



An
Bord
Pleanála

Inspector's Report ABP-319124-24

Development

Change of use from residential to recreational camping site and the construction of six no. cabins for the purpose of short stay accommodation, a gravel access path a waste water treatment system. A Natura Impact Statement will be submitted to the planning authority with the application

Location

Killana Lodge, Rahena More,
Ogonnelloe, Killaloe, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2360286

Applicant(s)

John Walsh

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Oonagh McElhinney
Enda Quinn

Observer(s)

None

Date of Site Inspection

12/02/2025

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.410 ha, is situated circa 6.2km to the north of Killaloe on the western shore of Lough Derg, within the townland of Rahena More, Ogonnelloe, Co. Clare. The overall holding contains a detached single storey dwelling with detached garage. The property is served by a gated vehicular access on the R463. The front boundary of the site is formed by a block wall and timber fence. A jetty with two berths is located to the north-east of the site.

2.0 Proposed Development

- 2.1. The proposed development, as per the submitted public notices, comprises the change of use from residential to recreational camping site and the construction of six no. cabins for the purpose of short stay accommodation, a gravel access path, waste-water treatment system and ancillary site works. The gross floor area of the proposed works is stated as being 180m². Water supply is served by an existing well. Proposed wastewater management includes the provision of a Kingspan Biodisc system. Site access for potential guests is via water taxi across the lake.
- 2.2. A Natura Impact Statement was submitted to the planning authority with the application.

3.0 Planning Authority Decision

3.1. Decision

GRANT permission, subject to 12 conditions

Condition No. 6 relates to access, as per proposal submitted

Further Information was requested by the planning authority in relation to (i) appropriate assessment matters namely the NIS was prepared in 2021 and based on original site survey work undertaken in 2019. Given the length of time since the original survey work was undertaken, it was considered necessary to review the validity of the data contained in the NIS. Other matters included the preparation of CEMP and Invasive Species Management Plan. (ii) concerns regarding the efficacy of the proposed travel and transport arrangements to the site, and the long-term

sustainability of same. Advised that the Planning Authority may consider a 5-year temporary grant of permission and applicant invited to submit any comments on same.

The FI response was deemed to be 'significant' by the planning authority and revised public notices were required/submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner- Subject to the implementation of mitigation measures set out in the NIS and conditions managing the access and transport arrangements associated with the site, the proposal is considered acceptable and a grant permission is recommended.

3.2.2. Other Technical Reports

Executive Scientist, Physical Development Directorate (Environment)- FI requested in relation to clarity on source of drinking water on site and evidence that supply is from group scheme; soil polishing filter is undersized to comply with Table 10.1 of 2021 EPA Code of Practice (13/09/2023)

Environment Assessment Officer- sufficient information to inform an AA process and to conclude a finding of no adverse effects subject to the correct implementation of the identified measures on site (01/02/2024)

Road Design Office- Sightlines and sight stopping distance of 160m can be achieved, condition recommended in relation to waste (05/09/2023)

3.3. Prescribed Bodies

Uisce Eireann- Further Information requested as may not have water/wastewater infrastructure within the public road fronting the proposed development

TII- No observations to make

DAU- Department of Housing, Local Government and Heritage (Nature Conservation)-

Report dated 20/12/2023

The Department's previous comments should be considered in full alongside the following. Lough Derg is listed in the Clare County Development Plan as a 'special landscape' that is of high ecological importance given its status as a proposed Natural Heritage Area and Special Protection Area. The Department takes this opportunity to remind Clare County Council of their obligations under Article 6 of the Habitats Directive (92/43/EEC). Competent national authorities are to authorise activity only if they have made certain that it will not adversely affect the integrity of a European site and, consequently, not likely to give rise to deterioration or significant disturbances within the meaning of Article 6(2). (20/12/2023)

Report dated 24/08/2023

A Construction Environmental Management Plan (CEMP) should be prepared prior to the grant of any permission. All mitigation measures outlined in the NIS and pre-commencement survey requirements should be clearly outlined. Furthermore, Clare County Council should note that the European Commission guidelines on Appropriate Assessment state that any proposed mitigation measures should be described in full, including a description of their technical-scientific feasibility and the degree of effectiveness expected. The guidelines specifically require the following details; "provide evidence of how they will be secured and implemented and by whom; provide evidence of the degree of confidence in their likely success; provide a timescale, relative to the project or plan, when they will be implemented; provide evidence of how the measures will be monitored, and, should mitigation failure be identified, how that failure will be rectified". (European Commission, 2001).

There is a high risk of the spread of many existing invasive species in Lough Derg, including Himalayan balsam at the site, and the potential further introduction of other species. The ISMP and CEMP should be prepared prior to the grant of permission. The proposed landscaping plans for the area should also be detailed. Clare County Council should ensure they have enough information to make an Appropriate Assessment determination.

3.4. Third Party Observations

A number of submissions, including one from a Public Representative, were received by the planning authority which raised matters similar to those contained in the appeal submissions.

4.0 Planning History

The most recent, relevant history is as follows:

ABP-312227-21 (21/536)

Permission REFUSED for change of use from residential to recreational camping site and the construction of six no. cabins, and all associated site works. The reason for refusal stated that the proposed development providing for tourism accommodation located on a site outside of an established settlement and with vehicular access via an existing entrance off the R463 would result in additional traffic movements at this location. Objective CDP8.5 of the Clare County Development Plan 2017-2023 (as varied) restricts development to certain criteria; namely development of strategic importance, dwellings for established landowners and developments within settlement boundaries/50km/hr speed limit zones in order to maintain and protect the carrying capacity and efficiency of roads. It was considered that the proposed development would endanger public safety by reason of traffic hazard due to the additional traffic turning movements that would be generated at a point where the general speed limit of 80 km/h applies and the proposal was considered to be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Clare County Development Plan 2023-2029 applies

The site is located on the shores of Lough Derg (European site) and within a Heritage Landscape.

The main vehicular entrance to the site is located on a Strategic Regional Route which is also a designated Scenic Route (R463).

