



An
Bord
Pleanála

Inspector's Report ABP-317258-23A

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|-------------------------------------|---|
| Development | (i) Amend the design of the glamping pods and toilet block and (ii) amend the site layout of planning permission as granted under planning reg. ref. P21-900. |
| Location | Lackenbaun, Killaloe, Co. Clare. |
| Planning Authority | Clare County Council |
| Planning Authority Reg. Ref. | 22-818 |
| Applicant(s) | Patrick and Elaine Scanlon |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party v. Grant |
| Appellant(s) | Cathal White. |
| Observer(s) | None. |
| Inspector | Susan McHugh. |

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-317258-23 dated 12th December 2023.
- 1.2. On 28/02/2024 the board decided to issue a Section 132 notice to the applicant regarding the following;

'Further detail to be provided regarding proposed changes to the waste water treatment system to service the amended design, which is the subject of this application. To include a toilet/shower room in each glamping pod. This should include site layout drawings showing all elements of the proposed waste water treatment system, details on proposed functionality of the proposed waste water treatment system and commentary in respect of the Natura Impact Statement provided with the original application (planning authority reference P21-900).'
- 1.3. A period of 3 weeks (on or before 27/03/2024) was allowed for circulation of responses to all parties and return to the Board for further consideration.
- 1.4. On 11/04/2024 the board decided to issue a Section 131 notice requesting the applicants response (received on 27/03/2024) with revised plans be circulated to all parties.
- 1.5. A response was received from the planning authority on 30/04/2024.
- 1.6. On 16/05/2024 the board decided to request an addendum report from the Inspector, to consider the additional information received from the applicant and the planning authority.
- 1.7. This report considers the additional information received by the Board on foot of the request for an addendum report.

2.0 Planning and EPA Guidelines

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities Department of Environment, Heritage and Local Government (DEHLG) 2009.

- Waste Water Treatment Manual - Treatment Systems for Small Communities, Businesses, Leisure Centres and Hotels, EPA 1999¹.
- Code of Practice for Domestic Waste Water treatment Systems Environmental Protection Agency (EPA) 2021².

3.0 Applicants Response

3.1. A response to the Section 132 Notice was received from the applicants agent on behalf of the applicant on 27/03/2024. The response was accompanied by

- Report on the revised design of the treatment system and percolation area, and
- Revised site layout plan
- Copy of Appropriate Assessment Screening Report submitted with parent application

3.1.1. The response to issues raised can be summarised as follows;

Proposed Wastewater Treatment System

- On re-examination of the application, it is accepted that the proposed development does not comply with the EPA Waste Water Treatment Manual.
- Application granted under PA Reg.Ref.21-900 comprises of 6 glamping pods without individual toilet facilities and was described as a '*static not serviced*' with a loading rate of 75 litres per day per person and 35 BOD₅ grams/day per person. The treatment plant permitted under that application was sized on the basis of this parameter.
- Current proposal comprises 6 pods with individual toilet facilities and is therefore described as '*static serviced*' with a loading rate 150 litres per day per person and 55 BOD₅ grams/day per person.
- Treatment plant now doubled in size to accommodate increased loading.

¹ [EPA water treatment manual -small-comm business.pdf](#)

² [Code of Practice for Domestic Waste Water Treatment Systems](#)

Natura Impact Statement (NIS)

- NIS submitted with parent application was on the basis of un-serviced glamping pods. Refers to mitigation measures set out in Section 4 of the NIS which states that 'there will be no discharge of untreated foul water or waste to the river'.
- Refer to Section 6 of the NIS which concludes that 'subject to the full and proper implementation of the mitigation measures detailed in Section 4 of this NIS, there will be no adverse effects on the integrity of any Natura 2000 site as a result of the proposed development, either individually or in combination with other plans and projects, and that no reasonable scientific doubt remains in this regard.
- Contend that subject to the mitigation measures which included that there will be no discharge of untreated foul water or waste to the river that there will be no adverse effects on the integrity of any Natura 2000 site.
- Confirms proposed treatment plant and percolation area is located c. 80 meters from the river, and that there will be no discharge to the river as a consequence of the on-site WWTS. On this basis and subject to the Mitigation Measures outlined in section 4 of the NIS the conclusion reached in the NIS still applies.
- *Proposed Toilet Block* - Further notes that where the Board consider a further loading is required to cater for the proposed 2 no. toilets, shower and kitchen with 2 sinks (for use by patrons only) additional loading can be accommodated.

