



An
Coimisiún
Pleanála

Inspector's Report

PL-500059-TY

Development

The construction of 5 detached commercial buildings as follows: 1 no. aircraft engine maintenance building with associated office space, 1 no. aircraft engine storage facility with associated office space, 3 no. detached warehouse buildings with all associated incidental and site works.

Location

Lisboney Business Park , Nenagh , Co.
Tipperary

Planning Authority

Tipperary County Council.

Planning Authority Reg. Ref.

2560005

Applicant(s)

Apex Aviation Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)	Micheal Duffy.
Observer(s)	None.
Date of Site Inspection	6 th Janurary 2026
Inspector	Kathy Tuck

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.5.971 ha, is situated within the Lisboney Business Park, Nenagh, Co. Tipperary. The Lisboney Business Park is located approximately c.1.32kmn to the east of the centre of Nenagh and access is provided from the R445.
- 1.2. The Business Park currently comprises of a number of logistic units and office spaces which are situated to the west, south and east of the subject site. The site itself is currently greenfield in nature. The northern boundary of the site is shared with a partial hedgerow and the Ollatrim River is situated further north.

2.0 Proposed Development

- 2.1. This development is seeking permission for the construction of 5 no. detached commercial buildings which will provide for the following:

Building	Floor Area	Use
1	5,432 sq m	Industrial
2	4,704 sq m	Warehousing
3	2,698 sq m	Warehousing
4	2,698 sq m	Warehousing
5	2,698 sq m	Warehousing
Total	18203 sq m	

- 2.2. The proposed building no. 1 is being provided as an aircraft engine maintenance building with associated office space, while building no. 2 is detailed as an aircraft engine storage facility with associated office space.
- 2.3. Permission is also sought for a detached ESB substation, detached security hut, associated car and bicycle parking, internal road network together with connection to the existing business park roadway, site fencing and boundary treatment, connection

to foul and storm sewers, connection to watermain and necessary services together with all associated incidental and site works.

- 2.4. I note that the Planning Authority sought further information on the proposed scheme seeking for a reconsideration of the overall design of the buildings to overcome concern of the visual impact upon the R445. This did not impact the number of units being proposed.

3.0 Planning Authority Decision

3.1. **Decision**

Following a request for further information the Planning Authority issued a decision to grant planning permission on the 17th September 2025 subject to 17 no. conditions. Conditions of note are as follows:

Condition no. 2

- A) Buildings 1 and 2 shall be restricted to the use of a “light industrial building” only as defined by Article 5 (1) of Part 2 of the Planning and Development Regulations 2001, as amended. Building 2-5 shall be used for the purposes as indicated. The development shall not be used for any other purpose other than a use compliant with the uses permitted, save where a grant of planning permission has been obtained from the Planning Authority or An Bord Pleanála.
- Buildings 1 or 2 shall not include test benches for engines, turbines or reactors, save where a grant of planning permission has been obtained from the Planning Authority or An Bord Pleanála.
- B) Details of the end users for buildings 3-5 shall be submitted for the written agreement of the Planning Authority prior to the units being occupied.

Condition no. 16

- a) The site shall be surveyed for bat roosting prior to any site clearance works in accordance with the mitigation measures contained in the and Ecological Impact Assessment Report (Issue 2)
- b) If any bat species are found to be roosting at the site, a derogation license must be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife

Service of the Department of Culture, Heritage and the Gaeltacht prior to the commencement of development

- c) Bird and bat boxes shall be erected on the site in accordance with the Ecological Impact Assessment Report (Issue 2).

Reason: To protect the natural heritage of the area.

Condition no. 17

Section 48 Development Contribution - €205,332.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer, dated the 24th February 2025, sets out details of the site location, the proposed development, relevant planning history, a summary of internal and external consultee reports received, a summary of all submissions received and a review of all relevant planning policy.

The assessment also included for an EIA Screening determination which concluded that an EIA was not required. The AA Screening determination noted the proximity of the site relative to the Ollatrim River. It was considered that given the site levels relative to the Ollatrim river, impacts on during construction phase upon the water quality of the Lough Derg Shannon SPA and the River Shannon SAC could not be excluded. The assessment concluded that an NIS would therefore be required to be submitted.

Further concern was raised with regard to the lack of information provided as to the nature and extent of the development proposed and further information should be requested to clarify such. Concern was also raised over the visual impact of the proposal from the R445, the proposed access roadway and circulation proposals in terms of compliance with section 5.7, volume 3, appendix 6 of the Tipperary County Development Plan 2022-2028.

A request for further information was issued on the 24th January 2025 which sought the following Information:

1. Submit following information regarding the proposed development:

- a. detailed description of the nature of the uses that will be undertaken in the buildings proposed with a description of any processes undertaken.
 - b. nature of traffic movements to and from the development with a breakdown of movement by vehicle type.
 - c. Details of the days/times of operation of the development.
 - d. Staff numbers that will be employed and details of the maximum number of staff on site at any given time. Where rota or shift based arrangements are proposed same should be set out.
 - e. operational processes and emissions that will be generated and measures as to how same will be managed.
 - f. Details of wastes that will be generated and measures to collect and dispose of same.
2. To overcome visual impact submit the following:
- a. Landscaping / planting proposals for the site with the aim of softening the visual impact of the development.
 - b. Design revision to reduce the height and scale of the building proposed or reconfigure the layout to allow for increased landscaping/planting.
 - c. A revised site plan that indicates finished levels for the roadways and open areas within the site.
 - d. Submit a series of cross sections through the site.
3. Requested to advise of whether the project is a test bench for engines. Where this is the case the validity of the application will be impacted.
4. Submit surface water management that incorporate nature based sustainable drainage.
5. Submit confirmation of feasibility with Uisce Eireann.
6. Submit a Mobility Management Plan undertaken in accordance with the requirements of The National Transport Authority (NTA) Workplace Travel Plans-A Guide for Implementors.

7. car parking provision falls short of the parking demands - submit revised proposals.
8. Submit a revised site plan to a scale of 1:500 with the zoning overlaid against the development layout.
9. Submit a survey of the site for birds and bats - Ecology Impact Assessment Report should be revised to incorporate mitigation measures as required following the undertaking of the surveys.
10. The Ecological Impact Assessment Report under Table 8 notes that certain habitats on the site will be lost as a result of the development, the terminology used in the report states "some might be lost" when discussing impacts on hedgerows and the stone wall and stonework on the site. Similar comments apply to Table 9 where the report states some hedgerows may be lost and some will be cut back. The site layout plan shows all on site hedgerows will be lost. Noting this the applicant is requested to include for planting and landscaping measures that will add to the biodiversity and ecology value of the site, in particular consideration to be given to the northern end of the site where the site adjoins habitats of local biodiversity value.
11. Submit revised site layout plan showing the development layout, access, roadways and footpaths designed in accordance Table 5.1, Section 5.7 Industrial Development of Volume, 3 Appendix 6 of the Tipperary County Development Plan 2022 and Boundary Treatment and Landscaping, Land Use, Storage of Goods, Signage and Climate Action.
12. Submit an NIS.

The applicant submitted a response to the request on the 27th July 2025 which can be summarised as follows:

1. (i) Building 1 - Engine and component maintenance. Building 2 - storage for engines and components that as not in maintenance. Building 3-5 will be used offered to the aviation industry in particular companies who will complement Apex and/or current customers for expansion purposes.

(ii) 51 persons all of whom have personal transport which would consist of cars and small car vans. Freight forward vans (large panel van) would have on average 7 for delivery /pick up of parts/component per day. Articulated truck movements would have on average 2 engine movements a day.

(iii) Staff operations:

- Support staff qty 12 persons, shift time 8am to 5pm Monday to Friday
- Production staff qty 18 persons, shift #1 time 6am to 2pm Monday to Friday
- Production staff qty 18 persons, shift #2 time 2pm to 12am Monday to Thursday
- Contact Cleaning staff qty 3 persons, shift times 8am-11am & 2pm-5pm Monday to Friday
- Freight forward vans: Pick up and deliveries are 9am to 5pm Monday to Friday
- Engine movement trucks: Pick up and deliveries are 9am to 5pm up Monday to Friday

(iv) Max number of staff at one time 51 persons.

(v) Under current operations there is no emissions from processes pertaining to the engine and component maintenance.

(vi) Following waste will be produced:

- Mixed waste, mixed dry recyclables (includes paper, cardboard, wood, plastic. Disposed of through Clean Ireland Recycling Ac # 991132157
- Solid oily waste contaminated with hydrocarbons, steel oil containers, waste oil. Disposed of through Enva Ireland Ltd Ac# APE008
- Scrap parts/metal waste. Disposed of through United Metal Recycling (Ireland) Limited

2. (i) Landscaping plan has been revised to provide additional planting proposals for the proposed site in order to soften the visual impact.

(ii) Proposed layout has been revised in line with the Landscaping plan - nature of the proposed building use it is not feasible to reduce the overall height of the proposed buildings however we have reassessed the overall site layout in conjunction with the existing topography and have accordingly enhanced the

proposed landscaping/planting in order to address the planning authorities concerns in this regard.

(iii) Proposed finished levels for roadways and open areas are denoted on drg 23/142-309 RevA

(iv) A series of cross sections submitted, and photomontages have been prepared detailing various viewpoints.

