



An
Coimisiún
Pleanála

Inspector's Report

ABP-320491-24

Type of Application	Application for Substitute Consent pursuant to section 177E of the Planning and Development Act 2000 (as amended)
Development	for the re-fencing of lands, widening of existing entrance gate, commencement of re-surfacing of existing driveway and relocation of boulders around existing harbour.
Location	Cashel, Newtowncashel, Co. Longford, N39 VH28.
Planning Authority	Longford County Council
Applicant(s)	GALRO ULC
Prescribed bodies	None
Observer(s)	None
Date of Site Inspection	28 th October 2025
Inspector	Aisling MacNamara

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Appendix 1: Form 1: EIA Pre-Screening

Appendix 2: Appropriate Assessment Screening

Appendix 3: Appropriate Assessment Determination

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1.0 Introduction

- 1.1. This is an application for substitute consent under section 177E of the Planning and Development Act 2000 (as amended) for existing works carried out a rural house in County Longford.
- 1.2. The application follows the recent withdrawal of an application (ABP 318304) for 'leave to apply' for substitute consent, on foot of changed legislation which removed the 'leave to apply' stage and allows for direct applications for substitute consent.
- 1.3. The application is subsequent to a recent decision under ABP 314204 (PA22/123) to refuse permission for development at the site due to the absence of a Natura Impact Statement to show that the development would not adversely effect the integrity of the Lough Ree Special Area of Conservation (SAC) and the Lough Ree Special Protection Area (SPA).
- 1.4. A remedial Natura Impact Statement is submitted with the application.

2.0 Description of Development

- 2.1. The development to which the application relates includes the following works:
 - refencing of lands,
 - widening of existing entrance gate,
 - resurfacing of existing driveway (works had commenced and are not yet complete),
 - relocation of boulders around existing harbour.

3.0 Site and Location

- 3.1. The development relates to a 1.25ha site that contains an existing dwelling and garage, located within the rural area at Cashel, Newtowncashel in west County Longford. The site is located on the eastern side of Lough Ree and c 12km south of Lanesborough. Access to the site is from the L1157 local primary road which terminates in a cul de sac c 40m from the existing open unmarked entrance to the site. The northwestern boundary of the site is to the L1157 road and the northeastern

and eastern boundary adjoin undeveloped rural lands. The southwestern boundary flanks the shore of Lough Ree. The existing dwelling is centrally located on the site, c 56m from the shore. The northeastern part of the site contains woodland and the southwestern part of the site extending towards the shore is undeveloped natural pasture. There is a small rock jetty (described as harbour in the application documents) at the lake shore. The roadside boundary is marked by natural hedgerow which wraps around part of the northeastern boundary. The northeastern and eastern boundary is treated with a new 1.8m high mesh fence which is flanked in parts by an older c 1.2m timber post and barbed wire fence.

4.0 Relevant Planning History

ABP-318304-23 – Withdrawn – An application for leave to apply for substitute consent for the re-fencing of lands, widening of existing entrance gate, commencement of re-surfacing of existing driveway and repairs to harbour was submitted on 19th October 2023. Section 41 (11) of the Planning and Development, Maritime and Valuation (Amendment) Act 20022 commenced on 16th December 2023 and contained new legislative provisions governing substitute consent processes which provided for a one stage application process. The new legislation provides that any such application for leave to apply for substitute consent which had not been determined by the Board before that commencement date shall be deemed to have been withdrawn. The Board issued a letter dated 15th January 2024 stating that the application is deemed to have been withdrawn.

PA 22/123, ABP-314204-22 – Refuse Nov 2022 – permission for material change of use of existing dwelling to residence where care is provided for persons with intellectual or physical disability. The proposed works will also include upgrade of the existing entrance and boundary treatments, removal of non-native invasive evergreen trees, proposed single storey extension (C.92M.SQ) to the NE & SE elevations and ancillary site works all which is within SAC and pNHA.

Refusal reason: *Having regard to the proposed development, which involves the construction of an extension to an existing house, on the basis of the information provided with the planning application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed*

development, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of European Sites (the Lough Ree Special Area of Conservation (Site Code: 000440) and the Lough Ree Special Protection Area (Site Code: 004064)) in view of the sites' Conservation Objectives, having regard to the location within these sites, the hydrological connectivity with the sites and the possibility that the proposed development may pose a disturbance or barrier risk to qualifying interest species of these sites. In such circumstances, the Board is precluded from granting permission for the proposed development.

PL 5505 – Permission granted for erection of a house in August 1977. Condition 1 states that the new front boundary wall be located on the landward side of the existing fence.

Enforcement File Ref UNA 1366 - Warning Letter issued on 8th April 2022 re unauthorised development within protected area (fencing, land reclamation removal and stockpiling on foreshore of rocks and excavation).

5.0 Consultations

5.1. Planning Authority Report

5.2. Section 177I of the Planning and Development Act 2000 (as amended) requires that the planning authority submit a report for the consideration of the Commission. The report is to contain information set out in section 177I(2) (a), (b), (c), (d) and (e). The planning authority submitted two letters both dated 26th September 2024. The letters do not contain all of the information set out under subsection (2). The observations of the planning authority in relation to the application are summarised as follows:

- In regard to whether or not there are exceptional circumstances, the planning authority will rely on the determination of the Commission.
- The planning authority consider the case as laid out by GALRO's agents to be reasonable and credible given the company's history with other similar properties and the maintenance of same and whereby on a site not located in a Natura 2000 site, the works would be exempted development.
- It is reasonable to contend that GALRO were genuinely unaware for the need in this instance to apply for planning permission.

- GALRO engaged directly and quickly with the planning authority and with NPWS and ceased works immediately. Substitute Consent is the only avenue available to rectify a legitimate mistake.

5.3. **Prescribed Bodies**

None received.

5.4. **Third party submissions / observations**

None received

6.0 **Policy Context**

6.1. **Development plan**

The Longford County Development Plan (CDP) 2021-2027 is in place. The following is of relevance:

- The site is located in a rural area.
- The site is located in the Shannon Basin / Lough Ree landscape (Figure 14.1 County Longford's Landscape Character Areas map). This landscape is of 'high' sensitivity along the shores of the lake.
- The road to the site is designated F.S. 20 Full scenic route 'Cashel, Loughfarm, Elfeet (Adamson), Leab, Carrowbeg'. Other scenic routes in the vicinity include IS 17 Intermittent scenic route 'Collum, Derrydarragh, Carrowrory, Ballagh(Rathcline By)' and FS19 Full Scenic route 'Cullentragh, Fortwilliam, Carrickmoran'.
- The site is located within the 'Broad Zone' designated area. These areas function as ecological corridors that connect habitats and designated sites. Waterways contribute to the landscape character and they support tourism offer and provide recreation facilities. They are designated areas of high amenity value and recreation potential associated with major rivers and lakes.
- The 'Rights of Way Map' shows Right of way 'no.8 Lough Ree access, Cashel' near the road at the site.

