



An
Coimisiún
Pleanála

Commission Order
ACP-323662-25

Planning and Development Acts 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2560154

Appeal by Tina Dollard and others against the decision made on the 18th day of August 2025 by Tipperary County Council to grant, subject to conditions, a permission to Bord na Mona Energy Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for a recreational shared cycle and walkway to connect into the existing Loch Dhoire Bhile Loop, (a) the delivery of a shared cycle and walkway on Bord na Móna lands. This will include the repurposing of 602 meters of existing former rail bed, 2859 meters along existing bog headlands / former high fields, and 721 meters along pre-existing machine access routes; (b) the construction of car and / or bicycle parking facilities at a number of gateway locations along the proposed route and the provision of EV charging spaces at the gateway locations. This will include; (i) two number type 2 Gateways, (ii) one number type 4 Gateway; (iii) one number Minor Rest Points; (c) Upgrade works to one number local access road crossing and four number agricultural access crossings; (d) the erection of wayfinding and interpretative signage at Gateway locations along the route, (e) the implementation of Sustainable Drainage Systems (SuDS) nature-based drainage proposals at the Gateway locations to cater for surface water

drainage at car park locations; (f) fencing and screening will be erected where required for health and safety and biodiversity reasons which will include 2250 meters of screening and 1925 meters of boundary treatment fencing; (g) all other ancillary and associated site work, on Bord Na Móna lands, within the townlands of Ballybeg Derryvella and Lanespark, in County Tipperary.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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), and 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.

In deciding to amend condition number four, as recommended by the Commission 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).

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that 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) are the only European

Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions 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, and any other relevant expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on 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 sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) detailed assessment of construction and operational impacts;
- (b) 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
- (c) application of planning conditions to ensure effective compliance with all stated mitigation measures.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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 number car parking spaces at Proposed Gateway TY-02-01, inclusive of accessible parking and EV parking spaces.
 - (b) No more than 16 number 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; that is, 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, details of materials and finishes for the proposed development 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. (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.

10. There shall be no removal of vegetation during the breeding bird nest season (March 1st to August 31st), unless otherwise authorised by the planning authority.

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



Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 27th day of January 2026.