



An
Coimisiún
Pleanála

Inspector's Report ACP-323173-25

Development

- 1) Retention permission to retain the existing 24m telecommunications support structure carrying antenna and dishes, communications cabins and associated site works within a palisade fenced compound (previously granted under Plan Ref. No. 10130) and, 2) Permission to install additional antenna, dish equipment to support structure including ground equipment cabinets and all associated site works

Location

Kilmore Lower, Cloondara, Co. Longford.

Planning Authority

Longford County Council

Planning Authority Reg. Ref.

2560032

Applicant(s)

Pheonix Tower Ireland III Limited

Type of Application

Permission for Retention & Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal	First Party against condition
Appellant(s)	Phoenix Tower Ireland III Limited
Observer(s)	None.
Inspector	Daire McDevitt

1.0 Site Location and Description

The appeal site, which has a stated area of 0.022 hectares, is located within the townland of Kilmore Lower, accessed off a cul-de-sac off the N5, Cloondara Co. Longford. The site is located within a predominately rural area.

The appeal before the Commission relates solely to a condition (Cash Deposit/Bond of Insurance Company) attached to the grant of permission for retention and permission by Longford County Council

2.0 Proposed Development

- 2.1. Permission was sought to 1) retention permission to retain the existing 24m telecommunications support structure carrying antenna and dishes, communications cabins and associated site works within a palisade fenced compound (previously granted under Plan Ref. No. 10130) and, 2) Permission to install additional antenna, dish equipment to support structure including ground equipment cabinets and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission for retention and permission granted (notification of decision dated 4th July 2025)

3.2. Planning Authority Reports

Planning Reports

The main points of the planner's report include:

- Report reflects decision of planning authority; recommends grant of permission

3.2.1. Other Technical Reports

Area Engineer – no objection

3.2.2. Conditions

10 conditions attached, the most relevant which is the subject of this appeal is:

No. 8

(a) Prior to the commencement of development the applicant shall confirm that a bond of €10,000 was of the development, submitted to Longford County Council in respect of the previous development PL 10-130 and is still being held by the council

(b) If no Bond was provided then the applicants shall submit a cash deposit, a bond of an insurance Company, or other security to the amount of €25,000 – to secure the satisfactory removal of the mast etc, structures and the restoration of the site to its previous condition; coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory removal of the structures/restoration of the site in the event of the applicant/developer or successor in title failing to do so.

Reason: To ensure the satisfactory completion of the development.

3.3. Prescribed Bodies

HSE – no objection

3.4. Third Party Observations

None noted.

4.0 Planning History

PA Ref. PL10-130 refers to a grant of permission to Telefonica 02 Ireland Ltd relating to an existing 24m high telecommunications support structure carrying antennas and link dishes together with associated equipment container and security fence.

PA Ref. PL03-611 (ABP Ref. 14.206861) refers to a grant to O2 Communications (IRL) Ltd for a 24m high antennae support structure carrying GSM antennae, link dishes with associated telecommunications equipment container security fencing, access track and vehicular entrance.

5.0 Policy Context

5.1. National Policy

Climate Action Plan (CAP) 2025

CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.

- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

Harnessing Digital. The Digital Ireland Framework.

Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

National Planning Framework 'Project Ireland 2040' First Revision (April 2025)

- National Policy Objective 31: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.
- National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

National Development Plan 2021-2030

The government recognises that access to quality high speed broadband is essential for today's economy and society.

National Broadband Plan 2020

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

Regional, Spatial and Economic Strategy

Eastern & Midland Regional Spatial & Economic Strategy 2019-2031

Table 3.1: Enable infrastructure growth through collaboration with providers to deliver telecommunications infrastructure.

Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Circular Letter PL 03/2018

This circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

Circular Letter PL07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next

generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances.
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses.
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit.
- Register or database of approved structures.
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and

The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

Longford County Development Plan 2021-2027

The Longford County Development Plan 2021-2027 is the operative Development Plan for the area.

Zoning- the site falls outside the designated development envelopes as specified in the Longford County Development Plan 2021.

