SPA (listed in table 6.3 of the document) are waterbirds associated with the habitats that are designated under Lough Ree SAC. The NIS considers it likely that they may all be found within the zone of influence of the proposed development site. This is considered further for each species in table 6.4 of the document: impact on water quality and thereby direct ingestion or impact on prey species, being potential impacts.
- 7.4.3. Mitigation for the likely potential impacts: release of sediment from the site during construction via surface water run-off; and release of water-borne contaminants (e.g. oils/petrochemicals) from the site during construction, are set out in section 7 of the report. Measures to protect against the spread of invasive species are also set out. The report considers that these measures, together with the maintenance of the buffer strip which exists between the site and the Royal Canal, will remove the possibility of the SPA / SAC being significantly impacted.
- 7.5. Assessment of Potential Effects on Protected Sites
- 7.5.1. The proposed development has been described in paragraph 1.1.1 of this report.
- 7.6. Effects of Construction
- 7.6.1. During construction there is the potential for indirect adverse effects on protected downstream sites, their habitats and species.

7.6.2. Mitigation measures set out are:

- Avoidance of working during very wet weather to minimise the occurrence of sediment mobilization.
- Any widening or diversion of drains to be done in dry weather to minimise the occurrence of sediment mobilization.
- Retention of eroded sediments close to watercourses, with erosion and sediment control structures, including the use of biodegradable matting over exposed soil within 5m of channels where necessary.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site, as well as any solvents and oils, should be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment.
- Fuelling and lubrication of equipment not to be carried out within 10m of watercourses; and only in designated, bunded areas.
- Any accidental spillages to be immediately contained and contaminated soil removed to an authorised facility.
- Waste oils and hydraulic fluids to be collected in leak-proof containers and removed from the site for delivery to an appropriately authorised waste facility.
- Raw or uncured waste concrete not to be disposed of within 15m of watercourses.
- Wash down water from exposed aggregate surfaces, cast-in-place concrete and from concrete trucks to be trapped on-site in a dedicated area, to allow sediment to settle out and reach neutral pH before clarified water is allowed to percolate into the ground.
- Temporary portable toilet facilities are to be provided for staff during the construction period. These units would be maintained regularly, and the waste disposed of by an appropriate contractor.
- While no invasive species have been found onsite, all excavation / access areas are to be pre-checked for invasive species.

- If any invasive species are found in the pre-check, the infested areas are to be fenced off and appropriate warning signage erected.
- No machinery is to enter these fenced-off locations, unless instructed by the client or his representatives and appropriate management measures are put in place.

7.6.3. In my opinion, in addition to these measures, prior to commencement measures should be set out for the written agreement of the planning authority, to protect against the importation of invasive species during construction. Since these measures are standard, predictable measures, it can be anticipated they will ensure the protection of the site against importation of invasive species during construction.

7.6.4. With the implementation of construction mitigation measures no effects are likely to arise as a result of the construction of the proposed development.

7.6.5. Subject to the foregoing mitigation measures no in-combination effects with other projects are likely.

7.7. Effects of Operation

7.7.1. The proposed development will be connected to the mains sewer for the disposal of foul sewage. Uisce Éireann / Irish Water have confirmed that connection to the wastewater system is feasible without upgrade.

7.7.2. The discharge of surface water to ground, via an oil/petrol interceptor to a soakpit on site, has been deemed acceptable by the planning authority.

7.7.3. In my opinion no operational effects are likely to arise as a result of the operation of the proposed development.

7.8. Conclusion

7.8.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

7.8.2. Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on European sites: Lough Ree SPA (site code 004064) and Lough Ree SAC (site code 000440). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

- 7.8.3. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 004064, or 000440, or any other European site, in view of the sites' Conservation Objectives.
- 7.8.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

7.9. Principle of Development

- 7.9.1. Part of the grounds of appeal is that the site was within the village development in the expired (2015-2021) plan, it is now agricultural, and there can be no justification for change to commercial.
- 7.9.2. The applicant has responded that Longford County Council recognise the dearth of tourist facilities and encouraged the applicant to provide tourist related facilities for the area.
- 7.9.3. The site is outside the development area of Clondra and is not zoned. The Longford County Development Plan 2021-2027 provides for tourism development in rural areas.
- 7.9.4. General tourism development policy objectives are set out in CPO 10.1 to 10.16. The proposed development accords with these objectives and in particular CPO.3:

Utilise the County's natural and heritage resources to foster the development of tourism in a sustainable manner which complements the scale, quality and unique features of the location and the County. Protecting and enhancing these sensitive resources shall be the primary aim of any tourism development.

- 7.9.5. In my opinion the proposed development is acceptable in principle.

7.10. Flood Risk

- 7.10.1. The grounds of appeal states that the site is at risk of flooding, that the submitted drawings record the Royal Canal water surface level as c39.62m, the invert level of the proposed manhole ranges from 39.37m to 38m (existing MH IL) and the drain is below Royal Canal water level. It states that the national flood maps confirm that the

surrounding lands are prone to flooding and a Flood Risk Assessment should have been prepared.

7.10.2. The applicant has responded that:

- Foul sewer drains will be to Irish Water specifications and fully sealed.
- A copy of a flood risk assessment report by Langan Consulting Engineers is attached to and referred to in the response.
- The Langan report includes:
 - Canal bank levels range between +39.79 mOD to +40.30 mOD in the vicinity of the site. The water level in the canal on the date of the survey was +39.62mOD. Some minor remedial works were noted to the bank on the western side of the canal.
 - Water levels on the canal are controlled by a series of lock gates. A lock (no 1) is located approx. 0.4km upstream (south). The level of the wall and lock gate are +43.08mOD and +42.63mOD respectively. A second lock (no 2) is located approx. 0.5km downstream (north). The level of the wall and lock gate are +40.34mOD and +39.93mOD respectively. The water level at the time of inspection (breaching the lock gate) was approximately +39.73mOD. A third lock (no 3) is located approx. 1.3km north-west in Termonbarry controls the water level in the River Shannon locally. The level of the wall, lock gate and water level are +38.93mOD, +39.15mOD and +37.43mOD respectively.
 - There is no history of past flooding at the site.
 - Catchment Flood Risk Assessment and Management Area for Further Assessment data are given in table 3.1 for 1:10 years (+37.31), 1:100 years (+37.67) and 1:1000 years (+37.99). The site is within flood zone C. The estimated design flood level for structures is +38.80mOD and for access / egress is +38.99mOD.
 - There is a residual risk at the proposed site inherent in the design and maintenance of the drainage network in the vicinity of the site.
 - It is assumed that in the event that the canal embankments in the vicinity of the site failed, the maximum volume of canal water that could potentially

drain out is the 1.5km canal section between adjacent locks. It is envisaged that these waters would drain positively towards the Shannon via the adjacent watercourse and associated culvert. It is assumed that if a failure occurred in the mechanisms of the adjacent canal locks, the worst case scenario would be if the downstream locked failed to open. The top of the lock gate is +39.93mOD, this would become the downstream boundary condition.

- 7.10.3. The flood mapping for the area is reflected in the development plan maps for Clondra in which the subject site is shown not to be impacted by flood risk. The Langan report outlines the complex nature of risk having regard to the watercourses in the area. The risk posed by the canal, which has a water level higher than the site, is not unlike extensive lengths of the Royal and Grand Canals, which include sections in proximity to development in both urban and rural areas.
- 7.10.4. In my opinion flood risk should not be a reason to refuse or modify the proposed development.

7.11. Impact on the School

- 7.11.1. The School Bord of Management have appealed the decision to grant permission. The grounds of appeal have been outlined earlier. Additional issues were raised in their submission to the planning authority, including child protection and overlooking, unauthorised access to school grounds, and noise and traffic in the vicinity of the school.
- 7.11.2. The school grounds is currently overlooked from the path along the canal and no significant additional overlooking will occur. The school grounds is securely fenced such that unauthorised access should not be of concern. No significant volumes of traffic are likely to be generated by the operation of the proposed development and therefore traffic in the vicinity of the school is unlikely to be an issue. Any impacts from construction noise and traffic will be temporary and limited having regard to the small scale of the proposed works. The impact on the school should not be a reason to refuse or modify the proposed development.

7.12. Ownership

- 7.12.1. The grounds of appeal states that the site includes a stone building, not within any of the folio maps supplied by the applicant. The shed is on Royal Canal (Waterways Ireland) lands, recorded in the Registry of Deeds. The applicant has not demonstrated sufficient legal interest in this part of the site.
- 7.12.2. In the observation to the planning authority the school representatives raised the issue of land for expansion of the school.
- 7.12.3. The response to the grounds of appeal includes that the applicant has used the building as a cattle crush for 20 years and the previous owner used it for 50 years, as did his father before him. Scoil Mhuire are aware of the ownership. The applicant removed the roof of the building at their request, to make the building safe. The property has not been registered but this can be done in due course. Waterways Ireland is not the owner and written consent is not required.
- 7.12.4. In a further response the appellant states that the claim of possessory title requires a grounding affidavit, and the ability to do so is questioned since the land is not fenced off.
- 7.12.5. The Board has no function in determining ownership. Section 34(13) of the Planning and Development Act 2000 as amended applies¹.
- 7.12.6. Ownership should not be a reason to refuse or modify the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the proposed development be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed tourist accommodation would adjoin the settlement of Clondra, a developing tourist centre, and would also adjoin the Royal Canal, an important recreational asset for the county and region; and would comprise a sustainable form

¹ Section 34(13) 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

of tourism which would enhance the tourism product and offer. The proposed development, which is provided with piped water and wastewater services, would not impact adversely on the natural heritage of the area and, subject to the following conditions, would not unduly impact on the amenities of the area. The proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 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 2nd day of March 2023, 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>Reason: In the interest of clarity.</p>
2.	<p>If all of the proposed structures become un-used for a period in excess of one year they shall be removed from the site and the site shall be reinstated to agricultural use.</p> <p>Reason: In the interest of clarity, having regard to the temporary nature of the proposed structures.</p>
3.	<p>The proposed development shall be used for short term residential use only and no unit shall be let for a period in excess of one month.</p> <p>Reason: In the interest of clarity, having regard to the nature of the proposed development and its unsuitability for long term residential use.</p>

4.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of clarity and orderly development.</p>
6.	<p>Prior to commencement of development, measures to protect against the importation of invasive species during construction, shall be submitted in writing, for the written agreement of the planning authority.</p> <p>Reason: To protect the natural environment.</p>
7.	<p>The existing gateway entrance to the site from the Royal Canal bank shall not be used by vehicular traffic accessing the site.</p> <p>Reason: In the interest of clarity and orderly development.</p>
8.	<p>Prior to commencement of development, a landscaping scheme incorporating locally occurring species, including screening to the rear of residential properties, shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of clarity and orderly development.</p>
9.	<p>Details of on-site refuse storage facilities, and arrangements for off-site disposal, for both the construction phase and the operational phase shall be submitted for the written agreement of the planning authority, prior to the commencement of development.</p> <p>Reason: In the interest of clarity and public health.</p>

10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>Noise due to the normal operation of the development shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more or exceed NG4 limits whichever is lesser.</p> <p>Daytime (07:00 to 19:00 hrs) – 55dB LAr,T Evening (19:00 to 23:00 hrs) – 50dB LAr,T Night-time (23:00 to 07:00 hrs) – 45dB LAeq,T (As measured from nearest noise sensitive location/s).</p> <p>Reason: In the interest of clarity and orderly development.</p>
12.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>Proposals for any required directional signage shall be submitted for the prior written agreement of the planning authority. No advertising signage shall be erected on the site.</p> <p>Reason: In the interest of clarity and visual amenity.</p>
14.	<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</p>

	<p>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>Reason: 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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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.

Planning Inspector

3rd October 2023

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027. extracts

Appendix 3 Site Synopses