- The Green Infrastructure' map shows walking, cycling and other routes. There are no routes shown on the site, however the water edge is shown as kayak / canoe way and public road shown as 'cycle route'

The following objectives are of relevance:

Chapter 12 Natural Heritage and Environment

12.8 Inland Lakes, Waterways and Broadzone Areas

CPO12.34 Preserve, protect and enhance the Counties inland lakes and waterways for their amenity and recreational resource amenity, including the Royal Canal, the Rivers Shannon, Inny and Camlin and Lough Ree, Lough Gowna as well as the County's other rivers and lakes.

CPO12.39 Require that land adjacent to lakeshores and river and canal banks in the County be protected and reserved for public access provision.

CPO12.40 Protect the broadzones of the lakes, rivers, canals and deciduous woodlands from inappropriate development (see Appendix 7: Natural Heritage and Environment), i.e. development which adversely affects high amenity and landscape quality in relation to their setting, such as the environs of Newcastle House and Woods, particularly adjoining the River Inny Bridge.

CPO 12.48 Reserve land adjacent to the canal, riverbanks and other waterbodies to promote and facilitate the creation of waterside linear routes to link with existing routes and amenity spaces and to facilitate the provision of walking/cycling routes along canals and watercourses. Protect, enhance and improve existing public rights of way and, where possible, provide additional access to inland waterways through agreement, permissive access and/or the acquisition of land for public rights of way and parking and lay-by facilities.

Chapter 13 Green Infrastructure

CPO 13.34 Encourage and facilitate the creation of additional rights of way and extend existing ones for pedestrian, cycling, amenity or recreational purposes, either by agreement or by the use of compulsory powers, for the creation of public rights of way, particularly in areas of high amenity and recreational importance.

CPO 13.35 Promote the preservation, protection, enhancement, maintenance and improvement, for the common good of all public rights of way particularly those giving access to lakes, riverbanks, geomorphological features of heritage value and other places of natural beauty or recreational utility/activity.

Chapter 14 Landscape Character

Landscape Character

CPO14.3 Protect the landscapes and natural environments of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness, or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

CPO14.4 Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape in new development proposals. Any new development should respect and reinforce the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness.

Protected Views and Prospects

CPO 14.37 Preserve the views and prospects listed in Table 14.2 and 14.3 and detailed in Appendix 9: Landscape Character with accompanying maps and to protect these views from development which would interfere unduly with the character and visual amenity of the landscape.

14.7 Protected Views and Prospects - It is not envisaged that the designation of a Protected View would prohibit all development within the view, but rather that any development proposed within the view should be designed and located so as not to obstruct the view both to and from a location and/or be unduly intrusive in the landscape as seen from both to and from these vantage points.

Chapter 16 Development Management Standards

16.4.5.7 Rural Housing

Development Management Standards – Rural Housing

DMS 16.91 Access and Sightlines

- a) All applications for planning permission must include (at a minimum scale of 1:500) comprehensive details of the way in which safe access and egress to the site can be achieved.
- b) Existing roadside hedgerows and trees should be retained as much as possible. The entrance should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow.
- c) Where satisfactory access can be achieved only by removing large stretches of roadside hedgerow/ditches/stone boundaries, an alternative site for the proposed development should be considered subject to satisfaction of other planning assessment criteria.
- d) The sharing of vehicular entrances will be encouraged where appropriate in order to avoid a proliferation of access points. Where a new house is to be sited adjacent to existing dwellings, use of existing entrances, avenues and driveways should be considered.
- e) Safe unobstructed sight distances should be provided and maintained thereafter from vehicular entrances onto the road network as per the details specified in DMS16.114.

DMS 16.93 Boundary Treatment

- a) Application sites should be flanked with a minimum of two established natural boundaries to aid visual integration and help soften the visual impact of the development in the landscape.
- b) Existing hedgerows and landscape features on site should be retained and augmented on site. Where hedgerow removal is required to achieve sight lines, new hedgerow(s) of a native species must be planted inside the line of visibility.
- c) New roadside frontage should be incorporated into existing roadside treatment using compatible hedgerow planting, walls, timber fencing and/or drystone work.
- d) Boundary treatment should reflect local traditions. Traditional dry-stone wall construction or limestone walls with lime mortar, and/or post and wire/timber fencing

back planted with indigenous hedging are considered appropriate at entrances. Over-scaled and elaborate designs should be avoided.

e) The design of entrance gates should be in keeping with the rural setting. Entrances, wing walls and piers which are not demonstrated to be in character with the rural location of the proposed development will generally not be permitted. All planning applications must include detailed drawings and specifications for vehicular entrance arrangements.

f) Landscaping proposals should be submitted with all planning applications for development and shall include a schedule of indigenous native plant species and implementation timeline

16.4.7 Road Safety and Access

DMS 16.121 Retain existing roadside hedgerows and trees as much as possible. New and or extended entrances should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow. The new boundary should be planted with suitable indigenous species and plants and these should be identified within a detailed landscape plan.

DMS 16.114 Safe unobstructed sight distances should be provided and maintained thereafter from vehicular entrances onto the road network as follows:

Table sets out applicable standards and details.

6.2. Natural Heritage Designations

The site is located entirely within Lough Ree Special Area of Conservation and partly within Lough Ree Special Protection Area. The site is within Lough Ree proposed NHA.

7.0 Environmental Impact Assessment Screening

The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

The applicant has submitted a 'Remedial Environmental Impact Statement Screening Report' dated 10th July 2024. The report indicates that the subject project does not fall under Annex I or II of the EIA Directive, however states that due to the location of the project in an ecologically sensitive area and the need for a remedial NIA, the project has potential for significant impacts on the environment and therefore screening for EIA is necessary. The applicant has submitted information for the purpose of screening sub threshold development for Environmental Impact Assessment (schedule 7A).

Regardless of the submission of this schedule 7A information, I have concluded that the development is not a class of development for the purpose of the EIA Directive and therefore no screening is required.

