



An
Bord
Pleanála

Inspector's Report

ABP-322173-25

Development

Demolition of the existing storage building for the construction of two storey dwelling house, provision of a inlet from the river to provide access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside. and all associated site works. This application is accompanied by a Natura Impact Assessment (NIS).

Location

The Boathouse, Marine Village, Ballina, Co. Tipperary.

Planning Authority

Tipperary County Council.

Planning Authority Reg. Ref.

2360907

Applicant(s)

George Russell.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

George Russell.

Observer(s)

none.

Date of Site Inspection

26th May 2025.

Inspector

Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of 0.18ha is located on the bank of the River Shannon within the established residential area of Marine Village. Marine Village is situated approximately c.800m from the centre of Ballina town centre, County Tipperary.
- 1.2. Levels across the site fall away quite sharply initially in a westerly direction and then more gently towards the water's edge. Access to the site is via a gated entrance located between No. 22 and 23 Marine Village. A track through the site finished in hardcore links the waterfront with the tarmacked road serving Marine Village.
- 1.3. The site currently comprises of a single storey shed structure which has a given area of c.152sq.m and a ridge level of c.4.52m. From the site entrance, an existing gravel driveway sweeps down and around to the south, leading to the main part of the site which sits some 7m below the level of the entrance and public roadway and opens out to provide a frontage of c.80m to the River Shannon. There is existing planting along the northern, southern boundaries on the lower part of the site, along with planting to the edge of the driveway. A mature oak tree is located close to the northern boundary within the lower part of the site.
- 1.4. Lough Derg Marina extends from the south on the River Shannon coming to within c.20m of the riverside boundary of the application site. It is noted that dwellings within Marine Village north of the application site have rear gardens that extend to the River Shannon with boat moorings at the river edge.

2.0 Proposed Development

- 2.1. Original Submission
 - 2.1.1. Permission is sought for the demolition of the existing boat shed structure on site which has a given area of c.152sq.m and the construction of a two-storey dwelling which has a given area of c.391sq.m. Permission is also sought to provide for a inlet from the river to provide access from the river to the lower level of the proposed dwelling, along with timber boardwalk and moorings to the lakeside.

- 2.1.2. The proposed dwelling is L-shaped in form has a length of c.25m along the eastern and western elevation and a width of c.6.8m along the north and south elevation. There is a projection from the western elevation which projects c.5.5m and is also provided with a balcony area which projects a further c.2.4m from the western elevation.
- 2.1.3. There is a balcony feature located along the southern section of the dwelling which is provided with a privacy screen along the eastern elevation. The proposed dwelling provides for a kitchen/dining room, a utility room, a w/c, a study and a master suite at upper floor level and a boat house, a plant room, a storage room, 2 no. double bedrooms and a car garage at lower floor level. It is proposed to provide for a balcony/external terrace along the western elevation which projects c.1.5m from the elevation.
- 2.1.4. The proposed dwelling is finished with a flat roof profile and has a principal ridge level of c.6.4m which increases to c.7m for the central section. Materials are indicated as being timber cladding on the upper level and cement cladding on the lower level.
- 2.1.5. Permission is also sought for the provision of a car port which is separate to the main dwelling and located to the east of the front elevation of the proposal.

2.2. Further Information Plans

- 2.2.1. The Planning authority requested that some amendments be made to the proposed dwelling as part of the request for further information and as such the proposed dwelling was amended as such:
- The entire dwelling was relocated further east on the site so that it was located entirely within the residential land use zoning.
 - The overall floor area was reduced by c.87sq.m so that it was now floor area of 304 sq.m.
 - The separate car port to the east of the dwelling has been omitted.
 - The ridge level of the dwelling was reduced by c.100mm.
 - Provision of additional privacy screens to protect adjoining properties.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information, the Planning Authority issued a decision to refuse planning permission on the 4th March 2025 for the following reason:

1. Having regard to:

- The sensitive site location which interfaces with Lough Derg.
- The topographical and locational characteristics of the site and pattern of surrounding development.
- The proposed development, design and in particular, scale and height of the dwelling house, the integrated boat house and the proximity of same relative to adjoining residential properties.
- The nature and extent of works associated with the development of the inlet to the boathouse on lands that are zoned 'Amenity' use, the objective of which under the Tipperary County Development Plan is 'to provide, preserve and enhance open space and amenity uses.

It is considered the proposed development would be an inappropriate design response for this sensitive site, would injure the amenity of adjoining residential properties and would result in excessive works to lands zoned for Amenity use to form a boat inlet that would be contrary to the zoning objectives for these lands as contained in the Tipperary County Development Plan 2022.

The development would set an undesirable precedent for similar such proposals that would negatively impact on the interface to Lough Derg. Accordingly, the development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer, dated the 17th January 2024, notes the location of the site, details of the proposed development, relevant planning history of the site

and within the vicinity, details of report received from internal and external consultees, details of submissions received, relevant national and local planning policy and provides for an EIA and AA Screening Determination.

The report notes concerns over the design of the proposed dwelling and the location of part of the proposed being within amenity zoned lands, the impact the proposal will have in terms of the existing residential amenities within the area and the overall design idiom of the proposed dwelling. Issues were raised within submissions received with regard to a public right of way through the application site.

Overall, the assessment concluded that further information would be requested to address the concerns raised.

3.2.2. Request for Further Information

The following Further Information was requested on the 18th January 2024:

1. Requested to submit revised plans which includes the dwelling positioned fully within the 'Existing Residential' zoning.
2. Requested to submit revised plans to address concerns in respect to the scale and bulk of the proposed dwelling, particularly in terms of loss of residential amenity to adjoining dwellings.
3. Concerns in respect of the proposed boathouse being integral to the dwelling, which contributes to the scale and bulk of the dwelling. The applicant is requested to submit revised plans to address these concerns, and consideration be given to a more simplified river side berth.
4. Concerns in respect of the potential for loss of privacy to adjoining dwellings as a result of the proposed external terrace to the master bedroom on the southern elevation at first floor level and also the balcony to the study on the northern end at first floor level. The applicant is requested to submit revised plans to address these concerns.
5. Submit plans and elevations of the new entrance gates.
6. Submit a proposal for management of surface water run-off to comply with the requirements of BRE 365 standards.
7. Submit a comprehensive landscaping plan (scale of 1:500) with an accompanying planting schedule. The scheme shall (i) detail how mature tree(s) on the site will be safeguarded during construction on site; (ii) how these

trees will be maintained while the house is being living in (given the proximity of trees to the dwelling); (iii) provide for the planting of native deciduous trees and hedgerows (as appropriate) and (iv) provide detail of elements such as the proposed timber boardwalk, with due regard to the content and recommendations made in the Natura Impact Statement submitted with the planning application.

8. The applicant is advised that Article 22 of the Planning and development Regulations, 2001 as amended, requires any wayleaves affecting the land to be shown in yellow.

