



An  
Coimisiún  
Pleanála

## Commission Order ACP-323094-25

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**Planning and Development Act, 2000, as amended**

**Planning Authority: Tipperary County Council**

**Application** by Tipperary County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Coimisiún Pleanála on the 17<sup>th</sup> day of July 2025.

**Proposed Development:** The proposed development consists of clearance of the Inner Harbour including removal of abandoned boats, addressing safety concerns in relation to the existing boardwalk by removal of existing and replacement with new floating pontoons for 47 number small boat berths that include facilities to enable wheelchair users to access the water, extension to existing welfare building to provide “changing places” facility, alterations to existing parking to facilitate four number recreational vehicle parking spaces with power and water points, updated accessible parking and provision of bike parking / charging facilities.

All located at Garrykennedy Inner Harbour, Garrykennedy, County Tipperary.

### Decision

**APPROVE** the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

## Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Commission had regard to the following:

1. European Union legislation including in particular:
  - (a) European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment,
  - (b) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora, and
  - (c) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
2. National Legislation including in particular:
  - (a) Section 177AE of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to appropriate assessment.

3. National, Regional Policy and Guidance in particular:
  - (a) Project Ireland 2040 National Planning Framework which supports tourism and the sustainable development of the maritime economy (National Policy Objective 34 and National Policy Objective 49),
  - (b) Climate Action Plan 2025 and Climate Action Plan 2024 which supports a modal shift,
  - (c) Architectural Heritage Protection: Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht, 2011,
  - (d) Regional Spatial and Economic Strategy for the Southern Region which seeks to support tourism development Regional Policy Objective 53 and 54, as well as growth of the marine economy and harbour infrastructure in Regional Policy Objective 76 and Regional Policy Objective 81, and
  - (e) Ireland's 4<sup>th</sup> National Biodiversity Plan 2023-2030.
  
4. Local Planning Policy including in particular the provisions of the Tipperary County Development Plan 2022-2028.
  
5. The following matters:
  - (a) the nature, scale and design of the proposed works as set out in the application for approval and the existing character of the area,
  - (b) the documentation including the Ecological Impact Assessment Report, the Natura Impact Statement and associated documentation submitted with the application and the range of mitigation and monitoring measures proposed,
  - (c) the submissions and observations made to An Coimisiún Pleanála in connection with the application,
  - (d) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
  - (e) the conservation objectives, qualifying interests and special conservation interests for the Lough Derg (Shannon) Special Protection Area (Site Code: 004058), and

- (f) the report and recommendation of the Inspector.

**Appropriate Assessment: Stage 1:**

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Site for which there is potential for significant effects is Lough Derg (Shannon) Special Protection Area (Site Code: 004058). The Commission concluded, in agreement with the Inspector, that appropriate assessment is required for that European Site.

**Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the conservation objectives for Lough Derg (Shannon) Special Protection Area (Site Code: 004058). The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment.

In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in view of the Site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

**Proper Planning and Sustainable Development/Likely effects on the environment:**

The proposed development is in accordance with aims and objectives of the Tipperary County Development Plan 2022-2028 and is therefore acceptable in principle. In particular, the proposed development accords with Policy 9-1 encouraging and supporting tourism development, including accommodation and related facilities; Objective 9-F with respect to promoting the county's waterways and Lough Derg Lakelands as part of an overall tourism development; Objective 9-I which relates to supporting the provision of accessible tourism, ensuring facilities are accessible to people with mobility issues; and Objective 14-E concerning supporting maintenance and enhancement of trails and recreational infrastructure in Tipperary. Subject to condition, the Commission concludes that the proposed upgraded harbour, is in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Ecological Impact Assessment shall be implemented in full.

**Reason:** To protect biodiversity.

4. Prior to the commencement of works, a further survey for Otters to be completed, focussing on areas within 150 metres of the site not previously covered on foot, to confirm the absence of breeding Otter; results of the survey to be communicated to the Department of Housing, Local Government and Heritage – Developments Applications Unit; and held on file by the local authority.

**Reason:** To protect Otter an Annex II species.

5. Lighting to the east end of the inner harbour shall be cowled in order to ensure no glare directed towards the woodland.

**Reason:** To protect biodiversity.

6. Construction hours to be limited to 8am-6pm Monday to Friday, 8am-2pm on Saturdays, and not at all on Sundays or public holidays, or, should daylight hours be shorter than the specified times, works will stop at dusk and resume at dawn.

**Reason:** To protect biodiversity and the integrity of European Sites.

7. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the submitted Desk-Based Archaeological Assessment Report for the application, shall be implemented in full, except as may otherwise be required in order to comply with the specific requirements of the National Monuments Service.
- (b) A Project Archaeologist shall be appointed to oversee and advise on construction works and the management of archaeological works.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

8. The local authority shall engage a suitably qualified (license eligible) archaeologist to carry out an Underwater Archaeological Impact Assessment following consultation with the National Monument Service in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The Underwater Archaeological Impact Assessment shall be a desk based assessment and wade/dive survey accompanied by hand-held metal detection survey (subject to licence/consent under the National Monuments Act), to be submitted to the National Monument Service and held on file at the local authority.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

9. The local authority shall engage a suitably qualified (license eligible) archaeologist to carry out an Underwater Archaeological Impact Assessment following consultation with the National Monument Service in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The Underwater Archaeological Impact Assessment shall be a desk based assessment and wade/dive survey accompanied by hand-held metal detection survey (subject to licence/consent under the National Monuments Act), to be submitted to the National Monuments Service and held on file at the local authority.

Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the Underwater Archaeological Impact Assessment. Any further archaeological mitigation requirements in consultation with the National Monuments Service, shall be complied with by the local authority. The local authority and National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the local authority.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

10. The local authority shall engage a suitably qualified (licensed eligible and experienced) maritime/underwater archaeologist to monitor (licensed under the National Monuments Acts) all in-lake/lake margin construction activities or works with the potential to impact on underwater cultural heritage. Prior to the commencement of such works the archaeologist shall consult with and forward to the National Monuments Acts a method statement.

A Finds Retrieval Strategy shall be implemented and agreed with the National Monuments Acts.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending consultation with the National Monuments Service, regarding appropriate mitigation.

The local authority shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified in consultation with the National Monuments Service, shall be complied with by the local authority.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the local authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.

The Construction Environmental Management Plan shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints for the proposed development, with clear identification of potential impacts and relevant mitigation.

All resulting and associated archaeological costs shall be borne by the local authority.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

11. Prior to the commencement of development the local authority shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a public water supply and/or wastewater collection network.
- (a) All development to be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.
  - (b) Where build over of Uisce Éireann assets is proposed, Confirmation of Feasibility of Diversion(s) from Uisce Éireann is required prior to works commencing.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

12. Prior to commencement of works, the local authority shall prepare a final Construction Environmental Management Plan (CEMP), which shall be adhered to during construction. This plan shall reflect all required mitigation for the project and provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste. The CEMP shall be added to the file prior to the commencement of works.

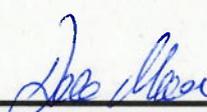
**Reason:** In the interests of public safety and amenity.

13. Prior to the commencement of the development, the local authority shall prepare a Marine Management Plan detailing the management of the inner harbour. The plan shall be implemented as part of the development and published on the local authority's website.

**Reason:** In the interests of sustainable transport and safety.

14. Prior to the commencement of the development, the local authority shall prepare a Car Park Management Plan detailing the management of the car park, particularly in relation to recreational vehicles. The plan shall be implemented as part of the development and published on the local authority's website.

**Reason:** In the interests of sustainable transport and safety.

  
Declan Moore

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 11<sup>th</sup> day of DECEMBER 2025