4.0 Planning Authority Response

- 4.1.1. The response to the Section 132 Notice was circulated by the Board under Section 131 of the Planning and Development act (as amended) to the Planning Authority for response on 28/02/2024.
- 4.1.2. A response to the Section 131 Notice was received from the Planning Authority on 30/04/2024. The response to issues raised can be summarised as follows;
 - Revised waste water treatment and disposal proposals are adequately designed to ensure that the proposed development will not be prejudicial to public health and will not have a negative impact on water quality in the area.

5.0 Third Party Response

- 5.1.1. None received.

6.0 Planning Assessment

- 6.1.1. The Board direction sought further information requesting the applicant provide further detail regarding the proposed on-site waste water treatment and disposal system. Essentially the permitted glamping pods did not provide for individual toilet facilities, while the proposed development seeks to provide toilet facilities within each pod.
- 6.1.2. The applicant has acknowledged that the proposed Waste Water Treatment System (WWTS) is not sufficient to cater for the increased loading as a consequence of the revised arrangements. It is accepted that with the introduction of individual toilet facilities there will be an increase in loading and therefore require an increased capacity.
- 6.1.3. I have had regard to the applicant's response with reference to the revised WWTS design parameters in order to meet the requirement of the EPA Guidelines. I have also had regard to the report prepared by a qualified Site Assessor and corresponding revised site layout drawings which detail the loading calculations and percolation area design.
- 6.1.4. I am satisfied that the increased capacity and revised design of the proposed WWTS and percolation area meets the requirements of the EPA Guidelines for such commercial developments.
- 6.1.5. I am satisfied that the concerns raised by the third party in relation to the capacity and design of the WWTS have been comprehensively addressed by the applicant in their response to the Board.
- 6.1.6. I refer to Technical Memorandum in relation to water quality and groundwater, prepared by An Bord Pleanála Scientist, Mr. Emmet Smyth which has been appended to my Planning Report. This specialist assessment concludes that that the 'proposed development will not result in a risk of deterioration of any water body, in this instance rivers or groundwaters either on a temporary or permanent basis.' I also note the response of the planning authority, which states that they are satisfied that the proposed development will not be prejudicial to public health and will not

have a negative impact on water quality in the area. The proposed development would therefore comply with the requirements of the Water Framework Directive as it will not give rise to a deterioration in surface or ground water quality.

- 6.1.7. While I note also the suggestion by the applicant that should the Board consider it appropriate, they are willing to increase the capacity further to accommodate potential further loading from the proposed toilet block. I have considered whether this is necessary and am satisfied that in this instance a further increase in capacity is not warranted.
- 6.1.8. I am satisfied that the revised proposals to cater for waste water are acceptable and are not a basis for refusing planning permission.

7.0 Appropriate Assessment

- 7.1.1. The Board direction also sought further information requesting the applicant provide further commentary in respect of the Natura Impact Statement provided with the original application.
- 7.1.2. A copy of the Appropriate Assessment Screening Report submitted with parent application (planning authority reference P21-900) accompanies the applicants response to the boards Section 132 notice.

Stage 1 – Screening Determination for Appropriate Assessment.

- 7.1.3. Having carried out Appropriate Assessment screening (Stage 1) of the project (included in Appendix 2 of this report), it has been determined that the project may have likely significant effects on the Lower River Shannon SAC (Site code 002165) in view of the sites' conservation objectives and qualifying interests, without mitigation measures.
- 7.1.4. An Appropriate Assessment (Stage 2) would therefore, be required of the implications of the project on the qualifying interests of the SAC in light of the conservation objectives. However, having regard to the previous NIS submitted, the information on file and the reports of the Board's scientist, it is considered that the measures proposed in the original NIS remain applicable and no additional measures are necessary.
- 7.1.5. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the

weakness of connections between the project, the appeal site, and the European sites.