A response to the further information request was received on the 17th October 2024 and was deemed to be significant by the Planning Authority on the 29th November 2024. The response submitted can be summarised as follows:

1. A revised site plan has been provided (Drawing 20-06 P-FI-01) showing the dwelling repositioned.
2. Revised designs have been provided showing the dwelling to now have a floor area of 304 sq.m.
3. The boathouse is an integral part and remains part of the proposal – not financially viable to provide it as a separate structure as it would be visually intrusive and lead to the loss of a mature oak tree.
4. The balcony to the south (access via bedroom 1) remains. It is to be screened along its perimeter to mitigate impacts on the adjoining property to the southeast and to afford privacy to the balcony users.
5. The car port structure has been removed.
6. Entrance gates are to be as per the details outlined under PA Ref 21/1210.
7. Surface water collection and disposal proposals and a site drainage layout plan submitted which illustrates permeable areas on the site.
8. Comprehensive landscaping plan submitted.
9. Applicant states that no wayleaves/ rights of way exist on the lands.

The second report of the Planning Authority dated the 27th February 2025, notes concerns over the further information submitted. It was considered that the revised proposals did not alleviate or address the concerns with regard to the scale and bulk of the proposed dwelling. The report stated “*the proposed dwelling is a large structure*

that will, negatively impact on the residential amenity enjoyed by 23 Marine Village by reason of its scale and proximity to the private open space of this property. The propose dwelling taken together with the works to develop a boat inlet would negatively impact on the scenic amenity of the lakeside". As such, a recommendation in line with the decision issued was made.

3.2.3. Other Technical Reports

District engineer – report dated the 18th December 2023 note no objection to the proposed development.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage – submission dated the 19th December 2023 states that the department accepts the conclusion of the NIS and recommends that all proposed mitigation in relation to this development is adhered to.

Health Service Executive – submission dated the 3rd January 2025 states that Uisce Eireann shall be satisfied with the wastewater connection and drainage from this site considering its close proximity to Lough Derg and that a potable water supply shall service this site.

3.4. Third Party Observations

The Planning Authority received 5 no. 3rd Party submissions with regard to the proposed development. Concerns raised can be summarised as follows:

- Right of way not indicated on plans submitted (was included in previous applications on site).
- Construction access route is too narrow – alternative is required.
- Proposal is haphazard backland development.
- Will negatively impact upon existing residential amenities.
- Any dwelling on site should be in keeping with a line following the existing dwellings and should also be of a similar size.

- Applicant indicates that this is not a flood plain – evidence to the opposite was previously submitted under previous applications.
- Any vibration could cause movement or damage to existing dwellings.
- Part of the site zoned under "Amenity".
- request details of lobbying activities and records.
- piecemeal approach.
- Boundaries are incorrect.
- Interference with existing laneway/right of way.
- Overlooking from proposed balcony/external terrace.
- Orientation of dwelling is not in keeping with existing dwellings on the road.
- Conversion of airplane hangar to 4,200sq.ft dwelling.
- Newspaper notice not in newspaper that is not local
- Would like clarification on the site area.
- Distress caused by heavy machinery during construction phase.
- The footprint of the new 391 square metre building over two floors is 70.6 square metres bigger than the existing Shed and the height of gable facing No. 23 is being increased by 5.25 metres and will block off all existing southward view of River Shannon from No. 23.
- A shadow analysis is attached in the appendix showing the impact of the proposed new property No. 23.
- The proposed house will be 1.6 metres closer to No. 23 than the existing boathouse.
- The proposed car port for 4 cars has a proposed new wall of 2.8 metres high on the boundary directly facing living room window of No 23.

Further submissions were received from two of the original observers on foot of the receipt of further information and can be summarised as follows:

- Revised layout shows house located closer to 22 Marine Village and extending across the back of dwelling.
- House is backland, there is inadequate frontage to locate the house fronting the estate road in the manner in which other houses were designed and built.

- Site not originally intended for residential use, much of the site is zoned for amenity use.
- Accepted that new houses can be accommodated in existing residential zoned areas but such development needs to pay attention to their surrounds. Section 5.3 and Appendix 6 (Backland and Infill) of the TCDP 2022.
- Proposal disrupts the existing pattern of development and design is at variance with prevailing pattern of development in the vicinity.
- Proposed dwelling is located behind an existing dwelling, will impact on its amenity and will devalue houses in the vicinity.
- Proposal will devalue the scenic quality of Lough Derg.
- Photomontage minimises visual impact of proposal and misrepresents the visual context as it relates to 23 Marine Village. Photo from NIS contains more representative view.
- Concern with proximity of proposal to 23 Marine Village and significant scale of development proposed and impact on amenity enjoyed by 23 Marine Village.
- Concern with impact on views from 23 Marine Village which will be largely impaired by proposed development.
- No floor to ceiling heights indicated and levels on other plans lead to confusion.
- Planting proposed is on lands owned by owner of 23 Marine Village.
- Shadow drawings should illustrate before and after situation.
- Development is backland development.
- House is much bigger than shed on site and house is closer to our boundary.
- Waterway is to be developed through the amenity area to facilitate a boat accessing the dwelling.
- House is underneath foul sewers of marine village.
- House is located in flood zone B.
- Not possible to carry out shadow analysis.
- No floor to ceiling heights provided.
- Shadow analysis noncompliance with BRE Digest 365 guidelines.
- House will impact on quality of life, with loss of sunlight, light and overshadowing.
- Previous observations made remain valid.

4.0 Planning History

Subject site

PA Ref 211210 Permission GRANTED for the erection of precast concrete modules to form retaining structures of varying heights within the site, erection of new entrance piers and gates to the existing vehicular entrance and all associated site works. This application is accompanied by a Natura Impact Statement (NIS).

PA Ref 19601200 Permission REFUSED and upheld on appeal to An Bord Pleanála (ABP-306462-20) to construction of floating pontoon boat berths, complete with entrance, access road, ancillary services and associated site works. This application is accompanied by a Natura Impact Statement (NIS). The reason for refusal was as follows:

The site is identified as part of an Opportunity Site for tourism, recreation and amenity as set out in the Ballina Settlement Plan which forms part of the North Tipperary County Development Plan 2010-2016, as varied. While the Opportunity Site is identified as being suitable for Tourism Facilities, Water-Based Recreational Facilities and Public Amenities, the subject site has a specific zoning for Open Space and Amenity. Having regard to this Specific Zoning, it is considered that the proposed development would, by reason of its private use (non-commercial) materially contravene the objectives of the Development Plan and zoning for the site and would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

The appeal site is zoned under 2 no. zoning objectives which include for Existing Residential - To preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified and Amenity - To provide, preserve and enhance open space and amenity uses under the land Use Zoning Map for Ballina as set out in Volume 2 of the Settlement Strategy of the County Plan. The subject site is located within Flood Zone B.

Ballina is identified within the settlement plan as a 'Local Town' with the general objectives being as follows:

1. To work in partnership with Clare County Council in co-ordinating balanced development and the promotion of Killaloe and Ballina as linked settlements, including the development of a Town Enhancement and Mobility Plan for the twin towns.
2. To promote Ballina as a key tourism destination as part of Ireland's Hidden Heartlands and the development of tourism infrastructure and facilities.
3. To support the implementation of the Lough Derg Visitor Experience Destination Plan & Shannon Tourism Master Plan
4. To work in partnership with Clare County Council to secure the implementation of the Killaloe Bypass, the Shannon Bridge Crossing and R494 Improvement Scheme.
5. To seek the development of high-quality residential schemes, which provide a range of house types to meet the needs of the population, supported by community facilities and services.
6. To facilitate the development and enhancement of the town centre and to encourage the development of vacant and derelict sites for a range of retail, tourism, residential and complementary uses.
7. To promote the sustainable development of public amenities and local recreational uses, in harmony with the river setting and natural environment.

