



An
Bord
Pleanála

Inspector's Report

ABP-321116-24

Development	Retention of an existing timber cabin unit for use as a reception area for the existing permitted outdoor activities business (Pl. Ref: 17/157) and all associated site works.
Location	Mid Ireland Adventure, The Marina, Banagher, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2460295
Applicant(s)	Jonathan O'Meara
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant(s)	Jonathan O'Meara
Observer(s)	Joe Murray Morgan Smyth
Date of Site Inspection	24 th February 2025 Aoife McCarthy

1.0 Site Location and Description

- 1.1.1. The marina is located at the northern end of the town, fronting to the River Shannon to the east. Banagher is located c.11.3km to the north of Birr and c.37km to the west of Tullamore.
- 1.1.2. The site is accessed off West End, a circular route from the R356 (Regional road), providing access to marine related uses including a marina to the west; and the grounds of a series of standalone single storey structures to the east.
- 1.1.3. The immediate site environs are open in character, with a playground, low height hedges and intermittent tree planting. The area is also characterised by marine-related, outdoor recreation activity and associated uses relating to the location of the site adjacent to the Marina.
- 1.1.4. The site has a wedge-shaped configuration, and forms part of the public domain associated with the Marina. The subject structure is located adjacent to a single storey container unit, from which an outdoor activity use operates.
- 1.1.5. The subject site has a stated area of 0.026Ha and is located at the Marina, Banagher, Co. Offaly.
- 1.1.6. At the time of site visit, the subject site has been enclosed; bound in part with metal sheet fencing and in part with open wooden fencing. The unit was not operational on the day of the site visit and was fitted out with both coffee shop and reception facilities.

2.0 Proposed Development

- 2.1.1. The proposed development consists of retention permission of an existing timber cabin unit (17.4m²), for the use as a recreation area for the existing outdoor activities business.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Decision to Refuse Permission on the 26th September 2024, for 3 no. reasons, as summarised below:

1. The development is located on lands denoted as having a Constrained Land Use in the Offaly Development Plan 2021-2027. Objective **LUZO-14** states that it is an objective of the Council to facilitate the appropriate management and sustainable use of flood risk areas designated as 'Constrained Land Use' on Settlement Plan zoning maps. It is the view of the Planning Authority that the retention of the development would, be contrary to the proper planning and sustainable development of the area.
2. In the absence of a detailed site-specific flood risk assessment for the development, the Planning Authority is not satisfied that the proposed development would not itself be at risk of flooding, or that it would not give rise to an increased risk of flooding in the area. It is considered that the proposed development would, therefore, be contrary to the provisions of the 'Planning System and Flood Risk Management - Guidelines for Planning Authorities' (2009), would be prejudicial to public health.
3. It is considered that the development does not meet the requirements of **DMS-82** Tourist Facilities as contained in Chapter 13 of the Offaly County Development Plan as the Applicant has not demonstrated to the satisfaction of the Planning Authority that suitable provisions for the management of wastewater and surface water may be provided and that the existing development would not be injurious to the amenities of the area.

3.2. Planning Authority Reports

Planning Reports (26th September 2024)

- The report includes a brief site and development description, with detailed planning history relating to the subject site.
- A total of 5 no. third party submissions have been received.
- The site is subject to Open Space, Amenity and Recreation zoning objective under the Banagher Town Plan under the Offaly County Development Plan 2021-2027.
- The proposed development fails to accord with objective **LUZO-10** with respect to the amenity of open space.

- The proposal is not consistent with CDP Objective **LUZO-12**, which seeks to support reasonable extensions to premises that accommodate established/non-conforming uses.
- Flood risk areas are designated by a Constrained Land Use zoning objective. The Development Plan generally limits new development in these areas but will facilitate existing development uses within these areas.
- The application was not accompanied by an SSFRA, in accordance with the Planning System and Flood Risk Assessment Guidelines and Circular PL2/2014.
- The proposed development fails to meet the Justification Test in The Planning System and Flood Risk Management Guidelines.
- The applicant has not provided sufficient information with respect to wastewater and surface water. The planning authority is satisfied that the proposed development would not result in adverse impacts on the local environment including the harbour and the Middle Shannon Callows SPA.
- A screening exercise for Appropriate Assessment has been completed, concluding that the proposed development is unlikely to have significant effects on any European site.
- The proposal is not considered to constitute a development listed in Schedule 5 of the Planning and Development Regulations, 2001 as amended. It is also not a sub-threshold development.
- The report recommends that retention permission is refused, based on the three reasons as detailed above.
- **Area Engineer' Report (18th September 2024):** Report received requires Further Information.
- **Environment & Water Services (3rd September 2024):** Report received requires Further Information.

3.3. Prescribed Bodies

3.3.1. A single submission has been received from the following:

1. Fáilte Ireland

- Support the application.

3.4. Third Party Observations

3.4.1. A total of 4 no. observations have been received on the application, the key issues are noted below:

1. Joe Murray

- Contravention of Open Space zoning objective.
- The application should have been accompanied by a SSFRA.
- The parent permission provided for a single water sports storage unit only. Access to this unit is restricted due to the subject structure.
- Parking issues on the public road.
- The unit does not provide appropriate levels of accessibility through design and layout.
- The site has been fenced off from public access and unsuitable to the location adjacent to the marina.
- The shop remains operational, notwithstanding the argument presented by the Applicant that the use of the unit as a reception forms the basis of the noted unauthorised use.
- The proposal would negatively affect the tourism potential of Banagher Marina and wider area.

2. Morgan Smyth

- The proposal is inappropriate within this Area of High Amenity.
- Development is haphazard and would be more suitably located on lands with a suitable zoning objective.
- This would set an undesirable precedent for other unauthorised projects.

- Shop use is not compatible with the Open Space zoning objective under the Development Plan.
- The application is on lands which are subject to flood risk.
- Car parking restrictions within the marina have intensified since the use of the unit as a coffee shop.
- The operation of the unit has extended to other parts of the open space, due to the introduction of the structure and coffee shop use.

3. Academy of Surfing Instructors (ASI)

- Supports the application.
- Notes the requirement for a reception area for outdoor centres to carry out essential paperwork and undertake pre-trip briefing and debriefing sessions.