CDP9.5 Visitor Accommodation

CDP11.14 Development of Strategic Regional Roads

CDP 14.5 Heritage Landscapes

CDP 14.7 Scenic Routes

5.2. Natural Heritage Designations

The site is located immediately to the west of Lough Derg Shannon SPA (Site Code 004058).

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeals were received, which may be broadly summarised as follows:

Traffic

- Sightlines of 160m looking north (right when exiting) may not be achievable; submits that car-free site is not practicable, feasible or sustainable and severely restrictive; any assessment must include traffic and access by cars/other vehicles; significantly restrictive access is not practical for majority of people using facilities; will place limitations on access for people with disabilities, parents with young children and aged.

- Closest shops are over 7km away in Killaloe and there is no restaurant/food shopping facility on subject site
- Contrary to provisions of Development Plan
- Proposal will lead to intensification of development on restricted Regional Route R463; additional traffic turning movements; interfere with safety and free flow of traffic; will endanger public safety by reason of traffic hazard and contrary to proper planning and sustainable development of area
- Reason for refusal in ABP-312227-21 is still valid
- Letter of support from Killaloe River Cruises does not make reference to car parking facilities at harbour; no details provided in relation to same; inadequate details in relation to operation of boat
- Concerns regarding provision of parking at Piper's Inn due to safety (narrow road without proper walking or lighting facilities). This premises is closed 2 days/week
- With regards public transport, no designated stop/pick-up point at property and operates 5 days a week; potential traffic hazard for bus stopping at this location outside of designated stop; bus services are infrequent
- Servicing requirements for example waste collection, cleaning will generate additional traffic, grocery delivery

Drainage

- Assessment should fall under EPA Manual for Small Communities, Business, Leisure Centres and Hotels
- Different drainage proposal to that contained in previous application (ABP-312227-21)
- Inadequate distances proposed to comply with EPA requirements; inadequate percolation areas/shape
- Effluent system proposed is prejudicial to public health in an environmentally sensitive area adjacent to SPA; would pose a risk to water quality and potential to adversely affect integrity of European Site

Appropriate Assessment

- Alleged inaccuracies; further works required that are not assessed; risk to water quality from well, which is located down gradient; lack of detail relating to updated surveys on foot of FI request from PA; conflict between documents

Other Matters

- Questions of alleged unauthorised development; carparking outside curtilage of site; setting of precedent; visual amenity concerns in particular views of lake looking east; compliance with Failte Ireland guidelines questioned; noise, safety and water pollution from water sports

6.2. Applicant Response

A response was received on behalf of the first party which may be summarised as follows:

- Campsite will be a strictly carless campsite; arrivals will be by boat, bus cycling or walking. Any person choosing to book a stay are buying into a sustainable way. People have option to drive to Killaloe/Ballina and avail of public parking spaces there or up to six spaces will be available at Kincora Harbour, dedicated to campsite use. Kincora Harbour is the boat pick up/drop off location
- Campsite linked to several local tourist facilities and a footpath runs from Killaloe to Scarriff; people can explore on foot, bicycle or boat; low carbon footprint; pedestrian link passing their house
- Unique location on Lough Derg; proposal in line with Council's Climate Action Plan to reduce car dependency; sustainable tourism
- Brian Boru boat is a 12-seat licenced passenger boat; multiple licences to operate commercially with permits for pickup locations along Lough Derg; disabled compliant and can carry wheelchairs; set pickup/drop off times, alternatively buses and bicycles are available
- Buses stop directly outside their property, 5 times a day; selection of bus timetables submitted. Letter from Locallink confirming that their bus route

C2A stops opposite Kilana Lodge every morning 5 days a week and has been doing so for a number of years, with many of their passengers being students, local workers and visitors. Connections with Bus Eireann to Limerick, Mountshannon, Whitegate and Ennis are possible.

- Intention that campsite will be run full-time by applicant and his wife; all laundry, maintenance and cleaning will be undertaken by them; maximum 12 guests
- Complimentary breakfast baskets will be provided- sourced locally; option to book meal boxes. Each cabin will have a small kitchen with basic cooking facilities; no takeaway deliveries will be allowed
- Currently have 2 cars at dwelling; plan to replace these with 9-seater wheelchair compliant courtesy vehicle (can be used in emergencies)
- Noise levels from campsite will be no greater than that existing in locality
- Outlines history of jetty, retaining wall and tree removal; no history of enforcement; proposal does not seek to alter/interfere with existing jetty; 40 broadleaf trees planted in 2018
- Satisfied that NIS undertaken is thorough, factual and detailed
- Response includes submission from Drainpower Environmental Services Ltd which gives rationale for completion of proposal under CoP 2021 for Dwellings ≤ 10 .
- A number of photographs have been submitted with the response

6.3. Planning Authority Response

A response was received from the planning authority, which may be summarised as follows:

- Majority of issues have been considered in Planner's Reports
- Nice tourism products and glamping facilities of the type proposed are supported/encouraged in Objective CDP9.18 and CDP9.5 Niche Tourism and Visitor Accommodation respectively. Objective CDP9.32 aims to promote and expand a range of tourism products/services in East Clare with notable emphasis on Lough Derg and its associated green and blue infrastructure
- Proposed parking and berthing areas are in Kincora Harbour, a 98 berth harbour permitted by ABP under PL03-SU0130. Satisfied that Kincora Harbour, in combination with use of local water taxis provides a viable means of access to the development site
- Proposal for guests to park at Piper's Inn and walk to proposed development site does not form part of proposal put forward by the applicant
- EPA Manual for Small Communities does not provide technical details in relation to the sizing of treatment plants. Proposal therefore assessed in accordance with provisions of EPA Code of Practice 2021- Domestic Wastewater Treatment Systems (PE≤10), which provides the most up to date information and standards for the treatment of wastewater with final discharge to groundwater. PA satisfied that this was procedurally correct.
- Recommendation of Environment Section that the applicant should resize the soil polishing filter in accordance with Options 1 & 2 of Table 10.1 of the EPA Code of Practice 2021
- Considered technically feasible for applicant to increase the percolation area, based upon site size and percolation values and ensure compliance with the

provisions of the 2021 Code of Practice

- Issues raised in appeal regarding 160m line of sight is considered not to be relevant given that the existing entrance gate will not be used to access the glamping pods. In the event that ABP consider this a matter of importance, Clare County Council can confirm that the existing entrance was the subject of an on-site inspection by engineers from their Road Design Office who confirmed that a 160m line of sight is achieved in both directions
- Respectfully requests ABP to uphold Council's decision

6.4. Observations

None

6.5. Further Responses

A further response was received on behalf of one of the third-party appellants (Enda Quinn) in which no new material issues are raised.

7.0 Assessment

- 7.1 I highlight to the Board that there is an ABP decision on this site (ABP-312227-21; decision date 19/04/2023), for a development similar in many respects to that the subject of this current appeal. Permission was refused in that appeal for change of use from residential to recreational camping site and the construction of six cabins, seven no. car parking spaces and all associated site works. Permission was refused due to concerns that the proposal would result in additional traffic movements outside an established settlement with vehicular access via an existing entrance off the R463. Objective CDP8.5 of the Clare County Development Plan 2017-2023 (as varied), which was in place at that time, restricts development on strategic routes to certain criteria; namely development of strategic importance, dwellings for established landowners and developments within settlement boundaries/50km/hr speed limit zones in order to maintain and protect the carrying capacity and efficiency of roads. It was considered that the proposed development would

endanger public safety by reason of traffic hazard due to the additional traffic turning movements that would be generated at a point where the general speed limit of 80 km/h applies.

- 7.2 This current application is essentially seeking to overcome that previous reason for refusal and is largely similar to that previously refused, with one main difference being that the 7 no. car parking spaces previously proposed have been omitted from this current proposal. This proposed development is now put forward as a car-free development with access to the site proposed primarily by boat transfer from Kincora Harbour, approximately 5.9km distant by road. Other more minor differences between the two appeals relate to drainage proposals.
- 7.3 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation and responses received, together with having inspected the site environs, I consider that the main issues in this appeal are as follows:
- Principle of proposed development/policy context
 - Transport Matters
 - Other matters including, inter alia, drainage and visual amenity

Principle of proposed development/policy context

- 7.4 The proposed development consists of change of use of a site from residential to recreational camping comprising 6 no. cabins, each with capacity for two persons, for short stay accommodation. The subject site essentially comprises a large portion of the side garden of an existing dwelling house, which has direct access to Lough Derg. The first party in their application documentation and appeal response highlight the unique proposal being put forward, together with the sustainability credentials of this car-free development.
- 7.5 The planning authority note that site adjoins the Killaloe to Scariff walkway which provides continuous footpath connectivity between the two settlements. There is therefore connectivity between the proposal site and local amenity areas. They further note that the water adjoining the site forms part of a Lough Derg blueway for kayaking and canoeing and that the Lough Derg Visitor Experience Development

Plan 2020-2024 indicates that there may be scope for distinctive alternative accommodation in line with the Fáilte Ireland Welcome Standard for glamping, pods, huts conversion of commissioned boats etc. The slow travel network on Lough Derg adjoins the proposal site and based on the above the planning authority are satisfied therefore that the development location has both proximity and connectivity to existing tourism assets.

- 7.6 I would concur with the opinion of the planning authority that the proposed development is supported by a number of objectives of the Clare County Development Plan 2023- 2029, in particular CDP9.5 Visitor Accommodation which seeks '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'. In compliance with this objective, I acknowledge that the site is located in close proximity to and has good connectivity to existing tourism assets. The provisions of the Lough Derg Visitor Experience Development Plan 2020-2024 are also noted. The Board did not raise concerns in relation to the principle of the proposed development at this location in the previous appeal on this site. Having regard to all of the above, I am satisfied that the principle of the proposed development is acceptable at this location.

Transport Matters

- 7.7 This is the matter which has caused one of the greatest concerns in the appeal submissions received. It is the only matter on which the previous appeal on this site was refused permission. The proposal, as stated above, provides for a car-free development with arrivals to the campsite by boat, bus, cycling or walking. The appellants question the car-free nature of the proposal and consider that a car-free site is not practicable, feasible or sustainable and that the severely restrictive access is not practical for majority of people using the facilities including people with disabilities, parents with young children and aged. The appellants are further of the opinion that any assessment must include traffic and access by cars/other vehicles using the existing entrance given that the closest shops are over 7km away in Killaloe and there is no restaurant/food shopping facility on subject site.
- 7.8 The applicants in their response to the appeal state that any guests staying are buying into a sustainable option. Each cabin has capacity for two persons. People

will have the option to drive to Killaloe/Ballina and avail of public parking spaces there or up to six spaces will be available at Kincora Harbour, dedicated to campsite use. Kincora Harbour is proposed as the boat pick up/drop off location, located approximately 5.9km distant by road. In their response to the Further Information request by the planning authority, that applicant stated that CCTV coverage of the site entrance with 60 days recording capacity is available and can be viewed by the planning authority on request. They further indicated that the boat access to the site is the niche selling point of the development. The planning authority noted that under Objective CDP9.18 Niche Tourism it is an objective of Clare County Council to explore the expansion of the niche tourism industry in County Clare in order to expand the range of tourism products on offer. They were satisfied that the applicant has provided adequate support and justification for the car-less access proposals for the site.

- 7.9 I acknowledge the case put forward by the first party in this instance to try and overcome the previous reason for refusal on site. By removing the proposed 7 no. car parking spaces in this current proposal, the applicant is seeking to overcome the previous concerns that the proposal would result in additional traffic movements outside an established settlement and with vehicular access via an existing entrance off the R463 (a strategic route). During my site visit, I also visited Kincora Harbour and can confirm that there is a significant quantum of car parking spaces available at that location. While I acknowledge that this is a niche proposal and such proposals are welcomed in principle by the planning authority as per the provision of the operative County Development Plan, I too have concerns regarding the practicality of such a proposal and how such a car-free proposal would be enforced (notwithstanding the proposed cctv). In particular for guests arriving from the north or west of the site, they would essentially have to drive past the entrance to the site for a further 6km to park at Kincora Harbour- I question if this would happen in reality. All guests arriving would have to plan their visit to ensure that it meets the times of the water taxi to bring them to the campsite. With regards to other transport options cited, I would not envisage it a realistic option for guests coming to stay to park in Killaloe/Kincora Harbour and travel the remainder of the journey on public transport with all their luggage and whatever else needed for a glamping trip. I consider that there would be more likelihood of this proposal working if there were

other facilities on site, in particular food and drinks options. There is only one premises within reasonable walking distance, which is stated to be open 5 days a week and accessed via an unlit country road. While the first party state that they are exploring providing food boxes for meals other than breakfast, I question if this would work in reality. For meals other than breakfast, given the limited cooking facilities on site, or for night-time entertainment, or to explore the wider area, guests would have to travel into Kincora Harbour (approximately 5.9km distant) by water taxi and travel from there into Killaloe or elsewhere by local bus/taxi/their own vehicle (which is parked at Kincora Harbour at this point) and then return back, possibly late at night by the same means. If travelling/returning by road taxi, this would generate additional traffic movements at the site. The easier solution would be to just park at the glamping site and I would envisage attempts being made by guests to do this.

- 7.10 When considering other car-free offerings in rural Ireland, I think of Centre Parcs, whereby one initially parks at their lodge to offload their provisions necessary for a stay and then park elsewhere (but within easy access) for the duration of their trip. While the site itself is car-free, guests have easy access to their vehicle if needed. Obviously the much larger scale is acknowledged, however people don't generally have need for their car as the site offers all the restaurants, supermarkets and bars required for their stay. Such an offering, including initial luggage drop-off, is not available in this proposal and it is a significant distance to any similar facilities from this site. The lack of such services in close proximity is a downfall of this current proposal. The same comes to mind when people travel as foot passengers to some of the off-shore islands. Again, however there are bars and restaurants all within a short walking distance and an assumption on the island that it is an almost car-free environment (apart from locals vehicles) thus offering greater safety for pedestrians/cyclists. Again, this is not the case in this current application. The non-availability of cars may make it restrictive to access services and facilities within the wider area. This was also the opinion of the Inspector in the previous appeal on this site who was of the opinion that it perhaps is not practical for access for this type of tourist accommodation to be restricted to solely boat access and they did not consider that it would provide for viable access arrangements for the subject tourist accommodation. I note that the Board did not explicitly disagree with this opinion.

7.11 I acknowledge the relatively small-scale nature of the development (6 pods), its location on the shores of Lough Derg and the various activities associated with same, together with the seasonal nature of the proposal. I also acknowledge the attempts the applicant has made to try and overcome the previous reason for refusal on the site. I also acknowledge the policies and objectives in the operative County Development Plan which support such uses. However, notwithstanding the omission of the car parking spaces in this current appeal, I am of the opinion that the proposal would likely result in an intensification of use of the existing entrance, either by virtue of the applicants doing pick-up journeys in their 9 seater car; taxi arrivals, servicing of units and supplies required. Guests attempting to park at the site (irrespective of instructions otherwise) must also be a consideration. Even if guests are denied access at the site, they will have to merge back onto the R463 to continue their journey to Kincora Harbour. There would also be the traffic associated with the installation of the proposed pods and ancillary works during the construction phase, albeit temporary in nature. I note that the existing vehicular entrance is located on the R463 at a point where there is a continuous white line, which continues along this section of the R463 to the north and south apart from the short section at the junction with the Ballyheefy Road. Electric gates are currently in place. The speed limit at this point is 80 km/hr. At the time of my site visit, I noted that speeds generally appeared higher than the speed limit and traffic volumes were relatively high. The planning authority address the matter raised in the appeal regarding sightlines and confirm that 160m sightlines can be achieved in both directions, although they are of the opinion that this is irrelevant given that the proposal provides for a car less development.

7.12 The operative County Development Plan states that regional roads selected by the Council as strategic routes act as feeder routes based on the volumes of traffic that they carry on a daily basis. The R463 Limerick – Killaloe – Tuamgraney onto which the existing access is located is one such designated Strategic Route. I note that CDP8.5 of the previous Plan (which was in place when the previous ABP refusal issued) has been replaced by CDP 11.14 in the current Plan, although the wording of the objective is very similar. CDP11.14(b) states that it is an objective of Clare County Council

- To preserve the carrying capacity of strategic Regional roads and safeguard the investment in such infrastructure. Developments requiring direct access onto the strategic Regional roads identified in Table 11.2 will be restricted to the following categories: i. Developments of strategic importance which, by their nature, are most appropriately located in a rural area; ii. Developments located within settlement boundaries and residential clusters and where the 50kmph speed limit applies; and, iii. Rural dwellings which meet certain criteria

7.13 Similar to the decision of the previous appeal on the site, I am of the opinion that the proposal is not in compliance with this objective of the operative County Development Plan.

7.14 I consider that the proposal to have guest access primarily restricted to boat access only would be extremely difficult to monitor and enforce, notwithstanding the proposed use of cctv. For any vehicles entering, determining if they are campsite guests or otherwise would be very difficult to determine. I am of the opinion that while at an ideological level the proposal seeks to overcome the previous reason for refusal and provide a unique, niche offering, I question the practicalities of how this would operate in reality, given the location of the site removed from services and facilities that are generally required by those visiting an area on such a stay. It has not been adequately demonstrated to me that such a proposal would not lead to an intensification of the existing entrance on site and subsequent increase in traffic on this strategic route and I recommend a refusal of permission in relation to this matter.

Other Matters

7.15 The appellants have raised concerns in relation to drainage matters and concerns regarding impacts on water quality as a result of the proposed development. I note that similar matters were raised in the observations received with the previous appeal on this site. The Inspector at the time stated that they 'concur with the assessment of the planning authority that site is suitable for the proposed on-site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted'. The Board did not refuse permission in relation to this matter in the previous appeal on site.

- 7.16 I note that the Environment section of the planning authority requested further information in relation to the wastewater treatment proposal, which they stated did not comply with the requirements of Table 10.1 of the 2021 EPA Code of Practice for Domestic wastewater treatment systems P.E. < 10. They also considered that the soil polishing filter proposed is undersized for 18 Population Equivalent. There are no prefabricated certified in Ireland to use Option 6 of Table 10.1. The planning authority did not request FI in relation to this matter as they noted that it is proposed to install a tertiary treatment system PE18 on the site which will serve both the existing dwelling and the proposed glamping pods. This is the same system as was proposed in the previous application on the site given that the wastewater treatment proposals were previously deemed acceptable by An Bord Pleanála and the proposed system is indicated to have the necessary certification for use, the wastewater treatment proposals were considered acceptable. It is noted that the existing septic tank on the site which is currently used to treat foul water from the adjacent Kilana Lodge, will be decommissioned and the house will be connected to the new updated Biodisk system which is noted to have sufficient capacity for the pods and the house combined. The treatment plant is designed to cater for full capacity 365 days per year.
- 7.17 The matter of which Code of Practice is not appropriate for the sizing of treatment plants was raised in the appeal submission. The PA respond by stating that the proposal was assessed in accordance with provisions of EPA Code of Practice 2021- Domestic Wastewater Treatment Systems (PE≤10), which provides the most up to date information and standards for the treatment of wastewater with final discharge to groundwater. The planning authority are satisfied that this was procedurally correct. They further stated that in relation to the size/shape of the percolation area, that it considered by them to be technically feasible to increase the percolation area based upon the site size and percolation values to ensure compliance of the Code of Practice 2021. Having regard to all of the information before me, I am of the opinion that any drainage matters could be adequately dealt with by means of condition if the Board were disposed towards a grant of permission. I have no information before to believe that the prejudicial to public health, provided the correct system is installed and maintained in accordance with EPA guidance and the requirements of the planning authority.

- 7.18 The planning authority note that the subject site directly adjoins the lakeshore and that the eastern side of the site is identified as being in Flood Zone A. They note however that the proposed cabins are not located in an area which is identified as being at risk of flooding. All cabins are located outside of the area and they are satisfied that further flood risk assessment is not required at this time. This is considered acceptable.
- 7.19 I note that the existing well, which will serve the existing dwelling and proposed campsite is located outside of the red line boundary.
- 7.20 I note matters raised in the appeals in relation to impacts on visual amenity. The Board did not raise concerns with this matter in the previous appeal on site. I note the location of the site along the Scenic Route (R463) and that Lough Derg is with a designated Heritage Landscape, as per the provisions of the operative County Development Plan. Notwithstanding this, given the nature, scale and location of the proposed cabins on site, I am of the opinion that their impact on the visual amenity of the area would not be so great as to warrant a refusal of permission.
- 7.21 The appellants contend that planning permission is required for the use of any third party property for parking associated with the development. The applicant intends to use the existing berthing and parking facilities at Kincora Harbour to serve the development (Substitute Consent for harbour ref. SU0130). No expansion of the facilities at Kincora is required to accommodate this arrangement. The planning authority are of the opinion that no further grant of permission is required. I would concur with this assertion. Matters raised in relation to alleged unauthorised development are outside the remit of this planning appeal. These are a matter for the planning authority.
- 7.22 Matters raised in relation to setting of precedent for similar type developments in the vicinity are noted. I highlight to the Board that each application is assessed on its own merits.
- 7.23 I have sufficient information before me to undertake a comprehensive assessment of the proposal.
- 7.24 I have no information before me to believe that levels of noise would be so great, during the operational stage of the development, so as to warrant a refusal of

permission. In this regard, if the Board were disposed towards a grant of permission, this matter could be adequately dealt with by means of condition.

8.0 Appropriate Assessment

Overview

8.1.1 Accompanying this application is a Screening Report for Appropriate Assessment and a Natura Impact Statement prepared by Ecofact. An updated NIS was submitted with the Further Information response to the planning authority

8.1.2 I refer the Board to the comprehensive assessment undertaken in relation to this matter in the previous appeal on this site, ABP-3122227-21.

Stage 1- Screening

8.1.3 See Appendix 2, Form 2

8.1.4 The Screening Report identified 8 no. designated sites within 15km radius of the development site (see Table 1 of AA Screening Report). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on identified Qualifying Interests of two such designated sites- the Lough Derg (Shannon) SPA (Site Code:004058) and the Lower River Shannon SAC (Site Code 002165) 'alone' with the most likely impacts on the integrity of the designated sites resulting from disturbance impacts, decline in water quality, together with impacts resulting from the spread of alien invasive plant species. This could affect the species of the SPA and their habitat quality and food source. In terms of the SAC there is a hydrological pathway to the SAC that could transfer impacts - there is potential for water quality and invasive species impacts to arise which could affect the Qualifying Interests. It is therefore determined that Appropriate Assessment (Stage 2), under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

Stage 2- Appropriate Assessment

Introduction

- 8.1.5 The adequacy of the NIS was raised in the third-party appeal submissions. In response, the first party state that that they are satisfied that the NIS undertaken is thorough, factual and detailed by a consultant highly regarded in their field. In this regard, I note that an ecological site walkover was undertaken in July 2019 which informed the original AA Screening and NIS (prepared in 2021). On foot of the FI request from the planning authority, this survey was updated in November 2023 on foot of a walkover survey. In addition, the entire site was surveyed for any invasive non-native species that occurred. I am satisfied in this regard. The reports of the DAU are noted, who do not recommend refusal of permission in relation to nature conservation. The planning authority requested Further Information in relation to this matter, primarily in relation to need for updated surveys, and were satisfied with the response received. The Environmental Assessment Officer states that having reviewed the submitted FI, they are satisfied that the planning authority has sufficient information to inform the Appropriate Assessment process and concludes a finding of no adverse effects subject to the correct implementation of the identified measures on site by the appointed contractor.
- 8.1.6 An Invasive Non-Native Species Plan (Biosecurity Plan) and CEMP were also submitted as part of the FI response. The non-native invasive species have been recorded at Lough Derg and on its shores are listed in Table 1 of the submitted updated NIS. The Biosecurity Plan states that no high-risk invasive flowering plant species were found on the site. The site comprises mostly native species. However, Butterfly-bush *Buddleia davidii* was recorded directly north of the proposed development site. This species occurs on the site boundary adjacent a wooden fence. This is a medium impact invasive species that is established in Ireland.
- 8.1.7 As stated, the application included an NIS for the proposed development, updated at FI stage, at Killana Lodge, Rahena More, Ogonnelloe, Killaloe, Co. Clare. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites. Potential impacts arising from the proposed development are outlined in section 5. The most likely impact on the integrity of the designated sites was identified as impacts on designated species and/or habitats resulting from disturbance/displacement, decline in water quality and impacts resulting from the spread of invasive plant species.

Details of mitigation measures are outlined in section 7. Cumulative or in-combination effects are examined within section 6 and it is concluded that no significant cumulative impacts relating to disturbance are likely to arise. It does acknowledge that there is a high risk of the spread of many existing invasive species in Lough Derg.

8.1.8 The NIS concludes that that following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, and with the implementation of the mitigation measures proposed, that the proposed works do not pose a risk adversely affecting the integrity of any Natura 2000 site, either alone or in-combination with other plans or projects.

8.1.9 On the basis of objective information, it is my opinion, that the designated sites listed below require further consideration only. Based on the above, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 1:

Site Name	Site Code	Distance
Lough Derg (Shannon) SPA	004058	Immediately adjacent proposed development site
Lower River Shannon SAC	002165	6km downstream

Appropriate Assessment of implications of the proposed development on each European Site

8.1.10 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the Lough Derg (Shannon) SPA and the Lower River Shannon SAC using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.1.11 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.1.12 A description of the designated site and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the updated NIS. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives/Statutory Instrument supporting documents for these sites available through the NPWS website (www.npws.ie).

Appropriate Assessment of implications of the proposed development on each European Site

Special Protection Area - Lough Derg (Shannon) SPA (Site Code: 004058)

8.1.13 The subject site is located immediately adjacent to the Lough Derg (Shannon) SPA, with a small portion of the north-eastern side of the site located within the SPA. No development is proposed to take place within this portion. This SPA is important for both breeding and wintering birds.

Table 2:

Designated Site	Qualifying Interests most likely to be impacted	Impacts	Residual Impacts
Lough Derg (Shannon) SPA <u>Conservation Objective</u> Maintain/Restore the favourable conservation status of habitats and species of community interest			

	Wetland and Waterbirds	Water Quality Invasive Species	No
	Cormorant (Phalacrocorax carbo) [A017]	Disturbance/displacement Water Quality Invasive Species	No
	Tufted Duck (Aythya fuligula) [A061]	Disturbance/displacement Water Quality Invasive Species	No
	Goldeneye (Bucephala clangula) [A067]	Disturbance/displacement Water Quality Invasive Species	No
	Common Tern (Sterna hirundo) [A193]	Disturbance/displacement Water Quality Invasive Species	No

Potential for direct and indirect effects

- 8.1.14 There would be no direct effects upon Lough Derg (Shannon) SPA (Site Code 004058) as there would be no direct habitat loss or fragmentation as a result of the proposed development. No residual impacts have been identified.
- 8.1.15 I refer the Board to Table 6 of the updated NIS which sets out potential impacts, mitigation measures and residual impacts for each of the affected Qualifying Interests. A summary of unmitigated impacts to Lough Derg (Shannon) SPA, and their potential significance are set out in section 5 of NIS. These include impacts for both the construction and operational phase. Construction phase impacts are primarily related to proximity- these relate to impacts on water quality and spread of invasive species, as the development site is located directly adjacent to the Annex I Wetland and Waterbirds Habitat in the SPA. These could be both direct and indirect. It is noted that no machinery is required for pod installation on site. Pods are manufactured off-site in panels. Lough Derg has current issues with invasive species, with approximately 13 different species colonising the lake. A Biosecurity

Plan was submitted as part of the FI response to the planning authority with mitigation measures put forward.

- 8.1.16 There is also potential for some direct disturbance impacts to arise relating to bird species designated in the SPA – due to increased noise and human activity- which could result in displacement impacts both during the construction and operational phases. There may be also some indirect impacts. In relation to the operational phase, it is stated that the increased activity could cause changes in the use of certain areas and potentially alter the site selection range within the SPA. Therefore, it is considered that mitigation is required to reduce disturbance. It is noted that Cormorant, Tufted Duck, Goldeneye and Common Tern do not use the proposed development site as there is no suitable habitat on site for these species. Lough Derg is a large lake, that has several more suitable areas which has less disturbance. There would also only be a small number of workers on site to install the pods and associated works- works would be short-lived in nature. This is considered to be minimal in overall context and unlikely to result in significant impacts.
- 8.1.17 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed- see section 7. A site-specific CEMP and Method Statement will be drawn up, outlining precisely how the works will be completed. Fencing will be used to delineate the works area. Works will be undertaken during daylight hours to avoid disturbance to nocturnal animals. The construction phase will avoid the bird breeding season. No site compound will be required. Workers will use facilities in adjacent house. Fuels will be stored appropriately. A tertiary treatment system is proposed for treatment of foul water. Mitigation for invasive species has been provided. Lighting will be minimised during the operational phase of development. The planning authority have not raised concerns in this regard. The DAU have not raised concerns in this regard. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SPA.
- 8.1.18 The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

Integrity Test

- 8.1.19 Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Special Area of Conservation- Lower River Shannon SAC (Site Code: 002165)

- 8.1.20 The development site is located approximately 6km upstream of the Lower River Shannon SAC.

Table 3:

Designated Site	Qualifying Interests most likely to be impacted	Impact	Residual Impact
Lower River Shannon SAC <u>Conservation Objective</u> Maintain/Restore the favourable conservation status of habitats and species of community interest			
	Sea Lamprey (<i>Petromyzon marinus</i>)	Water Quality Invasive Species	No
	Brook Lamprey (<i>Lampetra planeri</i>)	Water Quality Invasive Species	No
	River Lamprey (<i>Lampetra fluviatilis</i>)	Water Quality Invasive Species	No
	Salmon (<i>Salmo salar</i>)	Water Quality Invasive Species	No
	Otter (<i>Lutra lutra</i>)	Water Quality Invasive Species Disturbance	No

Potential for direct and indirect effects

- 8.1.21 There would be no direct effects upon Lower River Shannon SAC (Site Code 002165) as there would be no direct habitat loss or fragmentation as a result of the proposed development. No residual impacts have been identified.
- 8.1.22 I refer the Board to Table 6 of the updated NIS which sets out potential impacts, mitigation measures and residual impacts for each of the affected Qualifying Interests.
- 8.1.23 Potential impacts of the proposed development on key habitats and species have been set out in section 5.2 of the NIS and I refer the Board to same. I also refer the Board to Appendix 2 of this report. Construction phase impacts are primarily related to proximity- these relate to impacts on water quality/pollution and invasive species. These impacts could also occur during the operational phase. However, as above, it is noted that no machinery is required for pod installation on site. Pods are manufactured off-site in panels. In terms of invasive species, equipment/materials used for construction could act as vectors for invasive species. Biosecurity measures will be required on site due to sensitive receptors and high risk of spread of invasive species.
- 8.1.24 Otter is also identified as a species of qualifying interest which could be affected by water quality and invasive species impacts both during the construction and operation phase in a similarly manner to the other species as discussed above. Furthermore, otter could be affected by disturbance during the operational phase. It was confirmed in the NIS that no holts are present on the site due to lack of suitable habitat, however that the shoreline is used as a forging area by otter. There could be some displacement impacts, forcing otter to move to other areas of Lough Derg to forage. Accordingly, mitigation measures are necessary in order to reduce disturbance.
- 8.1.25 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed. Mitigation measures have been outlined in section 7. A Biodiversity Plan to deal with invasive species has been submitted. A site-specific CEMP and Method Statement will be drawn up, outlining precisely how the works will be completed. Fencing will be used to delineate the works area. Works will be undertaken during daylight hours to avoid disturbance to nocturnal animals, including

otters. A suitably experienced and qualified contractor will be appointed to ensure that the environmental control measures are fully and properly implemented.

8.1.26 The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

8.1.27 The planning authority and DAU have not raised concerns in this regard. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SAC.

Integrity Test

8.1.28 Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion

8.1.29 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. The previous decision of the Board, under ABP-312227-21 is noted, whereby the Board did not raise concern in relation to this matter.

8.1.30 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.

8.1.31 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its conservation objectives.

8.1.32 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.

- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

9.0 Recommendation

9.1 I recommend that permission is REFUSED

10.0 Reasons and Considerations

1. Given the locational context of the site, removed from existing services and facilities, it has not been adequately demonstrated to the Board that the proposed glamping development comprising of short-stay tourist accommodation with access primarily by boat transfer would be a reasonable and enforceable means of access to the site and that the existing entrance off the R463, a designated Strategic Route, would not be used for such purposes. The use of the existing entrance for such purposes would result in additional traffic movements at this location. CDP11.14 of the Clare County Development Plan 2023-2029 restricts development on Strategic Routes to certain criteria; namely development of strategic importance, dwellings for established landowners and developments within settlement boundaries/50km/hr speed limit zones in order to maintain and protect the carrying capacity and efficiency of roads. Accordingly, it is considered that the proposed development would endanger public safety by reason of traffic hazard due to the additional traffic turning movements that would be generated at a point where the general speed limit of 80 km/h applies. The proposal, if permitted with such access arrangements, would set an undesirable precedent for other similar developments in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

Lorraine Dockery
Senior Planning Inspector

25th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála		ABP-319124-24	
Case Reference			
Proposed Development Summary		Change of use from residential to recreational camping site and the construction of six no. cabins for the purpose of short stay accommodation, a gravel access path a waste water treatment system. A Natura Impact Statement will be submitted to the planning authority with the application	
Development Address		Killana Lodge, Rahena More, Ogonnelloe, 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 x 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	Tick/or leave blank	Class 12(d) of Planning and Development Regulations, 2001 (as amended)	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		EIA Mandatory EIAR required

No	x	No – does not meet threshold 6 glamping pods proposed 12(d) relates to permanent camp sites and caravan sites where the number of pitches would be greater than 100.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	x		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No x	6 glamping pods proposed 12(d) relates to permanent camp sites and caravan sites where the number of pitches would be greater than 100.	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Lorraine Dockery **Date:** 25th February 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319124-24
Proposed Development Summary	Change of use from residential to recreational camping site and the construction of six no. cabins for the purpose of short stay accommodation, a gravel access path a waste water treatment system. A Natura Impact Statement will be submitted to the planning authority with the application
Development Address	Killana Lodge, Rahena More, Ogonnelloe, Killaloe, Co. Clare
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Proposed development comprises the construction of 6 glamping pods for short-stay accommodation and associated site works on site area of 0.4 ha. The development comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in	The site is located in direct proximity to Lough Serg (Shannon) SPA. It is considered that the proposed development would

particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location, likely limited magnitude and spatial extend of effects, and absence of in combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	

There is a real likelihood of significant effects on the environment.	EIAR required.	
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Inspector: Lorraine Dockery

Date: 25th February 2025

Appendix 2- Form 2

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed change of use from residential to recreational camping site and the construction of six no. cabins for the purpose of short stay accommodation and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed site is situated on the western bank of Lough Derg at Tinarana Bay, Co. Clare. The lake is designated as part of the Lough Derg (Shannon) Special Protection Area, for the conservation of wild bird species (both breeding and wintering birds). Lough Derg is the third largest lake in Ireland and is located on the River Shannon with shores in counties Clare, Galway and Tipperary. The current WFD risk rating for Lough Derg is 'At Risk', with hydromorphological conditions, urban wastewater, invasive species and agriculture. A small portion of the north-eastern site is located within the SPA.

