



**Development**

A recreational cycle and walk way to connect into the existing Loch Dhoire Bhile Loop which 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. This Planning Application is accompanied by a Natura Impact Statement (NIS).

**Location**

Bord Na Móna lands, within the townlands of Ballybeg, Derryvella and Lanespark, in County Tipperary

**Planning Authority**

Tipperary County Council

**Planning Authority Reg. Ref.**

2560154

**Applicant(s)**

Bord Na Mona Energy Ltd.

**Type of Application**

Permission.

**Planning Authority Decision**

Grant permission

**Type of Appeal**

Third Party

**Appellant(s)** Tina Dollard & Others.

**Observer(s)** None.

**Date of Site Inspection** 15 December 2025

**Inspector** Claire McVeigh

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## 1.0 Site Location and Description

- 1.1. The subject site, stated site area of 1.8ha, is located within the townlands of Ballybeg, Derryvella and Lanespark in County Tipperary and between the villages of Littleton (An Baile Beag) a defined 'Service Centre' in the settlement strategy and Glengoole (Gleann an Ghuail) also known as New Birmingham which is designated as a 'Local Service Centre'. Littleton is situated on the regional road R639 between Cashel and Urlingford. The subject site is proposed to be accessed off the L-4153, L-2111-1 to the north and L-4151-0 local road to the south. The proposed development also crosses the L-41511-0 and L-2404-0.
- 1.2. The subject lands comprise existing former rail bed, existing bog headlands/former high fields and pre-existing machine access routes within Bord Na Mona former industrial peat harvesting lands. The lands immediately adjacent to the subject site /wider Bord Na Mona landholding comprises open countryside, rural residential dwellings and farm holdings.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a recreational walk and cycle route to connect into the existing Loch Dhoire Bhile Loop which will include: -

- Repurposing 602metres of existing former rail bed, 2859metres along existing bog headlands/former high fields and 721 metres along pre-existing machine access routes.

Section 5.1 of the submitted Ecological Impact Assessment (EclA) Report describes the Derryvella Bog Route and the Ballybeg Bog Route as follows:

### **Derryvella Bog Route**

The eastern section of the proposed development runs from the northern end of Derryvella Bog, where a Type 2 Gateway (BnM ref: TY-02-03) and car park is located at the juncture with the local road here. From here, the proposed development follows a high field on the eastern side of the bog for approximately 725 metres, at which point it skirts the south-western boundary of the bog before continuing west. The proposed development continues to

the west for approximately 645 metres where a new Type 4 Gateway (BnM ref: TY-04-04) is proposed.

### **Ballybeg Bog Route**

Commencing within western Lanespark, this section of the proposed development connects to the existing Littleton Labyrinth amenity route network to the north of the existing car park. The route subsequently crosses the local road approximately 175m to the west before turning north within the Ballybeg Bog boundary. Within the agricultural field here the route extends to the north for approximately 440m before it enters Ballybeg Bog itself and then skirts the eastern boundary and headland for a distance of approximately 455m. Approximately 160m before reaching the northern boundary of Ballybeg, the route turns west and follows the revegetated cutaway to the northwest, crossing a large drainage ditch via a new culvert. The route continues to the northwest following the bog boundary and cross future areas of former bog currently managed as agricultural grazing pasture. This section of the proposed development terminates where the bog boundary meets the local road to the north, at which point a Type 2 Gateway (BnM ref: TY-02-01) is proposed to provide parking and access here.

- Construction of 2 no. car and/or bicycle parking facilities at 2 no. gateway locations along the proposed route and the provision of EV charging spaces. 1 no. bicycle parking only gateway. The gateway references are as follows:
  - Gateway TY-02-01 in the townland of Ballybeg
  - Gateway TY-02-03 in the townland of Derryvella
  - Gateway TY-04-04 in the townland of Lanespark
- Upgrade works to 1 no. local access road crossing and 4 no. agricultural access crossings.
- The erection of wayfinding and interpretative signage at gateway locations.
- Implementation of Sustainable Urban Drainage Systems (SuDS) nature-based drainage proposal to cater for surface water drainage at car park locations.

- Fencing and screening to be erected where required for health and safety and biodiversity reasons which will include 2250metres of screening and 1925 metres of boundary treatment fencing.

A Natura Impact Statement (NIS) has been prepared by Delichon Ecology and is submitted in support of the proposed development.

2.2. Appendix II of the submitted Ecological Impact Assessment Report (EclIA) outlines that the nature of the pre-existing use of the proposed route by Bord Na Mona machinery and indicates that the topography along the proposed route is relatively levels, however, there are areas where the installation of stone sub-base below the proposed trail will be required to ensure gradients are within the acceptable thresholds as outlined in TII – Rural Cycleway Design (Offline & Greenway) DN-GEO-03047 (refers to Drawing No. BNM-DR-MTN-TY-0400). A compacted stone finish is proposed for the majority of the greenway surface, with provision for the inclusion of an enhanced bound asphalt finish (Trail Type 01) at all gateways across the trial network for a distance of 250 metres to each side of the road crossing or gateway.