4. Ireland's Association for Adventure Tourism (IATT)

- Supports the application.
- A dedicated reception area will support the improvement of onsite customer experiences, welcoming customers and undertaking relevant paperwork.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref.: 23/60136:** Retention permission was refused in November 2023 for the retention of an existing shop (17.4 m²), 2 no. signs, an existing mobile sauna unit (4.3m²) and associated works. This application related to the subject structure.
- 4.1.2. The application was refused for four reasons, as summarised below:
1. Shop use is not normally permitted on lands subject to Open Space, Amenity and Recreation zoning objective. The subject development would therefore materially contravene Objective LUZO -01 of the Offaly County Development Plan 2021-2027.
 - 2 The sauna development would materially contravene zoning objective LUZO-10 of the Development Plan.

- 3 The development is on lands denoted as having a Constrained Land Use. The development of independent commercial uses, which are not ancillary to an existing use, materially contravenes objective LUZO-14 of the Development Plan.
- 4 The development is located within an area subject to flooding and the flood risks are unacceptable.

4.1.3. **P.A. Reg. Ref.: 17/157:** Planning permission granted in August 2017 for the erection of a single storey storage container to store sports equipment and operate an outdoor activity business at Banagher Marina, Banagher, Co. Offaly. The plans indicate that the existing post and rail fence with hedge are to be retained.

4.2. **Environs of Site**

4.2.1. The following is cited by observer to the application. There are no other relevant applications to the proposed development.

4.2.2. **P.A. Reg. Ref.: 07/583; PL19.227690:** Planning permission was granted by Offaly County Council and subsequently refused by An Bord Pleanála in July 2008 for a mixed development of boat servicing facility including service yard, workshop, 2 storey office and retail unit, 35 no. apartments, car parking, services, landscaping and other site work. The application was refused for 3 no. reasons as summarised below:

1. By reason of scale, height, inadequate provision of open space and car parking, the proposed development would result in overdevelopment of a confined site and would negatively impact on the use of the Marina and on adjoining property.
2. The site is located within the Middle Shannon Callows SPA and adjacent to the River Shannon Callows NHA and cSAC at the Marina, Banagher, where the principal development objective is to facilitate river based activity, and where brownfield sites are of limited extent. It is considered that the proposed development which is mainly for residential use would reduce the site area available for uses directly related to the marina which require a riverside location.
3. The site is located within the Middle Shannon Callows Special Protected Area and adjacent to the River Shannon Callows candidate SAC, NHA, and which it is an objective of the development plan to conserve. It has not been established that the proposed development would not have adverse effects on these

habitats, and it is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Offaly County Development Plan 2021-2027

- 5.1.1. The site is located within the functional area of the Offaly County Development Plan (the Development Plan) and the Banagher Town Plan (Volume 2 of the Offaly County Development Plan 2021-2027 refers.)

5.2. Land Use Zoning

- 5.2.1. The site is subject to Land Use Zoning Objective – Open Space, Amenity and Recreation, (LUZO-10), under the Banagher Town Plan, with an objective *“to protect and improve the provision, attractiveness, accessibility and amenity of public open space, amenity and recreation.”*

- 5.2.2. Section 12.4.9 of the Development Plan states that,

The use of land as ‘Open Space’ shall be taken to include the use of land for; parks, public woodland, pedestrian routes and greenways, riparian zones, housing estate open spaces, development incidental to the enjoyment of open space (including playgrounds, outdoor recreation centres and sports centres, civic/market square, village greens, landscaped areas, shelters, sanitary conveniences, play equipment, dressing rooms and similar facilities). It also provides for the use of such land or such facilities for games, educational and recreational purposes. High standards of accessibility are essential.

5.3. Development Plan – Established/Non-conforming Uses

- 5.3.1. The Plan outlines the following;

LUZO-12 - It is an objective of the Council to generally support reasonable extensions and improvements to premises that accommodate established/non-conforming uses, where it is considered by the Planning Authority that the proposed development would not be injurious to the amenities of the area and would be consistent with the proper planning and sustainable development of the area.

5.4. Development Plan - Ancillary Uses

5.4.1. The Plan outlines the following;

LUZO-13 - It is an objective of the Council to ensure that developments ancillary to the parent use of a site are considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this County Development Plan.

5.4.2. Section 12.5.2 Ancillary Uses outlines the following:

Planning applications for developments which are ancillary to the principle use, i.e. they rely on the permitted principal use for their existence and rationale, will be considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this County Development Plan.

5.5. **Development Plan – Constrained Land Uses**

5.5.1. The Plan outlines the following;

LUZO-14 - It is an objective of the Council facilitate the appropriate management and sustainable use of flood risk areas designated as 'Constrained Land Use' on Settlement Plan zoning maps.

5.5.2. The Plan states that;

this designation generally limits new development but will facilitate existing development uses within these areas that may require small scale development such as small extensions.

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of the Planning Authority that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area.

The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased.

5.6. **Development Plan – Landscape**

5.6.1. The Shannon River and Callows is an Area of High Amenity, relating to its value as a key habitat.

- 5.6.2. The site is located within a Landscape Area with a High Landscape Sensitivity, noted as follows:

The Shannon Callows are water meadows that are the wintering grounds for thousands of migrant wild birds while also providing breeding grounds during the summer. It is an important habitat within this river landscape.

5. The Council recognises the immense value of the River Shannon as a major tourist resource and recreational asset.

New development which is considered necessary should be located within towns, villages or within close proximity to existing natural screening and should also be clustered together to avoid ribbon development. This will maintain long distant views out into the open countryside.

- 5.6.3. **BLP-19** -this policy objective seeks to protect the landscape associated with the Callows and views of special interest, and to encourage the development of Banagher as a focal point along the River Shannon.

5.7. **Development Management Guidelines (Chapter 13)**

- 5.7.1. The Plan also includes the following relevant development management standards:

DMS-82 Tourist Facilities -Tourist and recreation facilities, in particular accommodation, shall be generally located within towns and villages unless;

- A comprehensive justification of the need for the development by its nature and space requirements to be located outside towns and villages, for example, golf courses, swimming, angling, sailing/boating, pier/marina development, water sports, equestrian and pony trekking routes, adventure/interpretative centres and associated ancillary uses, tourist related leisure facilities including walking and cycling;
- Evidence that the proposed development will not have an adverse impact upon the scenic value, heritage value and the environmental, ecological or conservation quality of primary tourism asset(s) and its their general environment;
- Evidence that potential environmental effects of a likely increase in tourists/tourism-related traffic volumes in particular locations/along particular routes have been considered and mitigation measures proposed. Such a

consideration should include potential impacts on existing infrastructure (including drinking water, wastewater, waste and transport) resulting from tourism proposals;

- Compliance with development management standards set out in this chapter; and Evidence that, where feasible, existing ruinous or disused buildings or existing heritage buildings have been re-used to maximum potential.
- This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise.