3. Test Bench (test cell) for the maintenance level proposed is not required.
4. SuDS rationale statement submitted.
5. Confirmation of Feasibility from Uisce Eireann submitted.
6. Mobility Management Plan (MMP) submitted.
7. Proposed layout exceeds minimum parking requirements as per County Plan.
8. A revised site layout plan submitted clearly showing the zoning overlay against the proposed development.
9. A bat survey has been undertaken on the application site and is outlined in the Ecological Impact Assessment Report.
10. Targeted planting and landscaping measures are proposed to enhance the biodiversity and ecology value of the site, particularly at the northern end, where the site adjoins habitats of local biodiversity interest. These include:
 - a. Use of native wildflower seed mixes and pollinator-friendly plantings
 - b. Tree and shrub species selected to support local bird and insect populations
 - c. Buffer planting zones with minimal disturbance to existing vegetation
 - d. Opportunities for habitat creation such as log piles or insect hotels

These measures align with best-practice ecological enhancement and support broader climate resilience and habitat connectivity goals.

- 11.(a) A revised site layout plan submitted detailing all of the proposed infrastructure meeting or exceeding the requirements of the County Plan.

(b) development has been reviewed in the context of the qualitative criteria listed in Table 5.1, Section 5.7, Appendix 6 (Vol. 3) of the County Plan details submitted.

12. Natura Impact Statement Submitted.

The second report of the Planning Officer dated the 12th September 2025 notes the following:

Item 1 – The Planning Officer considered the details presented and the development description adequately described the nature and extent of the uses proposed. No issues arose with respect to the details outlined as the uses proposed are compatible with the land use zoning objectives for the lands.

Item 2 – The Planning Officer considered the design and layout of the buildings proposed to be acceptable for the site noting its location and size and noting the profile of adjoining buildings.

Item 3 - The Planning Officer accepted the details provided and stated that mandatory EIA is not required. The assessment recommended that in the event of a grant of permission a condition be attached to preclude this use operating from the buildings proposed, save where permitted by a separate grant of permission.

Item 4 – The Planning Officer accepted the response and noted that the swale area, which is located in an area of open space, can be fenced or secured with signage to ensure to address safety concerns.

Item 5 - The Planning Officer accepted the response and noted firefighting water cannot be facilitated. This may require a separate planning application to address infrastructure requirements for fire fighting.

Item 6 - The Planning Officer accepted the response.

Item 7 - The Planning Officer accepted the response.

Item 8 - The Planning Officer accepted the response.

Item 9 – The Planning Officer provided for a summary of the findings of the Bat Survey requested. It noted that both the bat and bird survey was undertaken on the 13th May

2025. The assessment considered the measures proposed as acceptable noting the nature of impact on birds and Bats.

Item 10 - Landscaping/planting proposals were considered to be acceptable.

Item 11- The Planning Officer accepted the response.

Item 12 – The Planning Officer undertook a full assessment of the NIS submitted and concluded that the proposed development, with the implementation of the mitigation measures outlined in the NIS, would not give rise to negative effects on the conservation objectives of the Lough Derg Shannon SPA and Lower River Shannon SAC or any Natura 2000 site.

The report conclude that having examined the plans and particulars submitted with the planning application that it is recommended that permission be granted.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

Inland Fisheries – Report noted the following:

- Concerns with long term management of stormwater storage infrastructure. Same offers little improvement to water quality prior to discharge.
- IFI request that the development is designed with the latest Government-issued guidance in relation to stormwater treatment using nature-based solutions (as detailed in the document “Nature-based Solutions to the Management of
- Rainwater and Surface Water Runoff in Urban Areas” Interim Guidance Document issued by DoH LG or DMURS Advice Note 5).
- Where oil interceptors are installed a condition should be attached to ensure they are maintained. Alarms to be fitted to same.

No report was received relating to the further information received.

3.4. Third Party Observations

The Planning Authority received 2 no. submission in relation to the proposed development which can be summarised as follows:

- No evidence of correspondence or agreement with Uisce Eireann on feasibility of connection to water and wastewater services including an assessment for firefighting water capacities available at this location or if on-site storage will be required
- No information provided on C&D wastes arising from the proposal or volumes to be removed from the site.
- No survey of bats undertaken
- Mitigation cannot be considered at AA Screening stage. Forestry applications and cumulative applications in Co Clare not assessed in AA Screening.
- Concern with water body adjoining being impacted and submission of IFI noted.
- Council may have conflict of interest in determining the application as same owns the lands.
- Site levels as the proposed property is on an elevated site within the estate and there is a significant difference in site levels between our property and the proposed The 5 in number Infiltration Trial Pits submitted in their site survey are all in a small area to the eastern area of the site. There are no Trial Pits in any of the other areas within the site and there are none in the area adjacent to our property. We are concerned with the possibility of flooding to our site and the impact it will have on our tenants.
- No drawings have been submitted to show the adjacent buildings in the industrial estate in their elevation plans.
- Only 2 warehouses (in 2 phases) were mentioned in the pre planning but in the submission, there are 5 warehouses

4.0 Planning History

Site to northwest

PA Ref 22/151 - Planning permission granted for the construction of a proposed extension with a floor area of 2,786 Sq. meters to N/E of the existing industrial unit, inclusive of car parking, disabled car parking, covered bicycle parking, proposed new entrance, including services and all other associated site works

Site to east and opposite

PA Ref 211338 - Planning permission granted for (a) construction of new first floor area to incorporate proposed offices, training room, storage areas with associated ancillary areas, (b) installation of new external windows to elevations to serve proposed first floor development, (c) construction of new dock leveller access with associated works to location of existing roller shutter door on south west elevation of existing building, (d) Retention Permission for existing signage and elevational changes with all associated site works and existing connection to all public utilities

5.0 Policy Context

5.1. Tipperary Development Plan 2002-2028

Relevant sections are considered as follows:

Section 3.0 – Low-Carbon Society and Climate Change

Policy 3-1: Promote and facilitate renewable energy development, in accordance with the policies and objectives of the Tipperary Renewable Energy Strategy 2016 (and any review thereof), and the Tipperary Climate Adaptation Strategy 2019.

Policy 3-4 : Promote energy conservation, energy efficiency and the use of renewable energy sources in buildings, including retro fitting of energy efficiency measures in the existing building stock in line with the requirements of the Building Regulations 1997 – 2021 (and any amendment thereof).

Section 8.0 – Enterprise and Rural Development

Policy 8-1; (a) Support and facilitate proposals for new enterprise development on lands zoned for such uses, in accordance with the Town Development Plans (and any review thereof), the LAPs (and any review thereof) and Settlement Plans as set out in Volume 2. (b) New developments shall be of a nature and scale compatible with the

Settlement Hierarchy, and in accordance with environmental protection standards, the protection of residential amenity and the preservation of road traffic safety.

Appendix 3 – Volume 6 Development Management Standards

Section 5.7 – Industrial Developments.

Table 5.1 – minimum standards for Industrial Developments.

Section 6.2 - Traffic and Transport Assessments.

Section 6.4 - Mobility Management Plans/Workplace Travel Plans.

Section 6.5 Car and Cycle Parking Provision and Electric Vehicle Charging Standards

Section 6.6 Loading and Circulation

5.2. **Nenagh and Environs Local Area Plan 2024-2030**

The subject site is primarily zoned under Objective E – Employment which seeks to provide, improve and encourage general enterprise, business development and employment activity, including start up enterprises and tourism. Provide for distribution, warehouse, storage and logistics facilities where appropriate access to a major road network is available. The most northern section of the site is zoned under A – Amenity which seeks to provide, preserve and enhance open space, biodiversity and amenity uses.

The LAP recognises that the Employment Land Use Zoned lands seeks to facilitate logistics and warehouse type activity including storage, distribution and associated repackaging of goods and products with a low density of employees. These uses have specific transportation requirements as they can generate considerable traffic volumes and should be located within a purpose built, well designated environment connected to the strategic road network. Industry- general is listed as open for consideration while industrial – light is permitted.

Other relevant sections include:

Chapter 4 – Economic Development Strategy

Policy 4.2 - Support new employment proposals on lands zoned for 'Employment', having regard to the nature of the proposed use, the availability of space within existing serviced employment areas, and the following: a) New office-based development with a high number and density of employees shall be located on sites with easy employee access i.e. supporting public transport/active travel accessibility between home and work. b) New office, research and development and high technology / manufacturing type employment shall include provision for high quality built and landscaped environment.

Policy 4.3 - Support sustainable development of strategic enterprise, in accordance with the principles for each 'Strategic Employment Area' as set out in Section 4.2, ensuring the provision of appropriate scale and form of employment uses.

Objective 4B - Promote and support the development and use of the Stereame Business and Innovation Park, Lisbunny Industrial Estate and Gortlandroe Industrial Park, through the work of the Local Enterprise Office, and to maintain these Strategic Employment locations as high-quality settings for employment uses with active travel linkages with the central area.

Chapter 6 – Transport and Connectivity

Policy 6.2 - Support the implementation of the active travel measures identified in Figure 6.11 in the Local Transport Plan (Appendix 2) and require proposals for new development to compliment and demonstrate how they will integrate with the provisions of the Local Transport Plan.

Policy 6.5 - Require that new developments are designed to comply with Design Manual for Urban Roads and Streets (DoT, 2019) and supplementary Advice Notes including making provision for pedestrian and cycle infrastructure, enhancing connectivity and accessibility to the town and providing universal access (in particular for persons with disabilities, reduced mobility and older people) where a whole journey approach is considered.