Stage 2 – Appropriate Assessment

- 7.1.6. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the Lower River Shannon SAC in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement submitted with the parent application (a copy of which accompanies the applicants response to the boards Section 132 notice) and all other relevant documentation and submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.
- 7.1.7. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of Lower River Shannon SAC (Site code 002165) in view of the sites' conservation objectives and qualifying interests.
- 7.1.8. This conclusion is based on:
- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Lower River Shannon SAC.
 - An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower River Shannon SAC.
- 7.1.9. I have had regard to the mitigation measures contained within Section 4 of the NIS, and to the implementation of those mitigation measures as set out in Sections 6 of the NIS. I also accept that with the increased capacity and modified design of the proposed WWTS that 'there will be no discharge of untreated foul water or waste to the river'.
- 7.1.10. In my opinion an updated NIS from that submitted with the parent application as raised by the appellant is not warranted in this instance. I would also note that the parent permission for which an NIS accompanied the application is relatively recent dated February 2022.

7.1.11. I refer again to Technical Memorandum prepared by An Bord Pleanála Scientist, Mr. Emmet Smyth which concludes that that on the basis of evidence submitted, and the mitigation measures presently proposed the applicant has submitted sufficient evidence regarding the potential for environmental impacts to support the development as proposed. I concur with the technical assessment that that there will be no adverse effects on the integrity of any Natura 2000 sites either individually or in combination with other plans or projects and that no reasonable scientific doubt remains regarding the proposal.

Conclusion

7.1.12. I am satisfied that an updated NIS is not required, given the proposed development does not result in an intensification of use, that the proposed WWTS is designed in accordance with EPA requirements, and that a separation distance of 80m from the proposed percolation area is proposed to the Ballyteigue River.

7.1.13. I am satisfied therefore, that there will be no adverse effects on the integrity of any Natura 2000 site as a result of the proposed development, either individually or in combination with other plans and projects, and that no reasonable scientific doubt remains in this regard.

8.0 Recommendation

8.1. I refer to the previous Inspector's Report and recommendation on this application dated 12th December 2023. Having regard to the further assessment of the further information submitted by reference to the material submitted by the applicant, and the planning authority, I am satisfied that all matters have been addressed fully and no change to the recommendation arises.

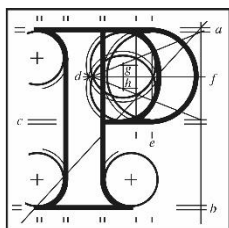
8.2. Therefore, I consider that the proposed amendments to the permitted development should be **granted** planning permission.

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.

Susan McHugh
Senior Planning Inspector

17th December 2024

Appendix 1:



An
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Technical
ABP-317258-23

To: Susan McHugh.
From: Emmet Smyth.
Re: Amendment to the design of glamping pods and toilet block and amendment to the site layout as permitted under P21-900 Clare County Council.
Date: 2nd December 2024.

Background:

On 14th July 2022 Clare County Council consented to the following development (Planning Reference 21-900) for six glamping pods, a toilet block, car parking area, vehicular access, wastewater treatment plant and ancillary works. On the 14th of September 2022 Clare County Council (Planning reference 22-818) were in receipt of a further application seeking the following. The amendments to the design of the glamping pods and the toilet block and amendments to the site layout. It is this latter application that is subject to a third-party appeal.

Resulting from the board's direction (28th February 2024) a Section 132 Notice of the Planning and Development Act was issued to the applicant requesting the following information.

Further detail to be provided regarding proposed changes to the wastewater treatment system to service the amended design, which is subject of this application, to include a toilet/shower room in each glamping pod. This should include site layout drawings showing all elements of the proposed

wastewater treatment system, details on proposed functionality of the proposed wastewater treatment system and commentary in respect of the Natura Impact Statement provided with the original application. (planning Authority reference P21-900). The Board were in receipt of the applicant's response on the 27th of March 2024. Further directions were issued by the Board on 11th April 2024 requesting the applicant's response with revised plans to be circulated to all parties. No response was received from the third-Party appellant.

Amendments to the proposal:

The original proposal was 6 Glamping pods (without individual toilet facilities and a toilet block and shower facility to accommodate the occupants of the pods. The amendments now will include toilet facilities within each glamping pod. Given this a daily hydraulic loading rate of 150l/person/ day (as per the EPA 2021 Code of Practice) is now being applied along with a secondary wastewater treatment system (PE16) and a doubling in the size of the polishing filter to 100 metres of trench arranged in 10 trenches of 10 metres each. The amended toilet block and kitchen will now provide 2 toilets and a shower and a kitchen for use by the patrons of the facility only, in this regard additional hydraulic loading does not need to be accounted for as it is covered by a full daily hydraulic loading.