2.3. In response to the appeal, I highlight to the Commission that a revised drawing 'Gateway TY-02-01' Drawing no. BNM-DR-MTN-TY-0300 has been submitted which shows additional screening (to ameliorate noise impacts and provide privacy) at the proposed Ballybeg car park (Gateway TY-02-01). I highlight to the Commission that the screening is outside of the application red line boundary but within the applicant's landholding as shown by the blue line boundary.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 18 August 2025 the planning authority granted permission subject to 10 no. conditions, please refer to section 3.2.3 which outlines the bespoke conditions attached by the planning authority.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- Initial report dated 23 April 2025 – Requests further information in respect to the proposed management and maintenance of the development post construction, a revised site layout plan to demonstrate the required sightlines of 120m to the nearside road edge in both directions from a setback of 4.5m at the centre of the entrance (the use of a lower operational speed to determine appropriate sightlines may be accepted by the Council subject to demonstration that the operational speed is less than the mandatory speed) and proposals for a replacement boundary treatment where applicable, details of all boundary treatments proposed.

The development is not a project listed in Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) and no screening is required.

An appropriate assessment is required, and the applicant has submitted an NIS with the application.

- Second report dated 15 August 2025 – Notes that Bord Na Mona will be responsible for the management and maintenance of the proposed trails in accordance with a maintenance and management plan to be implemented at operation stage including a winter service plan in line with TII Guidelines. 120m sightlines from 4.5m setback are shown in the revised plans and all clearance works to obtain these sightlines are now within Bord Na Mona owned lands. The nature and design of the proposed boundaries are considered to be acceptable.

### 3.2.2. Other Technical Reports

- Carrick-on-Suir District Engineer: Revised site layout plan to illustrate the required sightlines from the entrances of the 2 no. car parks as per section 6.1 and Table 6.1 and 6.2 of the Tipperary County Development Plan 2022-2028.

Where hedgerow removal and set back is proposed the red line site boundary shall be revised to ensure all works that are required to achieve the sight lines are contained within the site boundary.

Following receipt of the further information notes that the applicant has demonstrated revised sightlines on site layout drawing and has also submitted traffic impact reports. No further comment.

- Executive Engineer: Further information sought requesting a 4.5m setback with associated sightlines in compliance with the CDP. Recommends conditions in respect to roadside drainage and surface water runoff.
- Environment Section: (Excerpts) The proposed works support remote indirect hydrological connectivity with the Lower River Suir SAC via onsite drainage channels, downstream tributaries of the Black (Twomileborris)\_010, Drish\_050, Drish\_060, Breagagh (Tipperary)\_010 and Breagagh (Tipperary)\_020 watercourses. This hydrological connectivity has the potential to transmit aqueous pollutant sources to downstream European Sites within the project zone of influence, potentially impacting water dependent and nutrient sensitive features of qualifying interest.

In addition, the proposed development may contribute towards ex-situ disturbance effects to SCI species associated with Slieve Bloom Mountains SPA & Slievefelim to Silvermines Mountains SPA, should the SCI species (Hen Harrier) utilise expansive areas of cutover and rehabilitated bog within 150m of the route during the project construction and operational phases. However, the findings of the overwintering bird surveys and associated multi-disciplinary ecology surveys confirm that the majority of the proposed project footprint and immediate environs do not provide suitable roosting habitat or habitat to support abundances of SCI species associated with European Sites within the project Zol.

Given this connectivity (and viable source-pathway receptor dynamic) between the proposed works and these European Sites, there is the potential for impacts possibly contributing toward negative effects, through vectors such as construction phase run-off and the operation of machinery and personnel, in the absence of best practice measures during the works.

The use of the proposed walkway and cycleway during the project's operational phase may also contribute disturbance effects to ex-situ SCI species of SPAs and mobile species of qualifying interest for SACs within and

adjoining areas of more expansive cutover and rehabilitating bog. However, due to the separation distance between the proposed shared cycle and walkway and the boundaries of European Sites, sustained usage by mobile species and consequent ex situ disturbance effects are highly unlikely.

Following screening it was concluded that there is potential for likely significant effects to European Sites as a result of the proposed project.

Therefore, the potential for significant effects on any European Sites has not been excluded. Mitigation measures are detailed in the CMP, NIS and accompanying EclA. These will offset and diminish any negative effects on sensitive sites.