Chapter 8 - Infrastructure, Energy and Utilities

Policy 8.1 - Support the use of renewable energy technologies at appropriate scales in residential, commercial and community developments and support the principle of on-site energy generation for self-consumption.

Policy 8.4 - Require that all development proposals in Nenagh integrate SUDS and nature-based solutions to SUDS as part of an overall sustainable urban drainage and urban greening approach (refer also to Section 3.5 of the accompanying SFRA, “Sustainable Urban Drainage Systems and Surface Water Guidance and Strategy”), unless they are demonstrated to be operationally unfeasible to the satisfaction of the Council.

5.3. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.8.1km to the south-east of the Lough Derg (Shannon) SPA (site code 004058) and the Lough Derg pNHA (site code 000011). In addition, the site is situated 18km to the north-east of the Lower River Shannon SAC (site code 002165) and c.8.9km to the north of the Slievefelim to Silvermines Mountains SPA (site code 004165).

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.

The subject application was accompanied by a Schedule 7A Screening Assessment. I have completed an EIA Screening Determination which is set out under Appendix 2 of my report and which concludes that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party appeal against the decision of Tipperary County Council to grant permission. The grounds of the appeal are as follows:

1. Nature of the use

- Description of development is vague.
- Further Information submitted was not provided for the intended use of 3 of the buildings – wholly inappropriate given no information provided on traffic movements and employment generation.
- Provision of large empty warehouses is not conducive with Section 4.2 of the Nenagh LAP.
- Permission granted is unenforceable and contrary to S.28 Guidelines for conditions in planning permission - condition 2(a) requires that building 2-5 be used for purpose indicated.
- Not plan led development but speculative which may never be appropriate for this location.
- Difficult to envisage use for these 3 large warehouses which will not require further planning applications and for this reason permission should have been refused.
- Policy 8.1 of the LAP supports the use of renewable energy technologies –
 - nothing in this proposal supports the principle of on-site energy generation.
 - nothing in this proposal addresses issues of renewable energy.
 - Table 5.1 of LAP requires proposals to incorporate climate adaption measures.
 - RFI response is considered to be hollow.

2. Uisce Eireann Connection Feasibility

- Firefighting Water
 - Uisce Eireann clearly states firefighting water not available – no assessment of this and no response from fire officer.
 - Oblique comment made by Planning Officer that further application may be required to address this issue.
 - Ignores comments made in submissions made.

- Wastewater Treatment
 - Confirmation of feasibility (COF) does not confirm anything – it is of no assistance to the Planning Authority particularly with regard to AA and its determination that no likely significant impact.
 - COF states that it does not constitute an offer – there is no evidence of feasibility.
 - It does not state whether infrastructure upgrades are required.
 - This is important in respect of potential downstream impacts.
 - Assessment of potential environmental impacts cannot be deferred to a connection agreement where an environmental impact assessment is carried out in the connection process – if this is permitted there is a direct route for a development to circumvent proper appropriate assessment of a project.
 - The NIS or Appropriate Assessment did not consult the EPA Portal – no attempt to assess compliance or otherwise of these licenced facilities during the assessment.
 - Condition no. is unacceptable – defers responsibility for potential impact on downstream Natura 2000 sites.
 - Responsibility is entirely the duty of the decision maker in the consent process.
 - Uisce Eireann WWTP is recognised to be overloaded with no additional capacity and in breach of its ELV – there are a number of unmonitored SWO's from the network with no proper assessment of untreated wastewater being discharged.

3. Construction and Demolition Waste

- RFI item I (i) and (vi) required details of waste that will be generated and measures to collect and dispose of – response does not address the volume of C&D waste and where it will be disposed of.
- Does not clarify if rock-breaking or crushing of rock will be required.

- Lack of assessment on capacity and disposal of C&D waste has led to a number of unauthorised fill sites in wider area.
- Planning Authority deflected the issue of C&D Waste to a post decision CEMP which is outside Public participation.

4. Natura Impact Assessment

- There is no Appropriate Assessment determination – required by S.177V of the Planning and Development Act, 2000 (as amended).
- No reference made to construction and demolition waste.
- Decision maker did not have best scientific information available to them to make a determination.

5. Surface Water Management

- Planning Authority had no regard to submission which raised concern over surface water.
- Condition no.3 wholly unacceptable – it circumvents the right of public participation, and the Planning Authority had ample opportunity to seek clarification of the details submitted in the RFI response.
- All surface water bodies in vicinity have a WFD ‘at risk’ status.
- Nenagh River is designated to be nutrient sensitive surface waterbody as is the downstream Lough Derg SPA with further downstream connection to the Lower River Shannon SAC.
- Details of surface water infrastructure should be fully addressed in the application.

6. Bat Survey Derogation Licence

- Condition no. 15 (typographical error should reference no. 16) and is completely unacceptable and unlawful.
- Bats are a protected specie irrespective of AA.
- No proper assessment of bat usage of the site included roostage and resting places.

The 3rd party appeal was accompanied by the 2024 Annual Report from Uisce Eireann for the Nenagh area.

7.2. Applicant Response

A response from the applicant to the 3rd party appeal was received by the Commission on the 19th November 2025 and can be summarised as follows:

1. Nature of usage of buildings 3,4, and 5 – Traffic hours, staffing and emissions:

This is clarified and controllable by condition:

Building	Usage
1	Engine maintenance (disassembly/clean/inspect/re-assemble). No coating, plating or other special processes undertaken. Apex is not an overhaul engine shop.
2	Storage and logistics for complete engines prior to induction or for lease/hot spare holding.
3-5	Modular engine storage/handling in line with DFM/GE modular maintenance practice: Building 4 – intended for key parts suppliers to hold inventory locally. Building 5 – for leasing customers to consolidate engine parts and stock. All creating ancillary employment and shortening turn-times.

Operation and Traffic:

- Two shifts of maintenance buildings – Monday to Friday 06.00-13.45 and Monday to Thursday 14.00-24.00 Maximum 20 persons.
- Office Support – Monday to Friday 08.00-16.00 or 09.00-17.00 c. 13 persons.
- Maximum concurrent staff – 35 persons.

- Typical day movement – 3-4 courier van pick ups and 2 articulated HGVs for engine.
- No process emissions arise from operations.

Planning Controls already in place:

- Condition no. 2 restricts Building 1 & 2 to light industrial building use – expressly prohibits test benches. Requires details of building 3-5 top be agreed in with PA writing prior to occupation.
- Directly addresses concerns of 3rd Party.
- The grant of permission is neither vague nor unenforceable – use restriction and end-user approval is precise and effective.

2. Uisce Eireann

Wastewater –

- Uisce Eireann has confirmed connection feasibility subject to upgrades.
- Condition no. 4 makes this mandatory – until this is in place construction cannot commence.
- No pathway to operate without compliance with a connection to public network.

Firefighting Water –

- Utilities layout shows on site ring main with hydrants connecting to the existing 200 mm ductile iron public watermain – providing firefighting points within site.
- Any detailing sizing/flow assurance is properly resolved through fire safety certificate process.
- Drawing demonstrates intended firefighting infrastructure and connection route for agreement with Uisce Eireann and the Local Authority.
- Appellants contention that environmental assessment is deferred is incorrect.

3. Construction and Demolition Waste

- Planning Condition requires a CEMP prior to the commencement of development – correct tool to specify all details of construction process once the contractor has been appointed.
- Ecological reports that informed the permission already flag construction controls which prevents pollutants entering the Ollatrim River.

4. Natura Impact Assessment/Appropriate Assessment

- Competent authority is responsible for AA determination – the decision expressly ties the permission to the mitigation and ecological enhancement measures in the NIS/ECIA.
- AA pathway has not been skipped – it is embedded in the permission and will be implemented in full under condition no. 1 and verified again through the CEMP route.

5. Surface Water Management

- Drawings submitted provide for a detailed stormwater network with attenuation features and a swale which discharge to existing business park network
- Site layout provides for extensive buffer planting along boundaries which also supports SUDs and biodiversity functions.
- Condition no. 3 requires the submission and written agreement of revised surface water proposals incorporating natural based SUDs – these are stronger than typical safeguards that ensure the final design demonstrably protects downstream water quality and WFD objectives.

6. Bats and Derogation Licence

- Bat survey was undertaken on 13 May 2025 – no roosts confirmed though potential for temporary day roosts was recorded.
- Mitigation set out in table 10 of ECIA – carried through to condition 16 and appropriately requires a derogation licence only if roosts are found prior to works.

Additional Planning Safeguards already in place:

- Lighting – pre-commencement approval of a bat friendly lighting design
- Noise – day/evening/night limits at sensitive locations.
- Appearance/Amenity – boundary treatment/landscaping to be agreed and implemented in first planting season.
- Materials/waste – external waste storage prohibited.

The appeal was accompanied by a detailed letter setting out the uses proposed for each building and a memo from the project ecologist. The memo states:

Wastewater:

- The omission of waste water treatment omission from the environmental reports was not questioned by the Planning Authority.
- A condition of planning requires the applicant to enter in a connection agreement prior to commencement of development.
- Uisce Eireann has stated connection is feasible.