Site Geology, Hydrology and Hydrogeology:

The Geological Survey of Ireland maps the site as having a high vulnerability across the complete site. This changes to extreme and extreme with rock immediately to the Northeast of the proposed development. Consequently, this leads to a high level of permeability across the site. This is further bolstered by the rainfall coefficient of 85% or 744.60mm/yr with an effective rainfall at the site location of 876.0mm/yr. The soil group over the site are described as regosols and lithosols which are shallow and well drained which previous site characterisation report has corroborated. The soils are derived mainly from non-calcareous parent materials. The subsoils across the site are best described as gravels derived from lower Palaeozoic sandstones and shales. The aquifer underlying the site is a locally important aquifer with moderately productive bedrock only in local zones across the whole site with a poorly productive aquifer bounding the site to the North. The Northern boundary of the site is located on a mapped fault line with bedrock to the south of this Faultline encompassing the whole site is described as Red Conglomerate sandstone and mudstone.

Google maps view of the site and site inspection photographs would appear to be indicative of a relatively elevated water table proximal to the river on the eastern boundary. This would appear to be the case observing the watercourse forming the eastern boundary. The drainage ditch that intersects the south-western corner in the area of the proposed polishing filter is at a higher elevation and the absence of water table encountered in the trial hole, as reported in the site characterisation report would be expected. Further to this the site is categorised as Flood Zone A which is where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding) applicable to this site. The at-risk area is along the watercourse on the eastern boundary of the site and not within the area proposed for the polishing filter.

Comments:

The site Characterisation report and Wastewater treatment Proposal (submitted under 21/900) essentially reflects the site geology, hydrology and hydrogeology as described above via desk top study. In response to the Section 132 notice from the Board a letter dated 25th March 2024, from the consultant acting on behalf of Patrick and Elaine Scanlon outlined amendments and revisions to the Wastewater treatment plant and the polishing filter. No revised site characterisation report was included to reflect these amendments, however there is adequate evidence put forward in the original site characterisation report (submitted under 21/900) to demonstrate the suitability of the site.

The requirements of the EPA (2021) Code of Practice can be achieved in addition to the requirements as outlined in the EPA 1999 Treatment Systems for Small Communities Business, Leisure Centres and Hotels. The required vertical separation of a minimum of 900mm as required post-secondary wastewater treatment system with neither watertable nor bedrock being encountered. In addition to this the requisite separation distance of ≥ 10 metres is achievable within the confines of the site even when doubling the size of the polishing filter. **In essence this provides for the requisite attenuation and disposal of the wastewater effluent load from the development as updated, without impacting on the condition of groundwaters and or surface waters in and around the site.**

Conclusion:

It can be concluded from the information provided, that the proposed development will not result in a risk of deterioration of any water body, in this instance rivers or groundwaters either on a temporary or permanent basis.

In addition, given the evidence submitted and the mitigation measures presently being proposed I am satisfied that the applicant has submitted sufficient evidence regarding the potential for environmental impact to support the development as proposed and that there will be no adverse effects on the integrity of any Natura 2000 sites either individually or in combination with other plans or projects. I am satisfied that no reasonable scientific doubt remains regarding the proposal.

Emmet Smyth, Inspectorate Scientist

Date_____

Appropriate Assessment Stage 1 Screening Determination

Description of the project

I have considered the planning appeal ABP-317258-23 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

Appropriate Assessment Screening was undertaken by Clare County Council as part of their planning assessment. A screening report for Appropriate Assessment was submitted by the applicant's agent in response to a request for further information by the planning authority.

The applicant's agent also submitted a copy of the NIS which accompanied the parent permission as part of the applicant's response to the Section 132 notice. The objective information presented in these reports informs this screening determination.

Subject Site

The subject site is located at Lackenbaun, Killaloe, Co. Clare, 1.2km northwest of Lower River Shannon SAC (at its closest point).

Project

The proposed development comprises amendments to a permitted development and provides for amendments to the design of glamping pods and toilet block, including amendments to the site layout, granted under planning permission Reg. Ref. P21-900.

A detailed description is presented in Section 2 of the previous Inspectors report and detailed specifications of the proposal are provided in other documents provided by the applicant.

In summary, the proposed development site is a greenfield site with a total site area of 2.1 hectares. Site preparation work and construction works will require excavations with the construction of glamping pods and toilet block.

The proposed development will be connected to a group water scheme. Surface water will drain to on-site soak pits and a suitably sized wastewater treatment system and percolation area is also proposed.

Potential impact mechanism from the project

Site Surveys

The habitats within the proposed development site (comprising a green field site) are described by the ecologist in the NIS submitted with the original application and includes the invasive species the Japanese Knotweed.

The application site itself is characterized by agricultural grassland. There are no waterbodies present within the development site. The Ballyteigue River borders the eastern side of the site and flows in a southerly direction into the Parteen basin approx. 1.2km downstream.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special

Protection Area (SPA). Three European sites are located within c. 3.5km of the potential zone of influence of the proposed development.

- Lower River Shannon SAC (002165)
- Lough Derg Shannon SPA (004085)
- Slieve Bernagh Bog SAC (Site Code 002312)

I note the NIS submitted with the parent permission considered 2 other sites in the wider area (within 9km) which I consider reasonable.

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond that of the Lower River Shannon.

The AA screening concludes that sources of potential risk from the proposed development include.

- Effects on water quality within the adjacent river which could have impacts on the Lower River Shannon SAC c 1.2km downstream and
- Disturbance of the Japanese Knotweed on the site which could result in fragments being washed downstream which could establish within the SAC.

Effect Mechanisms

There are no protected habitats or species identified at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded.

A potential pathway (for surface water discharge) is identified to the Lower River Shannon SAC (site code 002165), via the Ballyteigue River.

A potential pathway (for noise disturbance to species (i.e. 150m for otter as out-lined in NRA 2009) or dust-related effects on habitats (i.e. 50m^d, as outlined in IAQM (2014) within the Lower River Shannon SAC.

Having regard to the characteristics of the project in terms of the site's features and location and the project's scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on one European site, Lower River Shannon SAC (site code 002165).

A) Surface water pollution during construction phase

B) Surface water pollution during operation phase

C) Noise disturbance

D) Dust related effects

European Sites at risk

Table 1: European Sites at risk from impacts of the proposed project

| Effect mechanism | Impact pathway/ Zone of influence | European Site(s) | Qualifying/ Conservation interest features at risk |
|---|---|--|---|
| A) Surface water pollution during construction phase. B) Surface water pollution during operation phase. C) Noise disturbance | Impact via a hydrological pathway or via air. | Lower River Shannon SAC (site code 002165) | Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] |

| | | | | |
|-------------------------|--|--|---|--|
| D) Dust related effects | | | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> | |
|-------------------------|--|--|---|--|

Identification of likely significant effects on the European sites 'alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'

| European Site and qualifying feature Lower River Shannon SAC (site code 002165) | Conservation objective | Could the conservation objectives be undermined (Y/N)? | | | |
|---|--|--|----------|----------|----------|
| | | Effect A | Effect B | Effect C | Effect D |
| Sandbanks which are slightly covered by sea water all the time [1110] | To maintain the favourable conservation condition of.. | Y | Y | Y | Y |
| Estuaries [1130] | To maintain the favourable conservation condition of | N | N | N | N |
| Mudflats and sandflats not covered by seawater at low tide [1140] | To maintain the favourable conservation condition of | N | N | N | N |
| Coastal lagoons [1150] | To restore the favourable conservation condition of | N | N | N | N |
| Large shallow inlets and bays [1160] | To maintain the favourable conservation condition of | Y | Y | Y | Y |
| Reefs [1170] | To maintain the favourable conservation condition of | N | N | N | N |
| Perennial vegetation of stony banks [1220] | To maintain the favourable conservation condition of | Y | Y | Y | Y |
| Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] | To maintain the favourable conservation condition of | N | N | N | N |
| Salicornia and other annuals colonising mud and sand [1310] | To maintain the favourable conservation condition of | Y | Y | Y | Y |

| | | | | | |
|--|---|---|---|---|---|
| Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] | To restore the favourable conservation condition of | N | N | N | N |
| Mediterranean salt meadows (Juncetalia maritimi) [1410] | To restore the favourable conservation condition of | N | N | N | N |
| Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation [3260] | To maintain the favourable conservation condition of | Y | Y | Y | Y |
| Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] | To maintain the favourable conservation condition of | N | N | N | N |
| Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] | To restore the favourable conservation condition of | Y | Y | Y | Y |
| Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] | To restore the favourable conservation condition of.. | Y | Y | Y | Y |
| Petromyzon marinus (Sea Lamprey) [1095] | To restore the favourable conservation condition of | Y | Y | Y | Y |
| Lampetra planeri (Brook Lamprey) [1096] | To maintain the favourable conservation condition of | Y | Y | Y | Y |
| Lampetra fluviatilis (River Lamprey) [1099] | To maintain the favourable conservation condition of | Y | Y | Y | Y |
| Salmo salar (Salmon) [1106] | To restore the favourable conservation condition of | Y | Y | Y | Y |