8. To promote high quality design in the built environment, which reflects the unique quality of the natural environment, and lakeside setting of the town
9. To support the delivery of an upgraded Waste Water Treatment Plant to facilitate new development.

Other relevant objectives and policies are as follows:

Chapter 5 – Housing

- Polic 5-2** Facilitate residential development, in accordance with the policy and objectives for residential development for towns and villages, as set out in Volume 2, in the relevant LAPs (and any review thereof) and as set out in the relevant Development Plan for each town (and any review thereof) and the Development Management Standards set out in Volume 3.
- Polic 5-5** Support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with the following:
- a) New residential development shall meet the relevant Development Management Standards as set out in Volume 3.
 - b) New residential developments of 10 or more units shall be accompanied by a 'Sustainability Statement', and a 'Statement of Housing Mix'.
 - c) New development shall be of an appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DHLGH, 2009), and any amendment thereof, and shall demonstrate that all opportunities for connectivity and linkages have been explored and incorporated in accordance with the 10-Minute Town concept and supporting active travel options.
 - d) Residential development in rural settlements shall be appropriate to the scale, character and infrastructural capacity of the settlement in which it is to be located.

Policy 5-9 Require that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity.

Chapter 11 – Environment and Natural Assets

Policy 11-2 Ensure the protection, integrity and conservation of European Sites and Annex I and II species listed in EU Directives.

Policy 11-3 Ensure the conservation and protection of existing, and proposed NHAs, and to ensure that proposed developments within or in close proximity to an existing or proposed NHA would not have a significant adverse impact on the status of the site as described.

Policy 11-7 a) Ensure the protection of water quality in accordance with the EU WFD, and support the objectives and facilitate the implementation of the associated Programme of Measures of the River Basin Management Plan 2018-2021 and any successor. This includes contributing towards the protection of Blue-Dot catchments and drinking water resources. Also, have cognisance of the EU's Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the WFD.

b) Support an integrated and collaborative approach to catchment management in accordance with the River Basin Management Plan 2018-2021 and any successor.

c) Require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies to maintain the natural function of existing ecosystems associated with water courses and their riparian zones, and to enable sustainable public access.

Policy 11-9 Assess all new developments (both within and without designated Flood Risk Zones) in line with the 'Staged Approach' and pre-cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DEHLG, 2009) and any amendment thereof, and the following:

(a) Require the submission of site-specific Flood Risk Assessments for developments undertaken within Flood Zones A & B and on lands subject to the mid-range future scenario floods extents, as published by the OPW. These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.

(b) SFRAs and site-specific flood risk assessments shall provide information on the implications of climate change with regard to flood risk in relevant locations. The 2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (or any superseding document) shall be consulted with to this effect.

(c) Ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the OPW Climate Change Sectoral Adaptation Plan for Flood Risk Management applicable at the time.

(d) Applications for development on land identified as 'benefitting land' may be prone to flooding, and as such site-specific flood risk assessments may be required in these areas.

(e) Require applications for new development, or for an extension to an existing development on land zoned for 'Social and Public' or 'Amenity' use and where a potential flood risk is identified, and where the proposed use might be vulnerable, to be subject to site-specific flood risk assessment to the satisfaction of the Council.

Policy 11-13 Seek to control the spread of invasive plant and animal species, including consideration of potential pathways for invasive species spread, i.e. watercourses.

Policy 11-17 Ensure the protection of the visual amenity, landscape quality and character of designated 'Primary' and 'Secondary' amenity areas. Developments which would have a significant adverse material impact

on the visual amenities of the area will not be supported. New development shall have regard to the following:

- a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.
- b) Buildings and structures shall integrate with the landscape through careful use of scale, form and finishes.
- c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.

Volume 3 – Appendix 6 : Development Management Standards

Section 2.2 – Flood Risk Management.

Section 4.10 - Back-land and Infill Development

Section 4.14 - Domestic Garages

Section 4.15 - Light and Overshadowing

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c.656.925m to the south of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lough Derg pNHA (Site Code pNHA 000011). The site is also located c.885.4m to the north of the Lower River Shannon SAC (Site Code SAC 002165).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal are as follows:

1. Sensitive site location which interfaces with Lough Derg
 - NIS accompanies the application – no issue has been raised in connection with its contents or conclusions.
 - Therefore, cannot understand this part of the refusal reason.
2. Topographical and locational characteristics of the site and pattern of surrounding development.
 - Design of dwelling and response to existing built environment deal successfully with existing topography of the sloping site and limited development area constraints of the flood plain, proximity to existing dwellings to north and south, potential for overlooking issues and related privacy and zoning boundaries.
 - Initial design explored a pitched roof model – impact of same on adjoining properties was consider and flat roof proposal of simple intersecting rectilinear elements was developed in order to minimise visual impact and overshadowing.
 - Proposed finished levels at all points have been indicated on all accompanying drawings and shown relative to existing adjoining finished levels and topographical elements.
 - Design brief from the start had been for minimal impact on the existing residences considering shadow casting, light quality, protection of privacy and views to the river side.
 - Schematic photomontage images seek to demonstrated this.
 - Simple palette has also been proposed – incorporating modern and traditional materials which will assimilate into the existing site.

3. Nature and extent of works associated with the development of the inlet to the boathouse on lands that are zoned amenity use, the objective of which under the Tipperary County Development Plan is to provide, preserve and enhance open space and amenity uses.
 - Acknowledging policy-17 of the County Plan - the application proposed satisfies these criteria not only in terms of visual impact and integration through positioning adjacent to existing embankments and retaining structures on site but additionally protecting the existing landscape features in particular the large feature tree on site.
4. It is considered the proposed development would be an inappropriate design response for this sensitive site, would injure the amenity of adjoining residential properties and would result in excessive works to lands zoned for Amenity use to form a boat inlet that would be contrary to the zoning objectives for these lands as contained in the Tipperary County Development Plan 2022.

The development would set an undesirable precedent for similar such proposals that would negatively impact on the interface to Lough Derg. Accordingly, the development would be contrary to the proper planning and sustainable development of the area.

- Argued that works required to provide an inlet to the dwelling house are not significantly impactful on the lands zoned amenity use and are in keeping with the adjacent pattern of development.
- Nature and limited scale of the proposed development within the Amenity zoned lands, the riverside location, the existing and historic use of the site, the established character and pattern of development in the vicinity of the site and the zoning of the site for amenity in the county plan with which indicates the use of water based recreation to be appropriate – it is considered that the proposal would comply with the development plan policy, not seriously injure the amenities of adjoining and adjacent property or the land or water based amenities of the surrounding area.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development.
- Site sensitivity.
- Impact on residential amenity.