DMS-106 Flood Risk Assessments

5.7.2. With respect to Flood Zones and Appropriate Uses, the table below indicates the types of land uses that are appropriate in each of the Flood Zones identified within the Plan area, in accordance with the 2009 Flood Risk Management Guidelines for Planning Authorities and Departmental Circular PL2/2014 (or any updated superseding legislation or policy guidance.) The standard notes that, where developments/land uses are proposed that are considered inappropriate to the Flood Zone, then a Development Management Justification Test and site-specific Flood Risk Assessment will be required in accordance with The Planning System and Flood Risk Management Guidelines 2009 (and as updated).

Flood Zones	Overall probability	Planning implications for land uses		
		Highly vulnerable development	Less vulnerable development	Water compatible development
Flood Zone A	Highest	Inappropriate - if proposed then Justification Test and detailed Flood Risk Assessment is required Justification Test	Inappropriate - if proposed then Justification Test and detailed Flood Risk Assessment is required	Appropriate – screen for flood risk
Flood Zone B	Moderate	Justification Test	Inappropriate due to climate change – if proposed then Justification Test and	Appropriate – screen for flood risk

			detailed Flood Risk Assessment is required	
Flood Zone C	Lowest	Appropriate – detailed Flood Risk Assessment may be required.	Appropriate – detailed Flood Risk Assessment may be required.	Appropriate – screen for flood risk

Table 1: Extract from DMS 106 of the Offaly County Development Plan 2021-2027

5.8. Banagher Town Plan -Town Centre Regeneration Objectives

5.8.1. The Town Plan includes the following relevant policies and objectives.

Strategic Aim 2 -Strengthen the economic base and employment generating potential of the town by supporting existing businesses and encouraging new enterprises, ensuring it is a viable service centre for the surrounding rural area and viable as a destination town for visitors, with a focus on drawing visitors from the river and marina to the town centre.

Strategic Aim 4 -Protect, harness and develop the natural heritage assets of the town including the River Shannon and other green infrastructure for tourism and recreational purposes and to promote sustainable mobility.

EDO-05 - Support and facilitate new and diverse economic and tourism related uses and development associated with the River Shannon, marina and harbour in Banagher, including the enhancement of mooring, cruising, boat hire, fishing, water sports and other similar activities and amenities.

TCO-06 -Further improve the public realm, which includes streets, footpaths, parks, squares, bridges and public buildings and facilities, to provide Banagher with an enhanced sense of identity.

CECO-08 -Support further enhancement of amenities, facilities and public realm in the marina area including the land in the vicinity of the Billiard's Hall.

5.9. Banagher Marina & Environs Masterplan, 2024

5.9.1. The subject site is within the functional area of this architectural and tourism masterplan, prepared on behalf of Offaly County Council, with a vision to,

utilise and enhance the unique character and location of the Banagher Marina and Environs to create a walkable, attractive and active area, better linked to the wider town centre, with planned new civic, residential, amenity and recreational assets.

5.9.2. The subject site falls within an area of open space within the Public Realm Concept Masterplan (02), immediately adjacent to car parking spaces. This area has been identified *“as having the potential to create a very attractive Public Realm.”*

5.9.3. This area is also identified within the Marina Concept Masterplan (03). A key objective is to reduce the extent of vehicular circulation, thereby creating a more pedestrian friendly environment.

5.10. **Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009 and Department Circular PL2/2014**

5.10.1. These Guidelines introduced mechanisms for the incorporation of flood risk identification, assessment and management across all aspects of the planning process. PL2/2014 provides an update with respect to the use of OPW mapping and revisions to text within the Guidelines.

5.10.2. The Guidelines include the following with respect to classification as part of flood risk assessment process:

The vulnerability of development to flooding depends on the nature of the development, its occupation and the construction methods used. For example, a sheltered housing complex would be more vulnerable than a retail unit. A broad classification of vulnerability has been developed (see chapter 3). The classification of different land uses and types of development as highly vulnerable, less vulnerable and water-compatible is influenced primarily by the ability to manage the safety of people in flood events and the long-term implications for recovery of the function and structure of buildings. (Para 2.16 refers).

Vulnerability class	Land uses and types of development which include*
Highly vulnerable development (including essential infrastructure)	Garda, ambulance and fire stations and command centres required to be operational during flooding; Hospitals; Emergency access and egress points; Schools;

	<p>Dwelling houses, student halls of residence and hostels;</p> <p>Residential institutions such as residential care homes, children's homes and social services homes;</p> <p>Caravans and mobile home parks;</p> <p>Dwelling houses designed, constructed or adapted for the elderly or, other people with impaired mobility; and</p> <p>Essential infrastructure, such as primary transport and utilities distribution, including electricity generating power stations and sub-stations, water and sewage treatment, and potential significant sources of pollution (SEVESO sites, IPPC sites, etc.) in the event of flooding.</p>
Less vulnerable development	<p>Buildings used for: retail, leisure, warehousing, commercial, industrial and non-residential institutions; Land and buildings used for holiday or short-let caravans and camping, subject to specific warning and evacuation plans;</p> <p>Land and buildings used for agriculture and forestry;</p> <p>Waste treatment (except landfill and hazardous waste);</p> <p>Mineral working and processing; and Local transport infrastructure.</p>
Water compatible development	<p>Flood control infrastructure;</p> <p>Docks, marinas and wharves; Navigation facilities;</p> <p>Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location;</p> <p>Water-based recreation and tourism (excluding sleeping accommodation);</p> <p>Lifeguard and coastguard stations;</p> <p>Amenity open space, outdoor sports and recreation and essential facilities such as changing rooms; and</p> <p>Essential ancillary sleeping or residential accommodation for staff required by uses in this category (subject to a specific warning and evacuation plan).</p>
*Uses not listed here should be considered on their own merit	

Table 2: Extract from Table 3.1 Classification of vulnerability of different types of development.

5.10.3. Tables 1 and 2 illustrate the types of development that would be appropriate to each flood zone and those that would be required to meet the Justification Test.

Vulnerability class	Flood Zone A	Flood Zone B	Flood Zone C
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Highly vulnerable development (including essential infrastructure)	Justification Test	Justification Test	Appropriate
Less vulnerable development	Justification Test	Appropriate	Appropriate
Water compatible development	Appropriate	Appropriate	Appropriate

Table 3: Extract from Table 3.2 Classification of vulnerability of different types of development.

5.11. Natural Heritage Designations

5.11.1. The closest European sites to the subject site are the Middle Shannon Callows SPA (Site Code: 004096) and Middle Shannon Callows SAC (Site Code: 000216), with a shared boundary, located c.63m to the northwest.

5.11.2. The River Shannon Callows pNHA (site code 000216) also shares this boundary with the subject site.

5.12. EIA Screening

5.12.1. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations. I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA determination, therefore, is not required. (Form 1, Appendix 1 refers).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been received on behalf of the First Party, the 23rd October 2024, the grounds of which can be summarised as follows:

- The reception is an extension of the existing business, is small in scale and nature, therefore according with provisions of the Plan with respect to the Constrained Land Use zoning applicable to the site.

- By virtue of its framed structure, raised above the local ground level and small footprint, the proposal will not result in any adverse impacts, or impede access to a watercourse, floodplain or flood protection and management facilities. It will not increase the risk of flooding at other locations.
- The unit falls within permitted categories (**DMS 106**), which includes reference to *“water based recreation and tourism (excluding sleeping accommodation).”*
- A FRA submitted with the appeal, confirms that the site is within Flood Zone C and is a suitable form of development with respect to the Flood Risk Guidelines (OPW, 2009), and would not have adverse effects in relation to flood risk to adjacent properties, subject to mitigation.
- The reception is located on an established business site within the environs of Banagher, a designated location for tourism and recreation facilities.
- The structure is not freely accessible to the public and does not restrict or affect public access, including to adjacent amenity spaces.
- The proposal accords with the zoning objective on site, and *“is in keeping with”* and ancillary to the established use on site. It has been designed to assimilate into its surroundings.
- The proposal accords with the Banagher Marina & Environs Masterplan.
- The infrastructure is essential to the viability of the Applicant’s business.

6.2. **Planning Authority Response (19th November 2024)**

- 6.2.1. The Planning Authority requests that the Board uphold the Decision of the Council to Refuse Retention Permission in this instance.

6.3. **Observations**

- 6.3.1. A total of 2 no. observations have been received by the Board, which are summarised below.

1. **Joe Murray (18th November 2024)**

- Contravention of Open Space zoning objective.
- The proposal would set an undesirable precedent, resulting in haphazard development, hindering the future potential development within the Marina.

- The unit obscures views to the river and Marina, negatively affecting visual environment.
- The SSFRA is a desk top study only and does not correlate to anecdotal flooding of the site and Marina. The appellant queries whether the structure could withstand a flood event and associated risks.
- The parent permission provided for a single water sports storage unit only. Access to this unit is restricted, having regard to limited site size.
- Parking on the public road.
- Substandard accessibility throughout the unit.
- The site is fenced off from public access and is unsuitable at this location.
- The proposal would negatively affect the tourism potential of Banagher Marina and wider area.
- Health and safety concerns with respect to overhead powerlines.
- The shop (coffee shop) remains operational.
- A coffee shop unit operation is based immediately adjacent to this unit.

2. Morgan Smyth (dated 15th November 2024)

- Supports the decision of the local authority.
- The proposal is inappropriate within this area of high amenity.
- Reference is made to decision to refuse permission on an adjoining site (**P.A. Reg. Ref.: 07/583; PL19.227690** refers).
- No justification has been provided for the change of use.
- Development is haphazard and would be more suitably located on lands with a suitable zoning objective.
- This would set an undesirable precedent for other unauthorised development proposals.
- The proposed development does not accord with the Open Space zoning objective relating to this site.

- The application is on lands which are subject to flood risk, and should be accommodated at a more suitable location.
- The observer queries statements within the FRA submitted with the application. The observer includes reference to Court Case TA7.302216 Heather Hill Management Company CLG v An Bord Pleanála & Anon, Para. 90 relating to flood risk assessment.
- The operation of the unit has extended to other parts of the open space, due to the introduction of the structure and coffee shop use.
- The proposal is contrary to the overall objectives of the Banagher & Environs Masterplan 2024 and would materially contravene **LUZO-10** of the Development Plan.
- The observer queries the conclusions of the AA Screening as completed by the PA.
- Request that the structure should be removed after a period of 5 years.

6.4. **Further Responses**

6.4.1. None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the substantive issues in this appeal are as follows:

- Principle of Development
- Flood Risk
- Drainage
- Visual Amenity
- Traffic
- Appropriate Assessment

- Other Issues

7.2. Principle of Development

- 7.2.1. The subject application relates to Retention Permission for a timber cabin, operating as a reception to an existing outdoor activity use which is based in the adjoining container unit within the subject site. It is proposed that the unit will function as a reception for customers and accommodate associated office related functions.
- 7.2.2. The site is located on lands which are subject to Open Space, Amenity and Recreation zoning objective. I note that Water-based Recreational Activities use is Open for Consideration under this zoning objective; and that Office is Not Permitted.
- 7.2.3. In this context, in my opinion, the proposed use of this cabin constitutes an Ancillary Use, i.e., a use that is ancillary to the principal use of the water-based activity business operating from the existing container unit on the subject site; and therefore, to be assessed on its own merits (**LUZ-13** of the Development Plan refers).
- 7.2.4. As referenced above, the third party considers that the scale of the unit (at 17.4m² GFA) is excessively large to constitute development that is ancillary to the principal use within the container unit (19m² GFA). In this context, I note that the unit is marginally smaller than the principal unit; that both units are relatively small, and that the Development Plan does not contain any qualifying standards in this regard.
- 7.2.5. The site is located on 'Constrained Lands', within the Development Plan, referring to flood risk areas throughout the county. As noted above, the designation facilitates "*existing development uses that may require small scale development such as small extensions*" subject to demonstrating that the proposal would not result in adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations.
- 7.2.6. In this context, I am satisfied that the development to be retained relates to an extension to an existing development use, albeit within a separate structure.
- 7.2.7. The subject site lies within an area of public realm within *the Banagher Marina and Environs Masterplan, 2024*, adjacent to an access road and indicative car parking. In this context, it is noted that the Masterplan includes an indicative outline of a series of structures, relating to marina based operators/service providers. I am satisfied that

the subject proposal is generally consistent with the Masterplan with respect to proposed scale and use.

- 7.2.8. The Roads Department note that the fencing off of this area is at variance with the masterplan, which is acknowledged. Notwithstanding, I note that the parent permission included the retention of the existing fence and hedge around the site boundary (P.A. Reg. Ref.17/157 refers). I note that this fence has been replaced in part with steel panelled fencing, which, in my opinion adversely affects the visual amenities of the site and wider Marina area.
- 7.2.9. In this context, the Planner's Report includes reference to an Enforcement Notice issued on the 5th June 2024 (PA Ref.: UD22/016). From a review of the file and files of the Council, I note that no further information is available.
- 7.2.10. In this context, if the Board decide to grant Retention Permission, I recommend the inclusion of a condition requiring the removal of this steel metal fencing, to enhance the visual amenities of the site and environs.
- 7.2.11. I note the Banagher Town Plan includes a series of Strategic Aims and objectives supporting tourism related uses within the Marina (Strategic Aims 2 and 4, Objective EDO-05 refer).
- 7.2.12. In addition to the above, I also recommend that the duration of the permission is limited to 5 years, to support the implementation of the Banagher & Marina Masterplan 2024; having regard to objective TCO-06 of the Banagher Town Plan and in the interests of orderly development.
- 7.2.13. In conclusion, I consider that the proposed development is acceptable in principle, subject to assessment with respect to relevant planning matters.

7.3. Flood Risk

- 7.3.1. The planning application was not accompanied by a Site-Strategic Flood Risk Assessment (SSFRA); however, this was submitted as part of the First Party appeal.
- 7.3.2. With respect to commentary from third party observers, I am satisfied that the report is sufficiently clear to analyse flood risk associated with the subject development proposal.

- **Groundwater Flooding**

7.3.3. The report sets out that, the estimated groundwater table is taken as base level of the River Shannon, which is below ground level of the subject site, and as a result, the risk of groundwater flooding is low.

- **Pluvial Flooding**

7.3.4. The assessment confirms that due to the limited site area, which is relatively level, without any significant depressions, that pluvial flood risk can also be set aside.

- **Fluvial Flooding**

7.3.5. Further to a review of OPW flood mapping, the report sets out that there is no evidence of historical flooding on the subject site, with 7 no. historical flood events recorded within the environs of the subject site, notably in Banagher in December 2015/January 2016.

7.3.6. In addition, the OPW Catchment Flood Risk Assessment and Management (CFRAM) mapping confirms that site is within an Area of High Probability of flooding (relating to Flood Zone A).

7.3.7. The assessment notes that fluvial flood risk arises a series of drains from the River Shannon. Drains to the south are on the flood plains of the River Shannon, however these do not present a flood risk as they are separated by the R356 (Regional road). The principal flood risk arises from drains to the east and north of the site, which back up from the River Shannon during flood events.

7.3.8. The report includes a fluvial flood risk assessment which confirms that the FFL of the reception unit is 0.3m above the 0.1% (1000 year return period) and 0.45m above the 1% (100 year return period) flood event levels. As a result, the site is considered to be within Flood Zone C. The report notes that the site could equally be located within Flood Zone B, as ground levels are recorded at 0.02m above the 0.1% flood risk level.

7.3.9. With respect to the classification of this development type, as set out within this SSFRA, the development to be retained falls within the Water Compatible Development Vulnerability Class, and the '*Amenity open space, outdoor sports and recreation and essential facilities such as changing rooms*', use, as referenced in the Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009) (the Flood Risk Guidelines).

- 7.3.10. This category of development is also noted as appropriate within Flood Zones A, B and C (Table 3 above refers).
- 7.3.11. This category of development is considered appropriate, subject to flood risk as completed (**DMS-106** of the Development Plan (Table 1 of this report refers)).
- 7.3.12. In this context, I concur with the First Party that a Justification Test is not required.
- 7.3.13. In this context, the SSFRA includes the following mitigation measures:
- 1) All new socket outlets and electricals to be higher than 35.5m AOD if being installed.
 - 2) Surface water from the roof downpipe to be connected to a rain garden and the overflow onto a gravel soakaway, noting that it is not anticipated that this volume of water would be excessive.
 - 3) The development should not be used if the water level at Banagher gauging station reaches 34.0m AOD (the median annual maximum flood level.) The FRA includes details as to how the real time water levels can be checked by the appellant on an ongoing basis.
- 7.3.14. In the event that the Board decide to grant permission, I recommend the inclusion of the first two measures as referenced above, and the replacement of the steel sections of the existing boundary fence as discussed above.
- 7.3.15. I do not consider the implementation of mitigation measure 3) to be practicable to implement. In this context, having regard to the above noted freeboard and provision of an open fence on all site boundaries, may assist water flow during flood events, therefore setting aside the requirement for this suggested mitigation measure.
- 7.3.16. The report notes that, in the event that flood management/protection works at this location, as deemed necessary by the Council or the OPW, that the structure could be relocated for the duration of these works. In this context, again, the relocation of this structure in this context is impracticable to implement.
- 7.3.17. In this context, as noted above, limiting the duration of the permission for a period of 5 years may assist the local authority and/or the OPW with respect to scheduling of flood management works, as appropriate. Notwithstanding, in the absence of any further details with regard to the nature and timeline of the subject flood

management works, I do not consider it necessary or appropriate to further address this matter by way of condition.

7.3.18. The assessment notes that as the existing structure is not obstructing the natural flow paths in the environs of the site; is not within Flood Zone A; surface water runoff from the roof would be directed to a rain garden; that, subject to mitigation, the development would not result in flood risk at the subject site and environs.

7.3.19. In conclusion therefore, I am satisfied that, subject to conditions, the proposed development would not give rise to flood risk within the subject site or wider environs. I therefore consider the proposed development to be acceptable with respect to flood risk.

7.4. Drainage

7.4.1. The First Party Appeal includes a response to the reasons for refusal of the local authority.

- **Surface Water Drainage**

7.4.2. The appeal notes that the reception unit features a mono pitch roof, which drains to the rear of the building. A gutter has not been provided as the surface water drainage design is based on dispersal of rainwater to free-draining soil below. As such, the area around the cabin has been gravelled, to provide natural, whilst also acting as a terrace for the reception unit, and consistent with the design approach under the parent permission (Ref: 17/157).

7.4.3. In this context, the first party appeal recommends the installation of a roof gutter and roof planter, as referenced above. In this context, in the event that the Board decide to grant retention permission, I recommended that a condition of permission is included to this effect.

- **Foul Water Drainage**

7.4.4. The first party appeal confirms that there are no WCs within the subject unit; with customers/staff utilising separate public toilets, located within the immediate environs of the site. The appeal notes that the unit includes a standard sink, which drains to 50L tanks, which are currently emptied off site at the applicant's residence in Banagher.

7.4.5. In this context, as referenced in the first party appeal, I recommend the inclusion of a condition, requiring the applicant to ensure that a licensed waste water disposal company is engaged for the management and disposal of waste water.

7.5. **Traffic**

7.5.1. The proposed development relates to the provision of a reception room as part of a water based recreational activity facility operating from the adjacent unit.

7.5.2. Car parking provision for the subject structure would be c.0.7 spaces and 1.5 taking account of the container unit, based on closest standards for Leisure Centre, Sports club and Community Centre (**DMS 103** of the Development Plan refers).

Notwithstanding, having regard to the scale of the proposal and availability of car parking in the wider area, I am satisfied that the requirement for car parking should be set aside in this instance.

7.5.3. As above, bicycle parking standards would require 1 no. space per 100m² for a Community Centre use, requiring less than 1 no. space for both structures. Notwithstanding, having regard to the scale, layout and design of the development to be retained, I am satisfied that the requirement for bicycle parking should also be set aside in this instance.

7.6. **Landscape and Visual Amenity**

7.6.1. From a review of the Development Plan, that proposed development would not affect any Key Scenic Views and Prospects or Key Amenity Routes within the Development Plan. The site is located within the public domain adjacent to the Banagher Marina and River Shannon.

7.6.2. In this context, by reason of the small scale, timber finish and ancillary works, in my view, the proposed development would not adversely affect the scenic and heritage value of the subject tourism assets of the site and environs.

7.6.3. As discussed above, in my opinion, the replacement of sheet metal fencing will significantly enhance the visual amenities of the site and immediate environs within the Marina, and is therefore consistent with the relevant provisions of Policy Objective DM-82 Tourist Facilities of the Development Plan.

7.7. **Other Issues**

- **Development Contributions**

7.7.1. In the event that the Board decide to Grant Permission it is recommended that a Condition is included requiring the payment of a Section 48 Development Contribution in accordance with the Offaly Development Contribution Scheme 2021-2025.

7.8. Appropriate Assessment

7.8.1. The third party observation states that the Appropriate Assessment as completed by the Planning Authority, has not assessed whether any pathways exist which connect the subject development to the Middle Shannon Callows SPA (Site Code: 004096).

7.8.2. At the outset, I note that the Board is the Competent Authority with respect to Appropriate Assessment (AA) in this instance. In this context, the subject site shares a boundary with two European Sites, the Middle Shannon Callows SPA and Middle Shannon Callows SAC, located 0.63km northwest of the site. (The Planning Authority have included reference to the Middle Shannon SPA only.)

7.8.3. In this context, as addressed above, the development to be retained relates to a reception serving a water-based activity use, operating from the adjoining container on site, both of which are used seasonally. As noted above, the subject proposal is a water compatible development and is considered acceptable with respect to flood risk. As noted above, in my opinion, the duration of this permission should not exceed 5 years.

7.8.4. Having regard to the scale and nature of the proposal, the distance from the European sites, the lack of WC facilities within the unit, I concur with the planning authority, that the depth of assessment is suitable for this type and class of development and refer the Board to Section 8 of this Report in this regard.

7.8.5. The third party observation also considers that the assessment has failed to take account of existing, proposed or other approved plans/projects on this SPA. In this context, the AA Screening as completed by the local authority, notes that there are no relevant development proposals to take account of. Again, from a review of the planning history within the environs of the site, I concur with the local authority in this regard.

7.8.6. In this context, I refer the Board to Appropriate Assessment Screening (Section 8 of this report) which concludes that,

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The proposed development comprises Retention Permission of an existing timber cabin unit for use as a reception area for the existing permitted outdoor activities business (Pl. Ref: 17/157) and all associated site works at Mid Ireland Adventure, The Marina, Banagher Co. Offaly.
 - 8.2.1. The closest European sites to the subject site are the Middle Shannon Callows SPA (Site Code: 004096) and Middle Shannon Callows SAC (Site Code: 000216) shared boundary, located 0.63km northwest of the subject site.
 - 8.2.2. Both European sites extend for a length of 50km and with an average width of 0.75km. The Middle Shannon Callows SAC is selected for a range of QIs and SCIs listed on Annex I and II of the E.U. Habitat Directive. The Middle Shannon Callows is an SPA under the E.U. Birds Directive, for a series of SCI (Appendix 1, Table 1 refers). The Conservation Objectives for both sites have also been considered in this regard. (Appendix 1 Tables 2 and 3 refer).
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
 - The limited extent of the subject works.
 - The temporary seasonal nature of the Project.
 - The lack of foul waste associated with the development.
 - The separation distance between the Project and closest European Sites.
- 8.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission should be granted, for the reasons and considerations set out below, and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to the nature, scale and size of the development proposed to be retained, the classification of the use of the development under the Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009 as a water compatible development, policies and objectives of the Offaly County Development Plan 2021-2027 (including the Banagher Town Plan), provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009 it is considered that subject to the conditions below, the proposed development would not cause adverse impacts to the visual amenities of the area, of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety.

The site and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd August 2024, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. . The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.
Reason: Having regard to the nature and location of the development, the Board considers it appropriate to specify a period of validity of this permission of less than five years.
3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the subject structure via a roof downpipe and for the wider site, for the written agreement of the planning authority.
Reason: To prevent flooding and in the interests of sustainable drainage
4. Prior to the commencement of development, the developer shall submit details for the collection of surface water waste by a licenced provider, for the written agreement of the planning authority.
Reason: To prevent flooding and in the interests of sustainable drainage
5. The proposed development shall be amended as follows:
 - (a) The steel panelled boundary fence will be replaced by an open wood frame boundary fence 1.2m in height.
 - (b) All new socket outlets and electricals to be higher than 35.5m AOD if being installed.Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interests of sustainable transport and the proper planning and sustainable development of the area.
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Aoife McCarthy
Planning Inspector

20th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 321116-24		
Proposed Development Summary	Retention of an existing timber cabin unit for use as a reception area for the existing permitted outdoor activities business (Pl. Ref: 17/157) and all associated site works		
Development Address	Mid Ireland Adventure, The Marina, Banagher, Co. Offaly		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
	Tick/or leave blank	N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 1: Natura 2000 Sites Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Sites

European site (Code)	Qualifying Interests (QI)/Special Conservation Interests (SCI)	Distance from Site (km)
Middle Shannon Callows SAC (000216)	Molinia meadows on calcareous, peaty or clayey-silt-laden soils [6410] Lowland hay meadows [6510] Alkaline fens [7230] Limestone pavements [8240]* Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> [91E0]* Otter [1355]	0.65km NE
Middle Shannon Callows SPA (004096)	Whooper Swan [A038] Wigeon [A050] Corncrake [A122] Golden Plover [A140] Lapwing [A142] Black-tailed Godwit [A156] Black-headed Gull [A179] Wetland and waterbirds [A999]	0.65km NE

Table 1: QIs and SCI for Middle Shannon Callows SAC and the Middle Shannon Callows SPA (NPWS Website)

European Site 1: Middle Shannon Callows SAC – Site Code 000216

Summary Site Description: The River Shannon Callows consists of seasonally flooded, semi-natural and lowland wet grassland. The site extends for a length of 50km and has an average width of 0.75km. Along much of its length the site is bordered by raised bogs (many, but not all, of which are subject to large-scale harvesting), esker ridges and limestone-bedrock hills. The soils grade from silty alluvial to peat.

The site is a SAC, selected for the above noted habitats and species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes).

Molinia meadows and lowland hay meadows are well represented within the site. Other habitats of importance include lowland dry grassland, drainage ditches, freshwater marshes and reedbeds. The dry grassland areas, especially where they exist within the hay meadows are noted to be species rich. The site is of international importance for wintering waterfowl as numbers regularly exceed the 20,000 threshold an internationally important population of Whooper Swans.

The Shannon Callows are used for summer dry-stock grazing (mostly cattle, with some sheep and a few horses), and permanent hay meadow.

Threats to the quality of the site may come from fertilising of botanically rich fields, and disturbance of birds by angling, boating activities.

The SAC has the largest area of lowland semi-natural grassland and associated aquatic habitats in Ireland, and one in which there is limited disturbance to natural wetland processes. The site is noted to be botanically extremely diverse.

European Site 2: Middle Shannon Callows SPA – Site Code 004096

Summary Site Description: The Middle Shannon Callows SPA is a long and diverse site which extends for approximately 50 km.

The site has extensive areas of callow, or seasonally flooded, semi-natural, lowland wet grassland, along both sides of the river. The callows are mainly too soft for intensive farming but are used for hay or silage or for summer grazing. Other habitats which occur alongside the river include lowland dry grassland, freshwater marshes, reedbeds and wet woodland. The diversity of semi-natural habitats present and the sheer size of the site attract an excellent diversity of bird species, including significant populations of several.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Whooper Swan, Wigeon, Corncrake, Golden Plover, Lapwing, Black-tailed Godwit and Black-Headed Gull. It is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. Intermittent and scattered damage to the habitats has occurred due to over-deepening of drains and peat silt deposition, water-skiing, ploughing and neglect of hay meadow.

2.0 Conservation Objectives

The Conservation Objectives for the various habitats and species in the **Middle Shannon Callows SAC** which are defined by a specific list of attributes and targets, as set out in the table below.

Qualifying Interests	Conservation Objectives	Attributes and targets
Molinia meadows on calcareous, peaty or	Restore	Habitat area (stable or increasing); Habitat distribution (no decline)

Qualifying Interests	Conservation Objectives	Attributes and targets
clayey-silt-laden soils [6410]		<p>Vegetation composition (7 positive indicator species present in monitoring stop. If 5–6 present in stop, additional species within 20m of stop)</p> <p>Vegetation composition (collectively not more than 20% cover, with cover by an individual species not more than 10%)</p> <p>Vegetation composition (not more than 1% non-native species)</p> <p>Vegetation composition (not more than 20% cover with hair mosses)</p> <p>Vegetation composition (Not more than 5% cover woody species and bracken)</p> <p>Vegetation structure (Broadleaf herb component of vegetation between 40% and 90%)</p> <p>Vegetation structure (At least 30% of sward between 10cm and 80cm tall)</p> <p>Vegetation structure (Litter cover not more than 25%)</p> <p>Physical structure (not more than 10% bare ground)</p> <p>Physical structure (not more than 20m of habitat showing signs of serious grazing or disturbance)</p>
Lowland hay meadows [6510]	Restore	<p>Habitat area (stable or increasing);</p> <p>Habitat distribution (no decline)</p> <p>Vegetation composition (7 positive indicator species present in monitoring stop if 5–6 present in stop, additional species within 20m of stop)</p> <p>Vegetation composition (collectively not more than 20% cover, with cover by an individual species not more than 10%)</p> <p>Vegetation composition (not more than 1% non-native species)</p> <p>Vegetation composition (Not more than 5% cover woody species and bracken)</p> <p>Vegetation structure (Broadleaf herb component of vegetation between 40% and 90%)</p> <p>Vegetation structure (At least 50% of sward between 10cm and 50cm tall)</p> <p>Vegetation structure (Litter cover not more than 25%)</p> <p>Physical structure (not more than 5% bare ground)</p> <p>Physical structure (not more than 20m² of habitat showing signs of serious grazing or disturbance)</p>
Alkaline fens [7230]	Maintain	<p>Habitat area (stable or increasing);</p> <p>Habitat distribution (no decline)</p> <p>Vegetation composition (7 positive indicator species present in monitoring stop if 5–6 present in stop, additional species within 20m of stop)</p> <p>Vegetation composition (collectively not more than 20% cover, with cover by an individual species not more than 10%)</p> <p>Vegetation composition (not more than 1% non-native species)</p> <p>Vegetation composition (Not more than 5% cover woody species and bracken)</p> <p>Vegetation structure (Broadleaf herb component of vegetation between 40% and 90%)</p>