| | | | | | |
|---|--|---|---|---|---|
| Tursiops truncatus (Common Bottlenose Dolphin) [1349] | To maintain the favourable conservation condition of | N | N | N | N |
| Lutra lutra (Otter) [1355] | To restore the favourable conservation condition of | Y | Y | Y | Y |

Effect Mechanism A (Surface water pollution during construction phase)

- The construction of the project involves construction of glamping pods and toilet block.

Effect Mechanism B (Surface water pollution during operation phase)

- The operation phase of the project involves discharging surface water to the Ballyteigue River which is hydrologically connected to the Lower River Shannon SAC.

Effect Mechanism C (Noise disturbance during the construction phase)

- The construction of the project involves construction noise.

Effect Mechanism D (Dust related effects during construction phase)

- The construction of the project involves construction dust.

Appropriate Assessment: Stage 1 Conclusion - Screening determination

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on Lower River Shannon SAC (site code 002299) in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) would therefore, be required of the implications of the project on the qualifying interests of the SAC in light of the conservation objectives.

The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites.

No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

Appropriate Assessment

Stage 2

Aspects of the Proposed Development

During the construction phase, glamping pods and a toilet block are to be constructed. The project includes a waste water treatment system and percolation area, and surface water soak pits.

Mitigation Measures

The description and consideration of the impacts of these works to the Lower River Shannon are the subject of the NIS. A range of mitigation measures are identified during the construction and operation phases of the project to protect the water quality of the river, prevent pollution events, and mitigate against excessive siltation, primarily in section 4 of the NIS.

Implementation of mitigation measures is outlined in section 6 of the NIS.

The mitigation measures are outlined under the following headings here in summary (I direct the Board to the respective documents for details):

- Solid fence with associated silt fencing next to adjacent watercourse.
- Control of Japanese Knotweed by suitably qualified contractor.
- Surface Water Management including silt-traps/settlement ponds.
- Waste Water Treatment suitably sized.
- Harmful Materials will be stored in bunded areas.
- Use of concrete will be monitored
- Waste management storage and removal

Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

Table 3: Plans and projects that could act in combination with effect mechanisms of the proposed project (e.g. approved but uncompleted, or proposed)

| Plan / Project | Effect mechanism |
|--|----------------------------------|
| Listed in section 5.0 of the previous Inspectors report. | A, B, C & D as per Table 1 above |

I have had regard to the information included in the NIS submitted with the parent application/permission, and information submitted with the application. I do not identify any significant in-combination effect from same.

Table 4: Could the project undermine the Conservation Objectives in combination with other plans and projects?

| European Site and qualifying feature | Conservation objective | Could the conservation objectives be undermined (Y/N)? | | | |
|--|------------------------|--|----------|----------|----------|
| | | Effect A | Effect B | Effect C | Effect D |
| Lower River Shannon (site code 002299) As per Table 2 above | As per Table 2 above | N | N | N | N |

Appropriate Assessment: Stage 2 Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the Lower River Shannon SAC

in view of the sites' conservation objectives. I have had regard to the applicant's NIS with the original application and all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the Lower River Shannon SAC (site code 002299) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Lower River Shannon SAC.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower River Shannon SAC.

Inspector: _____

Date: _____

Appendix 3:

Form 1

EIA Pre-Screening

| | | | |
|--|--|------------|---|
| An Bord Pleanála Case Reference | ABP-317258-23 | | |
| Proposed Development Summary | (i) Amend the design of the glamping pods and toilet block and (ii) amend the site layout of planning permission as granted under planning reg. ref. P21-900. | | |
| Development Address | Lackenbaun, Killaloe, Co. Clare. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | ✓ |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | | | |
| No | ✓ | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | |
| No | ✓ | | |

| | | | |
|--|---|--|--|
| | | | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | | |

| | | |
|---|---|--|
| 5. Has Schedule 7A information been submitted? | | |
| No | ✓ | Screening determination remains as above (Q1 to Q4) |
| Yes | | |

Inspector: _____

Date: _____