#### *Assessment of Impacts to Surface Water*

The pathway crosses an unnamed stream that flows into the Breegagh. The Breegagh flows around Littleton towards Thurles to join the Drish. The Drish flows approx. 0.75km west to meet the Suir. This section of the river is not a designated site but it flows south-west into the Lower River Suir SAC.

The pathway is situated alongside the North Glengole River for some of the trail. The trail crosses the river at two points. The North Glengole River flows into the Black River which in turn flows into the Drish. As stated above, the Drish flows into the Suir at a point that is not a designated site but flows south-west into the Lower River Suir SAC just outside of the Cabra wetlands.

The proposed development will necessitate installation of culverts at a number of locations on the exiting drainage ditch network to allow the proposed shared walkway and cycleway to cross these as well as to facilitate construction of the Gateway within northern Derryvella.

Due to the requirement for the crossing of existing drainage ditches via new culverts in specific locations, as well as importation of fill material and the use of excavator equipment during construction, there is potential for indirect water quality impacts on aquatic dependant habitats and species occurring adjacent to the proposed development footprint in the absence of mitigation. Such impacts could result in the deterioration in downstream and wetland habitats through siltation or via hydrocarbons associated with refuelling or maintenance of machinery in the absence of mitigation/best practice. There is

potential for connectivity between the wetland features occurring within the study area and downstream watercourses i.e. the downstream River Suir.

#### *Assessment of Impacts to Ground Waters*

It is unlikely for the development to impact groundwater.

#### *Air/Dust*

The construction phase of the project has the potential to cause excessive dust emissions. Due to the proximity of the proposed development to water courses, this would provide a pathway to carry pollutants generated from construction to the Lower River Suir SAC. A construction management plan was submitted to ensure that dust is kept to a minimum and best practise are used during construction phase.

#### *Noise*

There is potential for noise nuisance during the construction phase. The ecological surveys identified potential for significant effects on wintering and breeding birds that utilise cutaway bog habitat. This is more notably the case where the proposed development is located in close proximity to existing wetland habitat and where cutaway bog has revegetated to a more significant degree. Mitigation in the form of sensitive timings of works, pre-construction surveys and Ecological Restriction Zones, to be implemented where required, have been specified to ensure that no significant impacts on wintering and breeding birds will occur during construction.

#### *Lighting/glare*

No lighting is proposed for this development and construction work will take place during daylight hours.

#### *Flooding*

A site-specific flood risk assessment was conducted, and the findings were that the proposed development is considered to be a Water Compatible Development and flood risk to the site can be managed without increasing flood risk elsewhere.

Derryvella and Ballybeg bogs are part of PCAS (Peatlands Climate Action Scheme) and it is planned that these bogs would be subject to rehabilitation in 2025/2026 subject to approval by EPA and NPWS.

*"It should also be noted that adjacent bogs have been subject to works under the PCAS where rehabilitation measures have been completed. Evidence from bogs that have previously been the subject of restoration measures indicates a reduction in the frequency and magnitude of flood events by restoring a more natural hydrological regime i.e. rehabilitation will generally lead to dampening of peak flows and support sustained flows during dry periods. Any potential pluvial flood risk will be mitigated through an effective surface water drainage design for the site, which is in accordance with SuDS principles and the TII – Rural Cycleway Design (Offline & Greenway) DN-GEO-03047. The implementation of such measures is seen as sufficient to mitigate surface water network / pluvial flood risk within the site."*

#### *Other issues identified*

Bats were considered as part of the EIA. The trees that will be cleared have been checked for potential bat roosts and found to be unsuitable. *"No potential bat roosting locations will be lost or otherwise impacted as a result of the proposed development. Compensatory tree and shrub planting have been specified which will ensure that there will be an overall net gain in suitable edge habitat for foraging and commuting bats. No artificial lighting is proposed, and compensatory tree and shrub planting has been specified to ensure that no net loss of suitable edge habitat will occur".*

Two Badger setts are located within the study area. One of these setts (a subsidiary sett) is located within 50m of the proposed development, although this sett was disused at the time of the surveys. Precautionary mitigation for badgers will be implemented in the form of pre-construction surveys for the species and sensitive timing of works should the sett become active in the intervening period. No excavations are proposed within 30m of the sett. There is nonetheless potential for slight negative effects at the local geographic scale on badgers at the local level resulting from any undue disturbance to Badgers within the sett should it be recolonised in the intervening period.

Should the pre-construction surveys reveal that Badgers have recolonised this sett:

- (outside breeding season), then any works within 30m of the sett will be confined to daytime hours only with no works to be undertaken within one hour before sunset or one hour after sunrise within 30m of the sett.
- (during breeding season Dec-June) then any works within 50m of the sett will be confined to daytime hours only with no works to be undertaken within one hour before sunset or one hour after sunrise within 50m of the sett.