8.2. Principle of Development

- 8.2.1. In the interest of clarity for the assessment of the Board, I note that reference is made within the report of the Planning Officer of Tipperary County Council and by the 1st party appellant to the subject site being adjacent to both the lake and the river. The subject site forms its western boundary with the River Shannon and is located c. 9km to the south of Lough Derg. As such all references made by the Planning Authority and the Appellant to the 'lake' or 'lough' should be considered as the river.
- 8.2.2. There are 2 no. zoning objectives pertaining to the subject site. The eastern upper section of the site is zoned under 'Existing Residential' which *'seeks to preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified'*, while the western lower section is zoned under 'amenity' seeks *'to provide, preserve and enhance open space and amenity uses'* as per the Ballina Land Zoning Map set out within Volume 2 of the Tipperary County Development Plan 2022-2028.

- 8.2.3. Residential use is listed as being open for consideration under the existing residential zoning objective and not permitted under the amenity zoning objective. Sports/leisure facilities is open for consideration under the amenity land use zoning objective.
- 8.2.4. Permission is being sought for the demolition of an existing boat shed and the construction of a two-storey dwelling which incorporates a boathouse storage and inlet from the river Shannon, boardwalks & private moorings.
- 8.2.5. The original plans submitted to the Planning Authority on the 15th November 2023 indicated that the proposed dwelling was partially located within the amenity land use zoning. The Planning Officer within their assessment noted concern over the positioning of the proposed dwelling and requested through further information for the applicant to relocate the dwelling so that it is entirely located within the existing residential zoned section of the site.
- 8.2.6. The appellant has noted within their appeal that they consider that the works required to provide the inlet to the dwelling house would not be impactful on the amenity zoned use. The Planning Officer in their assessment requested the applicant to reconsider the inclusion of the boat house as part of the further information request as it was considered that the inclusion of such only added to the overall massing of the proposal. On foot of the response of further information, where the inlet and boat house was retained, the Planning Officer consider the works to the river side to be contrary to the amenity land use zoning. However, this comment was not followed through into the reason for refusal.
- 8.2.7. The works to provide for an inlet, boardwalks & private moorings which allows for the occupant of the dwelling to participate in boating activities. There is a marina located to the south of the site and a number of dwellings located to the north are served with private moorings accessible solely to the occupants of those dwellings. Boating activities are a leisure activity. As previously stated in section 8.2.2 of my report above sports/leisure facilities are open for consideration under the Amenity zoning objective.
- 8.2.8. Overall and in the interest of clarity, I will assess the plans submitted as part of the further information response. The provision of an infill dwelling located on the existing residential zoned lands and the provision of an inlet from the river Shannon, boardwalks & private mooring are considered to be Sports/Leisure Facilities and

therefore I consider they would be in keeping with both the residential and amenity land use zoning objectives pertaining to the subject site.

8.3. Site Sensitivity

- 8.3.1. The principal issue for refusal relates to the impact of the proposed development in terms of its design on the amenities of the adjoining dwellings and the impact it would have upon the sensitive location of the site on the banks of the River Shannon. The applicant was requested by the planning to re-visit the design of the proposed dwelling to overcome the concerns raised. As such the applicant reduced the scale of the development by c.87sq.m.
- 8.3.2. The second report of the Planning Authority considered that the revised proposal fails to address the concerns raised and that the proposal is a large structure that will negatively impact on the residential amenity enjoyed by 23 Marine Village by reason of its scale and proximity to the private open space of this property and that the proposed dwelling taken together with the works to develop a boat inlet would negatively impact on the scenic amenity of the lakeside.
- 8.3.3. In the first instance the appellant considers that the first line of the reason for refusal which states “The sensitive site location which interfaces with Lough Derg” has been addressed within the NIS submitted which was accepted by the Planning Authority. I consider that the appellant has mis-interpreted the meaning of this sentence. I consider the concern relates to the visual impact of the proposal on the interface of the site with the River Shannon. I will address this fully within my assessment below.
- 8.3.4. The appellant in response states that the design of the dwelling satisfies the requirement of Policy 11-17 of the Tipperary County Development Plan 2022-2028 (TCDP) not only in terms of visual impact and integration through positioning adjacent to existing embankments and retaining structures on site but additionally protecting the existing landscape features in particular the large feature tree on site.
- 8.3.5. Policy 11-17 of the TCDP seeks to ensure the protection of the visual amenity, landscape quality and character of designated ‘Primary’ and ‘Secondary’ amenity areas and that developments which have a significant negative impact on the visual amenities of the area will not be supported. The policy sets out a number of criteria against which the proposal should be assessed against.

- 8.3.6. The subject site is located within a primary amenity area as per figure 1.1 of Volume 1 of the TCDP. Policy 11-17 of the TCDP requires that the proposal should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the surrounding area. I note that the proposed dwelling, in its amended form, has been located primarily in the same position as the existing structure on site which is proposed be demolished. The proposed dwelling extends slightly to the south, c.4.8m, beyond the southern elevation of the existing structure. The proposed dwelling does exceed the existing ridge level of the existing structure by c. 2.8m but on foot of the level changes across the site remains c.2m - 3m below the ridge level of the existing dwelling located to the north of the subject site, within Marine Village.
- 8.3.7. I note that there is already an established residential interphase with the River Shannon formed by the Marine Village Development, albeit set back at a further distance than the appeal site. In addition, I note that no. 23 to no.27 Marine Village, which are located to the north of the subject site are all served with direct access to private moorings on the River Shannon. These dwellings are set approximately c. 47m from the banks of the River Shannon and are two storeys in height. The proposed dwelling is set back c.24m from the River Shannon.
- 8.3.8. I consider that the established pattern of development addressing the river at this location to be residential development. While I note that the proposed dwelling has been set closer to the banks of the river than the dwellings located to the north, I do not consider it to be visually dominant given that the ridge level of the dwelling is set below that of the adjoining dwellings. Furthermore, the use of a modern design idiom, the use of the topography across the site together with the setback provided from the riverbank avoids the proposal becoming visually dominant or prominent upon this primary amenity area.
- 8.3.9. The second criteria relates to the integration of the development with the landscape through scale, form, and finishes of the development. Plans submitted indicate that it is proposed to finish the upper level of the dwelling with timber cladding and the lower levels with cement cladding. The design of the dwelling has utilised the change in levels across the site. As previously stated, I consider that the scale and form of the dwelling is in keeping with the established pattern of development and I do not consider it to be overbearing or detrimental to the landscape. The materials proposed

allow for the dwelling to settle into the surrounding natural landscape and utilises the existing landscape features on site, including the mature oak tree and boundary hedging, to screen the proposal. I therefore consider that the proposal to be in accordance with the requirements of the second criteria of Policy 11-17.

8.3.10. The third criteria seeks to ensure that the existing landscape features including trees, hedgerows and distinctive boundary treatment are protected and integrated into the design proposal. In this instance the appellant has noted that the design and layout of the proposal has retained the large mature Oak tree on site.

8.3.11. Objective no. 8 set out under section 2.1 of the Settlement Strategy for Ballina within Volume 2 of the Tipperary County Development Plan 2022-2028 seeks to promote high quality design in the built environment, which reflects the unique quality of the natural environment, and lakeside setting of the town. The Planning Officer in their assessment raised concern over the creation of the inlet which it was considered would remove the opportunity to provide a programme of landscaping within the area between the dwelling and the riverside. It is further asserted by the Planning Officer in their assessment of the further information response that proposed inlet would be contrary to the Amenity land use zoning and would alter the lakeside character in a negative manner of which it is an objective of the Settlement Plan for Ballina to preserve.