The proposed development is located c. 6km upstream of the Lower River Shannon SAC (site code: 002165), designated for a wide range of habitats and species. There is a direct hydrological link between development site and this SAC.

It is proposed to construct a development comprising 6 no. glamping pods for short-stay accommodation and ancillary works at Killana Lodge, Rahena More, Ogonnelloe, Killaloe, Co. Clare.

The proposed development site is located within the grounds of Kilana Lodge, which currently consists of manicured grass / amenity grassland, garden pathways, with an existing jetty and a concrete mooring edge to the boundary of the lake. There are a large number of invasive species in Lough Derg. There are a number of invasive species threatening the ecology of Lough Derg and its shores, however no invasive species was recorded on the subject site.

I have provided a detailed description of the development in my report and detailed specifications of the proposal are provided in the AA Screening Report, NIS, and other planning documents provided by the applicant.

Step 2: Potential impact mechanisms from the project

The proposed development will not result in any habitat loss of any European Site. The proposed project is not directly connected with or necessary to the management of any Natura 2000 site. There is no direct hydrological connection to any of the 8 sites identified as being within 15km of the subject site with the

exception of Lough Derg (Shannon) SPA and the Lower River Shannon SAC. No impacts have been identified for the remaining 6 designated sites, referenced in Table 5 due to distances and lack of pathways/hydrological connections

I refer the Board to Section 5 (Table 2) of the submitted AA Screening Report which sets out the designated sites within 15km of the proposed development, QI's, potential pathways for impacts and potential impacts arising from the proposed development.

There are no direct impacts on the SAC. Potential direct effects mechanisms on the SPA include:

- Potential for disturbance impacts
- Impacts on water quality/pollution
- Impacts from invasive species

Examples of Indirect impacts and effect mechanism include:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality.
- Potential for decline in habitat quality due to contaminant input/construction activities which may impact on foraging opportunities of annexed species
- Potential for invasive species to spread and cause further negative impacts on designated sites
- Impacts on otter's prey

Step 3: European Sites at risk

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

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

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Potential for decline in water quality due to contaminant input	6km downstream	Lower River Shannon SAC	See Step 4, Table 2 below
Potential for decline in habitat quality due to contaminant input/construction activities			

Spread of invasive species			
<p>Noted that Cormorant, Tufted Duck, Goldeneye and Common Tern would not use the proposed development site. No suitable habitat on the site for these species.</p> <p>Disturbance/displacement due to increased noise and human activity.</p> <p>Potential water quality and invasive species impacts affecting the Wetland and Waterbirds habitat can also indirectly affect these species and their habitat quality and food source</p>	Mobility of species	Lough Derg (Shannon) SPA	See Step 4, Table 2 below

The Lower River Shannon SAC (Site Code 002165) and the Lough Derg (Shannon) SPA (Site Code 004058) are the only Natura 2000 sites considered to be potentially impacted by the development. All others have been screened out due to distance, lack of suitable habitat, lack of hydrological connections, together with nature and scale of development proposed.

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Water Quality	Sedimentation	Disturbance	Invasive Species Dust

Lower River Shannon SAC (Site Code 002165)	<u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>					
Sea Lamprey	Restore FCS Greater than 75% of main stem length of rivers accessible from estuary; no decline extent and distribution of spawning beds. More than 50% of sample sites of juvenile habitat positive.	Y	N	Y	Y	N
Brook Lamprey	Maintain FCS Access to all water courses down to first order streams No decline in extent or distribution of spawning beds. More than 50% of sample sites of juvenile habitat positive	Y	N	Y	Y	N
River Lamprey	Maintain FCS Access to all water courses down to first order streams No decline in extent or distribution of spawning beds. More than 50% of sample sites of juvenile habitat positive	Y	N	Y	Y	N
Atlantic Salmon	Restore FCS 100% of river channels down to second order accessible from estuary in terms of distribution; adult spawning fish Conservation Limit (CL) for each system consistently exceeded; Maintain or exceed mean catchment-wide abundance threshold value. No significant declines in out-migrating smolt abundance; no decline	Y	N	Y	Y	N

	in number and distribution of spawning redds due to anthropogenic causes; at least Q4 water quality at all sites sampled by EPA					
Otter	Restore FCS No significant decline in habitat extent/ distribution/couching sites & holts; available fish biomass. No significant increase in barriers to connectivity.	Y	Y (noise)	Y	Y	N
Lough Derg (Shannon) SPA (Site Code 004058)	<u>Lough Derg (Shannon) SPA National Parks & Wildlife Service (npws.ie)</u>					
Cormorant	Maintain or Restore FCS	Y	Y	Y	Y	Y
Tufted Duck	Maintain or Restore FCS	Y	Y	Y	Y	Y
Goldeneye	Maintain or Restore FCS	Y	Y	Y	Y	Y
Little Tern	Maintain or Restore FCS	Y	Y	Y	Y	Y
Wetlands & Waterbirds	Maintain or Restore FCS as a resource for the regularly occurring migratory waterbirds that utilise it.	Y	Y	Y	Y	Y

There is no direct habitat loss. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

I conclude that the proposed development would have a likely significant effect 'alone' on conservation objectives of the Lower River Shannon SAC (Site Code 002165) and Lough Derg (Shannon) SPA (Site Code: 004058) from effects on water quality, disturbance/displacement and invasive species. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further

assessment in-combination with other plans and projects is not required at this time.

Inspector: Lorraine Dockery **Date:** 25th February 2025