Habitats suitable for Marsh fritillary was discovered in some areas of the proposed development. Most areas where larval webs have been found will be avoided. Some adjacent supporting habitat will be removed to support the development, in these instances, Devil's-bit Scabious will be lifted and will retain a root depth of 300mm. All turves will then be used as part of the reinstatement following the completion of the required infrastructure. One area that hosts a supporting habitat for the Marsh fritillary and is subject to the proposed development occurs where the Type 4 Gateway is proposed.

*“Should construction in these areas be carried out between August and November (inclusive), this will be preceded by a pre-construction survey of any suitable areas of habitat for larval webs in order that any presence of the species can be located should they colonise in the intervening period. Any newly colonised or suitable areas in close proximity to the construction footprint will be demarcated as ecological exclusion zones as required, within which no passage of machinery or storage of materials will occur.”*

No Otter holts were identified within 150m buffer from the proposed development footprint. However, evidence of the Otter was recorded in a single location during the ecological surveys, in the form of a regularly used sprinting site a crossing point of a large drain within north-eastern Ballybeg.

In order to avoid any potential disturbance to Otter during construction, a pre-construction Otter survey will be carried out in accordance with best practice guidance (NRA, 2006) prior to the commencement of construction on Site. The aim of the survey is to identify any holts that may have been created in the intervening period.

Based on the information submitted and a desktop study carried out regarding the overall plan while considering the location in relation to protected areas and sensitive receptors, there is no objection to the proposed development from going ahead, subject to the following conditions: -

- Adhere to Habitat Management and Enhancement Plan.
- Adhere to mitigation measures as specified in the construction management plan.
- Adhere to mitigation measures as specified in the NIS.
- Adhere to mitigation measures as specified in the EclA.
- Adhere to Inland Fisheries Ireland Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Water 2016 with particular attention to section 2.1 for the installation of culverts.

### 3.2.3. Conditions

- Condition no. 2 a detailed Maintenance and Management Plan to be submitted for the written agreement of the planning authority.
- Condition no. 6 qualified archaeologist to monitor all groundworks associated with the development.

## 3.3. Prescribed Bodies

Development Applications Unit (DAU) Department of Housing, Local Government and Heritage:

Archaeology: It is noted that the proposed development site is relatively large in scale (over 1km). It is possible that hitherto previously unknown archaeological features/deposits may be disturbed during the course of groundworks required for the proposed development.

The Department is in receipt of a report titled 'Tipperary Midland Trail Network Archaeological Impact Assessment Report for Bord Na Móna Energy Ltd' by Dr

Charles Mount. It is noted in the report that the proposed development passes in relatively close proximity to a number recorded monuments that are subject to statutory protection in the Record of Monuments and Places (RMP) established under section 12 of the National Monuments (Amendment) Act 1930-2014 (see Table 4.1.1 pp 11-12).

According to the report, the proposed development will have no impact on any known items of archaeological heritage in the application site or vicinity. It is recommended in the report that Disturbance between points 1 and 6 in Ballybeg Bog and 12 and 13 in Derryvella Bog and soil-stripping of the proposed Gateways TY-02-01 and TY03-03 should be monitored by a professional archaeologist under licence.

The Department agrees with this recommendation.

It is further recommended that any archaeological material identified during monitoring should be preserved by record under licence. It is the opinion of the Department that any proposal to excavate unknown potential archaeological material is pre-emptive.

Therefore, the Department, in line with national policy —see Section 3.7 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999— recommends that Licensed Archaeological Monitoring, as described below, should be required as a **Condition** of planning. A report containing the results of the archaeological monitoring and any subsequent required archaeological work should be submitted to the Department and the Planning Authority.

Please note that this recommended Condition aligns with Sample Condition C3 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development.

### **Recommended Archaeological Condition**

1. 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.

2. 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*].
3. 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.
4. 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.

### **3.4. Third Party Observations**

14 no. of submissions were received from the following John Ryan, Hugh Rodgers, (Ann O'Connor, William O'Connor, Graham O'Connor), Gerard Neville, Sinead O'Callaghan, Mary and Michael Collins, (Liam Graham, Mary Graham and William Graham), (Martin Graham, Kelly Marie Graham, James Graham, Miriam Graham), Kathleen and Austin Cooney, Josephine Fox, (Liam Fox, Trina Fox and Sienna Williams), Marty and Judy Graham, Mark and Deirdre Webster, Tina Dollard (signed by Tina Dollard, PJ Graham, Breda Graham, Chrissie Graham, Patrick Dollard, Anthony Graham, John Walshe, Mary Walsh, Caroline Graham, Niamh Graham),

In summary the key issues raised include:

