



An
Coimisiún
Pleanála

Our Case Number: ACP-323980-25

Planning Authority Reference Number:

Michelle McNamara
Lough Derg Marina
Ballina
Co. Tipperary
V94 XT92

Date: 04 March 2026

Re: Proposed Water Supply Project for the Eastern and Midlands Region
in the counties of Clare, Limerick, Tipperary, Offaly, Kildare, and Dublin.

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

The Commission will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Coimisiún Pleanála when they have been processed by the Commission.

More detailed information in relation to strategic infrastructure development can be viewed on the Commission's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,


Eimear Reilly
Executive Officer
Direct Line: 01-8737184

PA04

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Michelle McNamara

Lough Derg Marina

Ballina

County Tipperary

V94 XT92

25th January 2026

Re: Proposed Water Abstraction Development at Parteen Basin – Uisce Éireann

Dear Sir/Madam,

I am the owner and operator of Lough Derg Marina, Ballina, County Tipperary, located downstream of the proposed abstraction point at Parteen Basin. I hereby submit a formal and substantive objection to the proposed development.

This objection is grounded in material planning considerations including hydrological impact, navigational safety, sediment transport dynamics, commercial interference, environmental protection, and compliance with statutory and European Union law.

The viability of my marina and associated commercial activity is wholly dependent upon stable and predictable downstream water levels, safe navigation depths, and the maintenance of ecological integrity within the River Shannon system. Any alteration to the flow regime particularly during low-flow or drought conditions presents direct and foreseeable operational, financial, and environmental risk.

The Environmental Impact Assessment documentation relies heavily on abstraction volumes expressed as a percentage of long-term average flow. Average flow metrics are not an adequate safeguard. The relevant and determinative metric for downstream operators is river behaviour during extreme low-flow events, including 1-in-20-year and 1-in-50-year drought scenarios, particularly in the context of climate change projections. The documentation does not provide clearly defined; legally binding minimum downstream flow or river level guarantees applicable to Ballina or similarly situated downstream locations.

There is no explicit statutory condition mandating automatic cessation or reduction of abstraction at objectively defined hydrological trigger points. In the absence of enforceable minimum flow thresholds embedded within planning conditions supported by independent real-time monitoring, transparent public reporting, and meaningful

penalties for breach — downstream protections remain uncertain, discretionary, and legally insecure.

The proposal therefore fails to demonstrate compliance with:

- The precautionary principle
- The requirements of the EU Water Framework Directive (2000/60/EC) to prevent deterioration of water status;
- The obligation to protect existing lawful economic activity
- The requirement that mitigation measures be certain, enforceable, and capable of objective verification.

Furthermore, the risk of altered sediment transport dynamics has not been adequately assessed in terms of downstream commercial impact. Changes in flow velocity and volume can materially increase sediment deposition within navigation channels, marina entrances, and mooring basins. Increased siltation would necessitate more frequent dredging, resulting in significant recurring operational costs and potential navigational hazards.

No legally binding framework is proposed to assign responsibility or financial liability for additional dredging attributable to altered flow conditions arising from this development. In the absence of defined dredging liability, the project effectively transfers hydrological and financial risk from the project promoter to private downstream operators. Such risk transfer is inequitable and contrary to principles of proper planning and sustainable development.

The River Shannon is not a surplus or unused resource available for risk free abstraction. It supports established marine, tourism, hospitality, and recreational enterprises that are lawful, longstanding, and economically significant to rural communities. Any reduction in navigable depth, increased variability in water levels, degradation of water quality, or ecological deterioration would materially interfere with existing economic activity.

In addition, there remains insufficient clarity and enforceability in respect of:

- Binding minimum downstream flow and river level guarantees;
- Abstraction controls during prolonged drought and climate-driven extreme events;
- Long-term cumulative impacts and future abstraction increases once infrastructure is installed;
- Independent oversight mechanisms separate from the project promoter;
- Statutory penalties for breach of abstraction limits;
- A structured and legally secured compensation mechanism for demonstrable commercial loss.

Absent these safeguards, the proposal represents a disproportionate and inadequately mitigated transfer of environmental and economic risk from urban demand centres to rural river dependent communities.

For the foregoing reasons, I respectfully submit that the proposed development fails to provide legally certain, enforceable, and proportionate protection for downstream stakeholders and does not satisfy the requirements of proper planning, sustainable development, or European environmental law.

Accordingly, I request that consent be refused unless and until binding downstream minimum flow guarantees, enforceable abstraction triggers, independent monitoring, defined dredging liability, and statutory compensation mechanisms are secured as conditions precedent to any approval.

Yours faithfully,

Michelle McNamara

Lough Derg Marina

Ballina, County Tipperary