8.3.12. In the first instance, as set out above in section 8.2.5 I do not consider that the works proposed within the amenity zoned lands to be contrary to that zoning objective.

8.3.13. While the works proposed will alter the existing character of the western boundary of the site, I do not consider it will alter it to the extent that it will be out of keeping with the wider area. The Lough Derg Marian is located to the south of the subject site which provides for a number of manmade inlets and pontoons for boats to dock. There is a large inlet to serve the marina located immediately to the south of the subject site.

8.3.14. I consider that the boundary shared with the River Shannon will be altered in a manner that is in keeping with the pattern of development to both the north and south of the subject site. The applicant is proposing to keep the established mature landscape features on the northern section of the site, namely the mature oak tree and the mature boundary planting which comprises of yew hedging. I consider that the retention of the northern, eastern and western boundary treatment and the mature trees on site allow

for the proposal to comply with the third criteria of Policy 11-17 of the Tipperary County Development Plan 2022-2028.

- 8.3.15. I do not consider that the proposed development would undermine the Amenity Land Use zoning objective pertaining to the southern section of the site and is an appropriate response for this sensitive site given its location on the banks of the River Shannon. The proposal has respected the massing and form of the surrounding dwellings in terms of the established ridge level and utilises the change in levels across the site to allow for the dwelling to settle into the surrounding landscape.
- 8.3.16. Overall, in conclusion, having regard to the location of the subject site within a primary amenity area as per figure 1.1 of Volume 1 of the TCDP, I consider the proposed development complies with the requirements of Policy 11-17 of the Tipperary County Development Plan 2022-2028.

8.4. Impact on residential amenity

- 8.4.1. The Planning Officer in their assessment of the plans submitted in response to further information, on the 17th October 2024, considered that the revised design will negatively impact on the residential amenity enjoyed by 23 Marine Village by reason of its scale and proximity to the private open space of this property. I accept the Planning Officers assessment that the photomontages submitted as part of the further information do not correctly represent the separation distances between the proposed dwelling and the surrounding properties. However, the correct dimensions pertaining to the separation distances have been provided on all statutory plans submitted.
- 8.4.2. The proposed dwelling has been set c.5.6m from the shared boundary with no. 23 Marina Village which increases to c.8.9m further south on the site. I note that there are no window openings located along the northern elevation of the proposed dwelling. Furthermore, plans submitted indicate that it is the intention of the appellant to retain the mature boundary of the site.
- 8.4.3. The finished floor level of the proposed dwelling will sit c.1.63m below the finished floor level of no. 23 Marina Village meaning that the proposed dwelling will appear single storey in nature to the adjoining dwelling.
- 8.4.4. Therefore, having regard to the separation distance provided, the finished floor level of the proposed dwelling and the intention of the applicant to retain the existing

boundary treatment of mature hedging, I do not anticipate that the proposed dwelling will negatively impact upon the current level of amenities enjoyed by no.23 Marine Village and will not be visually dominant or overbearing.

- 8.4.5. A significant concern was raised by the Planning Officer relating to issues of overlooking from the proposed balcony at the southern section of the dwelling projecting from bedroom no. 1 upon no. 22 Marine Village. While it was noted that mitigation for issues of overlooking was proposed, the Planning Officer considered that the lack of details provided on the screening proposals would not allow them to determine it to be appropriate.
- 8.4.6. I note that the balcony proposed to the south of the dwelling is set c.7m from the shared boundary with no. 22 Marine Village and the window now serving the master suite is set c.10m from the shared boundary with same. The private amenity space serving no. 22 Marine Village has a ground level which is c.2m higher than that of the appeal site. I further note from undertaking a site visit that there is an existing retaining wall between the proposed dwelling and no. 22 Marine Village.
- 8.4.7. The privacy screen along the eastern elevation of the proposed balcony area is c. 3.8m in height and comprises of fins. The screening along the southern end of this balcony is c.1.96m in height and appears to comprise of glazing. All details have been set out on the amended elevation drawings submitted.
- 8.4.8. Having regard to the separation distances provided and the use of the privacy screens indicated on plans submitted, I do not accept that the proposal will give rise to issues of overlooking or be injurious to the current level of residential amenity enjoyed by either no. 23 or no. 22 Marine Village. I therefore recommend that permission be granted in this instance.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

- 9.1.1. From the onset I would draw the Boards attention that the applicant submitted as part of their planning documentation to the Planning Authority a Natura Impact Assessment but did not submit an appropriate assessment screening report. From a review of the NIS an AA Screening was not undertaken as part of this assessment. However, I note

that the assessment submitted was considered to be acceptable to both the Planning Authority and the Department of Department of Housing, Local Government and Heritage.

- 9.1.2. The executive summary contained within the NIS states that The proposed development is located approximately 580m south of Lough Derg (Shannon) SPA. The Lough Derg (Shannon) SPA is designated for the protection of Cormorant, Tufted Duck, Goldeneye and Common Tern as well as the Wetland and Waterbirds habitat. It is also located c. 840m north of the Lower River Shannon SAC. There is some potential for significant impacts on the qualifying interests of the SAC including Sea lamprey, Brook lamprey, River lamprey, Salmon and Otter. There is the potential for indirect and cumulative impacts relating to water quality, disturbance / displacement, and invasive species. Water quality impacts may arise during the construction phase in relation to run-off and accidental spillages as well as dust. Disturbance impacts could affect birds and Otters in the adjacent lake, with increased noise and human activity during construction. Furthermore, any introduction of invasive species would impact the Lower River Shannon which is already under considerable pressure from invasive species.
- 9.1.3. In the absence of an appropriate assessment screening report, I am still satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's 'Screening for Appropriate Assessment' and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.
- 9.1.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects could give rise to significant effects on the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165).

This determination is based on:

- Nature of works;

- Potential hydrological connection to the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) via the River Shannon which the subject site shares its southern boundary with; and
- Indirect and cumulative impacts relating to water quality.

9.1.5. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. **Stage 2 - Appropriate Assessment**

- 9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Board.
- 9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in section 3 of the NIS submitted by the applicant and the potential impacts from the construction and operational phases are provided in terms of each of the Conservation Objectives (CO) of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) throughout the NIS submitted.
- 9.2.3. From undertaking a screening for the need of Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

9.2.4. Following an examination, analysis and evaluation of the NIS, as set out within appendix 4 of my report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on site integrity of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- the proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165).
- Effectiveness of mitigation measures proposed and adoption of CEMP submeter.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

10.0 Water Framework Directive

10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The River Shannon passes along the southern boundary of the Site. As part of the proposed development the applicant is seeking to construct an inlet to allow the River Shannon flow onto the site in order to provide for a boat house.

10.2. The Water Framework Directive (WFD) ecological status of the River Shannon (encompassed within the WFD River waterbody IE_SH_25_191a) is classified as 'moderate' quality for the 2016-2021 monitoring period.