Qualifying Interests	Conservation Objectives	Attributes and targets
		Vegetation structure (At least 50% of sward between 10cm and 50cm tall) Vegetation structure (Litter cover not more than 25%) Physical structure (not more than 5% bare ground) Physical structure (not more than 20m ² of habitat showing signs of serious grazing or disturbance)
Limestone pavements [8240]*	Maintain	Habitat area (stable or increasing) Habitat distribution (no decline) Vegetation composition (at least 7 positive indicator species present) Vegetation composition (collectively not more than 20% cover, with cover by an individual species not more than 10%) Vegetation composition (not more than 1% non-native species on exposed pavement; not more than 10% with no regeneration on wooded pavement) Vegetation composition (not more than 25% scrub cover of exposed pavement) Vegetation composition (not more than 10% bracken of exposed pavement) Vegetation structure (at least 30% canopy cover on wooden pavement) Vegetation structure (sufficient quantity of dead wood on wooded pavement) Physical structure (no evidence of grazing pressure on wooded pavement) Occurrence and Population Size (no decline)
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> [91E0]*	Maintain	Habitat area (stable or increasing) Habitat distribution (no decline) Woodland size (stable or increasing) Woodland structure (total canopy cover at least 30%; median canopy height at least 7m) Woodland structure (maintain diversity and extent of community types) Woodland structure (seedlings, saplings and pole age-classes of target species for 91E0* woodlands and other native tree species occur in adequate proportions to ensure survival of woodland canopy) Hydrological regime (Appropriate hydrological regime necessary for maintenance of alluvial vegetation) Woodland structure (at least 19 stems/ha of deadwood at least 20cm diameter) Woodland structure (no decline veteran trees) Woodland structure (no decline in distribution and, in caws or red listed and other rare or localised species, population size) Woodland structure (all five indicators of overgrazing absent) Vegetation composition (no decline in native tree cover, at least 90% of canopy. target species cover at least 50% of canopy) Vegetation composition (at least 1 target species for 91E0* woodlands present; at least 6 positive indicator species for 91E0* woodlands present)

Qualifying Interests	Conservation Objectives	Attributes and targets
		Vegetation composition (negative indicator species cover not greater than 10%; regeneration of negative indicator species absent) Vegetation composition (cover of common nettle less than 75%)
Otter [1355]	Maintain	Distribution (no significant decline) Extent of terrestrial habitat (no significant decline. Area mapped and calculated as 282.1ha) Extent of freshwater (river) habitat (no significant decline) Couching sites and holts (no significant decline) Fish biomass available (no significant decline) Barriers to connectivity (no significant increase)

Table 2: Conservation Objectives Middle Shannon Callows SAC (Source: NPWS Conservation Objectives Series, Middle Shannon Callows SAC 000216), January 2022).

The Conservation Objectives for the various habitats and species in the Middle Shannon Callows SPA which are defined by a specific list of attributes and targets, as set out in the table below.

Special Conservation Interests	Conservation Objectives	Attributes and targets
Whooper Swan [A038]	Maintain	Long term population trend (stable or increasing); Winter Distribution (Sufficient number of locations, area, and availability of suitable habitat). Disturbance at wintering site (no significant impact to achieving population targets) Barriers to connectivity and site use (the number location, shape and area of 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 (sufficient number of locations, area of suitable habitat and available forage biomass) Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat) Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)
Wigeon [A050]	Restore	Long term population trend (stable or increasing); Winter Distribution (Sufficient number of locations, area, and availability of suitable habitat). Disturbance at wintering site (no significant impact to achieving population targets) Barriers to connectivity and site use (the number location, shape and area of barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA)

Special Conservation Interests	Conservation Objectives	Attributes and targets
		<p>Forage spatial distribution, extent and abundance (sufficient number of locations, area of suitable habitat and available forage biomass)</p> <p>Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat)</p> <p>Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)</p>
Corncrake [A122]	Under Review	Under Review
Golden Plover	Maintain	<p>Long term population trend (stable or increasing)</p> <p>Winter Distribution (sufficient number of locations, area, and availability of suitable habitat)</p> <p>Disturbance at wintering site (no significant impact to achieving population targets)</p> <p>Barriers to connectivity and site use (the number location, shape and area of barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA)</p> <p>Forage spatial distribution, extent and abundance (sufficient number of locations, area of suitable habitat and available forage biomass)</p> <p>Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat)</p> <p>Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)</p>
Lapwing [A142]	Restore	<p>Long term population trend (stable or increasing)</p> <p>Winter Distribution (sufficient number of locations, area, and availability of suitable habitat)</p> <p>Disturbance at wintering site (no significant impact to achieving population targets)</p> <p>Barriers to connectivity and site use (the number location, shape and area of barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA)</p> <p>Forage spatial distribution, extent and abundance (sufficient number of locations, area of suitable habitat and available forage biomass)</p> <p>Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat)</p> <p>Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)</p>
Black tailed Godwit	Restore	<p>Long term population trend (stable or increasing)</p> <p>Winter Distribution (sufficient number of locations, area, and availability of suitable habitat)</p> <p>Disturbance at wintering site (no significant impact to achieving population targets)</p> <p>Barriers to connectivity and site use (the number location, shape and area of barriers do not significantly impact the wintering population's access</p>

Special Conservation Interests	Conservation Objectives	Attributes and targets
		<p>to the SPA or other ecologically important sites outside the SPA)</p> <p>Forage spatial distribution, extent and abundance (sufficient number of locations, area of suitable habitat and available forage biomass)</p> <p>Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat)</p> <p>Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)</p>
Black-headed Gull [A179]	Restore	<p>Long term population trend (stable or increasing)</p> <p>Winter Distribution (sufficient number of locations, area, and availability of suitable habitat)</p> <p>Disturbance at wintering site (no significant impact to achieving population targets)</p> <p>Barriers to connectivity and site use (the number location, shape and area of barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA)</p> <p>Forage spatial distribution, extent and abundance (sufficient number of locations, area of suitable habitat and available forage biomass)</p> <p>Roost spatial distribution and extent (sufficient number of locations, area and availability of suitable roosting habitat)</p> <p>Supporting habitat (sufficient area of utilisable habitat available in ecologically important sites outside the SPA)</p>
Wetlands (habitat)	Maintain	<p>Wetland habitat area (no decline)</p> <p>Wetland habitat (no significant impact on the quality or functioning)</p>

Table 3: Conservation Objectives Middle Shannon Callows SPA (Source: NPWS Conservation Objectives Series, Middle Shannon Callows SPA 004096, December 2022).