

An
Coimisiún
Pleanála

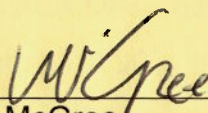
Direction
CD-021813-26
ACP-323662-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/01/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Liam McGree

Date: 27/01/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the nature and scale of the proposed shared walkway and cycleway (a proposed section of the EU Just Transition and exchequer funded Midlands Trails Network) which would include the repurposing of rail-beds and machine access routes and intersect with/ act as an extension/spurs to the existing cycle/ walkway infrastructure of Loch Dhoire Bhile Loop and the Littleton Labyrinth Greenway extending from Loch Dhoire Bhile to Derrynaflan), would provide indirect connectivity between two Secondary hubs, namely Horse & Jockey and Littleton. It is considered that, subject to compliance with the conditions set out below, the

proposed development would provide a safe cycle and walking route with appropriately scaled car parking provision at the proposed 'Gateways' extending the recreational opportunities for the local population and visitors to the area, would not have significant negative effects on the environment, or the community in the vicinity, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Suir Special Area of Conservation (SAC) (Site Code 002137), the Slieve Bloom Mountains Special Protection Area (SPA) (Site Code 004160) and the Slievefelim to Silvermines Mountains Special Protection Area (SPA) (Site Code 004165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the Natura Impact Statement (NIS), all associated material submitted with the subject application, including the Ecological Impact Assessment (EclA), and taking into account the observations of the Environment Section of Tipperary County Council, and the planning authority's Appropriate Assessment of the project, the Commission concluded that that adverse effects on site integrity of the Lower River Suir SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA 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.

This conclusion is based on the following:

- detailed assessment of construction and operational impacts;
- effectiveness of proposed mitigation measures, as detailed in the NIS, EclA, Habitat Management and Enhancement Plan and accompanying Construction and Environmental Plan (CEMP), including supervision and monitoring; and
- application of planning conditions to ensure effective compliance with all stated mitigation measures.

The proposed development would not affect the attainment of conservation objectives for the Lower River Suir SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of June 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS) incorporating relevant measures included in the Ecological Impact Assessment (EclA) report, Habitat Management and Enhancement Plan (HMEP) and Construction and Environmental Management Plan (CEMP) and accompanying documentation, shall be implemented. Prior to the

commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the developer and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. The proposed development shall be amended as follows:

(a) No more than 16 no. car parking spaces at Proposed Gateway TY-02-01, inclusive of accessible parking and EV parking spaces.

(b) No more than 16 no. car parking spaces at proposed Gateway TY-02093, inclusive of accessible parking and EV parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. Prior to the commencement of development, the developer shall engage directly with the local authority to agree and implement off-site mitigation measures i.e. advance warning of the new access points and measures to control vehicle speed that may be required prior to the development construction and operation.

Reason: In the interest of traffic safety.

5. Prior to the commencement of development, precise details of the design, materials and finishes of the proposed pergolas, totem sculptures, signage, paving and road/parking marking shall be submitted for the written agreement of the planning authority.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

6. Prior to the commencement of development, the developer shall prepare, in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, Ecological Impact Assessment (EclA) and accompanying application documentation. The CEMP shall include specific proposals with respect to the application of the proposed Ecological Restriction Zone and proposals as to how the CEMP will be measured and monitored for effectiveness. Details of the project Construction Environmental Management Plan shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of protecting the environment and the protection of European Sites in the interest of public health.

7. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a detailed 'Maintenance and Management Plan' for the operation of the development. The plan shall include a structure for community engagement, including the nomination of a dedicated Community Liaison Officer, as well as details regarding the maintenance and management of the pathways, gateways, car parks and boundary treatments.

Reason: To ensure the continued management and maintenance of the development to a satisfactory standard.

8. A suitably qualified ecologist (Ecological Clerk of Works) shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the NIS, EclA, Habitat Management and Enhancement Plan and Construction and Environmental Management Plan (CEMP) and accompanying documentation. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

9. There shall be no removal of vegetation during the breeding bird nest season (March 1st to August 31st), in the absence of the written approval of the planning authority.

Reason: In the interest of breeding bird protection and biodiversity.

10. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department, regarding appropriate mitigation [preservation in-situ/excavation].

(c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer.

(d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and the

Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Note: In deciding to amend condition number four, as recommended by the Commissions Planning Inspector, the Commissioners had regard to the linear nature of the proposed walking/cycling route, the proposal to develop car parking at each end of this linear route, the fact that there are two existing public car parks close to the route at Lough Doire Mheile Wildlife Reserve and Amenity and on the Littleton Labyrinth Trail (Point B), as well as the proximity to smaller settlement and services at Littleton, Horse and Jockey and Glengoole (New Bermingham).

Furthermore, the Commission considered that the proposed visual and acoustic screening submitted in response to the third party grounds of appeal would be unnecessary and inappropriate having regard to the nature of the proposed development and use, the level of existing screening to residential properties in the vicinity, the potential impact additional screening might have on the visual amenities of this rural area and the emphasis which has been placed on an open non-obstructive view of the proposed development in accordance with the recommendations of *Crime Prevention Through Environmental Design Principles* (CPTED).