NIS and AA

- An AA determination is provided by the Competent Authority based on reports provided by the applicant.
- C&D waste – the NIS and EclA refer to delineation of works area, location of stockpiles, silt mitigation/removal of silt fencing to a licensed facility, hydrocarbon storage, hydrocarbon spillage/refuelling mitigation and prevention of waste/washings entering the Ollatrim River.
- These protocols are highlighted in order to mitigate risk of such waste entering the Ollatrim River.
- A CEMP is required to be submitted for the written agreement of the Planning Authority.
- A CEMP is a live document which requires input from contractor who has not yet been appointed.

Surface Water Management

- Following submission from Inland Fishers Ireland the SUDs proposal was updated.
- NIS and EclA provides mitigation for stormwater.
- The Planning Authority has also requested updated SUDs proposal via condition.

Bat Survey and Derogation Licence

No bat roosts were confirmed to be present on site – potential for temporary day roosts were recorded.

Mitigation includes for the requirement for a pre-construction survey – Condition 16b includes for the requirement of a derogation licence.

7.3. Planning Authority Response

A response was received from Tipperary County Council on the 19th November 2025 and can be summarised as follows:

- Considered that the nature and extent of the development is clearly described – controlled the use via condition no. 2.
- Lands are zoned 'Employment' under Nenagh LAP where light industry and warehouse uses are permitted in principle.
- Development fully aligns with the land use objective for the lands.
- Pre-connection from Uisce Eireann was noted and states that there is capacity to facilitate the proposal subject to a valid connection agreement.
- Condition no. 4 is a common requirement.
- The AA determination has considered the operational impacts on relevant Natura 2000 sites with respect to wastewater and surface water discharge.
- Condition no. 15 ensures that construction wastes are appropriately managed.
- Planning Authority is satisfied that decision maker had the best scientific knowledge to make a appropriate assessment determination.
- Planning authority considered all points made in submissions received – the planners report made reference to such.

- Planning authority satisfied that the amended surface water proposals are acceptable and align with Policy 8.4 of the Nenagh and Environs LAP – condition no. 4 is seeking to ensure that they are adequately sized.
- EclA clearly sets out under section 4.7 details of the Bat Survey which is assessed in the final Planning Officers report.

7.4. Observations

None received.

7.5. Further Responses

7.5.1. Following a request for further information issued by An Coimisiún Pleanála under Section 132 of the Planning and Development Act 2000, as amended issued on the 29th January 2026, the following responses were received:

7.5.2. 1st Party Response

The 1st party appellant submitted a response to the further information request on the 28th February 2026 which included an additional bat roost potential inspection survey undertaken on 26th February 2026. The report noted the following:

- Confirmed that no roosting bats have been recorded on site to date; the additional inspection identified only limited potential for temporary day/night roosting in a small number of trees (associated with ivy/crevices), with no colony, maternity, or hibernation roost potential identified.
- Provides maps of the relevant trees/features and sets out precautionary mitigation for vegetation removal and lighting (including seasonal timing, pre-felling checks, sensitive felling procedures and standdown period, bat-friendly lighting design and avoidance of light spill to sensitive habitats, and provision of bat/bird boxes) to avoid disturbance or destruction of resting places.
- Addresses the Regulation 54 derogation query by confirming that, in the absence of a confirmed roost and following consultation with the National Parks and Wildlife Service on 27 February 2026 a derogation licence is not deemed necessary.

7.5.3. Planning Authorities Response

The response notes the submission made by the 1st Party and considers that the information provided regarding Bats is acceptable and addressed the concerns raised by the Commission.

7.5.4. 3rd Party Response

The response received states that the response from the 1st party is noted and it is considered that this information is required for An Coimisiún to carry out Appropriate Assessment.

8.0 **Assessment**

8.1. **Introduction**

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

- Principle of Development.
- Intended use of Proposal.
- Utilities.
- Surface Water.
- Derogation Licence.
- Appropriate Assessment.
- Construction Management.

8.2. **Principle of Development.**

8.2.1. This application is seeking permission for the development of 5 no. detached commercial buildings which will be used for an aircraft engine storage facility and warehousing and associated office use. The appeal site is zoned under objective 'E - Employment' within the Nenagh and Environs Local Area Plan 2024-2023 (NELAP)

which seeks to provide, improve and encourage general enterprise, business development and employment activity, including start up enterprises and tourism. Provide for distribution, warehouse, storage and logistics facilities where appropriate access to a major road network is available.

- 8.2.2. Table 14.4 of the NELAP sets out the zoning matrix and identifies that Warehousing and Logistics as being permitted in principle under the Employment land use zoning. In addition, 'Light Industrial' uses are Permitted in Principle, and 'General Industrial' uses are Open to Consideration under same.
- 8.2.3. The Planning Officer in their report raised concern over the limited information provided by the applicant with regard to the nature and extent of the development proposed and such further information was sought to demonstrate that the uses were acceptable in terms of the land use zoning.
- 8.2.4. The applicant responded and provided the details of the use proposed for each building, the quantum of staff that will be required, traffic movements, day time operations and the waste production expected. This was considered to be acceptable and the report concluded that the uses proposed are compatible with the land use zoning objectives for the lands.
- 8.2.5. I concur with the assessment of the Planning Officer and consider that the principle of development is acceptable in terms of the land use zoning, in this instance. I note that the Appellant to this appeal has raised concern over the intended use of the proposed development, I will address this further within the next section of my report, section 8.3, below.

8.3. Intended use of Proposal.

- 8.3.1. The appellant contends that the statutory description of development is vague and that the further information provided did not specify the intended use of 3 of the buildings proposed which is considered to be wholly inappropriate given no information provided on traffic movements and employment generation. It is contended that the permission is not plan led but rather speculative which is not appropriate for this location. It is further argued that it is difficult to envisage that an end user for the 3 buildings will be achievable without requiring further planning permission and therefore the development should have been refused.

- 8.3.2. The applicant in response reiterates the uses for each building and states that building no. 3 will be utilised for modular engine storage/handling in line with DFM/GE modular maintenance practice, building 4 is intended to be utilised for key parts suppliers to hold inventory stock locally, and building 5 is intended for leasing customers to consolidate engine parts and stock. Further details of operation hours and traffic movements have also been supplied. The applicant further states that condition no. 2, set out by the Planning Authority, restricts the use of the buildings 1 and 2 and requires that the use for buildings 3-5 be agreed in writing prior to occupation of such.
- 8.3.3. Section 4.2 of the Neagh LAP sets out strategic employment areas of Nenagh. The Lisbunny Industrial Estate, specifically the appeal site, is identified as site no. 5 within Appendix 1 –Lands Serviced Land Assessment of the NELAP. The NELAP notes that this employment area is in walking and cycling distance of a number of residential areas and the urban core of Nenagh and that active travel measures identified in the LTP will improve accessibility by active modes to this area. Table 2 of the Serviced Land Assessment identifies that site 5, being the appeal site, is serviced with roads, footpaths, water connections, public lighting and foul sewer and that it is a Tier 1 employment zone – which is seeks ‘To provide, improve and encourage general enterprise, business development and employment activity, including start up enterprises and tourism. Provide for distribution, warehouse, storage and logistics facilities where appropriate access to a major road network is available’.
- 8.3.4. As stated above within section 8.2 of my report I consider that the proposed development is acceptable in terms of the land use zoning and that the numerous descriptions put forward by the applicant provides for a clear explanation of the intended end use of each of the buildings proposed. Furthermore, having regard to Section 4.1 of the Nenagh LAP and Appendix 1 where the appeal site has been identified as a tier employment area, I consider the proposal to be a good use of serviced lands.
- 8.3.5. With regard to the concerns raised relating to climate mitigation measures, I consider that the response to the planning authority on the 27th July 2025 adequately addressed such and demonstrated compliance with Table 5.1 and Policy 8.1 of the Nenagh LAP.

8.4. Utilities.

8.4.1. The appellant has raised concern over a number of issues with regard to Uisce Eireann connections and capacity issues within the network in addition to issues relating to firefighting water. I will discuss each of these topics below:

Firefighting Water

8.4.2. The appellant has made reference to the confirmation of feasibility issued by Uisce Eireann which states that firefighting water is not available and that this issue was not adequately assessed by the Planning Officer within their report. It was contended that this issue cannot simply be facilitated through a separate permission.

8.4.3. The applicant in response notes that the utilities layout submitted indicated the provision of a ring main on site with hydrants connecting to the existing 200 mm ductile iron public watermain providing for firefighting points within the appeal site and that any detailing sizing/flow assurance is properly resolved through fire safety certificate process.

8.4.4. I note that the provision of firefighting facilities need to satisfy the building regulations and fire certificate process which are a separate code to that of Planning and that the applicant will need to demonstrate compliance with such to obtain a Fire Certificate. I consider if issues do arise in term of the requirement to provide for onsite water storage tanks to service firefighting in the process of obtaining a Fire Certificate, there is sufficient space within the overall landholding to provide such. This would be subject to a separate application for permission as indicated by the Planning Officer within their report.

Wastewater Treatment

8.4.5. The appellant contends that the Confirmation of feasibility (COF) issued by Uisce Eireann in terms of waste water treatment and does not constitute an offer as it does not state whether infrastructure upgrades are required and this is important in respect of potential downstream impacts. Concern has also been raised by the appellant that no reference was made to the EPA Portal, where the Nenagh WWTP is recognised to be overloaded with no additional capacity and in breach of it ELV.

8.4.6. I note that the CoF issued by Uisce Eireann clearly states that based upon the details that have provided with the pre-connection enquiry and on the capacity currently

available in the network(s), as assessed by Irish Water, that, subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network(s) can be facilitated. Furthermore, on review of Uisce Eireann's Capacity register for wastewater treatment [Tipperary | Wastewater Treatment Capacity Register | Uisce Éireann \(formerly Irish Water\)](#) on the 9th April 2026, I note that it indicates that there is capacity available within the Nenagh New Waste Water Treatment Plant.

8.4.7. Therefore, I consider that the concerns raised by the appellant with regard to the Nenagh Wastewater Treatment Plant which clearly has the capacity to serve the proposed development has been overcome. The applicant has followed proper procedure in engaging with Uisce Eireann and will in the event that permission is granted, engage further with Uisce Eireann and submit design proposal for the wastewater infrastructure for Uisce Eireann to review and agree. This is the common practice for all development seeking permission to connect to the mains. As such, issues raised relating to screening report and NIS being flawed is incorrect.

8.5. Surface Water

8.5.1. It is contended by the 3rd Party Appellant that the Planning Authority failed to give any consideration to the concerns raised with regard to surface water and that the imposition of condition no. 3 of the grant of permission is wholly unacceptable as it circumvents the right of public participation. It is set out that all surface water bodies in vicinity have a WFD 'at risk' status and that the Nenagh River is designated to be nutrient sensitive surface waterbody as is the downstream Lough Derg SPA with further downstream connection to the Lower River Shannon SAC.

8.5.2. In response the applicant states that a detailed suite of drawings were submitted to the Planning Authority which indicated stormwater network with attenuation features and a swale which will discharge to existing business park network. In addition, it is stated that extensive buffer planting along boundaries which also supports SUDs and biodiversity functions and that in fact Condition no. 3 requires stronger than typical safeguards which will in turn ensure the final design demonstrably protects downstream water quality and WFD objectives.

8.5.3. Condition no. 3 of the grant of permission issued by the Planning Authority requires the following:

- a) Prior to development commencing revised proposals for a surface water collection system incorporating nature based sustainable drainage measures with supporting calculations shall be submitted for the written agreement of the Planning Authority. The details agreed under this condition shall be implemented as part of the development.
- b) All surface water discharge from the car parking areas and paved area shall be discharged through a Class 1 full retention petrol interceptor to reduce hydrocarbon levels prior to discharge to the public surface water network.
- c) Surface water run-off shall not be allowed to discharge onto the public road or to adjoining properties.
- d) surface water swale shall be adequately fenced/ secured to ensure water safety risks are mitigated . Details in this regard shall be submitted for the written agreement of the Planning Authority prior to development commencing. The details agreed under this condition shall be implemented as part of the development.

8.5.4. In the first instance I would draw the Commissions attention to Section 10 of my report below where I have undertaken a screening determination in terms of the Water Framework Directive. The appeal site is situated within the context of an existing industrial park, notwithstanding that the site is currently undeveloped. There is an existing stormwater network operating within the area and the applicant, through a report prepared by an engineer, has demonstrated that the development can be accommodated and adequately served by such.

8.5.5. Furthermore, the planning application has been accompanied by NIS, prepared by a suitably qualified ecologist, which has set out a number of detailed mitigation measures to ensure that there will be no negative impact upon any surface water bodies within the vicinity of the appeal site during either construction or operation phase.

8.5.6. The intention of SuDS (Sustainable Urban Drainage Systems) is to allow for a more sustainable and nature focused approach to dealing with surface water on site. As such I consider that the intention of condition 3(a) is to remove some of the output from the existing stormwater sewer operating within the area and in turn provide for an environmental improvement from what was originally proposed. Therefore, given

the intention of Planning Authority including Condition no. 3, can be perceived as having positive impact on the environment and ensuring compliance with Policy 8.4 of the Nenagh and Environs Local Area Plan 2024, I do not agree with the contention raised by the Appellant in this instance and do not accept that the inclusion of this condition had circumvented the right of public participation.

8.6. Appropriate Assessment.

8.6.1. The appellant to this appeal contends that there is no Appropriate Assessment determination which is required under Section 177(v) of the Planning and Development Act, 2000 (as amended) and that no reference is made within the NIS submitted to the construction and demolition waste or wastewater. However, no expert reports to demonstrate these concerns have accompanied the appeal.

8.6.2. The applicant in response to the 3rd party appeal has included a report from the project ecologist which states that the AA determination has been provided by the competent authority which was based on reports provided by the applicant.

8.6.3. In the first instance I note that Section 6.1 of the NIS submitted to the Planning Authority on the 27th July 2025 provides for a clear AA Screening determination in line with the requirements of Section 177 (v) of the Planning and Development Act, 2000 as amended. Furthermore, the second report of the Planning Officer, dated the 12th September 2025, also provides for same.

8.6.4. I have undertaken my own assessment of the Natura Impact Statement submitted and set out my findings within Section 9, Appendix 3 and Appendix 4 of my report below.

8.6.5. With regard to the concerns raised with regards to demolition waste or wastewater I consider that the mitigation measures proposed, which include for the inclusion of Oil interceptors, as set out in section 5 of the NIS adequately address this concern.

8.7. Derogation Licence.

8.7.1. The appellant makes reference to condition no. 16 of the grant of permission issued by the Planning Authority which requires a Derogation License be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht in the event that any bat species are found to be

roosting at the site. The appellant contends that this condition is unlawful and unacceptable as Bats are a protected species and no proper assessment of bat usage on site has been undertaken.

8.7.2. I fully accept the contentions of the appellant in this instance and note that the requirement to obtain derogation licenses should not be a post consent requirement. As such, a request for further information, issued under Section 132 of the Planning and Development Act 2000 (as amended), was issued by the Commission to the applicant which requested them to apply for and submit evidence that a S.54 Derogation for the proposed works has been granted, or alternatively to satisfactorily demonstrate that the development would not give rise to such effects on bats or their roost sites, or a requirement for such Derogation.

8.7.3. The applicant submitted a response to the Commission on the 28th February 2026 which included for an additional bat roost potential inspection survey. This survey was undertaken on the 26th of February 2026 and found that no roosting bats were recorded on-site inspection. The assessment identified only limited potential for temporary day/night roosting in a small number of trees (associated with ivy/crevices), with no colony, maternity, or hibernation roost potential identified. The assessment concluded that a Derogation License is therefore not required. Reference is made on page 10 of the report to consultation which was undertaken with the National Parks and Wildlife Service on the 27th February 2026 which confirmed same.

8.7.4. Having reviewed the updated additional bat roost potential inspection survey I accept that there are no bats currently roosting on site and the possibility of this occurring is limited. Therefore, a derogation license is not required, and Condition 16 should therefore be amended accordingly.

8.8. **Construction Management.**

8.8.1. The appellant has raised concern over the lack of assessment of the construction and demolition waste which will be generated on foot of the development. It is argued that the response to the further information item 1(v) and (vi) were not adequately addressed and that the Planning Authority deflected the issue to post consent assessment.

- 8.8.2. The Applicant in response notes that both the NIS and EclA submitted sets out a delineation of works area, location of stockpiles, silt mitigation/removal of silt fencing to a licensed facility, hydrocarbon storage, hydrocarbon spillage/refuelling all of which are incorporated into the mitigation measures of the NIS and ECIA which will prevent any impact to the Ollatrim River.
- 8.8.3. I consider that the inclusion of a post consent condition requiring the submission of a CEMP (construction environmental management plan) is a common practice as the CEMP is in most instances a live working document which is prepared by the awarded contractor who will undertaking the works. This is also recognised by the applicant in their response documentation. I therefore consider the inclusion of a condition requiring a CEMP for the written agreement of the Planning Authority would address the concerns raised.

9.0 AA Screening

9.1. Stage 1 - Appropriate Assessment Screening

- 9.1.1. I am 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.
- 9.1.2. 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 to give rise to significant effects on the Lough Derg (Shannon) SPA and the Lower River Shannon SAC in view of the conservation objectives of these sites and is therefore require further consideration. Appropriate Assessment is required.
- 9.1.3. This determination is based on:
- Nature of works.

- Hydrological connection provided by the Ollatrim River adjacent to the existing site.
- negative effects on transitional water quality only with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality.

9.1.4. 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 and the Lower River Shannon SAC 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 Commission.
- 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 4.2 of the AA Screening Report submitted by the applicant and the potential impacts from the construction and operational phases are set out in Section 4 of 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 Slaney Lough Derg (Shannon) SPA and the Lower River Shannon SAC 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 and the Lower River Shannon SAC 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 and the Lower River Shannon SAC
- 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 Screening

10.1. The subject site is situated within the Lisboney Business Park, Nenagh, Co. Tipperary. The application is seeking permission construction of 5 detached commercial buildings and associated site works. I refer the Commission to section 2.0 of my report above for a full description of the proposed development.