10.3. The proposal comprises demolition of the existing boat shed on site construction of a new dwelling and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside and all associated site work. The project uses standard construction / pollution control methods, materials and equipment, and the process managed through the implementation of the CEMP. The application was accompanied by a NIS

which set out detail mitigation measures. A surface water management system including SuDS features is also proposed.

10.4. Further to the provisions of Appendix 5 I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

Having regard to the above it is recommended that the decision of the Planning Authority be overturned, and permission is granted based on the following reasons and considerations and subject to the attached conditions.

12.0 Reasons and Considerations

Having regard to the objectives of the Tipperary County Development Plan 2022-2028 the nature, scale and design of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority on the 17 th October 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
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	<p>development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation measures outlined in the Natura Impact Assessment lodged with the application on the 15th November 2023, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: in the interest of protecting the.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity</p>
4.	<p>The developer shall enter into a water connection and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of public health</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of 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</p>

	<p>authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition 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.</p> <p>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.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> a) A plan to scale of not less than [1:500] showing – <ul style="list-style-type: none"> i. Existing trees, hedgerows, Stone walls specifying which are proposed for retention as features of the site landscaping. ii. The measures to be put in place for the protection of these landscape features during the construction period. iii. The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species. iv. Details of screen planting if required. v. Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels. b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment. c) A timescale for implementation. <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously</p>

	<p>damaged or diseased, within a period of five years from the completion of the development], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
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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.

Kathy Tuck
Planning Inspector

18th June 2024

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322173-25
Proposed Development Summary	Demolition of the existing storage building for the construction of two storey dwelling house, and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside and all associated site work.
Development Address	The Boathouse, Marine Village, Ballina, Co. Tipperary.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> 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.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322173-25
Proposed Development Summary	Demolition of the existing storage building for the construction of two storey dwelling house, and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside and all associated site work.
Development Address	The Boathouse, Marine Village, Ballina, Co. Tipperary.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>Permission is sought for the demolition of the existing boat shed structure on site which has a given area of c.152sq.m and the construction of a two-storey dwelling which has a given area of c.391sq.m and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside.</p> <p>The western boundary of the subject site is shared with the River Shannon. The applicant is also proposing to provide for an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside.</p> <p>Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development may have the potential to impact on an ecologically sensitive site or location. There is a hydrological connection via the river Shannon to the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165).

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>An NIS has been prepared and submitted which sets out adequate mitigation measures to ensure that the proposal will not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors).</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	There would be no significant cumulative considerations.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of the existing storage building for the construction of two storey dwelling house and all associated site work.
Brief description of development site characteristics and potential impact mechanisms	<p>Permission is sought for the demolition of the existing boat shed structure on site which has a given area of c.152sq.m and the construction of a two-storey dwelling which has a given area of c.391sq.m with a boat store forming part of the lower ground floor.</p> <p>The western boundary of the subject site is shared with the River Shannon. The applicant is also proposing to provide for an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside.</p> <p>Water supply and waste-water treatment will be from connection to public mains. On foot of a response to additional information, surface water is proposed to discharge to soakpits and permeable areas on site.</p> <p>There are no water courses or other ecological features of note on the site however as noted above, the western boundary of the subject site is shared with the River Shannon which provides for a direct connection to the Lough Derg (Shannon) SPA (Site Code SPA 004058) to the north of the site and the Lower River Shannon SAC (Site Code SAC 002165) to the south of the site.</p>
Screening report	No
Natura Impact Statement	Yes
Relevant submissions	<p>Yes</p> <p>Department of Housing, Local Government and Heritage – Received on the 19th December 2023 and</p>

	states, 'The department accepts the conclusion of the NIS and recommends that all proposed mitigation in relation to this development is adhered to. The department strongly recommends that in particular the guidance in relation to outside lighting is followed and the landscaping plan follows a native species planting scheme.'			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. However, the NIS submitted and the Planning Authority has considered the same 2 sites in their reporting.				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Derg (Shannon) SPA (Site Code SPA 004058)	Cormorant (Phalacrocorax carbo) [A017] Tufted Duck (Aythya fuligula) [A061] Goldeneye (Bucephala clangula) [A067] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999] Lough Derg (Shannon) SPA National Parks & Wildlife Service Accessed on the 16 th June 2025.	c.656.925m	Yes - direct connection via the River Shannon	Y Y Y Y
Lower River Shannon SAC (Site Code SAC 002165)	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170]	c.885.4m	Yes - direct connection via the River Shannon	N N N N N

	Perennial vegetation of stony banks [1220]			N
	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]			N
	Salicornia and other annuals colonising mud and sand [1310]			N
	Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]			N
	Mediterranean salt meadows (Juncetalia maritimi) [1410]			N
	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]			
	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]			N
	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]			N
	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]			
	Petromyzon marinus (Sea Lamprey) [1095]			Y
	Lampetra planeri (Brook Lamprey) [1096]			N
	Lampetra fluviatilis (River Lamprey) [1099]			N
	Salmo salar (Salmon) [1106]			Y
	Tursiops truncatus (Common Bottlenose Dolphin) [1349]			N
	Lutra lutra (Otter) [1355]			Y
	Lower River Shannon SAC National Parks & Wildlife Service			

	Accessed on the 16 th June 2025			
Step 3 Conclude if the proposed development could result in likely significant effects on a European site				
<p>I conclude that the proposed development alone would result in likely significant effects on Lough Derg (Shannon) SPA (Site Code SPA 004058) to the north of the site and the Lower River Shannon SAC (Site Code SAC 002165). The proposed development would have likely significant effect in combination with other plans and projects on any European sites in the absence of mitigation measures. Further assessment is required for the project.</p> <p>Mitigation measures are required to come to these conclusions.</p>				
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would be likely to give rise to significant effects on Lough Derg (Shannon) SPA (Site Code SPA 004058) to the north of the site and the Lower River Shannon SAC (Site Code SAC 002165), in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is therefore required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • Nature of works; • Potential hydrological connection to the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) via the River Shannon which the subject site shares its southern boundary with; and • Indirect and cumulative impacts relating to water quality. 				

Appendix 4

Appropriate Assessment

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] 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 proposed development of the Demolition of the existing storage building for the construction of two storey dwelling house, and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside and all associated site work in view of the relevant conservation objectives of the Lough Derg (Shannon) SPA (Site Code SPA 004058) and the Lower River Shannon SAC (Site Code SAC 002165) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation received from the Department of Housing, Local Government and Heritage.

The information relied upon includes the following:

- Natura Impact Statement prepared by Ecofact Environmental Consultants.
- The National Parks and Wildlife Website.
- The Environmental Protection Agency GIS Mapping Services.
- The determination undertaken by Tipperary Planning Authority.
- The observation received by the Department of Housing, Local Government and Heritage

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Department of Housing, Heritage and Local Government: Report dated the 19th December 2023

- The submission states that the department accepts the conclusion of the NIS and recommends that all proposed mitigation in relation to this development is adhered to. The department strongly recommends that in particular the guidance in relation to outside lighting is followed and the landscaping plan follows a native species planting scheme.