8.0 Assessment

8.1. Having undertaken an inspection of the site and having reviewed the contents of the application and the submissions received, I am satisfied that the issues for consideration in this case include the following:

- exceptional circumstances
- principle of development
- consideration of works to entrance and driveway
- consideration of fencing works
- consideration of works to lake harbour
- Appropriate Assessment and remedial Natura Impact Statement
- Water Framework Directive screening

8.2. Exceptional Circumstances

8.2.1. Under Section 177K of the Planning and Development Act 2000 (as amended), the Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant

of such consent by the Commission. In considering whether exceptional circumstances exist, the Commission shall have regard to the following matters:

- 8.2.2. **(a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;**
- 8.2.3. There is no mandatory requirement for Environmental Impact Assessment for the development.
- 8.2.4. The development is subject to appropriate assessment and a remedial Natura Impact Statement has been submitted. Consent can only be granted where the Commission is satisfied that the development does not adversely effect the integrity of a Natura 2000 site in combination with other plans or projects. The appropriate assessment of the development is set out below.
- 8.2.5. The regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or Habitats Directive.
- 8.2.6. **(b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised;**
- 8.2.7. The documentation submitted with the application includes statements from the owner/ applicant (GALRO) and the contractor who carried out the works that are the subject of the application (Attachment no. 8 and 21). This information provides a background to the works that were carried out on the site. The applicant purchased the property in July 2021. In order to secure his land following an adverse possession claim, the applicant employed a contractor to replace existing fencing at the property. The contractor commenced work on the site on 2nd November 2021. He was unable to access with the machinery and removed the entrance piers/ walls in order to gain access. The applicant requested the contractor to 'level' (flatten protruding stones) the harbour, however this was interpreted as as a request to remove the harbour. The contractor removed approximately one third of the harbour stone and placed them in the water at the shore before the owner visited the site on 22nd November 2021 and requested the work to stop. The same day the site was visited by a NPWS Wildlife Warden who advised planning may be required for works and that work should cease. Works immediately ceased on site and no works have been carried out on the site since this date.

- 8.2.8. The cover letter submitted by the applicants agent states that GALRO own a large number of similar houses all over the midlands region, offering respite facilities to families of vulnerable children and adults and that in managing these properties they have always engaged in the planning process. A list of planning applications apply for by GARO is set out in Attachment 19. It is stated that the company have never owned a premises in / near a European site. They were of the understanding that the works to the property were routine maintenance and upgrading constituting exempted development.
- 8.2.9. The planning authority have submitted a letter stating that the applicant's case is credible, given the company's history with other similar properties and due to the fact that on a site not located within a Natura 2000 site, the works would be exempted development. The planning authority state that it is reasonable to contend that GALRO were unaware of the need in the is instance to apply for planning permission.
- 8.2.10. Based on the information provided, I am satisfied that there is nothing on file to indicate that the applicant had or could reasonably have had the belief that the development was unauthorised.
- 8.2.11. **(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;**
- 8.2.12. The applicant has submitted a remedial Natura Impact Statement. The application is accompanied by documentation to allow for assessment. There is sufficient information to allow for an assessment of before and after impacts of the works on qualifying interests.
- 8.2.13. The application for substitute consent has been advertised to the public. All documentation as part of the application has been available to view. Submissions have been invited from the public and from prescribed bodies in accordance with the Planning and Development Regulations 2001 (as amended).
- 8.2.14. The ability to carry out an appropriate assessment and to provide for public participation in such an assessment has not been substantially impaired.

8.2.15. **(d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;**

8.2.16. I have carried out an appropriate assessment of the development taking account of the submitted remedial Natural Impact Statement. I have concluded that the development carried out and which continues to be in place on the site, did not and does not, have an adverse effect on the integrity of the Lough Ree SAC and Lough Ree SPA in light of the conservation objectives of these plans in combination with other plans or projects.

8.2.17. **(e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;**

8.2.18. There are no adverse effects on a European site. No measures to remediate adverse effects on a European site are required.

8.2.19. **(f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;**

8.2.20. The cover letter submitted states that the applicant has never had an enforcement notice or legal action taken against them or their directors. The only warning letter ever issued to the company or any of its directors, is in relation to the subject site.

8.2.21. There is no information to indicate that the applicant has not complied with previous planning permissions. There is no information to indicate that the applicant has previously carried out unauthorised development.

8.2.22. **(g) such other matters as the Board considers relevant.**

8.2.23. Based on the information provided including the applications submitted for permission and leave to apply for substitute consent and the cessation of works on the site, I am satisfied that the applicant has pro actively engaged in the planning process in order to regularise the unauthorised development on the site. A timeline of all events is submitted in attachment 9.

8.2.24. I do not consider that there are any other matters of relevance.

8.2.25. **Exceptional circumstances conclusion**

8.2.26. I am satisfied that exceptional circumstances exist that would justify the grant of a consent by the Commission.

8.3. Principle of development

8.3.1. The development to be retained relates to the site of an existing house located within the rural area of County Longford. The works relate to fencing of the site boundary, works to the entrance and driveway and works to the harbour. The works are ancillary to the established domestic residential use on the site and as such, it is considered that in principle, the proposal to retain these works is acceptable subject to other planning considerations.

8.4. Consideration of works to entrance and driveway

8.4.1. Consent is being sought to retain the widening of the existing entrance gate and to retain the works that have commenced for the resurfacing of the existing driveway.

8.4.2. The site is located near the cul de sac end of the L1157 local primary road. The L1157 is a narrow lightly trafficked road of straight alignment near the site. At the end of the road, there is a gateway entrance to an access to the shore (referenced as right of way Lough Ree access). The house was constructed in the 1970s with access from the L1157 via a vehicular entrance to the public road. Photographs submitted on the file and a review of google earth street view show the entrance which was in place until the works of November 2021. The original entrance was a standard narrow entrance, marked by a short section of low plastered and capped wall and piers set back from the edge of the road behind the roadside hedge, with a simple metal gate and serving a gravel driveway to the parking area at the front of the house. The entrance and area around the house is marked by a simple post and metal rail fence.

8.4.3. As set out above, this original walls, piers and gateway was demolished in November 2021 due to its constrained width which hampered access. It appears that a short section of hedge was also removed from the northern side of the entrance. As a consequence of these works, the existing entrance is now a wide c 10m unmarked gap.

8.4.4. Chapter 16 sets out development management standards in relation to rural housing and access, sightlines and boundary treatments. DMS16.121 states that extended

entrances should be carefully considered to achieve required sight distance with the removal of a minimum extent of existing hedgerow and that new boundary should be planted with suitable indigenous species. Safe unobstructed sight distances should be provided as per DMS 16.114.

