

An
Coimisiún
Pleanála

Commission Order
ACP-323836-25

Planning and Development Act, 2000 as amended

Planning Authority: Tipperary County Council

Application by Tipperary County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Coimisiún Pleanála on the 30th day of October 2025.

Proposed Development: The proposed development consists of the construction of a new footbridge and resurfacing of existing lane with walkway link to the existing park in the form of footpaths and all ancillary site works as required to complete the works.

The footprint of the proposed project is within a Special Area of Conservation, namely Lower River Shannon Special Area of Conservation (Site Code: 002165).

All located at Newport Ball Alley and Park, Clonbealy, Newport, County Tipperary.

Decision

Approve the above proposed development based on the reasons and considerations set out under and subject to the conditions set out below.

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission was consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

In coming to its decision, the Commission also had regard to the following:

- (a) European Union Habitats Directive (92/43/EEC),
- (b) European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon Special Area of Conservation (Site Code: 002165),
- (e) the policies and objectives of the Tipperary County Development Plan, 2022-2028,
- (f) the provisions of the Newport Town Centre First Plan,
- (g) the nature and extent of the proposed works as set out in the application for approval,

- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (Site Code: 002165) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Site.

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 integrity of the aforementioned European Site, having regard to the Site's 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 Site, in view of the Site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, 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.

Furthermore, the proposed development is supported by, and delivers upon, a number of the general objectives of the Newport Settlement Plan in section 2.1, Volume 2 of the Tipperary County Development Plan 2022-2028 including the enhancement of the town centre, the development of community recreational facilities and the creation of an attractive and functional public realm. In addition, the proposed development delivers upon Priority Project 3.D 'Connecting Ball Alley to Town' and High Priority Action B4.3 'Create a pedestrian connection to Ball Alley site via a bridge across Cully River' as identified in the Newport Town Centre First Plan published by Tipperary County Council 2024.

The Commission was satisfied that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement, or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. (a) The proposed bridge abutments shall be installed using a self-screw piling method, in accordance with the Natura Impact Statement, and shall not involve any act of mechanical ground excavation.
(b) The proposed footpaths and circulation areas within the park and along the pedestrian access route shall be surfaced in a bound material.

Reason: In the interest of protecting the environment and the European Site.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to biodiversity/ecology. The ecologist shall be present during the 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.

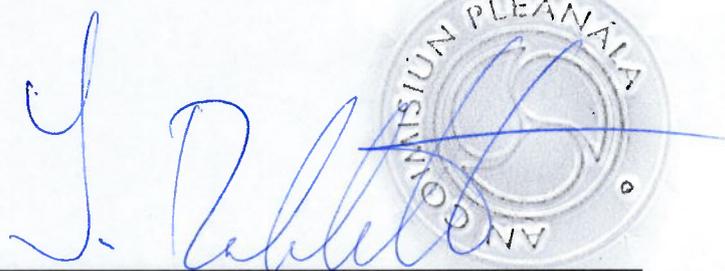
Reason: In the interests of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
- (a) all mitigation measures indicated in the Natura Impact Statement,
 - (b) location and extent of silt fencing to be installed on site,
 - (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
 - (d) a Traffic Management Plan for the construction phase.

Reason: In the interest of protecting the environment and the European Site.

5. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Site.



Tom Rabbette

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

Dated this 76th day of March, 2026