Section 5.9 Information and Communication Infrastructure

Section 5.9.1 Telecommunications Infrastructure

Policy CPO 5.174 Promote orderly development of telecommunications infrastructure throughout the county in accordance with the requirements of the following:

- 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities' (1996), except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent guidelines.
- 'Guidance on the potential location of overground telecommunications infrastructure on public roads', (Dept of Communications, Energy & Natural Resources, 2015).

Policy CPO 5.175 Ensure that the location of telecommunications structures should minimise and /or mitigate any adverse impacts on communities, public rights of way and the built or natural environment.

Policy CPO 5.176 Encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

Chapter 16 Development Management Standards

Section 16.4.17 Telecommunications and Broadband

DMS 16.183 requires compliance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning authorities” July 1996, except where they conflict with Circular Letter PL07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

DMS 16.184 All proposed applications to address the following:

d) within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished/removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.

5.2. Natural Heritage Designations

The site is not located within or adjoining any European designated site.

Site of note include:

- Ballykenny – Fisherstown Bog SPA (site code 004101) is c. 490 to the NW.
- Lough Forbes Complex Sac (site code 001818) is c. 490m to the NW
- Brown Bog SAC (site code 002346) is c. 1.5km to the NE
- Mount Jessop Bog SAC (site code 002202) is c. 6.7km to the SE

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal submission was received on 30th July 2025 relating specifically to Condition No. 8 of the PA decision to grant permission for retention and permission for the development.

Prior to the commencement of development the applicant shall confirm that a bond of €10,000 was of the development, submitted to Longford County Council in respect of the previous development PL 10-130 and is still being held by the council

If no Bond was provided then the applicants shall submit a cash deposit, a bond of an insurance Company, or other security to the amount of €25,000 – to secure the satisfactory removal of the mast etc, structures and the restoration of the site to its previous condition; coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory removal of the structures/restoration of the site in the event of the applicant/developer or successor in title failing to do so.

Reason: To ensure the satisfactory completion of the development.

The grounds of appeal can be summarised as follows:

The requirement under condition No. 8 for a bond is unwarranted and contrary to guidance set out in Circular Letter PL07/12 – revision to Telecommunications Antennae and Support Structures – Guidelines for Planning authorities (1996) as well as DMS.16.184(d) Chapter 16 Development Management Standards sub section

16.4.7 Telecommunications and Broadband, Longford County Development Plan 2021-2027.

Circular Letter PL07/12 set out that it is no longer appropriate for planning authorities to require the applicant to lodge bonds or cash deposits with them to reinstate a site that is redundant. The guidance clearly asserts that conditions should state that when the structure is no longer required it should be demolished, removed and the site reinstated at the operator's expense.

It is submitted that Chapter 16 Development Management Standards - section 16.4.17 of the CDP supports this.

DMS 16.183 requires compliance with the requirements of the "Telecommunications Antennae and Support Structures – Guidelines for Planning authorities" July 1996, except where they conflict with Circular Letter PL07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

DMS 16.184 All proposed applications to address the following:

d) within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished/removed, and the site reinstated at the operator's expense. This will be a condition of planning permission.

7.2. Planning Authority Response

Note on file. Response received late and returned.

7.3. Observations

None.

7.4. Further Responses

None received.

8.0 Assessment

This report relates to a first party appeal against condition no. 8 of the planning authority decision to grant permission in this case, which relates to the payment of cash deposit or bond of insurance company as security in respect of (a) in respect of previous grant of permission under PL 10-130 and (b) in respect of the restoration of the site to its previous condition.

I have reviewed the development and all documentation submitted at application and appeal stages. I note that the application relates to retention permission to retain the existing 24m telecommunications support structure carrying antenna and dishes, communications cabins and associated site works within a palisade fenced compound (previously granted under Plan Ref. No. 10130) and, 2) Permission to install additional antenna, dish equipment to support structure including ground equipment cabinets and all associated site works and that detailed documentation was submitted to the planning authority at application. I note that no observations were received by the planning authority in relation to the subject application and that no third-party appeals or observations on the appeal have been received by the Commission.

This is a first party appeal against a condition of a grant of permission. Section 139 of the Planning and Development Act 2000 (as amended) allows the Commission (so long as it is satisfied that the application does not require an assessment as if it had been made to it in the first instance) to give the relevant planning authority direction regarding the attachment, amendment or removal of the condition. I am satisfied that the development is otherwise in accordance with the Longford County Development Plan 2021-2027 and the proper planning and sustainable development of the area, and I am satisfied that the appeal relates only to condition No. 8 (requirement for a cash deposit or a bond of an insurance company) and does not raise any further unrelated issues.

In this regard and having considered the nature of the condition under appeal, I am satisfied that the determination by the Commission of the application as if it had been made to it in the first instance is not warranted, and I propose to consider the appeal under 139(1) of the 2000 Act as amended.

Condition no. 8 has 2 parts

- (a) Prior to the commencement of development the applicant shall confirm that a bond of €10,000 was of the development, submitted to Longford County Council in respect of the previous development PL 10-130 and is still being held by the council
- (b) If no Bond was provided then the applicants shall submit a cash deposit, a bond of an insurance Company, or other security to the amount of €25,000 – to secure the satisfactory removal of the mast etc, structures and the restoration of the site to its previous condition; coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory removal of the structures/restoration of the site in the event of the applicant/developer or successor in title failing to do so.

I refer the Commission to section 5 of this report where I have set out the relevant policies/objectives and standards contain in the current Longford County Development Plan. In particular I wish to direct the Commissions' attention to DMS 16.183 and DMS 16.184.

I have reviewed the Longford CDP and I consider the wording of DMS 16.183 is clear. Circular Letter PL 07/12 takes precedence and the revisions set out within same apply and take precedence over section 2.2 of the 1996 guidelines. Furthermore DMS16.184 clearly states that *"within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished/removed, and the site reinstated at the operator's expense. This will be a condition of planning permission"*.

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Included in this is the clear requirement to *"Omit conditions on planning permission requiring security in the form of a bond/cash deposit"*

Condition No. 8 of PA Ref. 2560032 contains two parts a) and b) which I address below.

The Planning Authority have set out in the planners report on file (dated 25/06/25 and countersigned by A/SP on 1/07/25) that it is unclear if a bond was submitted for the initial planning applications (PL03-611 (ABP 14.206861) or PL10-130 and therefore sought through 8(a) that the applicant confirm that a bond of €10,000 was submitted to Longford County Council in respect of the previous development PL 10-130 and is still being held by the council. Records regarding bond/cash deposits are retained by Local Authorities and given that this is associated with PA Ref. PL 10-130 I am of the view that this is a matter that should be pursued through the appropriate channels and not imposed as a condition for a post 19th October 2012 consent having regard to the contents of Circular Letter PL 07/12 referred to above. On this basis I consider that the Council should be directed to omit condition 8(a).

8(b) sets out that if no such Bond is in place that the applicant shall submit a cash deposit, a bond of an insurance Company, or other security to the amount of €25,000 – to secure the satisfactory removal of the mast etc, structures and the restoration of the site to its previous condition; coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory removal of the structures/restoration of the site in the event of the applicant/developer or successor in title failing to do so. Having regard to the requirements set out in DMS16.184 which clearly states that *“within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished/removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.”* Both DMS16.183 and DMS16.184 are clear and I am satisfied that the requirement for a security bond/cash deposit would not comply with said requirements and run contrary to the advice contained in Circular Letter. On this basis I recommend that condition 8(b) be amended to omit any reference to the requirement to lodge a cash deposit or bond of an insurance company and include an amended wording as set out below.

Having regard to the foregoing and noting the requirements of DMS16.183 and DMS16.184 of the Longford County Development Plan 2021-2027 and Circular Letter PL 07/12 condition no. 8 should be amended as follows:

The telecommunications support structure and associated antenna, dishes, equipment and structures hereby permitted (retention and permission) shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

Reason: *In the interest of orderly development.*

9.0 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within

- Ballykenny – Fisherstown Bog SPA (site code 004101) is c. 490 to the NW.
- Lough Forbes Complex Sac (site code 001818) is c. 490m to the NW
- Brown Bog SAC (site code 002346) is c. 1.5km to the NE
- Mount Jessop Bog SAC (site code 002202) is c. 6.7km to the SE

the closest European sites to the development.