- 8.4.5. Firstly, I consider that the removal of the original entrance wall and piers is acceptable and does not raise any issues in terms of impact on visual amenity. I accept that the entrance was narrow and that the removal of the wall, piers and gates to allow widening of the entrance for ease of movement in and out of the site and for improvement of sightlines is acceptable.
- 8.4.6. Regarding sightlines, DMS 16.114 sets out the sightline requirements for roads. This is a narrow lightly trafficked road at the end of the cul de sac road. The narrow width and location near the end of the cul de sac mean that speeds are low at the entrance. No detailed survey drawings are provided of the layout of the original and existing entrance and sightlines. That said, the removal of the hedge section would of improved sightlines. DMS16.114 requires sightline of 49m for a 50kph speed limit and 36m for a 40kph and states that on local roads sightlines is at the discretion of the planning authority. I consider that the upgrading of the entrance is acceptable subject to the applicant providing a sightline of 36m from a point 2m back and the replacement of roadside vegetation with native hedging behind the line of sight. The lands either side of the entrance are in the ownership of the applicant and I am satisfied that any required works would be on lands within the control of the applicant. I consider that these additional works would be minor and within the remit of the substitute consent and that the works would not have any impacts on the qualifying interests of European sites and the works would not have implications for the rNIS submitted with the application.
- 8.4.7. The existing gap in the hedge for the entrance is wide and unmarked and this is somewhat at odds with the established pattern of entrances to rural houses. The recessing/ splaying treatment of the entrance and planting of new native hedging behind the sightline would improve the visual impact of the entrance so that it integrates into the surrounding area.
- 8.4.8. Should permission be granted it is recommended that a condition be attached requiring these works to be carried out within 6 months.

- 8.4.9. The works carried out to the existing driveway include the deposition of a mound of hardcore stone on the driveway including some spreading of this stone. The works have not been completed. The original driveway was in poor, dated condition. I am satisfied that the works for the resurfacing of the driveway to upgrade the condition of the driveway for the use of vehicles associated with the house is acceptable.
- 8.4.10. In summary, I am satisfied that the works to the entrance and driveway are acceptable, subject to condition for works to mark the entrance and for sightlines, and that development would not result in traffic hazard or obstruction of road users and do not undermine the visual amenity of the area.

8.5. Consideration of the fencing works

- 8.5.1. Fencing has been installed along the north eastern and eastern boundaries of the site. The fencing is 1.8m high green powder coated metal mesh fencing with 50mm posts. The applicant states that this fencing replaces the older rotten timber post and rail fencing which is still in place in parts. Along parts of the boundary, the fencing has provided a base for the establishment of new hedgerow.
- 8.5.2. Regarding the principle of installing fencing near the lake, I note that the CDP includes objectives which protect lakeshores for amenity recreational use and for access, including CDP12.48 (reserve land for linear routes, protect public rights of way and provide additional access through agreement), CPO12.39 (require land adjacent lakeshore to be protected and reserved for public access) and CPO12.34 (to protect lakes for amenity and recreational amenity). I note that in the decision of ABP314204, that the Board considered the matter of fencing and found that that the proposed development would not present a barrier to the amenity use of the shoreline. There is no information to show that there is a right of way traversing through the site. The fencing replaces long established original fencing. In principle, I am satisfied that the proposal to upgrade and replace the original fencing is acceptable and does not change the existing situation regarding access to lands or shoreline.
- 8.5.3. On visual grounds, the site is located within a scenic area in a highly sensitive Shannon Basin / Lough Ree landscape and there are scenic routes in the vicinity. The site is also within a 'Broad Zone' which is an area of high amenity value and recreation potential associated with major rivers and lakes. The CDP contains

objectives for the protection of landscape and the amenity of the natural environment (CPO12.40, CPO 14.3, CPO14.4) and views and prospects (CPO 14.37).

- 8.5.4. Having visited the site, I considered the visual impact of the fencing from different points near the site. In views from the north, the fencing is screened by the existing hedgerow on the northern side of the fence and is not visible. There is a substantial band of mature trees located along the northern part of the site and this screens views of the majority of fencing from within the site. The land closer to the shore is open and fencing located closer to the shore is not screened by vegetation and is more visible, however from many vantage points, due to its open mesh and muted tone, blends with the landscape and is not visually intrusive.
- 8.5.5. Scenic view FS 20 follows the local road network around the lands at Loughfarm along the L1157, L5253 and L5254. I am satisfied that due to the distance of the fencing from these routes, including the intervening topography, natural vegetation and buildings, that the fencing will not be intrusive in views from these routes or intrusive in views from the lake.
- 8.5.6. In conclusion, I am satisfied that the fencing can be accommodated without significant adverse impacts on visual amenity or the character of the landscape. The development is in accordance with the objectives of the CDP for the preservation of the landscape and views and prospects and the protection of the amenity of the lakes. Furthermore, the development does not alter any existing access arrangements to the surrounding land or to or from the lake.

8.6. Consideration of works to lake harbour

- 8.6.1. The harbour is a small stone domestic jetty to be used in association with the house. No information is provided in relation to the planning status of the harbour, however I note from Google imagery that the house and harbour is in place in 1995 and as such I am satisfied that the harbour is long established in association with the house.
- 8.6.2. The information in the application indicates that rock boulders/stone was removed from the outer end of the harbour and that removed stones were placed along the lake shore (the statement from the contractor states that the stones were placed within the water), which resulted in the removal of approximately one third of the harbour.

- 8.6.3. Having regard to the nature and scale of the works, I do not consider that the works adversely impact on the visual or landscape amenity of the area. The harbour is associated with private land and there are no impacts on existing access arrangements to or from the lake.
- 8.6.4. In terms of environmental impacts, the harbour is located within the Lough Ree Special Area of Conservation and Lough Ree Special Protection area. The environmental impact of the works on these European sites is considered separately as part of the appropriate assessment.