NAME OF SAC/ SPA (SITE CODE):

Lough Derg (Shannon) SPA (Site Code SPA 004058)

**Summary of Key issues that could give rise to adverse effects (from screening stage):
[examples]**

- (i) Water quality degradation (construction and operation)
- (ii) Disturbance of mobile species
- (iii) Spread of invasive species

See Table 6 NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
			Section 7 of the NIS
Cormorant (Phalacrocorax carbo) [A017]	To restore the Favourable conservation condition of Cormorant in Lough Derg (Shannon) SPA.	<p>Cormorants are found foraging across Lough Derg and therefore would be likely to be present in the vicinity of the proposed development site. In 2021 a bird survey at the proposed development site was undertaken and two cormorants were recorded flying over the site.</p> <p>There is the potential for direct and indirect disturbance impacts to arise with regard to Water quality degradation, disturbance of mobile</p>	<p>Detailed method statement and CEMP following guidelines in NIS;</p> <p>Fencing off works with high hoarding;</p> <p>Access to construction only through existing entrance to Kilana lodge;</p> <p>Construction to take account of weather conditions; spill kits used;</p> <p>Silt fence;</p> <p>5-day weather window for concrete works;</p> <p>Concrete / cement mixing required only within designated mixing area with all</p>

		species and spread of invasive species.	<p>wash water tool washing and grey water stored securely and removed;</p> <p>Waste material stored only temporarily and covered with tarp or similar;</p> <p>Emergency procedures and response plan;</p> <p>Biosecurity and invasive species management plan following IFI and NRA guidelines;</p> <p>All equipment steam cleaned prior to use on site;</p> <p>Tyres and tracks checked for plant material;</p> <p>Operational environmental management plan to Include operational biosecurity plan with signage and biosecurity facility for visitors as well as measures to reduce disturbance;</p> <p>Waste management detailed in CEMP, landscaping using native species to enhance habitat on site and biodiversity;</p> <p>cutting or disturbance to trees if required</p>
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			should be outside of bird nesting season.
Tufted Duck (Aythya fuligula) [A061]	To maintain the Favourable conservation condition of Tufted Duck at Lough Derg (Shannon) SPA.	<p>Tufted Duck are found foraging across Lough Derg and therefore would be likely to be present in the vicinity of the proposed development site. However, given the urban setting and relatively high levels of disturbance it is unlikely an important area for them. Bird survey undertaken at the subject site on the 9th June 2021 do not record this specie on site.</p> <p>There is the potential for direct and indirect disturbance impacts to arise with regard to disturbance / displacement, Water quality, and invasive species.</p>	Same as Above
Goldeneye (Bucephala clangula) [A067]	To maintain the Favourable conservation condition of Goldeneye at Lough Derg (Shannon) SPA	<p>Goldeneyes are winter visitors to Lough Derg. If the construction works are undertaken during the winter months, this species could be affected by disturbance, displacement, water quality and invasive species impacts.</p> <p>Operational phase could give rise to some disturbance impacts</p>	Same as Above

		they are considered to not be significant but mitigation would still be required.	
Common Tern (Sterna hirundo) [A193]	To restore the Favourable conservation condition of Common Tern in Lough Derg (Shannon) SPA.	Common Tern could be affected by disturbance, displacement, water quality and invasive species Impacts. This species utilizes Lough Derg year-round but breeds on some of the islands.	Same as Above
Wetland and Waterbirds [A999]	To maintain the Favourable conservation condition of Wetland habitats in Lough Derg (Shannon) SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	Invasive species could be introduced or spread to this habitat easily due to proximity.	Biosecurity mitigation to include cleaning all machines before entering the site and taking appropriate measures during the operational phase.
Lower River			
Sea lamprey (Petromyzon marinus)		Invasive species could be introduced or spread to this habitat easily due to proximity. Water Quality could also be an impact.	Biosecurity mitigation to include cleaning all machines before entering the site and taking appropriate measures during the operational phase.
Assessment of issues that could give rise to adverse effects view of conservation objectives (i) Water quality degradation Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed being the Cormorant, Tufted Duck, Goldeneye and Common Tern. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. Mitigation measures and conditions			

Any oils or fuels that may be required during the proposed works will be stored appropriately in bunded tanks away from any watercourse to ensure no spillages occur. Spill kits will be used. For any site clearance and excavations, typical seasonal weather variations will be taken account, with a 5-day weather window agreed to minimise any potential for flooding / excessively wet weather to reduce the potential for run-off from the site. Any stockpiles of materials should be set back from the river and protected with silt fences.

(ii) Disturbance of mobile species

During the construction phase, there will be increased noise and human activity at the site which could disturb birds in the adjacent SPA. This may then result in displacement impacts, by forcing the birds to move to other areas of the SPA to forage. This can affect habitat suitability by forcing compromised site selection as well as forcing competitive interactions with birds in the other parts of the SPA. However, it is noted that construction works will likely be short in duration and there is an existing level of disturbance in the area. It is therefore unlikely to result in any significant impacts relating to disturbance.

The usage of the proposed development site during the operational phase will result in increased activity and therefore disturbance in this area. It is unlikely this would have a significant impact as this is an existing developed site and there are several residential properties nearby. In addition, there is an existing jetty here with space for several boats.

Mitigation measures and conditions

- Works should be limited to daylight hours to avoid potential disturbance to nocturnal animals potentially foraging nearby.
- Due to the proximity of the proposed development to the Lough Derg (Shannon) SPA, lighting should be minimized insofar as possible for the protection of aquatic species. Any lighting required as necessary for safety should follow relevant guidelines to reduce light spill adjacent to the lake. Any required lighting should follow Bat Conservation Ireland's Bats & Lighting: Guidance Notes for Planners, Engineers, Architects and Developers (2010).
- Detailed method statement and CEMP following guidelines in NIS.
- Fencing off works with high hoarding.
- Access to construction only through existing entrance.
- Construction to take account of weather conditions.
- spill kits /silt fence.
- 5-day weather window for concrete works.
- Concrete / cement mixing required only within designated mixing area with all wash water tool washing and grey water stored securely and removed.
- Waste material stored only temporarily and covered with tarp or similar.
- Emergency procedures and response plan.
- Biosecurity and invasive species management plan following IFI and NRA guidelines.
- All equipment steam cleaned prior to use on site.
- Tyres and tracks checked for plant material.

- Operational environmental management plan to Include operational biosecurity plan with signage and biosecurity facility for visitors as well as measures to reduce disturbance.
- Waste management detailed in CEMP, landscaping using native species to enhance habitat on site and biodiversity.
- cutting or disturbance to trees if required should be outside of bird nesting season.

(iii) Spread of invasive species

Invasive species can rapidly take over and negatively alter the natural balances of an ecosystem. Lough Derg in particular has a long history and current issues with invasive species. There are approximately 13 different invasive species colonizing the lake. Biosecurity measures will be required on site due to the sensitive receptors. Potential invasive species impacts affecting the Wetland and Waterbirds habitat can also indirectly affect the Cormorant, Tufted Duck, Goldeneye and Common Tern.

Invasive species being brought into and / or spread on site by equipment and boats, which are known vectors of invasive species.