The development comprises the retention of an existing 24m telecommunications support structure, antenna, dishes and associated site works within an existing palisade fenced compound. Permission is sought to install additional antenna, dish equipment to the support structure, including ground equipment cabinets and associated site works

No nature conservation concerns were raised by the planning authority or in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature and limited scale of the proposed development.
- The distance from the European Sites.
- The absence of ecological pathways to any European Site.
- Taking into account the Screening Report from Longford County Council, the Planning Authority for the area.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

The subject site is located within the rural townland of Kilmore Lower, Cloondara in the county of Longford. The closest recorded water course (Fallan River) is approximately c.298m to the west, is part of the Shannon (upper)_90. It has a status of not at risk

The development comprises the retention of an existing 24m telecommunications support structure, antenna, dishes and associated site works within an existing palisade fenced compound. Permission is sought to install additional antenna, dish equipment to the support structure, including ground equipment cabinets and associated site works

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed scheme and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows

- The small scale and nature of the development
- The location of the site and its distance from water bodies

I conclude that on the basis of objective information, that 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 nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to:

(a) AMEND condition number 8

Reasons and Considerations

Having regard to

- a) the nature, scale and location of the telecommunications structure,
- b) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- c) The Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- d) DMS16.183 and DMS16.184 of the Longford County Development Plan 2021-2027.

It is considered that the lodgement of a cash deposit or bond from an insurance company insurance bond to secure the restoration of the site to its original condition is not a reasonable requirement. The imposition of such a security deposit/bond is regarded as being excessive or disproportionate to the nature of development proposed to be carried out and retained. A condition requiring reinstatement of the

lands at the applicant expense in accordance with the requirements of Circular Letter and DMS 16.183 and DMS 16.184 of the Longford County Development Plan 2021-2027 is a reasonable requirement.

12.0 Condition

8. The telecommunications support structure and associated antenna, dishes, equipment and structures hereby permitted (retention and permission) shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

Reason: In the interest of orderly development.

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.

Daire McDevitt
28th October 2025

Appendix 1 Form 1 - EIA Pre-Screening

Case Reference	ABP-323173-25
Proposed Development Summary	1) Permission to retain the existing 24m telecommunications support structure carrying antenna and dishes, communications cabins and associated site works within a palisade fenced compound (previously granted under Plan Ref. No. 10130) and, 2) Permission to install additional antenna, dish equipment to support structure including ground equipment cabinets and all associated site works.
Development Address	Kilmore lower, Cloondara, Co. Longford
	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? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<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 checked="" 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.	telecommunication development does not fall within a class of development set out in Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and, therefore, no EIA screening is required.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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: Daire McDevitt **Date:** 28/10/2025

Appendix 2: Water Framework Directive

Screening the need for Water Framework Directive Assessment Determination.

The subject site is located at Kilmore Lower, Cloondara in county Longford. The site area is 0.022ha and contains an existing 24m telecommunications support structure, antennae, dishes, within an existing compound bounded by palisade fencing with permission sought for its retention and permission for additional. The site is located in a rural area in the townland of Kilmore Lower, Cloondara in Co. Longford. The Fallan River c. 298 m to the west.

The development which is the subject of this appeal comprises the retention of an existing 24m telecommunications support structure carrying antenna and dishes, communications cabins and associated site works within a palisade fenced compound (previously granted under Plan Ref. No. 10130) and proposal to install additional antenna, dish equipment to support structure including ground equipment cabinets and all associated site works.

No water deterioration concerns were raised at application stage or in the planning appeal.

I have assessed the development of a telecommunications support structure/ associated works and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works through the scale of development and a development that does not require any significant ground works or alterations to the existing layout.
- The site is c.298m from the Fallan River.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body 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.