- Loss of privacy.
- Increased traffic and structural impact - Road condition and elevated nature - Traffic safety concerns. Question whether the county council would repair and upgrade the existing road network in the locality prior to the development.
- Inadequate traffic survey. Monitoring of speed levels were carried out at either side of a significant subsidence along the front of the site boundary which would have impacted the speed assessment undertaken.
- Concerns about the long-term durability of the car park surface and the potential for dust pollution.
- Request a detailed construction management plan including a traffic management plan to mitigate the impacts of construction traffic and noise on local residents.
- Overprovision of facilities - Amount of parking spaces and justification for two car parking areas within 5km of each other and the existing car park at Derryvila lake. Gateway TY-02-01 specifically raised.
- Concerns about overnight parking or camping.
- Anti-social behaviour, trespassing, noise and littering.
- There is no link to 'hub' Littleton except by the busy narrow roadway. The primary aim of the Just Transition fund is to link these trails to hubs.
- No visitor attractions/tourist attractions at Ballybeg to justify a carpark.
- No toilet facilities included with the application and the provision for EV charging points people will have to wait for extended periods of time for the cars to charge. No toilets in Littleton or Glengoole village.
- Increased fire risk in the highly flammable peat bog environment. Concerns include the proposed electrical charging points and electrical vehicles as they may increase the risk of fire.
- Conflicting with zoning regulations aimed at preserving habitats of local biodiversity value. The proposed development may contravene these regulations as is it situated in areas identified as having ecological sensitivity.

- The ecological assessment did not indicate the presence of the curlew which has been observed and heard in the Ballybeg Bog.
- The Tipperary County Development Plan 2022-2028 does not mention any local authority commitments for such projects in Littleton. No consideration has been given to providing a walkway/cycle path from Littleton to New Birmingham. A Community Centre already exists with an extensive carpark, toilet and shower facilities and a kitchen.
- Risk that prioritising recreational development could lead to degradation of natural habitat and impact on wildlife, particularly in ecologically sensitive areas like boglands, which are vital for biodiversity and carbon sequestration.
- Increased surface water runoff and drainage concerns. Concerns the potential for fuel spillage in the car park.
- Flooding issues.
- Lack of comprehensive community consultation and evaluation of whether the amenities meet local community needs.
- The SSFRA methodology could benefit from a more rigorous approach including direct on-site assessments and community engagement to better understand local flood risks and mitigation needs.
- Impact on archaeological sites.
- Impact on the Peatlands Climate Action Scheme (PCAS) objectives.
- No clear plan to engage and enhance local facilities, the project risks imposing undue strain on existing resources.
- The area should be left to regenerate naturally. A smaller, more phased approach to development could minimise environmental disruption and improve long-term sustainability.
- Concerns about who will be owner of the site, who will maintain the development and who funds the maintenance costs.
- The submitted documents do not include future plans for an active travel route from gateway TY-02-03 to Glengoole and TY-02-01 to Littleton.

- Cumulative impact - The submitted plans do not include future plans for Wind Turbine Energy Farm in the same area. Over intensification of efforts to repurpose the lands is disconnected with the existing community and rurality of the area.

## 4.0 Planning History

Local Authority Development P8/22/08 'Littleton Labyrinth Cycleways: Hidden Treasures and Ancient Prophecies" Development of a series of linked trails, comprising a 3km loop walk at Loch Dhoire Bhile and a 1.6km loop trail at Derrynaflan linked by a 7km trail.

## 5.0 Policy Context

### 5.1. Tipperary County Development Plan 2022-2028

The subject site is located within the designated Tipperary Decarbonising Zone.

The Ballybeg Bog section of proposed trail is within the area zoned as 'Area Under Urban Influence' and the Derryvella Section of the proposed trail is within 'Open Countryside'. Both sections sit outside the designated Class 2 Scenic Area.

#### Volume 1: Written Statement

**Planning Objective 3 - I** Support projects which assist the transition of industrial cut-over peatlands to sustainable after uses.

**Planning Objective 9 - 3** Encourage all new tourism related development proposals to:

- (a) Maximise energy efficiency through siting, layout, design and incorporate best practice in energy technologies, conservation and smart technology.
- (b) Support best-practice environmental management including energy efficiency, waste management, biodiversity and sustainable transport.

**Planning Objective 9 - D** Develop a ‘Greenway and Trails Strategy’, and to support and seek funding opportunities for the development of green and blue ways, incorporating walking, cycling and equine trails and supporting the tourism economy.

**Planning Objective 9 - H** To support, encourage and promote sports tourism within the county.

**Planning Policy 11 - 1** In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

#### **Planning Policy 11 - 4**

(a) Conserve, protect and enhance areas of local biodiversity value, habitats, ecosystems and ecological corridors, in both urban and rural areas, including rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands in accordance with the objectives of the National Biodiversity Plan (DCHG 2017) and any review thereof.

(b) Safeguard, enhance and protect water bodies (rivers/canals/lakes) and river walks and to provide links, where possible, to wider green infrastructure networks as an essential part of the design process.

(c) Require an ‘Ecosystems Services’ approach for new development to incorporate nature-based solutions to SUDS, in so far as practical, as part of water management systems, public realm design and landscaping, in line with best practice.

(d) Where trees or hedgerows are of particular local value, the Council may seek their retention, or where retention is not feasible, their replacement and will seek a proactive focus on new tree-planting as part of new development.

**Planning Policy 11 - 15** Support the diversification of peatlands, whilst ensuring the protection of their ecological, archaeological, cultural and educational significance in line with the National Peatlands Strategy (DAHG 2015). The Council may request landowners to prepare a 'Peatland Master Plan', especially for areas of industrial cut-over peatland, and will work with all stakeholders involved in the process in this regard. Any Masterplan should identify any significant tourism, amenity and recreation potential of these lands.

**Planning Objective 14 - D** Strategically consider the development of new green and blue assets as part of tourism, regeneration and ecological initiatives and actions of the Government, and key stakeholders such as Coillte, Fáilte Ireland, Bord na Mona etc.

**Planning Objective 14 - E** Support investment in the on-going development, maintenance and enhancement of trails and recreational infrastructure in Tipperary

**Planning Objective 14 - F** Ensure that proposals for greenway / blueway development contribute towards the protection and enhancement of existing blue and green infrastructure

#### Volume 2: Settlement Guide and Settlement Plans

##### Glengoole – Settlement Context

**Objective - S06:** To support the development of tourism based uses to facilitate the development of Lough Derryvilla and the Littleton Bog Complex.

#### Volume 3: Development Management Standards

Proposals for tourism related developments shall be accompanied with a 'Development Impact Assessment' where indicated to include the following:

- An overview of the proposal setting out how the concept for the project was initiated and why it is suited for the location chosen;
- Projected growth of the facility in the short, medium, and long term;
- How the design and scale of the development will integrate into the landscape;
- How the proposal would complement the natural and cultural heritage of the area;

- The potential impacts of the proposal on local infrastructure in particular roads and water services;
- Connectivity with surrounding amenities for pedestrians and cyclists; and
- Any planned signage.

## 6.5 Car and Cycle Parking Provision and Electric Vehicle Charging Standards

### **Table 6.4: Minimum Car Parking Standards: -**

Other cultural/recreational and leisure uses: Assessed on a case-by-case basis and dependant on nature, scale and location of use.

## 5.2. **National Policy and Guidelines**

### 5.2.1. *Climate Action Plan 2025*

Climate Action Plan 2025 builds upon Climate Action Plan 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

**7.3.2 Priority 2:** Supporting the rehabilitation and restoration of degraded peatlands and regeneration and repurposing of industrial heritage assets

### 5.2.2. *First revision (April 2025) National Planning Framework*

Under the National Planning Framework the Government will support...The roll-out of renewables and protection and enhancement of carbon pools such as forests, peatlands and permanent grasslands. It is necessary to ensure that climate change continues to be taken into account as a matter of course in planning-related decision making processes.

**National Policy Objective 34** Continue to facilitate tourism development and in particular A Strategy for the Future Development of National and Regional Greenways, and a Blueways and Peatways Strategy, which prioritises:

- A coordinated approach to the sustainable management of outdoor recreation sites;
- Projects on the basis of their environmental sustainability, achieving maximum impact and connectivity at national and regional level while ensuring their development is compliant with the National Biodiversity Action Plan, the national climate change objective and requirements for environmental assessments.

### **Making a Just Transition – Peatlands**

...Supporting the Just Transition means that local communities and citizens in particular in the Midlands region can participate in the transformations underway across society, including in the energy sector. Peatlands cover 21% of our land area, and 64% of our total soil organic carbon stock; they are the largest store of carbon in the Irish landscape. Accordingly, a careful balance will be required between realising the potential for renewable energy development to meet sectoral emissions targets, and the management of the potential for environmental impacts in terms of the protection and restoration of nature and cultural heritage in peatlands.

### **National Strategic Outcome 3 (excerpt of)**

A strong start has also been made in the development of a national long-distance Greenway/Blueway Network. Such a network, including rural walking, cycling and water-based recreation routes, as well as ‘peatways’, has demonstrated major potential to bring new life to regional and rural locations through the “winwin” scenario of increased tourism activity and healthier travel. Developing this network further will diversify our rural economy by embracing the potential for a major expansion in the demand for activity-based tourism.

- Invest in greenways, blueways and peatways as part of a nationally coordinated strategy.

#### **5.2.3. A Strategy for the Future Development of National and Regional Greenways (2018)**

The objective of this Strategy is to assist in the strategic development of nationally and regionally significant Greenways in appropriate locations constructed to an appropriate standard in order to deliver a quality experience for all Greenways users. It also aims to increase the number and geographical spread of Greenways of scale

and quality around the country over the next 10 years with a consequent significant increase in the number of people using Greenways as a visitor experience and as a recreational amenity.

5.2.4. *EU Just Transition Fund Regenerative Tourism and Placemaking Scheme for Ireland's Midlands 2023-2026* (Summary taken from <https://www.failteireland.ie/Identify-Available-Funding/Just-Transition-Fund/Other-Just-Transition-Fund-Schemes.aspx>).

#### Scheme A: Trail Network Development Scheme

The main intervention under this scheme will be the development of universally accessible 'rollable' cycle trails on former industrial peatlands across public lands in EU Just Transition territory. This will include new trail developments as well as upgrades to existing trails to significantly improve the user experience. All trail developments will be delivered in line with the principles of the Midlands Trail Network toolkit which at a minimum will link two hubs (towns, villages, visitor attractions etc.).

5.2.5. *Midlands Trail Network Toolkit* (Prepared by Outdoor Recreation Northern Ireland on behalf of Failte Ireland).

The transformation of Bord Na Móna's land use strategy follows the cessation of industrial peat extraction and the unprecedented transformation of the organisation as a renewable energy and climate solutions company. This provides a once-in-a-generation opportunity to transform access to open green, brown and blue species and to enhance slow tourism and recreation offering in the Midlands.

### 5.3. Natural Heritage Designations

The Lower River Suir SAC (Site Code 002137) is hydrologically connected via onsite drainage channels to the subject site.

The submitted Stage 1 Screening for Appropriate Assessment and Stage 2 Natura Impact Statement prepared by *Delichon Ecology* indicates that there is evidence that over-wintering Hen-Harrier, the SCI species for the Slieve Bloom Mountains SPA (Site Code 004160) and the Slievefelim to Silvermines SPA (Site Code 004165) utilise the cutover and recolonising peat bogs in south Co. Tipperary as winter

roosting sites i.e. Littleton Bog c. 1.5km north and Bawnmore >11km north/north east.

Proposed Natural Heritage Areas: Laffansbridge (Site Code 000965) is located 4.7 km to the south of the subject site.

Proposed Natural Heritage Areas: Kilcooly Abbey Lake (Site Code: 000958) is located 8.6 km to the northeast of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

One third party appeal has been received in a combined submission prepared by *Leahy Planning Ltd* on behalf of Tina Dollard, Hugh Rodgers, John Ryan, Sinead O'Callaghan, Gerard Neville and Mark & Deirdre Webster. The appeal submission includes a list of names other local residents who support the appeal (Appendix 5).

In summary the key issues raised include:

- Traffic safety concerns and considers that the traffic assessments do not adequately reflect the concerns of the local people. Concerns include: -

Considerable subsidence along the road fronting the proposed Ballybeg car park area which was not taken into account adequately in the traffic assessment.

Traffic speeds for the area are in excess of the 60 kilometres per hour. Traffic safety is affected by the dip in the road which substantially reduces visibility.

Traffic surveys were undertaken during the summer months which is a much less busy time on this road due to school closures and with the subsidence at the proposed site entrance the traffic naturally slowed. Subsequently the road surface was repaired in May 2025 and the speed of vehicles has increased on these sections of the road thus the survey and its data conducted in 2024 is out of date and inaccurate.

The L-4153 and L-2111 are demonstrably incapable of handling extra traffic as there are existing bottlenecks due to the width of the road and subsidence occurring. Appendices 3 and 4 include photographs to illustrate same.

- Excessive amount of proposed car parking provision having regard to the requirements of what is proposed and having regard to existing car parking provision. Concerns about an over intensification in a rural area with limited supporting infrastructure.

Understand that a further source of funding for the proposal is the Just Transition Fund which requires that these schemes be connected to an active local hub, but that has not been done in this instance as there is no connection to Littleton village the nearest hub.

Suggest that another car park would likely be added if the development of the trails and wind farms to the north using the old rail bed are progressed by the applicant.

- Impact on residential amenity (Management/maintenance/surveillance). The existing series of trackways already developed have been subject of littering and antisocial behaviour. Appendix 1 include photographs of littering taking place in Loch Dhoire Bhile Area car park.

Concerns that the car park areas will be used for barbecues, picnics etc. and if this is the case they must be properly managed to ameliorate negative impacts on the residential amenities of nearby residents. The applicants were requested to provide a management scheme for the facilities as further information and they failed to do this.