Mitigation measures and conditions

Biosecurity mitigation to include cleaning all machines before entering the site and taking appropriate measures during the operational phase.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am / not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Derg (Shannon) SPA (Site Code SPA 004058). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE):

Lower River Shannon SAC (site code SAC 002165)

**Summary of Key issues that could give rise to adverse effects (from screening stage):
[examples]**

- (i) Water quality degradation (construction and operation)
- (ii) Disturbance of mobile species
- (iii) Spread of invasive species

See Table 6 within the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Sea lamprey (Petromyzon marinus)	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC.	Water quality and invasive species. This species is known to be present downstream in the River Shannon and Lough Derg and may use areas within the zone of influence of the proposed development. This species can also be affected by upstream migration barriers.	Detailed method statement and CEMP following guidelines in NIS; Fencing off works with high hoarding; Access to construction only through existing entrance to Kilana lodge; Construction to take account of weather conditions; spill kits used; Silt fence; 5-day weather window for concrete works; Concrete / cement mixing required only within designated mixing area with all wash water tool washing and grey water stored securely and

			<p>removed;</p> <p>Waste material stored only temporarily and covered with tarp or similar;</p> <p>Emergency procedures and response plan;</p> <p>Biosecurity and invasive species management plan following IFI and NRA guidelines;</p> <p>All equipment steam cleaned prior to use on site;</p> <p>Tyres and tracks checked for plant material;</p> <p>Operational environmental management plan to Include operational biosecurity plan with signage and biosecurity facility for visitors as well as measures to reduce disturbance;</p> <p>Waste management detailed in CEMP, landscaping using native species to enhance habitat on site and biodiversity;</p> <p>cutting or disturbance to trees if required should be outside of bird nesting season.</p>
Brook lamprey (Lampetra planeri)	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC	Water quality and invasive species.	As above.
River lamprey (Lampetra fluviatilis)	To maintain the favourable conservation condition of River Lamprey in	Water quality and invasive species.	As above.

	the Lower River Shannon SAC		
Salmon (Salmo salar)	To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC	Water quality and invasive species.	As above.
Otter (Lutra lutra)	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC	Disturbance, Water quality and invasive species.	As above.

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

(i) Water quality degradation

There is the potential for water quality impacts to arise as a result of the proposed works due to proximity. There is the potential for suspended solids pollution, dust generation and concrete / cement spillages due to the proximity to the lake. This can lead to adverse water quality pollution, altering of pH levels, and turbidity which can negatively affect the habitat utilized by this species.

Mitigation measures and conditions

Any oils or fuels that may be required during the proposed works will be stored appropriately in bunded tanks away from any watercourse to ensure no spillages occur. Spill kits will be used. For any site clearance and excavations, typical seasonal weather variations will be taken account, with a 5-day weather window agreed to minimise any potential for flooding / excessively wet weather to reduce the potential for run-off from the site. Any stockpiles of materials should be set back from the river and protected with silt fences.

ii) Disturbance of mobile species

During the construction phase, there will be increased noise and human activity at the site which could disturb mobile species identified above. This may then result in displacement impacts, by forcing animals to move to other areas of the SPA to forage. This can affect habitat suitability by forcing compromised site selection as well as forcing competitive interactions with the other parts of the SAC. However, it is noted that construction works will likely be short in duration and there is an existing level of disturbance in the area. It is therefore unlikely to result in any significant impacts relating to disturbance.

The usage of the proposed development site during the operational phase will result in increased activity and therefore disturbance in this area. It is unlikely this would have a significant impact as this is an existing developed site and there are several residential properties nearby. In addition, there is an existing jetty here with space for several boats.

Mitigation measures and conditions

- Works should be limited to daylight hours to avoid potential disturbance to nocturnal animals potentially foraging nearby.
- Due to the proximity of the proposed development to the Lough Derg (Shannon) SPA, lighting should be minimized insofar as possible for the protection of aquatic species. Any lighting required as necessary for safety should follow relevant guidelines to reduce light spill adjacent to the lake. Any required lighting should follow Bat Conservation Ireland's Bats & Lighting: Guidance Notes for Planners, Engineers, Architects and Developers (2010).
- Detailed method statement and CEMP following guidelines in NIS.
- Fencing off works with high hoarding.
- Access to construction only through existing entrance.
- Construction to take account of weather conditions.
- spill kits /silt fence.
- 5-day weather window for concrete works.
- Concrete / cement mixing required only within designated mixing area with all wash water tool washing and grey water stored securely and removed.
- Waste material stored only temporarily and covered with tarp or similar.
- Emergency procedures and response plan.
- Biosecurity and invasive species management plan following IFI and NRA guidelines.
- All equipment steam cleaned prior to use on site.
- Tyres and tracks checked for plant material.
- Operational environmental management plan to Include operational biosecurity plan with signage and biosecurity facility for visitors as well as measures to reduce disturbance.
- Waste management detailed in CEMP, landscaping using native species to enhance habitat on site and biodiversity.
- cutting or disturbance to trees if required should be outside of bird nesting season.

(ii) Spread of invasive species

Invasive species could also be introduced or spread easily due to proximity. Equipment, or materials used for the construction could act as vectors for invasive species. This risk can be avoided by the provision of best-practice mitigation

Mitigation measures and conditions

Biosecurity mitigation to include cleaning all machines before entering the site and taking appropriate measures during the operational phase.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Plans and projects that could act in combination with the proposed development are detailed and assessed within section 6 of the NIS submitted.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am / not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 5

Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322173-25	Townland, address	Marine Village, Ballina, Co. Tipperary
Description of project		Demolition of the existing storage building for the construction of two storey dwelling house, and the provision of an inlet from the Shannon and include for access from the river to the boathouse, along with timber boardwalk and moorings to the lakeside and all associated site work.	
Brief site description, relevant to WFD Screening,		Site is located within an area of little elevation with freely draining brown earths, located in a urban location. The site is surrounded by well drained with no drainage ditches. There is a watercourse located on the western boundary of the site – the River Shannon.	
Proposed surface water details		Surface water will be drained to a soakage area and discharged to groundwater	
Proposed water supply source & available capacity		It is proposed to connect to the existing mains to serve the proposed development in terms of water supply. Pre connection agreement indicates that there is capacity in the network.	

Proposed wastewater treatment system & available capacity, other issues			It is proposed to connect to the existing mains to serve the proposed development in terms of waste water. Pre connection agreement indicates that there is capacity in the network.			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	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)
River Waterbody	On the western boundary	Derg TN IE_SH_25_191a	Moderate	Monitoring	Water Abstraction, Fishery, Recreational	

Groundwater waterbody		Underlying site	Nenagh IE_SH_G_178	Good	Not at risk	No pressures	Free draining soil conditions.
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	Water body 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.
1.	Site clearance & Construction	Derg TN IE_SH_25_191a	Existing	Yes – run off during the course of construction	Mitigation proposed as part of the NIS submitted. Standard Construction Measures / Conditions	No	Screened out
3.	Site clearance & Construction	Nenagh IE_SH_G_178	Drainage	Hydrocarbon Spillages	Standard Construction	No	Screened out

					Measures / Conditions		
OPERATIONAL PHASE							
3.	Surface	Derg TN IE_SH_25_191a	Existing	Suds measures incorporated in design.	Mitigation proposed as part of the NIS submitted.	No	Screened out
4.	Ground	Nenagh IE_SH_G_178	None	None	No	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA