



An
Bord
Pleanála

Inspector's Report

ABP-318801-24

Development

Erection of highwire and nets
adventure activity course and
associated works.

Location

Donadea Forest Park, Donadea
Demense, Donadea, Co. Kildare.

Planning Authority

Kildare County Council.

Planning Authority Reg. Ref.

23772.

Applicant(s)

Zipit Forest Adventures Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

John Tuite and Jacinta Tuite.

Observer(s)

None.

Date of Site Inspection

27th November 2024.

Inspector

Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject site, of area 0.73ha, is located within a heavily forested section of Donadea Forest Park c.200m south of the lake and adjacent to an internal track/path route. The site is located within the curtilage and c.500m south-west of Donadea Castle (tower house), a protected structure (RPS no. B09-02) and is also within the curtilage and located c.550m south-west of Donadea Demesne Castle (RPS no. B09-06) which includes 17th and 19th century additions. St Peter's Church (RPS no. B09-18) is located c.600m north-east of the site and Donadea Canopied tomb and medieval church in ruins (RPS no. B09-01) is located c.700m to the north-east.
- 1.2. The subject site consists of a forested area of mixed broadleaf woodland and less mature woodland and is part of a conifer plantation. Within the site is located the Ice House associated with Donadea Castle. The ice house has the appearance of a small chamber set into a ridge with a damaged iron gate preventing access. There are limestone walls either side of the passage leading up to the entrance and the chamber is covered by a cement repaired brick dome. The site is located within Donadea Wood Proposed Natural Heritage Area (PNHA) (site code 001391). The forest park site is accessed from local road L1010 which is located c.1.3km north of this part of the subject site and there is a car park located c.700 north-east of the subject site within Donadea Demesne.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of:
- Erection of a high wire and nets adventure activity course,
 - wooden platforms suspended on trees,
 - single storey reception cabin and decking area,
 - staff cabin.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council initially requested further information in relation to survey details associated with the Ecological Impact Assessment, toilet facilities with wastewater management and treatment plan, and parking and access details. Following this, clarification of further information was sought in relation to wastewater treatment system capacity. Subsequent to this, a decision was made to grant permission subject to 21 no. conditions.

3.1.1. Conditions

Conditions of note include:

- Condition No. 2 specifically excludes the provision of a café or the sale of food or drink.
- Condition No. 3 requires all mitigation measures identified within the EclA to be adhered to.
- Condition No.4 requires the submission of a restoration plan by agreement in the event of operations ceasing.
- Condition No. 9 specified the opening hours for different periods of the year.
- Condition No. 10 requires the preparation of a detailed noise study.
- Condition No. 12 requires the provision of a bus bay.
- Condition No. 18 requires car parking provision within the forest park.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report formed the basis of the decisions of the Council. It noted the submitted EclA findings including in relation to lack of significant impacts on ecology and water quality, and the absence of survey data associated with bats and the lack of reference to the woodland survey. Reference was made to the Roads Department requirement for further information in relation to the entrance road, signage and road markings, bus route signage, pedestrian paths and signage. The Environment Department required further information in relation to waste

management matters associated with the toilet facilities. A recommendation to request further information in relation to these items followed and the responses were acceptable except in relation to waste management where clarification of further information was recommended to be sought per the Environment section's concerns. As the response to this item was acceptable, a grant of permission was recommended. The AA Screening Report and Conclusion Statement concluded "*no potential significant affects / AA is not required*".

3.2.2. Other Technical Reports

- Environment Department: further information required. Following F.I., advised clarification of further information required. Following C.F.I., advised no objection subject to conditions.
- Chief Fire Officer: no objection subject to conditions.
- Conservation Officer: no objection (verbal advice).
- Roads Department: further information required. Following F.I., advised no objection subject to conditions. Following C.F.I., advised no objection subject to conditions.
- Municipal Engineer: no report received.
- Heritage Officer: further information required. No further response noted.
- Water Services: No objection subject to conditions.

3.2.3. Prescribed Bodies

- Uisce Éireann: no report received.
- Fáilte Ireland: no report received.

An Bord Pleanála referred the file to An Chomhairle Ealaíon, The Heritage Council, Fáilte Ireland, the Development Applications Unit (Department of Housing, Local Government and Heritage) and An Taisce and no responses were received.

3.2.4. Third Party Observations

6 no. third party observations were received. The concerns raised are broadly similar to those summarised below in the appeals section with the exception of the following issues raised:

- Major impact on the existing café trading at Donadea Park.
- The application does not mention toilets or septic tanks.
- Bat survey data is not up to date and there are bat boxes in Donadea Forest Park with species in most of them.
- There is an owl nesting within 500m of the proposed development.
- Treecreeper birds are resident and red-listed Woodcock have been seen.
- Red squirrel has been observed within the vicinity of the site and barn owl chicks have been seen calling from a structure within the zone of disturbance.
- Donadea Forest Park is ranked as nationally important wetland.
- Will there be a starting tower as per the previous application?
- There is concern about access to natural amenity areas in the county.

4.0 Planning History

22/109: Permission refused by the Planning Authority at a site part of which is located on the subject site and part of which is located to the north, for a high wire adventure activity course located in trees and single storey cabin for one no. reason which relates to inadequate information that it would not impact on species protected under the EU Habitats Directive, Annex IV and under the EC Birds and Natural Habits Regulations.

5.0 Policy Context

5.1.1. Kildare County Development Plan 2023-2029 (the CDP)

The Development Plan includes the following relevant sections, policies and objectives:

Chapter 10 – Community Infrastructure and Creative Places

- Objective SC 018 *Encourage and facilitate, where appropriate, the introduction of accessible amenities in parks and other suitable locations, which may include outdoor gyms and adult exercise equipment.*

Chapter 11 – Built and Cultural Heritage

- Section 11.15 Protected Structures including Objectives AH O21 (Protect curtilage of protected structures), AH O23 (require architectural heritage assessment report with relevant applications), AH O31 (protect designed landscapes associated with protected structures) and AH O32 (ensure development will not adversely impact on the setting of a protected structure or obscure established views).
- Section 11.16 Country Houses and Demesnes including Objective AH P8 (Preserve and protect the historic gardens and designed landscapes), Objective AH O46 (Encourage conservation, renewal and improvement), AH O51 (impacts on landscapes) and AH O52 (Designate and protect historic landscape areas including demesnes)

Chapter 12 – Biodiversity and Green Infrastructure

- Section 12.5.3 County Kildare Biodiversity Action Plan 2009-2014 including Objective BI O6 which is to *“Apply the precautionary principle in relation to proposed developments in environmentally sensitive areas to ensure that all potential adverse impacts on a designated NHA or Natura 2000 Site arising from any proposed development or land use activity are avoided, remedied, or mitigated.”*
- Section 12.6.2 Natural Heritage Areas (NHAs) and Nature Reserves including Table 12.2 which refers to Donadea Wood PNHA (site no. 001391).
- Objective BI P1 (protection and enhancement of biodiversity and landscape features).
- Objective BI P2 (maintain conservation status of designated sites).
- Objective BI P3 *Ensure that any proposal for development within or adjacent to a Natural Heritage Area (NHA), Ramsar Sites and Nature Reserves is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the site, particularly plant and animal species listed under the Wildlife Acts and the Habitats and Birds Directive including their habitats.*

- Objective BI O12 (Require the preparation of an Ecological Impact Assessment (EclA) within NHA or PNHAs and for sensitive sites).
- Objective BI O14 *“Conserve, preserve and protect the integrity of and maintain the favourable conservation value/status within or adjacent to Ramsar Sites, Statutory Nature Reserves, Biogenetic Reserves, Wildfowl Sanctuaries, all existing and proposed NHAs. They should be designed and sited so as to minimise their impact on the ecological and landscape values of these sites under National and European legislation and International Agreements”.*
- Section 12.7 Protected Habitats and species outside Designated Areas
 - Objective BI P4 is to *“Ensure that any new development proposal does not have a significant adverse impact, incapable of satisfactory mitigation on plant, animal or bird species which are protected by law”.*
 - Objective BI O16 is to *“Ensure appropriate species and habitat avoidance and mitigation measures are incorporated into all new development proposals”.*
 - Objective BI O18 *“Require all applications for new developments to identify, protect and sensitively enhance the most important ecological features and habitats, and incorporate these into the overall open space network, keeping free from development and to provide links to the wider Green Infrastructure network as an essential part of the design process and by making provision for local biodiversity (e.g. through provision of swift boxes or towers, bat roost sites, hedgehog highways², green roofs, etc.).*
 - Objective BI O22 *“Identify and protect areas of high nature conservation value (including but not limited to SAC/SPA/pNHA) and support the landscape features which act as ecological corridors/networks and stepping-stones, such as river corridors, hedgerows, and road verges so as to minimise the loss of habitats and features of the wider countryside which are of major importance for wild fauna and flora in accordance with Article 10 of the Habitats Directive”.*

- Section 12.8.1 County Biodiversity Sites
 - Objective BI P5 (conserve locally important sites)
- Section 12.9 Trees, Woodlands and Hedgerows
 - Objective BI O34 (*woodlands*)
 - Objective BI O35 (Protect existing woodlands and trees and deciduous forest)
- Section 12.11 Peatlands, Wetlands and Ramsar Sites.
- Under Table 12.5 Donadea Wood PNHA (KWS site code 30) is rated B (nationally important).
- Objective BI O49 (Protect wetland sites).
- BI O50 *Protect and conserve wetlands from infilling, drainage, fragmentation, degradation, and resist development that would destroy, fragment, or degrade any wetland identified as part of the County Kildare Wetland Survey 2012-2014, (See Table 12.6)".*
- Section 12.14 Green Infrastructure
 - Objective BI O64 (*Green Infrastructure in Kildare*).
- Section 12.14.7 Nodes/Stepping Stones
 - Objective BI O71 (Green Infrastructure)
 - BI O72 (Green Infrastructure network)

Chapter 13 – Landscape, Recreation and Amenity

- Section 13.6.1 Countryside Recreation.
- Section 13.6.2 Forest Parks, Woodlands and Boglands
- Objective LR P4 (recreation infrastructure)
- LR O40 (protect biodiversity value of all sites)
- LR O41 is to “*Support Coillte, Bord na Mona, Waterways Ireland and other state agencies to explore the provision of more recreational infrastructure at*

appropriate locations to include access ways and nature trails with a view to opening up state lands for recreational use”.

- LR O56 (management plan)

Chapter 15 – Development Standards

- Section 15.6.1 Active Open Spaces
- Section 15.7.2 Cycle Parking
- Table 15.4 – Minimum Cycle Parking Standards includes Recreation Centre 1 space per 50sq.m. GFA, playing fields 20 spaces per pitch.
- Section 15.7.8 Car Parking
- Table 15.8 – Maximum Car Parking Standards includes Recreation Centre 1 per 15sq.m. GFA, playing fields 15 spaces per pitch.
- Section 15.15 Advertising and Signage
- Section 15.17.1.2 Development Within the Curtilage, Attendant Grounds and Setting of Protected Structures
- Section 15.17.4 Natural Heritage, Green Infrastructure and Biodiversity

5.2. Section 28 Ministerial Guidelines

- 5.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.3. Natural Heritage Designations

The site is located within Donadea Wood Proposed Natural Heritage Area (PNHA) (site code 001391). The following designated conservation sites are located:

- c.3.5km north-east of Hodgestown Bog NHA (site code 001393).
- c.3.7km north-east of Ballynafagh Lake Special Area of Conservation (SAC) and PNHA (site code 001387).

- c.7.3km north of Grand Canal PNHA (site code 002104).
- c.9.4km south of the Royal Canal PNHA (site code 002103).
- c.13km south-west of Rye Water Valley/Cartron SAC (site code 001398).
- c.13.5km east of Carbury Bog NHA (site code 001388).

5.4. EIA Screening

See Forms 1 and 2 appended to this report. The proposed development is located within a woodland area which is located within a rural area. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

One no. appeal was received from John Tuite and Jacinta Tuite of Dunmarragh Hill, Donadea, Co Kildare. The grounds of appeal can be summarised as follows:

- The proposal is contrary to the policies of the Development Plan.
- Given that most visitors will travel by private car, is the proposed development consistent with the Climate Action Plan 2024?
- The site notice was only on limited display with incorrect dates.
- The site is in a sensitive location where the Ice House is located and within an historic demesne and within the curtilage of protected structures including that of Donadea Castle and estate.
- Leaf cover during winter is significantly reduced revealing the site's visibility in winter and the visual impact assessment in the AHIA was minimised having taken place outside winter.

- The Ice House is visible from the nearby pathway and is located within an ancient wooded area previously surrounded by open fields.
- A Conservation Plan for Donadea is required and it is not appropriate to assess one element in isolation. The proposal is premature.
- The Grant of permission does not address monitoring impacts on the Ice House during construction.
- The Ice House is also a candidate for roosting bats given the lack of pointing between the stones.
- The development will result in disturbance at and around the site in terms of noise and activity and from traffic including for wildlife such as the red squirrel residing in the mature trees, long-eared owl confirmed nesting within 500m of the site and barn owl chicks confirmed calling within the zone of disturbance.
- In the EclA the timing of the surveys were inadequate.
- The EclA is limited in not considering the impacts as a whole and the zone of influence of the development is limited and not in accordance with best practice.
- The County has limited mature broadleaved woodland and the survey within the EclA was inadequate and the impact on wildlife, birds and bats is difficult to assess.
- The EclA does not propose any monitoring measures for protected species including bats and requires additional information to assess the development.
- There is a lack of monitoring measures in relation to mitigation measures which lack timing requirements in the EclA.
- An assessment of impact on the local bat population would have been aided by detailed data and the survey is limited in this regard.
- The Council decision does not address monitoring the impacts of bats during construction or condition requirements in relation to this.
- The visual impact on the demesne landscape has not been assessed.
- The proposal would defeat objectives BI O14, BI O34 and BI O35.

- There are no conditions in relation to the potential use of artificial lighting.
- Issues in relation to mobile phone coverage and no mention of extending services and impact this might have.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- 21 pages of the appeal consists of a list of planning policies with no assessment of the development against these policies and objectives.
- The sharing of trips to and from the site together and "leave no trace" nature of the development given rise to no concerns in relation to climate action.
- There is no analysis or data presented which contradicts the documents submitted or the view of KCC Roads Department.
- The distance from the Ice House and the tree cover, noting the Conservation Consultant's view, is such that there would be no significant impact.
- No analysis or data contrary to the findings of the EclA has been presented and all the submitted information was accepted by the Council.
- The project ecologist confirms that, based on surveys and a thorough assessment:
 - The site has little / limited ecological value.
 - The required mitigation measures will be put in place prior to development.
 - There is no evidence of any survey data submitted in relation to the applicant's mention of protected species.
 - No Annex 1 or Annex 2 species were identified during site visits.
 - No red or amber listed bird species were found at the site.
 - The development will not increase noise disturbance in the park which is used for recreational activities by a large number of visitors, operating periods are controlled and a noise condition is accepted.

- Squirrels and owls are not vulnerable to disturbance as they forage/ hunt during the crepuscular period and during darkness.
- Barn owls tends not to hunt within woodland.
- Red squirrels prefer coniferous woodland in which to forage and the woodland is dominated by beech, a deciduous species.
- The upper canopy will not be removed and any existing flora and fauna will remain post development as there is no intention to remove existing habitat apart from Ash trees which are failing.
- The project ecologist will be present during construction with yearly monitoring taking place.
- It is not proposed to remove Ivy or provide any lighting as part of the proposal.
- The concerns raised in relation to climate change and conservation plans are not in the control of the applicant and are the responsibility of the site owner.
- There will be no impacts on the heritage assets of Donadea Forest Park.
- There is no requirement for lighting, significant power connections or excavations and/or foundations on the site.

6.3. Planning Authority Response

The Planning Authority confirms its decision and refers to the internal and external reports, as applicable.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Heritage / Conservation.

- Ecology.
- Transportation.
- Other Matters.

7.2. Heritage / Conservation

- 7.2.1. I note the location of the site in a forested area c.0.5km south-west of Donadea Castle within Donadea Demesne and c.0.6km south-west of Donadea Canopied tomb and medieval church in ruins. The area immediately around the castle and a larger area to the north, including around the church, includes open green areas within the forest in addition to the clearing around the lake located to the south-west of the castle and which is c.250m from the subject site within the forest park.
- 7.2.2. Donadea Forest Park is a Coillte owned site where paid access by the public is permitted. It functions as a recreation park for visitors with activities such as passive and active recreation including walking, running, a nature trail, with visitor facilities on the site such as a picnic area, café, car park, gardens, orienteering, leisure cycling and toilet facilities.
- 7.2.3. The proposed development on the subject site includes provision for a zipline course suspended from the mature trees in the vicinity of the ice house but no closer than 25 metres from it with a relatively small staff cabin in this area which is to one side of the ice house, a net adventure area with ropes course on the other side of the ice house outside of a 25 metre radius thereof and a larger single storey reception cabin with decking in this area and, outside of this area, there are associated works proposed for the car park and access road to the forest park.
- 7.2.4. The submitted Planning Statement notes that the trees will be selected at a later date for robustness and ability to withstand weight with a further specialist arborist report and study to be completed to ensure each selected tree is healthy and suitable for this use and where any trees are found to not be suitable, alternative trees will be used. It is stated that *“this activity would complement the leisure and recreational facilities in Donadea, the surrounding areas and indeed the county as a*

whole. Our client's facilities are particularly attractive to youths and those looking for something different and challenging".

- 7.2.5. It is proposed that the lines be fastened onto trees with the Zipit lines located several metres above ground and there would also be nets and platforms located beside and around the trees. For the cabins, the submitted Planning Statement notes that the proposals are fully reversible and that the construction of the cabins involves little in the way of construction of excavation limiting potential for root damage. This is done by hand.
- 7.2.6. The Planning Statement notes that "*the whole activity can be dismantled, leaving the forest undamaged. Zipit assesses the trees, and the platforms are built to allow trees to continue grow. Activities can be changed or even reduced and areas closed off with the development site, and trees rested, whenever regular inspections suggest this as a responsible and appropriate course of action particularly from an environmental and ecological perspective*". The report notes that when operational, environmental actions and safeguards will be undertaken and best practice implemented to avoid impact on local ecology.
- 7.2.7. In terms of activities, the report notes that sessions are in one to three hour blocks with a maximum of 12 to 20 people permitted every half hour and that the facility is designed to accommodate 90 to 100 clients at any one time with c. 5 to 12 staff on the site at any one time. It notes that the majority of visitors usually arrive by car other than large school or corporate groups which tend to arrive by bus.
- 7.2.8. I note the location of the proposed development adjacent to an ice house within the curtilage of Donadea Castle. I note that there would be no development located within 25m of the ice house and that the footprint of the development would be largely limited to the cabins as the ropes and nets would be suspended above ground level from some of the trees.
- 7.2.9. I note the submitted Architectural Heritage Impact Assessment (AHIA) prepared by Dr Jason Bolton. The assessment notes a negligible impact of the high wire adventure course on the ice house with no required mitigation measures and in

relation to the impact of the two cabins, it notes that the “*two structures are intended to blend with their woodland setting and should not be a visual distraction from the ice house and should not detract from its character or the character of the historic demesne*”.

7.2.10. Given the subject site’s location within a forested area which is largely forested between it and the castle and other conservations interests to the north, I am satisfied that given the negligible visual impact associated with the cabins and the high ropes and nets, distance to Donadea Castle to the north, the setback from the ice house by at least 25 metres and the high level of screening from the forested area around the site, that no concerns arise regarding negative impacts on the protected structures, their immediate settings or the demesne setting from the proposed development. I have had regard to the effects of the winter/spring seasons in relation to loss of leaves, particularly from the beech trees, in reaching this conclusion. I do not consider that a conservation plan for Donadea is required for such a small scale development on a small area of the demesne and, accordingly, I do not consider the proposal to be premature. I note the Development Plan does not require the preparation of a conservation plan per Section 11.9.

7.2.11. Given the scale of development to be located in a shallow bowl type woodland area around the ice house, over 25m away at a minimum, and within a woodland area, I agree with the assessment of the AHIA. While the ice house may be visible from a nearby pathway, it is of modest scale and in keeping with its woodland setting. The proposed zip wire structures, due to their modest scale and limited visibility in the trees, would have a negligible impact on the ice house and the two cabins. Due to their limited scale (larger structure – ridge height 4m, eaves height 2.4m, 6m wide) and sensitive design, would integrate with the woodland setting. I have no significant concerns in relation to the visual impact of the proposed development on the setting of the ice house (minimum separation distance of 25m) or on the site and wider area.

7.2.12. Given that no works are proposed within 25m of the ice house and that works outside of this area are designed to have minimal impact with little or no excavation required, I see no reason to require a specific condition in relation to monitoring impacts on it should permission be granted. Noting the submission of the

Construction Management Plan prepared by J.D. Buckley Construction Ltd, I recommend the use of a standard construction management condition should permission be granted. I note no material inconsistencies with the Development Plan policies on built and cultural heritage including Objective AH P8, Objective AH Objective O46, Objective AH O51, Objective AH O52 and Section 15.17.1.2. I also note a general consistency with CDP policy, including Section 13.6.2, in relation to the encouragement of recreational activities within such woodland settings. I note the Architectural Heritage Protection Guidelines notes that regard should be had to important features within the attendant grounds of protected structures and that this includes woodlands and their contribution to the character of the protected structure. The guidelines also provide for the sustainable re-use of protected structures and their grounds in ways that retain character and special interest to ensure their future preservation. I note no inconsistencies with the guidelines.

7.3. Ecology

- 7.3.1. I note the location within Donadea Wood PNHA. This PNHA is designed for the presence of two rare species of Myxomycete fungus, namely *Diderma chondrioderma* and *Licea testudinacea* and is also of interest as it has a significant proportion of deciduous trees and it is noted that parts of the site have been wooded for a long period of time. The designation also notes that the site has been planted with deciduous and coniferous trees including ash, cherry *Prunus* spp. And sycamore *Acer pseudoplatanus*, the ground flora is species poor and poorly developed with species including common dog-violet, ground-ivy *Glechoma hederacea* and wood avens *Geum urbanum*.
- 7.3.2. The applicant has submitted An Ecological Impact Assessment (ECIA) report prepared by Gerard Tobin, an Ecological Consultant based on surveys of the site and surroundings. The report notes the absence of Annex 1 (EU Habitats Directive) habitats and the absence of Annex 1 bird species (EU Birds Directive) and the report noted that there are currently no birds of conservation concern within the subject site. It was noted in relation to watercourses, that there is no interference with mammal access to riverine habitats envisaged. No impacts on local adjacent habitats were noted and no impact on rare or protected species was identified.

- 7.3.3. In terms of likely significant impacts from the proposed development, no areas of concern were identified including in relation to flora, terrestrial fauna, adjoining agricultural land or associated watercourses. A number of mitigation measures and objectives were recommended in the ECIA including that zip lines not be erected over foraging or commuting routes for bats, netting be suitable to prevent bat entanglement and the presence of an ecologist during construction among other measures.
- 7.3.4. Among the conclusions of the ECIA are that:
- The footprint of the zip line is in the area of least ecological interest in the area due to footfall and canopy occlusion.
 - There will be no significant adverse ecological impact.
 - No significant impact on water quality is predicted.
 - There will be no impact on local adjacent habitats and no impact on rare or protected species.
 - No bat roosts will be disturbed and no impact on bat population is anticipated.
 - No badger setts were found.
 - All works are reversible should the need arise.
- 7.3.5. By way of a request for further information, the applicant was requested to supply survey details including details from Bat Conservation Ireland surveys conducted since 2018 and details of construction related mitigation measures. The Ecology Response prepared by Gerard Tobin included details of the surveys undertaken including in relation to methodology and noted that the findings were incorporated into the ECIA, and construction measures were outlined. The P.A. referred this response to the Heritage Officer and no objection subject to condition was advised and this was accepted.
- 7.3.6. The application includes a '*Bat/owl/pine marten survey and assessment of area of proposed zip line course*' report prepared by Gerard Tobin, an Ecological Consultant. Surveys were undertaken on 11th and 12th May 2022 and on 4th and 5th May 2023. The survey found evidence that bats are currently present in the general area and a

number of species present “foraging/commuting along the woodland paths”. No owls were found. One no. pine marten was seen in the area. No evidence of the presence of otters was found. The survey notes that bats are listed in Annex IV of the Habitats Directive, the lesser horseshoe bat is listed in Annex II and pine martens are protected under the Wildlife Act 1976 as amended. Pine martens are listed under Annex V of the Habitats Directive as well being subject to other protections. It noted protection for owls under the Wildlife Act and under EC Directive on The Conservation of Natural Habitats and of Wild Fauna and Flora among other protections.

- 7.3.7. The application also includes a letter from County Tree Care Ltd Qualified Arborists. This confirmed that no damage to trees was anticipated and the site noted to include beech, sitka spruce, ash and western hemlock trees. A detailed survey was recommended in relation to the trees to be used for the zip lines. The report notes no requirement for a derogation licence in relation to works on a known bat roost. The predicted and residual impact of the proposal was found to be *“No major bat roosts, pine marten habitat or owl foraging territory should be lost due to the proposed works. The focus of bat activity appears to be along the forest tracks”*.
- 7.3.8. The main areas of concern in relation to ecology and environmental impacts relate to disturbance at and around the site including from traffic with specific reference made to red squirrels, barn owls and barn owl chicks; the limited mature broadleaved woodland within the county; the scope of the ECIA; the limitations of the surveys; lack of monitoring measures; requirement for additional information; assessment of impact on the local bat population; the failure to address monitoring the impacts on bats and concerns in relation to artificial lighting.
- 7.3.9. These matters of concern will be considered below in relation to CDP policies on biodiversity, ecology and protection of the environment including Objective BI P1, Objective BI P2, Objective BI P3, Objective BI O12, Objective BI O14, section 12. 7 (protected habitats and species outside designated areas), Objective BI O34, Objective BI O35, Objective BI O49, Objective BI O50 and Section 15.17.4 (natural heritage, green infrastructure and biodiversity).

- 7.3.10. I note the absence of any expert ecological submissions in relation to the concerns raised by the appellant. The submitted ECIA specifically notes no concerns in relation to owls. In relation to red squirrels and barn owl chicks, these species were not raised as ones of concern in the ECIA likely at least partly because they would not be disturbed by the proposed development. The applicant has asserted that barn owls tend not to hunt within woodland and that the red squirrel prefers coniferous woodlands in which to forage. In relation to these species, the appellant has raised ecological issues of concern without supporting scientific evidence. Noting the type and scale of development proposed in a woodland setting, I have no significant ecological concerns in this regard.
- 7.3.11. There would be no tree felling required by the proposed development with best practice tree management measures stated to be employed, including monitoring and resting, to be employed as noted in the submitted Planning Statement. Therefore, I have no significant concerns in relation to the potential loss of mature broadleaved woodland for the site.
- 7.3.12. The appellant questions the scope of the ECIA particularly in relation to considering impacts on the site as a whole. I note that in relation to the specific concerns raised in the appeal, that this assessment has found no specific issues of concern. I note that the ECIA was prepared by a qualified ecologist and on this basis and noting that the ECIA is a thorough report and that in this assessment I have found no specific issues of concern in relation to the proposed development, I am satisfied that the scope of the ECIA is applicable to the proposed development. I consider the ECIA to be adequate for a development of this modest scale, with no significant adverse impacts noted, to enable an assessment of the ecological impacts of the proposed development
- 7.3.13. The appeal asserts that the ecological surveys conducted were limited with no indexed table to trees and habitat location markings and that an assessment of the impact on the local bat population would have been assisted with detailed data and information. I note the submitted 'Bat/owl/pine marten survey and assessment of area of proposed zip line course' report prepared by Gerard Tobin (ecologist) with surveys having been undertaken on 11th and 12th May 2022 as well as 4th and 5th

May 2023. The bat survey, which included owl and pine marten also, was undertaken within the active season and with no daytime temperatures below 11 degrees Celsius noted in either survey period. I also noted the submitted 'Appendix A – Ecology Response to FI request Donadea' report prepared by Gerard Tobin which provided more detail in relation the ecological surveys and noted survey dates in relation on 21st and 22nd December 2021, 11th and 12th May 2022 and 25th and 26th April 2023 (bat surveys were on the dates previously noted above). No Annex 1 or Annex 2 species or habitats were noted to be present. This report also noted four main woodland habitats and noted no badger setts in the vicinity of the development. I also note that the surveys found no evidence for the presence of otters.

- 7.3.14. Noting the thoroughness of the submitted ecological reports and associated surveys which found no significant impacts on environmentally sensitive receptors, I consider the ECIA to be adequate for a development of this modest scale, with no significant adverse impacts noted in relation to disturbance or timing of impacts, to enable an assessment of the ecological impacts of the proposed development including in relation to bats and including in relation to their potential impact on the ice house. It is noted that no public lighting is proposed so possible impacts on bats from such lighting can be discounted.
- 7.3.15. In relation to operating hours, I recommend that the times/periods specified in the Council's planning decision be provided for by condition as these are consistent with the applicant's specification in the application and with daytime operating within the forest and would avoid the need for public lighting or related additional services. The first party has indicated that this condition is acceptable to them.
- 7.3.16. In relation to the asserted requirement for further information and lack of monitoring measures asserted by the appellant including by condition, I note the decision to grant permission included Condition no. 3 which required the implementation of all mitigation measures identified in the ECIA. I note that these mitigation measures included a provision for annual ecological monitoring of the site during the active bat season. I note that no basis for further monitoring has been established and that the monitoring of all mitigation measures, with the ecologist proposing to report and rectify any failures, is sufficient.

- 7.3.17. The concerns raised in relation to artificial lighting are noted to be without foundation given no such proposal exists and I have no significant concerns in relation to impacts on local ecology from such lighting given no such lighting is proposed.
- 7.3.18. The Decision to grant permission followed an F.I. and C.F.I. request in relation to the proposal to use the existing Coillte wastewater facilities in the demesne for toilet facilities for the users and staff of the proposed facility. The applicant demonstrated that the existing facilities could cater for the proposed development to the satisfaction of the Council's Environment Department and the planning authority. In this regard, noting that the environment department had no concerns subject to condition, I recommend that should permission be granted that a condition in relation to wastewater treatment be provided such that only clean, uncontaminated storm water can be discharged to the surface water drainage network. I consider this to be sufficient in relation to any potential ecological effects that could result noting the presence of two water courses and a lake on the demesne site and noting that the forest park is referred to as a nationally important wetland.
- 7.3.19. I note the submitted ecological reports found no significant impacts in relation to flora, terrestrial fauna, adjoining agricultural land and associated watercourses. Mitigation measures are recommended including that zip lines not be erected over forage or commuting routes for bats, the netting gauge be suitable to prevent bat entanglement, bat boxes to be erected on suitable trees, bird boxes to be erected, no artificial lighting to be used and the presence of an ecologist during construction among other mitigation measures.
- 7.3.20. Given that it has been demonstrated to my satisfaction that no significant ecological impacts would arise on the site, the PNHA and wetland, I do not consider that the proposed development would defeat the objectives of the CDP in relation to ecology, biodiversity or environmental protection. The proposed development would not significantly impact on the presence within the PNHA of two rare species of Myxomycete fungus, the deciduous and coniferous forests and the ground flora species and I have no significant concerns in this regard.

7.3.21. The National Biodiversity Action Plan (NBAP) includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

7.4. Transportation

7.4.1. I note that the parking for the proposed development would be provided by using the existing car park within the demesne which is located within walking distance of the subject site. I have no significant concerns that a requirement for additional parking arises given the limited number of trips that will be generated and given the substantial area of car parking available on the site. By way of F.I. and C.F.I. the applicant was requested to clarify certain matters in relation to access and parking including the provision of a passing bay for buses, signage and road markings, bus route signage, a pedestrian path in the car park, set back at the entrance and measures to prevent informal car parking at bends in the car park. These matters were addressed to the satisfaction of the Planning Authority and its Transport Department.

7.4.2. Having reviewed the plans and particulars associated with the proposed development and the submitted Road Safety Audit Stage 1 prepared by Roadplan Consulting, I have no significant concerns in relation to the safety of the access arrangements to the site noting the use of the existing arrangements and the enhancements to same proposed as accepted by the Council's Transportation Department and whereby the enhanced arrangements can be provided for by condition should permission be granted.

7.4.3. The appeal has raised concerns in relation to consistency of the proposed development with the Climate Action Plan 2024. This relates to the increased trips by private car that, it has been asserted, would result. The respondent to the appeal noted that *“while visitors to the site will travel by car, it is not likely each visitor will travel to the site to use our client’s facility in separate cars, with many patrons sharing journeys. Furthermore, due to the nature of the proposed development, the majority of visitors to our client’s facility may arrive via bus for school tours etc.”* The respondent also notes that shared trips to the Forest Park and Zipit activities are likely to also occur. I consider these to be reasonable assumptions for a development of this type where group outings are common to such attractions given the social nature of such activities and that young people are likely to constitute a high proportion of visitors, where group outings are common.

7.4.4. Noting the likelihood of a high proportion of shared trips to and from the site in respect of visitors to the proposed development, I have found no difficulty in land use planning terms with the subject site and proposed development and I note that minimal impact in terms of built environment would occur. The subject site is located within an existing recreational site which by its nature is rural in character. The development is low emission in nature. I consider that such a development can be considered sustainable in that it would effectively minimise single car journeys to and from the site and in this way, would be consistent with the National Climate Action Plan 2024 which, of particular relevance, seeks a modal shift towards active and sustainable travel, reduced travel by private car, decarbonisation of school transport services and to optimise connectivity and access to sustainable and active travel. Shared vehicular journeys to and from the site would aid in reducing the per person carbon emissions that would otherwise result from a development of this nature and I have no significant concerns, noting the modest nature of the proposed development and that no deforestation is proposed, in relation to consistency with the Climate Action Plan 2024 and the Climate Act.

7.5. Other Matters

7.5.1. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice, I note that both matters were considered

acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

- 7.5.2. In relation to the potential requirement for phone coverage extension, I note that the Board is restricted to considering the development before it as stated in the public notices and cannot anticipate general demand changes for various services, such as phone coverage, that may result from a development of this nature. Such considerations are not relevant to the consideration of the proposed development as stated, and in any event, additional hypothetical developments, unless deemed to be exempted development, would be required to apply for permission whereupon a planning assessment would be required.
- 7.5.3. As the proposed development does not include provision for a café or the sale of food or drink on the premises, with the impacts of such uses not taken into account as part of this assessment, I recommend that should permission be granted, it be clarified by condition that such provision is not permitted as part of the development.
- 7.5.4. In relation to waste management, construction management, surface water drainage and noise impacts, I recommend that standard conditions be applied should permission be granted to ensure that no undue negative impacts arise on the site, its surrounds or upon amenities in the wider area. I do not consider that an operational noise condition is necessary or reasonable for a development of this type within a screened forested area at a significant distance from residences. I also note that the development, being a non-residential development, is subject to the Kildare County Council Development Contribution Scheme 2023-2029.

8.0 Appropriate Assessment

- 8.1. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation

(SAC) or Special Protection Area (SPA). The project is not necessary for the management of a European site.

8.2. The subject site is located:

- c.3.7km north-east of Ballynafagh Lake Special Area of Conservation (SAC) (site code 001387).
- c.13km south-west of Rye Water Valley/Cartron SAC (site code 001398).

8.3. The proposed development comprises the erection of highwire and nets adventure activity course, cabins and associated works.

8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale and limited nature of the development.
- The location of the development at a significant distance from any European sites and the lack of an ecological pathway.
- Taking into account the screening determination carried out by the Planning Authority.

8.5. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the location of the subject site within Donadea Wood PNHA, the provisions of the Kildare County Development Plan 2023 – 2029, the absence of significant impacts on biodiversity or green infrastructure, the mitigation measures proposed in relation to local ecology per the submitted Ecological Impact Assessment at Proposed High Wire Zip Line Adventure Centre', 'Bat/owl/pine marten survey and assessment of area of proposed zip line course', 'Appendix A – Ecology Response to FI request Donadea', the absence of any significant impacts on heritage or cultural assets and the nature of such activity centres in terms of potential for shared trips and sustainable transport patterns with defined opening hours, and to the nature and scale of the proposed development with no significant congestion likely to result, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 5th day of October 2023, as amended by the further plans and particulars received by the planning authority on the 15th November 2023, 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 proposed development shall not include any provision for sale of food and drink on the premises or site.

Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted 'Ecological Impact Assessment at Proposed High Wire Zip Line Adventure Centre, Donadea Forest Park, Co Kildare' received on the 5th day of October 2023 and 'Ecology Response to FI request Donadea' received on the 5th day of October 2023, shall be implemented.

Reason: to protect the integrity of designated conservation sites.

4. Restoration shall be carried out in accordance with a restoration plan, which shall include, proposals for removal of the development and a timescale for implementation should the activities associated with the development cease. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

6. The disposal of surface water and waste water shall comply with the requirements of the planning authority for such works and services and only clean, uncontaminated water shall be discharged to the surface water drainage network. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

8. The operating hours of the development shall be as follows:
 - Mid-February to end of March: Friday (pm only to 5pm), Saturday and Sunday 9am to 5pm.
 - April: Thursday and Friday (pm only to 8pm), Saturday and Sunday 9am to 8pm.
 - May: Thursday and Friday (pm only to 9pm), Saturday and Sunday 9am to 9pm.
 - June, July and August: 9am to 9pm, 7 days a week.
 - September: Thursday and Friday (pm only to 8pm), Saturday and Sunday 9am to 8pm.
 - October to Mid-November: Friday (pm only to 5pm), Saturday and Sunday 9am to 5pm.
 - Mid-November to mid-February: closed.

Any changes to these opening hours shall require the prior written approval of the Planning Authority.

Reason: In the interest of clarity and to protect the amenities of the area.

9. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for

construction traffic, parking during the construction phase, the location of a compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

10. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

11. 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 Bord 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.

Ciarán Daly
Planning Inspector

17th December 2024

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-318801-24		
Case Reference			
Proposed Development Summary	Erection of highwire and nets adventure activity course cabins, decking and associated works		
Development Address	Donadea Forest Park, Donadea Demense, Donadea, Co. Kildare.		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Schedule 5 Class	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X	Class 12(e) Theme Parks occupying an area greater than 5 hectares	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 12(e) Theme Parks occupying an area greater than 5 hectares. The size of the development is modest at ground level with two cabins provided for and ropes and nets provided for in the trees on a site area of 0.73 hectares	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening Determination remains as above (Q1 to Q4)
Yes		Pre-Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318801-24	
Proposed Development Summary	Erection of highwire and nets adventure activity course cabins, decking and associated works.	
Development Address	Donadea Forest Park, Donadea Demense, Donadea, Co. Kildare	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p>	<p>The proposed development is for highwire and nets adventure activity with wooden platforms suspended from trees, two cabins and decking.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>		No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The development above ground level would be modest such that it would have a negligible visual impact while the cabins would be modest in size and scale with limited ground disturbance and would integrate on the site.</p>	No
<p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>		<p>No other significant projects noted on the site or vicinity.</p>
Location of the Development		

<p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p>	<p>The site is located within Donadea Wood PNHA. There will be no loss of trees/ habitat with localised impacts only which per the submitted EcIA would not be significant.</p> <p>The ice house would not be affected and the development is located to have negligible impact on the character and setting of the protected structure and its areas of special interest and would have a negligible impact on the landscape associated with these structures.</p>	<p>No</p>
<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The proposed development will be connected to the public water and sewer network.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)