10.2. The Ollatrim river is situated c. 96m to the north of the site and the Nenagh River is situated c.313.9 m to the south-west of the site. Both the Nenagh and Ollatrim River have an at risk status. The site is also situated within the Nenagh groundwater catchment which is indicated as having a good status.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies 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.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Mitigation measures included within the NIS and EclA submitted; and
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. 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

I recommend that the decision of the Planning Authority be upheld and permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Nenagh and Environs Local Area Plan 2024, the provisions of the Tipperary County Development Plan 2022, and the design, scale and layout of the proposed development, and the pattern of the existing development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development, and 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 retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 3rd January 2025, and the 27th July 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning

Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Mitigation measures outlined in the updated Natura Impact Assessment lodged to the Planning Authority on the 27th July 2025, and the Ecological Impact Assessment Report submitted to the Planning Authority on the 3rd January 2025 and updated report on the 27th July 2025 shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: in the interest of protecting the.

3. A) Buildings 1 and 2 shall be restricted to the use of a “light industrial building” only as defined by Article 5 (1) of Part 2 of the Planning and Development Regulations 2001, as amended. Building 2-5 shall be used for the purposes as indicated. The development shall not be used for any other purpose other than a use compliant with the uses permitted, save where a grant of planning permission has been obtained from the Planning Authority or An Coimisiun Pleanála. Buildings 1 or 2 shall not include test benches for engines, turbines or reactors, save where a grant of planning permission has been obtained from the Planning Authority or An Coimisiun Pleanála.

B) Details of the end users for buildings 3-5 shall be submitted for the written agreement of the Planning Authority prior to the units being occupied.

Reason: To clarify the terms of the permission and in the interest of proper planning and sustainable development.

4. (a) Prior to development commencing revised proposals for a surface water collection system incorporating nature based sustainable drainage measures with supporting calculations shall be submitted for the written agreement of the Planning Authority. The details agreed under this condition shall be implemented as part of the development.

(b) All surface water discharge from the car parking areas and paved area shall be discharged through a Class 1 full retention petrol interceptor to reduce hydrocarbon levels prior to discharge to the public surface water network. c) Surface water run-off shall not be allowed to discharge onto the public road or to adjoining properties.

d) The surface water swale shall be adequately fenced/ secured to ensure water safety risks are mitigated . Details in this regard shall be submitted for the written agreement of the Planning Authority prior to development commencing. The details agreed under this condition shall be implemented as part of the development.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

5. The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann prior to the commencement of this development.

Reason: In the interest of proper planning and sustainable development

6. A) The site shall be landscaped and planted during the 1st planting season following the commencement of development in accordance with the landscaping proposals submitted. B) A site layout plan, to a scale of not less than 1:500, that delineates all proposed boundary treatments both within and bounding the site in colour shall be submitted for the written agreement of the Planning Authority prior to commencement of development indicating the following: a) b) Detailed proposals for new boundary treatments for the entire site Proposals to retain existing boundary treatments. This shall be accompanied by a complete set of plans, sections and elevations to a scale of not less than 1:50, which delineates the corresponding boundary treatment.

Reason: In the interest of visual amenity.

7. (a) Details of proposed lighting types for the site and buildings, fitting detail & mounting details and height shall be submitted for the written agreement of the Planning Authority prior to development commencing. Lighting types and design shall be bat friendly.

(b) Any site lighting shall be directed inwards towards the proposed development site. Direction and intensity shall be adjusted as required by the Planning Authority. The developer shall provide directional hoods or other cut-off devices to ensure that the lights do not shine onto adjoining property, nor shine so as to provide a hazard to users of the roads.

(c) In the event that the Planning Authority receives complaints from neighbouring properties about light spillage the Planning Authority may request the carrying out a survey, by a suitably qualified person, of light emanating from the lights permitted

by this permission. In the event that it is found that the lighting is resulting in an unacceptable nuisance, the operator of the facility shall take such steps as are required to adequately address this issue.

Reason: In the interest of traffic safety & In the interest of proper planning and visual amenity.

8. Save signage authorised by this grant of permission no signs, symbols, nameplates or other advertisements shall be erected externally on the buildings or on site save where a grant of planning permission has been obtained from the Planning Authority or An Coimisiún Pleanála.

Reason: In the interest of proper planning and visual amenity.

9. Complete details of the materials, colours and textures of all external finishes to the proposed buildings and structures within the site shall be submitted for written agreement of the planning Authority prior to commencement of development. This shall include samples of the proposed external finishes or a manufacturers catalogue indicating same.

Reason: In the interests of orderly development and the visual amenities of the area.

10. All service cables associated with the proposed development (such as electrical, television and telephone cables) shall be run in underground ducts.

Reason: In the interests of orderly development and of the visual amenities of the area.

11. The proposed parking spaces shall be clearly delineated in thermoplastic markings on the ground prior to occupation and reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other matter associated with the proposed development. Circulation aisles shall be kept clear at all times.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

12. The development shall include all necessary junction signs, stop signs and road markings within and at the entrance to the site, details of which shall be agreed in writing with the Planning Authority, prior to development commencing.

Reason: In the interest of orderly development and traffic safety.

13. Certified “As-Constructed” drawings (scale: 1/500) showing the “constructed” development including the actual location of services, cables, ancillary equipment, watermains, manhole positions and sewer lines etc shall be lodged with the Planning Authority within six months of the completion of the development but no later than the expiry of this permission

Reason: In the interests of orderly development.

14. Free field noise levels attributable to the activity (when assessed at all noise sensitive locations) shall not exceed the following limits

Daytime dB LAr T 07.00 – 19.00hrs (30 minutes) – 55

Evening dB LAr T 19.00 – 23.00hrs (30 minutes) – 50

Night-time dB LAeq T 23.00-07.00hrs (30 minutes) – 45

A penalty of 5 dB for tonal and/or impulsive elements should be applied to the day-time and evening measured LAeq to determine the appropriate rating level. During the night time period no tonal or impulsive noise from the facility should be clearly audible or measurable at any NSL.

Reason: In the interests of proper development and to prevent noise nuisance.

15. Any materials or wastes associated with the development shall be stored internally.

Reason: In the interest of appearance and amenity.

16. Prior to development commencing on the site, a Construction Management Plan for the proposed development shall be submitted for the written agreement of the Planning Authority. Same shall include:

(a) Measures to manage and dispose of Construction and Demolition Wastes arising from the development;

(b) Contact details of a Community Liaison Person to be appointed during construction works to deal with complaints associated with the development works;

(c) Dust control strategy; and;

(d) Noise control measures.

Reason: In the interests of orderly development.

17. (a) The site shall be surveyed for bat roosting prior to any site clearance works in accordance with the mitigation measures contained in the and Ecological Impact Assessment Report (Issue 2).

(b) Bird and bat boxes shall be erected on the site in accordance with the Ecological Impact Assessment Report (Issue 2)

Reason: To protect the natural heritage of the area.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Kathy Tuck
Planning Inspector

20th May 2026

Appendix 1

EIA Pre-Screening

Case Reference	PL-500059-TY
Proposed Development Summary	The construction of 5 detached commercial buildings as follows: 1 no. aircraft engine maintenance building with associated office space, 1 no. aircraft engine storage facility with associated office space, 3 no. detached warehouse buildings with all associated incidental and site works
Development Address	Lisboney Business Park , Nenagh , 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? (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.	State the Class here
<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. 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)	Class 10 (a) Industrial estate development projects, where the area would exceed 15 hectares.

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 checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)

Inspector: _____ **Date:** _____

Appendix 2

A. CASE DETAILS		
An Bord Pleanála Case Reference	PL-500059-TY	
Development Summary	The construction of 5 detached commercial buildings as follows: 1 no. aircraft engine maintenance building with associated office space, 1 no. aircraft engine storage facility with associated office space, 3 no. detached warehouse buildings with all associated incidental and site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority undertook a screening determination which is set out within the first report of the Planning Officer dated the 24 th February 2025. The assessment concluded that having regard to the criteria in Schedule 7 and the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required.
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening report which considered the proposed development in light of Schedule 5 and Schedule 7A of the Planning and Development Regulations 2001, as amended was prepared by the Applicants Planning Agent and submitted to the Planning Authority on the 3 rd January 2025.

<p>3. Has an AA screening report or NIS been submitted?</p>	<p>Yes</p>	<p>An AA Screening report was submitted to the Planning Authority on the 2nd January 2025 which concluded that in view of the best scientific knowledge and in view of the conservation objectives of the European sites reviewed in the screening exercise, the proposed development individually/in combination with other plans and projects (either directly or indirectly) does not have the potential to have significant effects on the Lough Derg SPA and that a full Appropriate Assessment (Stage 2) Natura Impact Statement is not required.</p> <p>However, the Planning Authority on undertaking their own AA Screening determination found that a source-pathway-receptor chain was identified between the subject site and the Lough Derg Shannon SPA and the River Shannon SAC and in the absence of mitigation, there is potential for the Proposed Development to result in effects on the SPA and SAC. Therefore, the Planning Authority requested that a NIS be submitted as Part of the request for additional information.</p>
<p>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	<p>N/A</p>
<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>No</p>	<p>SEA an AA were undertaken as part of the Tipperary County Development Plan 2022-2028.</p> <p>The Planning Application was also accompanied by a ecological impact assessment report (EcIA).</p>

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
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This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith

1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The subject site is a greenfield site, zoned for employment uses, with a stated area of c.5.971ha, situated within an established Business Park located approximately c. 2km to the east of Nenagh Town Centre. The site is bounded to the south by the existing internal road of the Business Park, to the south east and to the west by existing logistic and warehouse buildings and to the north by undeveloped land which is currently in agricultural use. The Ollatrim River is also situated further north.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause</p>	<p>Yes</p>	<p>The construction and operation phase will see a physical change from greenfield to industrial. There are currently a number of similar developments to</p>	<p>No</p>

<p>physical changes to the locality (topography, land use, waterbodies)?</p>		<p>the south-east, south and west of the subject site. Proposed excavation works will cause a change in site topography/ ground levels.</p> <p>The nearest watercourse is the Ollatrim River which is situated approximately 84m to north of the red line boundary of the development site.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The application was not accompanied by a construction management plan. This should be required to be submitted via condition.</p> <p>The proposal will result in the removal of soil from the subject site given the level changes proposed.</p> <p>The project uses land, which is a finite resource, however it is used more efficiently and sustainably than at present (vacant zoned lands). Otherwise, the operational phase of the project will not use natural resources in short supply.</p> <p>The project proposes to connect to the public water, wastewater, and surface water drainage services systems which have sufficient capacity to cater for demands arising from the project. A pre-connection agreement from Uisce Eireann accompanied the planning application documentation.</p>	<p>No</p>

		Accordingly, I do not consider the use of natural resources in the project likely to result in a significant effect on the environment of the area	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	YES	<p>Construction phase activities will require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances will be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works will be managed through the implementation of a CMP, which can be required by condition.</p> <p>Waste produce during the operation phase can be managed through the implementation of an Operational Waste Management & Recycling Management Plan which can be required by condition.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or the environment.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	YES	Conventional waste will be produced from construction activity and will be managed through the implementation of a final CMP which will be required via condition of permission.	No

		<p>The operational phase of the project will not produce or release any pollutants or hazardous material. Conventional operational waste will be managed through the implementation of an Operational Waste Management & Recycling Management Plan.</p> <p>Accordingly, I do not consider the production of waste or generation of pollutants in the project likely to result in a significant effect on the environment of the area.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The project involves site preparation including level changes, excavations (foundations for site services, building), reprofiling and construction (roads, footpaths, building), and landscaping works (open spaces). These construction phase activities are associated with contamination risks to land and/or water sources.</p> <p>I direct the Commission to the response to Q:2.1 below in respect of the risk of contamination of protected water bodies/ ecological designations.</p> <p>I direct the Commission to the response to Q:2.5 below in respect of the risk of contamination of water resources including surface waters, groundwaters, coastal waters, and of flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are not predicted and/ or can be mitigated against, I do not consider this aspect of</p>	<p>No</p>

		the project likely to result in a significant effect on the environment.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Noise, vibration, and light impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the outline/ final CMP.</p> <p>The operational phase of the project will also likely result in noise and light impacts associated with the increased-on site activity.</p> <p>However, these are anticipated to be typical of such of the development proposed on zoned lands. Lighting impacts will be mitigated by the provision of a public lighting plan which accompanied the application.</p> <p>I direct the Commission to the response to Q:2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	There is potential for water contamination and air pollution (noise and dust emissions) during the construction phase. However, sensitive receptors are located at a remove from the site and construction works will be managed through implementation of the final	No

		<p>CMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by standard construction mitigation measures.</p> <p>The operational phase of the project will not likely cause risks to human health through water contamination or air pollution due to the nature and design of the scheme, connection to public water systems, incorporation of SuDS features in the surface water management system, and scale of commercial activities, and use arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project and location of the site.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>The project increases localised temporary employment activity at the site during development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the outline/ final CMP.</p> <p>The operational phase of the project (i.e. the occupation of the commercial units) will result in a potential increase in the working population of the business park.</p>	No

		<p>The receiving area is an established urban area of Nenagh which is designated as a Key Town within the Core Strategy of the Tipperary County Development Plan 2022-2028. The town will provide for services, public transport, amenities, and has the capacity to accommodate the likely impacts associated with the anticipated working population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The subject site is zoned for “Employment” use with a small portion of the site zoned for Amenity use under the Nenagh and Environs Local Area Plan 2024 – 2030.</p> <p>The site is located within an existing business park area and shares its south-eastern and western boundary with existing logistic units. The proposed development can be readily serviced and can be accessed by existing road network.</p> <p>I direct the Commission to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p>	<p>No</p>

		I do not anticipate cumulative significant negative effects on the area arising from the project.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>The project is not located in, on, or adjoining any European Site, any designated or proposed NHA, or any other listed area of ecological interest or protection. The closest relevant site is Lough erg SPA (pNHA), approx. 10km downstream of the site. The application was accompanied by an ecological impact assessment.</p> <p>Following a request for further information the applicant submitted an NIS. The NIS adequately identifies and describes the potential direct, indirect and cumulative effects of the proposed development on the qualifying interests and conservation objectives of relevant European Sites for the competent authority to carry out a Stage II Appropriate Assessment. It is considered reasonable to conclude based on the information provided in the NIS that the proposed development, and subject to the implementation of best practice construction methodologies and the proposed mitigation measures outlined, individually or in combination with other plans and projects would not significantly affect the integrity of relevant European Sites, or national designated sites.</p>	No

		<p>Accordingly, I consider it reasonable to conclude that potential for significant effects will be adequately assessed and managed through the procedures under the Habitats Directive. Based on the documentation available and the AA undertaken by the planning authority, no requirement for EIA is identified at this time.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The site comprises greenfield lands. The EclA confirms the site as not being under any wildlife or conservation designation.</p> <p>No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site.</p> <p>No bats or bat evidence of such was recorded within the site during the field survey. Nonetheless, the habitats were assessed for bat commuting, foraging and roosting suitability. Within the project site, both the linear habitats and the Ollatrim River are likely to represent important foraging and commuting habitats for bats.</p> <p>The EclA submitted notes that no dedicated bird survey was carried out as part of this investigation. However it does note that the treelines and</p>	<p>No</p>

	<p>hedgerows recorded have the potential to provide suitable nesting habitat for birds. Furthermore, Grey Wagtail (<i>Motacilla cinerea</i>) was briefly observed during the survey flying across the river and that depending on the time of the works where these require removal of vegetation or the demolition of this building a preconstruction nesting bird survey might be necessary prior to commencement.</p> <p>No invasive species listed on the third schedule were recorded to be within the footprint of the proposed works site or in its adjacent environs.</p> <p>The banks of the Ollatrim River were examined for the presence of Otter. A potential otter holt was noted along the river, approximately 120m from the northeast corner of the proposed works area.</p> <p>The base of hedgerows and treelines were also searched for evidence of Badgers (<i>Meles meles</i>). One burrow was found, however, this did not appear to be active, nor other evidence indicative of Badgers such as droppings, latrines, fur, or other potential sett entrances were identified within study area. Similarly, no signs of any other mammals were recorded within or surrounding the site. These</p>	
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		<p>would be unlikely to occur here given the lack of woodland cover locally.</p> <p>The EclA considers the potential impacts of the proposal at construction and operation phases on biodiversity (on-site and within the zone of influence), birds, bats, and mammals. The designed-in mitigation and targeted mitigation devised to address the potential impacts are described. The EclA concludes that with the implementation of mitigation measures, there will be no significant impacts on biodiversity.</p>	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no such resources on or close to the site.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no such resources on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	Yes the closest mapped water body is the Ollatrim River which is situated approximately 84m to the north of the red line boundary of the development site. The application was not accompanied by a flood risk assessment however LAP and CFRAMS mapping indicates that the site is not located with a	No

		<p>flood zone. This mapping is currently under review and . Progress a Flood Relief Scheme for Nenagh.</p> <p>The applicant submitted an NIS on foot of a request for further information. It was found that there is a hydrological link between the River Shannon SAC, Lough Derg Shannon SPA and the Ollatrim River.</p> <p>The NIS has provided for a number of mitigation measures.</p> <p>The proposed development will be connected to municipal services in terms of water supply and wastewater treatment and the application has been accompanied by a Confirmation of feasibility and a Statement of Design Acceptance from Uisce Éireann.</p> <p>The operational phase impacts are addressed primarily through design, with a comprehensive surface water management system including SuDS features, on-site attenuation, and discharge to the public surface water network.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of water resources and flood risk.</p>	
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2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Vehicular access it proposed to be provided from the existing road network within the business park. Therefore I do not anticipate that the project will give rise to congestion or environmental problems. No impacts on the adjoining railway are considered likely.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is situated within an existing business park. There are no sensitive land uses within the immediate environs.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/ or approved planning permissions in the wider area have been noted in the application documentation and associated assessments.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	

D. MAIN REASONS AND CONSIDERATIONS

EIAR not Required

Having regard to: -

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(a) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Employment Use) and other relevant policies and objectives in the Nenagh and Environs Local Area Plan 2024 – 2030 and the Tipperary County Development Plan 2022-2028 and, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The greenfield nature of the site and its location in an established business park, which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- f) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment.

In so doing, the Commission concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

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 development site characteristics and potential impact mechanisms	<p>This is an application seeking permission for the construction of 5 no. detached commercial buildings which will provide for aircraft engine maintenance, aircraft engine storage facility and associated logistical storage. Full details of the development have been set out in section 2 of this report, above.</p> <p>The site is situated within the Lisboney Business Park , Nenagh , Co. Tipperary. The Business Park is situated approximately 1.32kmn to the east of the centre of Nenagh and access is provided from the R445.</p> <p>The site itself is greenfield in nature and bounded to the north by mature trees and hedging. The Ollatrim River is situated to the north.</p>			
Screening report	Yes			
Natura Impact Statement	Yes (submitted as part of the response to further information)			
Relevant submissions	No.			
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.				
European Site (code)	Qualifying interests Link to conservation	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N

	objectives (NPWS, date)			
Lough Derg (Shannon) SPA Site code 004058	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	8.1km	<p>During the construction phase of the development significant excavation and groundworks are proposed. Noting the site level relative to the level of the Ollatrim river impacts from surface water runoff into the Ollatrim cannot be excluded during the construction phase.</p> <p>Such impacts may give rise to a deterioration in water quality which in turn may impact on the Lough Derg Shannon SPA.</p>	Y
Lower River Shannon SAC Site code 002165	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of</p>	18km	<p>While the Lower River Shannon SAC is significantly downstream of the point where the Nenagh River enters Lough Derg there is a hydrological link between the SAC and the Ollatrim river.</p>	Y

	<p>stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>			
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	<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>			
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Step 3 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development alone would result in likely significant effects on Lough Derg (Shannon) SPA and the Lower River Shannon SAC. 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.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Lough Derg (Shannon) SPA Site code 004058</p>	<p>Direct:</p> <p>Direct: None</p>	<p>Primary risk posed from the project relates to surface water</p>

<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Indirect: Nenagh River enters Lough Derg - there is a hydrological link between the SAC and the Ollatrim river situated to the north of the site.</p>	<p>discharge from the site during the construction phase that may impact on the water quality of the receiving environment,</p> <p>Changes in water quality in Olatrim river and Nenagh river.</p>
<p>Y</p>	<p>Likelihood of significant effects from proposed development (alone)</p>	
<p>NA</p>	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
<p>NA</p>	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>	
<p>Site 2: Name (code) Lower River Shannon SAC Site code 002165</p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>Impacts</p> <p>Direct: None</p> <p>Indirect: Nenagh River enters Lough Derg - there is a hydrological link between the SAC and the Ollatrim river situated to the north of the site.</p>	<p>Effects</p> <p>Potential for significant run-off from the construction phase entering the Ollatrim River is considered to be low as works will take place 35m from the bank of the Ollatrim River at its closest point. However, flooding may encroach upon the northern perimeter of the works area which may increase risk of interaction. As such there is potential risk of release of deleterious matter into the Ollatrim River which would affect the Natura 2000 site downstream.</p> <p>Possible effects could therefore occur effecting the <i>Salmo salar</i> (Salmon) [1106]; <i>Petromyzon marinus</i> (Sea Lamprey) [1095]; and the</p>

<p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p>		<p>Lutra lutra (Otter) [1355]</p>
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<p>(Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>Y</p>	<p>Likelihood of significant effects from proposed development (alone):</p>	
<p>N</p>	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p> </p>		

It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lough Derg (Shannon) SPA and the Lower River Shannon SAC from effects associated with the proximity of the subject site to the Ollatrim River.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Appendix 4

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [of the Planning and Development Act 2000 (as amended)] are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 5 no. industrial units in view of the relevant conservation objectives of the Lough Derg (Shannon) SPA and the Lower River Shannon SAC based on scientific information provided by the applicant based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement submitted by the applicant.
- National Parks and Wildlife website.
- Ecological Impact Assessment submitted by the applicant.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am 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

Concerns were raised within the 3rd party appeal that no Appropriate Assessment determination, as required by S.177V of the Planning and Development Act, 2000 (as amended) was provided and tant no reference made to construction and demolition waste was made in the NIS submitted. It was considered that the decision maker did not have best scientific information available to them to make a determination. These issues are discussed under section 8 of the report above.

NAME OF SAC/ SPA (SITE CODE): Lough Derg (Shannon) SPA (Site code 004058)

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

I. Water quality degradation (construction and operation)

See Table 4 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Cormorant (Phalacrocorax carbo) [A017]	To restore the Favourable conservation condition of Cormorant in Lough Derg (Shannon) SPA	The Ollatrim River supports aquatic species such as salmonids, which are important prey items for Cormorant. Therefore, they may use the Ollatrim River for foraging.	<ul style="list-style-type: none"> • Work areas kept to the minimum area required to carry out the proposed works and cordoned off in advance of work commencement. • Stockpiles of excavated or imported soil materials are to be kept on the southern side of the site. • Machinery will be checked and maintained before works commence • Silt fencing • Spill kits to be kept onsite at all times - Re-fuelling of machinery is to take place at the entrance point • Oil booms and oil soakage pads will be kept on-site • Waste oils and hydraulic fluids will be collected. • fuel spillages will be cleaned up immediately.
Tufted Duck (Aythya fuligula) [A061]	To maintain the Favourable conservation condition of Tufted Duck at Lough Derg (Shannon) SPA	This species prefers stillwater habitats and have been recorded at Ashely Park Lake and Lough Eorna. However, there is an indirect pathway for	See above.

		interaction with Lough Derg which may be affected by hydrocarbon run-off during the construction phase.	
Goldeneye (Bucephala clangula) [A067]	To maintain the Favourable conservation condition of Goldeneye at Lough Derg (Shannon) SPA	There is an indirect pathway for interaction with Lough Derg which may be affected by hydrocarbon run-off during the construction phase.	See above.
Common Tern (Sterna hirundo) [A193]	To restore the Favourable conservation condition of Common Tern in Lough Derg (Shannon) SPA,	indirect pathway for interaction with Lough Derg which may be affected by hydrocarbon run-off during the construction phase.	See 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.	Indirect pathway for interaction with wetland area. May be affected by hydrocarbon and silt run-off during the construction phase.	See above.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

(i) Water quality degradation

The habitats and species determined to be within the zone of influence of potential water quality impact are those located in the Lough Derg SPA . In the absence of mitigation measures, the transfer of pollutants and/or sediment via the surface water runoff from the development area to the

Ollatrim River, which runs adjacent to the proposed development site, has potential to have negative direct and or indirect effects on the habitats and species within the zone of influence.

The potential for significant effects would be dependent on the magnitude of the pollution and/or sedimentation event, the resilience of the habitat and the in-combination effects of that event with other water quality pressures due to other activities in the catchment

Mitigation measures and conditions

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. This was also noted and accepted by the Planning Authority.

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 satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 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 002165)

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

Water quality degradation (construction and operation)

See Table 5 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC,	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Reefs [1170]	To maintain the favourable conservation condition of Reefs in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of Vegetated sea cliffs in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]	To restore the favourable conservation condition of Atlantic salt meadows (Glaucopuccinellietalia maritimae) in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in the Lower River Shannon SAC	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.

	Lower River Shannon SAC		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC,	No effect - No pathway for interaction due to distance from suitable areas as this is a marine habitat.	N/A.
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC.	Lough Derg contains a landlocked species of sea lamprey. Lamprey sp. recorded approximately 1.5km upstream of the site by IFI in 2017. There is potential for ex-situ Qualifying Interest to be located within the Ollatrim River.	<ul style="list-style-type: none"> • Work areas kept to the minimum area required to carry out the proposed works and cordoned off in advance of work commencement. • Stockpiles of excavated or imported soil materials are to be kept on the southern side of the site. • Machinery will be checked and maintained before works commence • Silt fencing • Spill kits to be kept onsite at all times - Re-fuelling of machinery is to take place at the entrance point • Oil booms and oil soakage pads will be kept on-site • Waste oils and hydraulic fluids will be collected. <p>fuel spillages will be cleaned immediately.</p>
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC	This is the smallest lamprey species in Ireland. It does not migrate over large distances and in an	N/A.

		area such as Lough Derg, exhibits high fidelity to its natal stream/river. Therefore, it is highly unlikely to travel 39km from this Natura site to the Ollatrim River.	
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC	Not known to occur in Lough Derg. Migration from the lower River Shannon up to Lough Derg is likely blocked by the dams at Parteen and Ardnacrusha. Spawning is only known to occur downstream of Lough Derg and in the Mulkear River.	See above.
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC	Salmon recorded approximately 1.5km upstream of the site.	See above.
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC	No impact - No pathway for interaction due to distance from suitable areas as this is a marine species.	N/A.
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC	Due to expansive foraging ranges, otters along the Ollatrim River may also forage within the Lower River Shannon SAC.	See above.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

(i) Water quality degradation

The habitats and species determined to be within the zone of influence of potential water quality impact are those located in the Lower River Shannon SAC. In the absence of mitigation measures, the transfer of pollutants and/or sediment via the surface water runoff from the development area to the Ollatrim River, which runs adjacent to the proposed development site, has potential to have negative direct and or indirect effects on the habitats and species within the zone of influence.

The potential for significant effects would be dependent on the magnitude of the pollution and/or sedimentation event, the resilience of the habitat and the in-combination effects of that event with other water quality pressures due to other activities in the catchment

Mitigation measures and conditions

Mitigation measures are required to avoid any pollution or sediments entering the Ollatrim River or the public storm water drainage systems and have been set out in Section 5 of the NIS, a summary of which has been provided within the table above.

Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. This was also noted and accepted by the Planning Authority.

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 satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure

compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 (Site code 002165) . Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lough Derg SPA and the Lower River Shannon SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material, I consider that adverse effects on site integrity of the on Lough Derg SPA and the Lower River Shannon SAC 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.

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 and the Lower River Shannon SAC
- Effectiveness of mitigation measures proposed and adoption of CEMP submeter.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken