



An
Bord
Pleanála

Inspector's Report ABP- 317258-23

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| Development | (i) Amend the design of glamping pods and toilet block; (ii) amend site layout of permission granted under Reg. Ref P21-900. |
| Location | Lackenbaun, Killaloe, Co Clare. |
| Planning Authority | Clare County Council |
| Planning Authority Reg. Ref. | 22-818 |
| Applicant(s) | Patricia and Elaine Scanlon |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellant(s) | Cathal White. |
| Observer(s) | None. |
| Date of Site Inspection | 5 th December 2023. |
| Inspector | Ann Bogan. |

1.0 Site Location and Description

- 1.1. The proposed development is located in a rural area approximately 120m from the small settlement of Gaurraunboy and 1.7km from Killaloe, Co Clare. The site forms part of a large field currently in pasture and a wooded area to the south-east. The land slopes downhill from the public road towards the site of the proposed development.
- 1.2. The proposed glamping facility will be located within and adjacent to the wooded area, which consists mainly of semi-mature oak trees. The wood is at a higher level than the adjoining clearing, which is beside the River Ballyteigue, which runs along the eastern boundary of the site.

2.0 Proposed Development

- 2.1. The development consists of amendments to the permission granted for a glamping facility consisting of six glamping pods and a toilet block, under a previous permission granted by Clare County Council in 2022, under Planning Ref P21-900. The changes consist of:
 - Amend the design of the glamping pods and toilet block
 - Amend the site layout
- 2.2. The floor area and overall appearance of the toilet block/services building will remain as before. The permitted block consisted of two toilet/shower areas and a store, while the amended block will consist of one toilet /shower area, a communal kitchen and a store. The pods will be increased in size (by 6.8sqm for the two bed pods, and 5.5sqm for the one bed pods) to incorporate a toilet/shower room. The proportion of one and two bed pods will remain the same.
- 2.3. The changes to the site layout involve the relocation of 2 of the pods closer to the services building. The other 4 pods remain in the wooded area but two are in slightly different locations.
- 2.4. An Appropriate Assessment Screening Report on the proposed amendments was submitted to the Planning Authority, on foot of a request for further information.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted for the proposed amendments on 10th May 2023, subject to two conditions.

Condition 1(c) included a requirement that the permission is subject to the terms of the governing permission.

Condition 2 required that the mitigation measures set out in the Natura Impact Statement for the governing permission shall be implemented in full throughout the construction phase of the project.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer in report of 7th November 2022 did not object to the principle of altering the design and layout but recommended that further information be requesting requiring an Appropriate Assessment Screening Report to be submitted, due to the proximity of the site to the Ballyteighue river which has direct hydrological connectivity to the Lower Shannon Special Area of Conservation (SAC) and the need to assess the proposed amendments in terms of potential impact on the SAC.

Her report of 3rd May 2023, having examined the submitted AA screening report, concluded that the proposed changes will not result in a significant effect on any European site and recommended a grant of permission for the proposed amendments. The recommendation formed the basis for the Planning Authority decision.

3.2.2. Other Technical Reports

Area Engineer: recommended condition re surface water drainage and further information on sight distances.

3.3. Third party observations

One submission (from the appellant) was received, which argued that an updated NIS should be submitted as one was required for the original application, that the proposed changes of site layout are dramatic and therefore the application requires a thorough assessment, and the site is not considered suitable for glamping.

4.0 Planning History

P21/900 Permission granted for six glamping pods, toilet block, car parking area, vehicular access, wastewater treatment plant, and ancillary site works. Note that a revised layout drawing received on 14th April 2022 represents the permitted layout.

5.0 Policy and Context

5.1. Clare County Development Plan 2023-2029

Policy in relation to tourist accommodation, including specific reference to glamping pods in (c), is outlined below:

Visitor Accommodation CDP 9.5 *It is an objective of Clare County Council:*

- a) To promote, encourage and facilitate the provision of new visitor accommodation and the expansion/upgrade of existing hotels, guesthouses, B&Bs and other tourist accommodation at appropriate locations throughout the County, particularly in areas with existing services;*
- b) To support the redevelopment of brownfield sites, both in settlements and in rural areas, for the provision of tourist accommodation; and*
- c) To support the development of new camping and glamping facilities and facilities for campervans/motor homes/touring caravans both within settlements and in rural locations at a variety of locations across the County. Sites in rural locations should be located in close proximity to, and have good connectivity to, existing tourism assets.*

(d) To support the development of overnight accommodation in the County ensuring existing visitor attractions deliver, as far as practicable, the aims of 'Our Rural Future: Rural Development Policy 2014-2022' and the 'Town Centre First Policy'.

The site is within an area designated as a 'Settled Landscape' in the County Development Plan, to which the following objectives apply:

Development Plan Objective: Settled Landscapes CDP14.2: *It is an objective of Clare County Council to permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:*

- I. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
- II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;*
- III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.*

Developments in these areas will be required to demonstrate:

- a) That the site has been selected to avoid visual prominence*
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.*
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.*

5.2. Natural Heritage Designations

Lower Shannon Special Area of Conservation – 1.33km.

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5.3. EIA Screening

- 5.4. Having regard to the nature and modest scale of the proposed development, and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- A Natura Impact Statement should be provided to fully assess the application. A NIS was required for the previous application and there is no evidence that onsite conditions, such as extent of Japanese Knotweed, have not changed in the year since the last grant of planning permission.
- There has been no cumulative impact considered in respect of a designated site in the Lower River Shannon SAC where it is acknowledged that there is a pathway from the designated site via the Ballyteigue river. The AA screening process is therefore flawed.
- There are some significant changes to the development and two pods have been relocated closer to a drain located site of the site and one is closer to the proposed percolation area. This has not been addressed in the Planning Officers assessment of the application.
- I have concerns about the impact of this change on the Ballyteighue River and consequently on the Lower Shannon SAC.
- Precautionary principle should apply and permission should be refused.

6.2. Applicant Response

Response to the appeal received from agent on behalf of the applicant:

- The main elements of the project, the glamping pods, toilet block, wastewater treatment plant and access road have already been subject to Natura Impact Statement under parent permission (Ref 21-900).

- The AA Screening Report prepared for this application was on basis of proposed amendments. No increase in number of bedrooms in each pod and no change to wastewater treatment plant.
- Nearest glamping pod was 28.75m from the river under previous application and is 26.24m from the river in current application.
- Glamping pods are still located outside the designated flood zones.
- Refers to local authority planners report stating that 'The Planning Authority as the competent authority in the appropriate assessment process concurs with the findings of the screening report' and the finding that 'the permission will not result in a significant effect on any European site'.
- Appeal refers to one of the pods being only 3m from a drain. Response states only 1 pod is now 3m from the drain, whereas previously three of the pods were 3m from the drain. The pods are 16m from percolation area south of the drain, which is in accordance with EPA Code of Practice.
- Japanese Knotweed (located outside site boundary, by the river) is unlikely to have spread to other locations as the field is not being grazed and spread is frequently by animals. Knotweed will not be eradicated until treated as required by condition of existing planning permission.
- Has checked planning history and as no other planning permissions have been granted within 500m of the site since initial NIS was prepared, there is no potential for significant in combinations effects as consequence of proposed development.

6.3. Planning Authority Response

- Planning Authority are satisfied issues raised in the appeal have been addressed in the planning report and has no further comments.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having considered the documentation submitted with the application and with the appeal, the response of the applicant to the appeal, the relevant policies of the Development Plan and having visited the site, I consider the main issues to be assessed are:

- Principle of the development
- Layout and design
- Flood Risk
- Appropriate Assessment

7.2. Principle of the Development

7.2.1. The proposed development is for the same site and incorporates the same elements as the previous permission granted on the site (21/900). There are the same number of glamping pods, the area of the service building remains unchanged and the wastewater treatment proposals and access route are unchanged. The proposed changes relate to some changes to site layout and to the design of the glamping pods. A new County Development Plan 2023-2029 has been adopted since the grant of the previous permission but there have not been significant changes in policy relating to the proposed development. I am satisfied that the changes proposed are amendments to the previous permission and the principle of the development is acceptable, subject to assessment of the other issues listed.

7.3. Layout and design

7.3.1. The overall design of the buildings in terms of materials and form remains unchanged from previously permitted. The services building has not increased in shape or size but now accommodates a communal kitchen, a store and fewer toilets.

- 7.3.2. As outlined in 2.2 above, the glamping pods have been increased in size to accommodate a toilet /shower in each unit but the changes are relatively minor. The finishes and design are largely as they were and are considered acceptable.
- 7.3.3. The layout permitted in the original permission had six glamping pods in the woodland. The current application proposes to relocate two of the two-bed units from the woodland to the vicinity of the services building. This will increase the possibility of them being visible from the public road. However, they have a lower profile and are smaller in scale than the services building and will be approximately 90m from the road, where an existing roadside sod and stone ditch provides some screening. The backdrop of the woodland will also help integrate the pods into the landscape. Furthermore, reducing the number of pods in the woodland will result in less impact on the woodland itself. The drawings indicate some tree planting in the vicinity of the services building and the car park. I would recommend a condition requiring a detailed landscaping plan to provide additional screening to minimise the visual impact of the pods and other buildings from the road and nearby village. Subject to provision of additional screen planting, I am satisfied that the proposed relocation of the two units will not have a negative visual impact on the landscape of the area.
- 7.3.4. Of the four remaining units in the woodland, two are in the same position as permitted previously, one has been moved marginally westwards by about 2.5 m and the fourth, which is a one bed unit, has been moved to the previous position of a two-bed unit, which itself has been moved to the vicinity of the services building.
- 7.3.5. These changes result in two units being moved further from the drain on the south-west of the site and one unit moving circa 2 metres closer to the river, but still 26m from it. None of the pods are closer to the percolation area. The relocations are minor and I believe will not have an additional visual or other impact on the area, from that already permitted.

7.4. Flood Risk

- 7.4.1. The eastern part of the site, close to the river, is identified as being within Flood Zone A in the Development Plan. The original permitted layout ensured that no buildings, pathways or services were located within the flood risk zone. Following the modifications proposed in the current application the proposed development will continue to be outside the area identified as being at risk of flooding.

7.5. Appropriate Assessment Screening

- 7.5.1. An Appropriate Assessment Screening report was prepared for the current application on foot of a further information request. It states that there would be no potential for a significant impact on the qualifying interests/ special conservation of the Lower Shannon SAC during both the construction or operational stages of the proposed development. The risks to the SAC are no different to risks already identified previously in the NIS submitted under Planning Reg ref P21-900.
- 7.5.2. I concur with the conclusion of the AA Screening report and the finding of the Planning Authority, that a Stage 2 Appropriate Assessment is not required for the proposed development. Subject to the mitigation measures set out in the NIS prepared for the original permission, it can be concluded that the proposed amendments to said permission, individually or in combination with other plans or projects, will not have a significant effect on any European site.

8.0 Recommendation

- 8.1. Grant of permission is recommended, subject to conditions.

9.0 Reasons and Considerations

Having regard to the nature of the proposed amendments, the previous permission granted on the site, and the policies of the Clare County Development Plan 2023-2029, it is considered that subject to the conditions below, the proposed development would not detract from the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further particulars submitted on the 22nd 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 |
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| | <p>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>The planning permission relates to amendments to the development previously granted permission by the Planning Authority under planning reference No. P21/900 and shall expire on the expiry date of said planning permission which is 13th July 2027.</p> <p>Reason: In the interest of clarity.</p> |
| 3. | <p>This permission is subject to the terms and conditions of the governing permission, planning reference No. P21/900, save as may be required by this permission.</p> <p>Reason: In the interest of clarity</p> |
| 4. | <p>The mitigation measures set out in the Natura Impact Statement associated with permission P21/900 received by the Planning Authority on 14 April 2022 shall be implemented in full throughout the construction phase of the development</p> <p>Reason: To prevent pollution and protect the natural heritage of the area. the interest of visual amenity.</p> |
| 5. | <p>A landscaping plan shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. It shall include the planting of indigenous trees and shrubs to help screen the services area/parking area and pods when viewed from the nearby road and village,</p> <p>Reason: To integrate the development into the landscape and protect the visual amenities of the area.</p> |

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.

Ann Bogan
Planning Inspector

12th December 2023