



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/601200**

**APPEAL** by Sinéad Gilmartin care of HRA Planning of 3 Hartstonge Street, Limerick City, County Limerick against the decision made on the 16<sup>th</sup> day of December, 2019 by Tipperary County Council to refuse permission to Sinéad Gilmartin.

**Proposed Development** Construction of floating pontoon boat berths, complete with entrance, access road, ancillary services and associated site works. This application is accompanied by a Natura impact statement (NIS), all at Marine Village, Ballina, County Tipperary.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the planning history of the site, to the site being part of a larger area which is identified as an Opportunity Site for tourism, recreation and amenity, as set out in the Ballina Settlement Plan which forms part of the North Tipperary County Development Plan 2010 - 2016 (as varied), and notwithstanding that the Opportunity Site is identified as being suitable for Tourism Facilities, Water-Based Recreational Facilities and Public Amenities, it is noted that the subject site has a specific zoning objective for Open Space and Amenity. Having regard to this specific zoning objective and to the piecemeal nature of the proposed development, it is considered that the proposed development would contravene the zoning objectives for the site, as set out in the North Tipperary County Development Plan 2010 - 2016, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted, in particular, the specific open space and amenity zoning objective for the site in the North Tipperary County Development Plan 2010 - 2016, the planning history of the site and the piecemeal approach to planning for the overall site in terms of the exclusion of large areas of the site and the proposed provision of floating pontoons at the water's edge without context and consideration of the overall zoned site. The Board did not consider that the proposed development complied with the zoning objective and considered, therefore, that the proposed development would not be in accordance with the proper planning and sustainable development of the area.

---

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**