8.7. Appropriate Assessment and remedial Natura Impact Statement

- 8.7.1. In screening the need for Appropriate Assessment, it was determined that the development could result in significant effect on Lough Ree SAC and Lough Ree SPA in view of the consideration objectives of those sites and that appropriate assessment was required. The development has already been undertaken and a remedial Natura Impact Statement has been submitted. The stage 1 screening and stage 2 appropriate assessment is set out in the appendices attached to this report.
- 8.7.2. Following appropriate assessment, it has been concluded that the development, individually or in combination with other plans or projects has not and will not adversely affect the integrity of the Lough Ree SAC and Lough Ree SPA or any other European site in view of the conservation objectives of any such site. This conclusion is based on the following:
- nature, location and scale of the proposed development,
 - detailed assessment of construction and operational impacts,
 - consideration of the conservation objectives of qualifying interest species and habitats,
 - consideration of the submitted remedial NIS which includes objective and scientific information and is carried out by a competent person,
 - details of any specific mitigation measures that were carried out to avoid adverse effects on site integrity which are considered to be effective, and
 - absence of any proposed remedial measures to be carried out to remedy any significant effects on site.

8.8. Water Framework Directive screening

- 8.8.1. A screening assessment for WFD is attached as an appendix to this report.
- 8.8.2. The site is located within the Upper Shannon WFD catchment and Shannon (Upper)_090 sub catchment. The site overlays the Funshinagh groundwater body and is within / adjoins the Ree Lake water body. The Funshinagh has 'good' WFD status and is 'not at risk'. The Lake Ree has a 'moderate' WFD status and is 'not at risk'.
- 8.8.3. I have assessed the development that was carried out and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the domestic nature and small scale of works which were carried out including measures for the protection of water bodies, I am satisfied that the development did not and does not result in adverse impacts that risk any water body in reaching its WFD objectives.

9.0 Recommendation

I recommend that the Commission grant substitute consent with conditions.

Reasons and considerations

Having regard to:

- (a) the provisions of the Planning and Development Act 2000 (as amended), in particular Part XA Substitute Consent,
- (b) and the provisions of the Longford County Development Plan 2021-2027,
- (c) the location of the development within the Lough Ree Special Area of Conservation and Lough Ree Special Protection Area,
- (d) the submitted remedial Natural Impact Statement,
- (e) the report and opinion of the planning authority under section 177I,
- (f) the planning history of the site,
- (g) the pattern of development in the area,

(h) the report of the Commission's Inspector,

Appropriate Assessment

It is considered that following stage 1 screening for appropriate assessment, that stage 2 appropriate assessment was required for Lough Ree Special Area of Conservation and Lough Ree Special Area of Conservation.

Following appropriate assessment, it has been determined that the development, individually or in combination with other plans or projects, has not and will not adversely affect the integrity of the Lough Ree Special Area of Conservation and Lough Ree Special Protection Area or any other European site in view of the conservation objectives of any such site. This conclusion is based on the following:

- the nature, location and scale of the proposed development,
- detailed assessment of construction and operational impacts,
- consideration of the conservation objectives of qualifying interest species and habitats,
- consideration of the submitted remedial NIS which includes objective and scientific information and is carried out by a competent person,
- details of any specific mitigation measures that were carried out to avoid adverse effects on site integrity which are considered to be effective,
- absence of any proposed remedial measures to be carried out to remedy any significant effects on site.

Proper planning and sustainable development

Having regard to the nature, scale and extent of the development and subject to compliance with the conditions set out below, the development would not adversely impact on the character of the area or be injurious to the visual, residential or environmental amenities of the area and is acceptable in terms of traffic safety and convenience and therefore the development is considered to be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Unless otherwise agreed in writing with the authority, the applicant shall submit, within three months of this order, drawings and details for the written agreement of the planning authority showing:
 - (a) The entrance shall be recessed 5m from the public road carriageway. The recessed space shall be splayed with wing walls, timber fence or stone bank not exceeding 0.8m in height (including any pillars), splayed to provide and overall width of 6-8m along the roadside boundary.
 - (b) Full visibility shall be made available for 36 metres on either side of the entrance from a point 2 metres back in from the edge of the road carriageway
 - (c) The area between the road carriageway and the revised boundary shall be finished 200-300mm above carriageway level and finished in grass.
 - (d) The revised boundary shall match the existing roadside boundary.

Unless otherwise agreed in writing with the planning authority, the agreed works shall be carried out within six months of his order.

Reason: In the interests of traffic safety and visual amenity to assimilate the development into the surrounding rural landscape.

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.

Aisling Mac Namara

Planning Inspector

15th December 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	320491
Development Summary	- Refencing of lands, - Widening of existing entrance, driveway improvement works - Relocation of boulders at harbour
Development Address	Cashel, Newtowncashel, Co. Longford
	In all cases check box /or leave blank
1. Does the development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	State the Class and state the relevant threshold

EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) Note: 7A information is submitted but the development is not of a class of development for the purpose of the EIA Directive.

Inspector: _____ Date: _____

Appendix 2: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	- Installation of metal grid rail fencing along northeast and southeast boundary of site (new fencing inside of original barbed wire fence). - Widening of existing entrance way (existing gate pillars and walls either side of site entrance were removed). - Resurfacing of driveway with fresh gravel. - Works to harbour (moving some stones from waterside end of harbour and placing them in water near shoreline – approximately one third of harbour rock was removed / relocated).
	Note - condition recommended for improvement works to entrance.
Brief description of development site characteristics and potential impact mechanisms	Existing house in rural area. Site has boundary to Lough Ree. Site is located within Lough Ree SAC and Lough Ree SPA. Northeastern part of site is wooded.
Remedial Screening	Yes Remedial Screening for AA is included in 'Remedial Natura Impact Statement' by VEON Ecology, dated 10th July 2024
Remedial Natura Impact Statement	Yes Remedial Natura Impact Statement by VEON Ecology, dated 10th July 2024
Relevant submissions	No
Planning authority	No

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The following European sites are potentially within a zone of influence of the development.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS)	Distance from development (km)	Ecological connections	Consider further in screening Y/N
Lough Ree SAC 000440	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000440.pdf	Site is within SAC	Direct	Yes
Fortwilliam Turlough SAC 000448	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000448.pdf	2.9km	No ecological or hydrological connection	No

	sites/conservation_objectives/CO000448.pdf			
Corbo Bog SAC 002349	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002349.pdf	10.4km	No ecological or hydrological connection	No
Lough Funshinagh SAC 000611	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000611.pdf	10.4km	No ecological or hydrological connection	No
Mount Jessop Bog SAC 002202	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002202.pdf	14.9km	No ecological or hydrological connection	No
Lough Ree SPA 004064	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004064.pdf	Site is within SPA	Direct	Yes

Step 3 Describe the likely effects of the project (if any, alone or in combination) on European sites.

AA Screening matrix

Site name	Qualifying interests and conservation objectives	Possibility of significant effects (alone) in view of the conservation objectives of the site	
		Impacts	Effects
Lough Ree SAC 000440	Habitats 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7230 Alkaline fens 8240 Limestone pavements* 91D0 Bog woodland* 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)* Species 1355 Otter (<i>Lutra lutra</i>)	Construction stage: Construction noise, dust, run off emissions and visual stimuli. No vegetation is cleared for works to harbour, entrance or driveway. Installation of fencing would result in localized, minor, non significant impact on vegetation for installation of posts. Works within lake could impact on the	There is potential for physical impacts to QI habitat 3150 (lake and vegetation) as a result of works to the harbour and installation of fencing within the lake. Lake water quality could be degraded due to pollution from run off toxins during installation of fencing. Lake water quality could be degraded due to siltation during the relocation of boulders in the lake and installation of fencing. Potential for displacement and disturbance of otter during construction phase.

		physical structure of this QI habitat. Operational stage: The fencing may result in a barrier to species. There would be no significant change in the use of the site, the presence of people and activities.	The fencing may obstruct otter and result in displacement.
		Likelihood of significant effects from development (alone): yes	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: n/a	
Lough Ree SPA 004064	Birds A004 Little Grebe (<i>Tachybaptus ruficollis</i>) A038 Whooper Swan (<i>Cygnus cygnus</i>) A050 Wigeon (<i>Anas penelope</i>) A052 Teal (<i>Anas crecca</i>) A053 Mallard (<i>Anas platyrhynchos</i>) A056 Shoveler (<i>Anas clypeata</i>) A061 Tufted Duck (<i>Aythya fuligula</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A125 Coot (<i>Fulica atra</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A142 Lapwing (<i>Vanellus vanellus</i>) A193 Common Tern (<i>Sterna hirundo</i>) Habitats Wetlands	As above	Potential impact to birds via degradation of lake water quality due to pollution, sedimentation, siltation during construction. Construction noise and visual stimuli may disturb birds. The fencing may obstruct birds and result in displacement.
		Likelihood of significant effects from development (alone): yes	

		If No, is there likelihood of significant effects occurring in combination with other plans or projects: n/a
Step 4 Conclude if the development could result in likely significant effects on a European site It is not possible to exclude the possibility that the development alone results in significant effects on Lough Ree SAC and Lough Ree SPA. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Proceed to AA.		

Screening Determination On the basis of the information on file and having regard to: - The location of the works within / in proximity to Lough Ree SAC and Lough Ree SPA, - The potential for direct and indirect impacts on the qualifying habitats and species of the Lough Ree SAC and SPA arising at construction and operation stage, which may effect the qualifying interests of the SAC and SPA. It is not possible to exclude that the development alone (or in combination with other plans and projects) gives rise to significant effects on Lough Ree SAC and Lough Ree SPA in view of the sites conservation objectives. Remedial Appropriate Assessment is required.

Appendix 3: Appropriate Assessment Determination

Appropriate Assessment			
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.			
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the development in view of the relevant conservation objectives of Lough Ree SAC and Lough Ree SPA based on scientific information provided by the applicant. The information provided in the application includes the following: - Remedial Natura Impact Statement at Newtowncashel, Cashel, Co.Longford prepared by VEON Ecology. Report compiled by person with MSc Ecological Management & Conservation Biology and BSc Environmental Science. - The submitted documents and drawings showing the development. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that the remedial NIS is carried out by a competent person with expertise to carry out an appropriate assessment. The rNIS states that site specific conservation objectives are not in place for Lough Ree SPA. NPWS have now published site specific conservation objectives in 2025 and I have had regard to these in my assessment. The submitted rNIS has considered the impact on the qualifying interests of the SPA. I am satisfied that all aspects of the project which could result in significant effects are considered and details are included of any appropriate remedial or mitigation measures undertaken or proposed to be undertaken to remedy or mitigate any significant effects.			
Submissions/observations			
As above			
European sites			
Lough Ree SAC 000440 Lough Ree SPA 004064 Summary of Key Issues that could give rise to adverse effects (from screening stage): Degradation of water quality. Displacement and disturbance of species.			
Lough Ree SAC 000440			
Qualifying Interest	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures

features likely to be affected			
3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Ree SAC, which is defined by the following list of attributes and targets:		
	Habitat area Hectares Area stable or increasing, subject to natural processes	The works do not impact on the area of lake. A small number of stones were relocated within the lake water and shore. There is no impact on the area of lake and any impact on lake vegetation would be very localised and not significant.	Not required
	Habitat distribution Occurrence No decline, subject to natural processes		
	Typical species Occurrence Typical species present, in good condition, and demonstrating typical abundances and distribution	Plant species and vegetation can be impacted by potential degradation (pollution, sedimentation, siltation) of water quality due to - movement of harbour rock - installation of fencing	Required
	Vegetation composition: characteristic zonation Occurrence All characteristic zones should be present, correctly distributed and in good condition		
	Vegetation distribution: maximum depth Metres Maintain maximum depth of vegetation, subject to natural processes		
	Hydrological regime: water level fluctuations Metres Maintain appropriate natural hydrological regime necessary to support the habitat	No significant impact. Any fluctuations due to moving rocks would be very localized, temporary and localized.	Not required
	Lake substratum quality Various Maintain appropriate substratum type, extent and chemistry to support the vegetation	Potential degradation (pollution, sedimentation, siltation) of water quality due to - movement of harbour rock - installation of fencing	Required
	Water quality: transparency Metres Maintain/restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency		
	Water quality: nutrients Njg/l P; mg/l N Maintain the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species		
	Water quality: phytoplankton biomass Njg/l Chlorophyll a Maintain appropriate water quality to support the habitat, including good chlorophyll a status		

	Water quality: phytoplankton composition EPA phytoplankton composition metric Maintain appropriate water quality to support the habitat, including good phytoplankton composition status		
	Water quality: attached algal biomass Algal cover and EPA phytobenthos metric Maintain trace/absent attached algal biomass (		
	Water quality: macrophyte status EPA macrophyte metric (The Free Index) Restore good macrophyte status		
	Acidification status pH units; mg/l Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natu		
	Water colour mg/l PtCo Maintain appropriate water colour to support the habitat		
	Dissolved organic carbon (DOC) mg/l Maintain appropriate organic carbon levels to support the habitat		
	Turbidity Nephelometric turbidity units/ mg/l SS/ other appropriate units Maintain appropriate turbidity to support the habita		
	Fringing habitat: area Hectares Maintain the area and condition of fringing habitats necessary to support the natural structure and functioning of the lake habitat	No significant impact. The works do not have any significant impact on fringe habitat that are reliant on the lake or which support the structure and function of the lake habitat.	Not required
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in Lough Ree SAC, which is defined by the following list of attributes and targets		
This QI is not at risk and is excluded from further consideration. Rationale: This habitat was not observed on site or in the vicinity of the site. Outside of the zone of influence / no pathway.			

7120 Degraded raised bogs still capable of natural regeneration	To restore the favourable conservation condition of Degraded raised bogs still capable of natural regeneration in Lough Ree SAC, which is defined by the following list of attributes and targets:		
This QI is not at risk and is excluded from further consideration. Rationale: This habitat does not occur on the site or in its vicinity.			
7230 Alkaline fens	To maintain the favourable conservation condition of Alkaline fens in Lough Ree SAC, which is defined by the following list of attributes and targets:		
This QI is not at risk and is excluded from further consideration. Rationale: This habitat does not occur on the site or in its vicinity.			
8240 Limestone pavements	To maintain the favourable conservation condition of Limestone pavements in Lough Ree SAC, which is defined by the following list of attributes and targets:		
This QI is not at risk and is excluded from further consideration. Rationale: This habitat is not on the site. Outside of the zone of influence / no pathway.			
91D0 Bog woodland	To restore the favourable conservation condition of Bog woodland in Lough Ree SAC, which is defined by the following list of attributes and targets:		
This QI is not at risk and is excluded from further consideration. Rationale: This habitat is not on the site or in the vicinity of the site. Outside of the zone of influence / no pathway.			

1355 Otter Lutra lutra	To maintain the favourable conservation condition of Otter in Lough Ree SAC, which is defined by the following list of attributes and targets:	Otters may use the site for foraging and passage. No otter holts or couches were found on field survey.	
	Distribution Percentage positive survey sites No significant decline	There is no impact on the area of freshwater or terrestrial habitat. However, there is potential for otter to be disturbed during construction works. The house is an existing house and there is no change in levels of human activity on the site that could result in potential disturbance.	Required
	Extent of terrestrial habitat Hectares No significant decline. Area mapped and calculated as 330.6ha along river banks/lake shoreline/around pools		
	Extent of freshwater (river) habitat Kilometres No significant decline. Length mapped and calculated as 22.7km		
	Extent of freshwater (lake) habitat Hectares No significant decline. Area mapped and calculated as 2097.4ha		
	Couching sites and holts Number No significant decline		
	Fish biomass available Kilograms No significant decline	Potential degradation of water quality (pollution and sedimentation) can adversely impact on fish.	Required
	Barriers to connectivity Number No significant increase. For guidance, see map 9	New fencing is placed inside the original barbed wire fence. There is no change in the existing level of obstruction. The fencing does not impact on commutes across open water. There is no potential impact on water commuting. The fencing does not block otters from foraging or lying up on any lands adjoining the lake.	Not required
Lough Ree SPA 004064			
A004 Little Grebe Tachybaptus ruficollis	To maintain the Favourable conservation condition of Little Grebe in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	Potential disturbance during construction from noise, visual stimuli, may adversely impact on population and spatial distribution, roosting and feeding.	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of		

	use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution	Degradation of water quality (pollution, sedimentation, siltation) may adversely impact on biomass and feeding, as a result of - installation of fencing, - works to harbour	
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA	The fencing replaces existing fencing. The height and open design of the fence means it is not likely to deter birds inflight or cause collisions of flying birds commuting to and from the lake. The fencing does not obstruct access to shoreline or feeding grounds.	
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target	There is no change in the area of supporting habitat on the site adjoining the SPA.	
A038 Whooper Swan Cygnus cygnus	To restore the Favourable conservation condition of Whooper Swan in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient		

	number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		
A050 Wigeon Anas penelope	To restore the Favourable conservation condition of Wigeon in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		
A052 Teal Anas crecca	To restore the Favourable conservation condition of Teal in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area,		

	and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		
A053 Mallard Anas platyrhynchos	To restore the Favourable conservation condition of Mallard in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		

	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		
A056 Shoveler Anas clypeata	To maintain the Favourable conservation condition of Shoveler in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
A061 Tufted Duck Aythya fuligula	To maintain the Favourable conservation condition of Tufted Duck in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		

	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
A065 Common Scoter Melanitta nigra	To restore the Favourable conservation condition of Common Scoter in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Breeding population trend Percentage change in number of potential breeding pairs Long term trend is stable or increasing	As above	Required
	Productivity rate Number of young fledged per potential breeding pair Sufficient productivity to maintain the population trend as stable or increasing		
	Distribution of nesting habitat Spatial distribution No significant loss of distribution in the long term, other than that occurring due to natural patterns of variation		
	Extent and condition of nesting habitat Hectares of high quality nesting habitat Sufficient area of high quality habitat to support the population target		
	Disturbance at breeding site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the breeding population's access to the SPA or other ecologically important sites outside the SPA		

	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat, and available forage biomass to support the population target		
A067 Goldeneye Bucephala clangula	To restore the Favourable conservation condition of Goldeneye in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
A125 Coot Fulica atra	To maintain the Favourable conservation condition of Coot in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		

	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
A140 Golden Plover <i>Pluvialis apricaria</i>	To restore the Favourable conservation condition of Golden Plover in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		

A142 Lapwing Vanellus vanellus	To restore the Favourable conservation condition of Lapwing in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Winter population trend Percentage change in number of individuals Long term winter population trend is stable or increasing	As above	Required
	Winter spatial distribution Hectares, time and intensity of use Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target		
	Disturbance at wintering site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution		
	Barriers to connectivity and site use Number, location, shape and hectares Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA		
	Forage spatial distribution, extent and abundance Location, hectares, and forage biomass Sufficient number of locations, area of suitable habitat and available forage biomass to supp		
	Roost spatial distribution and extent Location and hectares of roosting habitat Sufficient number of locations, area and availability of suitable roosting habitat to support the population target		
	Supporting habitat: area and quality Hectares and quality Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		
A193 Common Tern Sterna hirundo	To restore the Favourable conservation condition of Common Tern in Lough Ree SPA, which is defined by the following list of attributes and targets:		
	Breeding population size Number of Apparently Occupied Nests (AON) Long term SPA population trend is stable or increasing	As above	Required
	Productivity rate Number of fledged young per breeding pair Sufficient to maintain a stable or increasing population		
	Distribution: extent of available nesting options within the SPA Numbers and spatial distribution Sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population		
	Forage spatial distribution, extent, abundance and availability Location, hectares, and forage biomass Sufficient number of locations, area of suitable		

	habitat and available forage biomass to support the population target		
	Disturbance at the breeding site Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact on birds at the breeding site		
	Disturbance at areas ecologically connected to the colony Intensity, frequency, timing and duration Disturbance occurs at levels that do not significantly impact on breeding population		
	Barriers to connectivity Number, location, shape, and area (ha) Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA		
A999 Wetlands	To maintain the Favourable conservation condition of Wetland habitats in Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas. This is defined by the following list of attributes and targets:		
	Wetland habitat area Hectares No significant loss to wetland habitat within the SPA, other than that occurring from natural patterns of variation	No impact on area of wetland.	Not required
	Wetland habitat quality and functioning Quality and function of the wetland habitat No significant impact on the quality or functioning of the wetland habitat within the SPA, other than that occurring from natural patterns of variation	Potential adverse effects on water quality could impact on quality, functioning and accessibility of the wetland habitat.	Required

Assessment of issues that could give rise to adverse effects view of conservation objectives:

All identified adverse effects are localised, temporary and were of short time span.

(i) Water quality degradation

The construction works for the installation of fencing (concreting), moving of rock harbour (tracking machine on harbour) could result in emissions of hazardous fluids and hydrocarbons, dust which result in pollution. Works within the water could result in siltation/ sedimentation of waters. These effects could adversely impact on the QIs eutrophic 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation', or adversely impact on QIs that are reliant on good water quality.

Potential adverse effect on:

- Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation
- wetlands

Mitigation measures and conditions:

- The installation of the upgraded fence was conducted manually by hand and without heavy machinery, therefore protecting the integrity of the soil profile, excluding the risk of run off into the lake.

- Dry concrete was used to secure the new fencing into place within 5m of the water edge. The use of dry concrete to install the uprights of the new fencing reduced the risk of sedimentation and impacts on water pH as dry concrete does not require mixing and is ready to pour, therefore mitigating against the risk of concrete sediment entering the water.

(ii) Disturbance of QI species

The construction works carried out for the installation of fencing, widening of entrance, driveway resurfacing, moving of rock harbour have potential for noise, light intrusion and visual stimuli that could result in disturbance of QI otter and QI birds.

Any further new improvement works to entrance (refer recommended condition) would be minor, short term and would not result in significant disturbance impacts.

Potential adverse effect on:

- Otter
- QI birds

Mitigation measures and conditions:

- Works to the harbour rock was carried out over one day only.
 - Fencing carried out between 2nd November to 22nd November 2021 – this is a short timespan.
- The works are low intensive works, carried out by a single farm contractor over a minimal number of days – this reduces the risk of prolonged disturbance.

Remedial measures:

No remedial measures are required to be undertaken to remedy any significant effects on the European site.

Monitoring:

The works have been carried out. I am satisfied that the measures were effective. It is not considered that monitoring is required.

In-combination effects

The development proposal has no direct connection with any other development proposal. The NIS contains a list of planning applications granted in the vicinity within the 5 years before March 2023. I have also undertaken a review of all applications within the surrounding area of the development site. There are no projects planned in the vicinity of the site that could have significant in combination impacts with the subject development. Each development proposal is subject to AA or was screened out at application stage by the competent authority and do not pose an adverse effect on a European site.

The Longford CDP relates to the development in the area. This CDP has been subject to its own separate AA process. The plan does not pose an adverse effect on a European site.

There are no plans or projects that would result in cumulative impact in conjunction with the current application.

I am satisfied that there are no residual effects arising on the site.

It is considered that there is no potential for significant in-combination effects.

Findings and conclusions

The works carried out had the potential to result in adverse effects including the degradation of water quality and disturbance of species with potential impacts on QI otter, birds, natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation and wetlands.

Mitigation measures were carried out and on foot of these measures any adverse effects are not significant.

There are no on going adverse effects that require remediation to be carried out.

Reasonable scientific doubt

I am satisfied that there is no reasonable scientific doubt as to the absence of the effects.

Site Integrity

The development did not and does not affect the attainment of the conservation objectives of the **Lough Ree SAC** and **Lough Ree SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion

In screening the need for Appropriate Assessment, it was determined that the development could result in significant effect on Lough Ree SAC and Lough Ree SPA in view of the consideration objectives of those sites and that remedial Natural Impact Statement was required.

Following appropriate assessment, it has been determined that the development, individually or in combination with other plans or projects has not and will not adversely affect the integrity of the Lough Ree SAC and Lough Ree SPA or any other European site in view of the conservation objectives of any such site.

My conclusion is based on the following:

- nature, location and scale of the proposed development,
- detailed assessment of construction and operational impacts,
- consideration of the conservation objectives of qualifying interest species and habitats,
- consideration of the submitted remedial NIS which includes objective and scientific information and is carried out by a competent person,
- details of any specific mitigation measures that were carried out to avoid adverse effects on site integrity which are considered to be effective,
- absence of any proposed remedial measures to be carried out to remedy any significant effects on site.

Appendix 4: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Bord Pleanála ref. no.		320491	Townland, address		Cashel, Newtowncashel, County Longford	
Description of project			for the re-fencing of lands, widening of existing entrance gate, commencement of re-surfacing of existing driveway and relocation of boulders around existing harbour.			
Brief site description, relevant to WFD Screening,			Existing rural house in rural area. Site bounds lakeshore of Lough Ree			
Proposed surface water details			n/a			
Proposed water supply source & available capacity			n/a			
Proposed wastewater treatment system & available capacity, other issues			n/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Water body name(s) (code)	Distance to (m)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

Lake	Ree	Abuts/ within	Moderate (2019-2024)	Not at risk	-	Construction works to harbour/fencing in / near lake
Groundwater	Funshinagh	overlays	Good (2019-2024)	Not at risk	-	Construction works contamination to ground
WFD Register of protected areas	SPA with Water Dependent Habitats/Species SAC with Water Dependent Habitats/Species Nutrient Sensitive Areas - Lakes and Estuaries Drinking Water – Groundwater Ground Waterbodies					

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain')

							proceed to Stage 2.
	Drainage from machinery to ground	Funshinagh	underground	pollution	Standard best construction, use of dry concrete to install fencing.	no	Screened out
	Direct contamination of lake water from materials and machinery installing fencing and relocating boulders	Ree	Direct to lake	Pollution and siltation	Standard best construction, construction, use of dry concrete	no	Screened out
OPERATIONAL PHASE							
	N/A no impacts						
DECOMMISSIONING PHASE							
	N/A						