No CCTV cameras are proposed in these areas to preclude the possibility of antisocial behaviour. The remoteness of these facilities makes them more likely to be subject to antisocial behaviour.

Two houses would directly overlook the car park with a third immediately adjacent but that no provision has been made for noise mitigation or for visual screening to protect the amenity of these houses.

- Inadequate ornithological assessment (Curlews) – Ecological surveys were inadequate in terms of timing, duration and scope. Concerns that the

protected species in the locality and the impact the proposal would have on their habitats and viability has not been adequately assessed. Concerns that the bird survey submitted failed to note any breeding curlews.

Local Bird Watch Ireland volunteer's sighting of curlews is noted on a number of occasions in 2025 (undated) with 23 curlews sighted on the 12<sup>th</sup> July 2025.

The development will have a detrimental effect on this bogland due to the removal of habitats of protected species, removal of bog/pasture to install a tarmac car park and electrical charging points.

- Inadequate engagement with the local community – Public consultation consisted of a one-page leaflet not reaching all households and the full details of the impact were only realised when the planning application was lodged with Tipperary County Council. No survey of local residents or public users of the current trails was undertaken to ascertain if these spur walks would be used, as they add very little additional diversity to the current trails, contrary to the spirit of Objective CPO 3 of the Tipperary Development Plan (Community Engagement in planning).

No details have been provided of future proposals in the wider landholding i.e. trails to the north of the L4153 or the Bushcraft centre planned for the Lanepark area.

The applicants have not shared their strategic development plan for the Littleton Bogs area to cover the next 5 to 10 years and locals have reservation as to what will be developed next.

There is no Local Area Plan (LAP) developed by Tipperary County Council for the Ballybeg or Derryvella area and as such no clear structure and no transparency in respect to sustainable development for the area.

- Recommended conditions in the event of a grant of permission include: - the establishment of a proper management system of the facilities to ensure that anti-social behaviour does not take place, provision of a CCTV system and provision of appropriate screening to the car park areas and maintenance of the trailways. It is also requested that a liaison group should be set up to take account of the ongoing concerns of local residents.

## 6.2. Applicant Response

The applicant has submitted a response, prepared by *MKO Planning and Environmental Consultants* and Supplementary Appendix 1 Response to third party appeal prepared by *ORS Consulting Engineers*, to the grounds of appeal and have included a revised drawing 'Gateway TY-02-01' Drawing no. BNM-DR-MTN-TY-0300 which indicates potential additional screening at the proposed Ballybeg car park.

- Car parking provision - Highlight that there were some third-party submissions made at application stage which reference concerns that there is not sufficient car parking at peak times in existing car parks. The rationale for car parking provision is outlined across a number of documents submitted with the application including the Construction Management Plan, the Traffic and Transport Assessment and the Gateway and Surfaces Report. The number of car parking spaces to be proposed were determined following consultation with third parties such as stakeholders, Tipperary County Council (TCC) and other local county councils who have developed and constructed greenways whilst also making comparisons with other greenway parking and rest areas.

Refute the statement that the provision of up to 130 car parking spaces is not justified and they state that the proposal includes for only 56 no. car parking spaces.

The development plan sets out minimum car parking standards and in respect to 'other cultural, recreational and leisure uses' parking provision is assessed on a case-by-case basis and dependent on the nature, scale and location of use.

A number of case studies are considered in the 'Gateway and Surfaces Report' (section 4.2) to provide an evidence base to justify the need for car parking at the proposed development. Each case refers to the Midlands Trails Network Toolkit (Prepared by Failte Ireland), which sets out the best practice design principles and considerations for the development of the Midland Trail Network. As per the Toolkit the document does not provide a specific number of car parking provision as they relate only to the parking provision at the Primary, Secondary and Tertiary Hubs to which this application does not relate.

State that the ‘hubs’ may be destination experiences in their own right in which the Midlands Trail Network may be just one of the visitor experiences on offer.

Section 3.5 of the MKO Planning report outlines that the recommended spacing of 20km between Primary- Secondary and Secondary-secondary Hubs has been achieved along the proposed route. Drawing BNM-DR-MTN-TY-0200 by Bord Na Mona shows the Secondary hub (Littleton and Horse and Jockey) and the Tertiary hub (New Birmingham which the trail can connect into via existing infrastructure. Proposed Gateway TY-02-01 (Ballybeg) is shown to be approximately 1.3km from the Secondary hub of Littleton and proposed Gateway TY-02-03 (Derryvella) is approximately 1.6km from the Tertiary hub.

Revised drawings, as referenced above, submitted to provide additional screening at the proposed Ballybeg car park to ensure that the proposed car park is screened from nearby houses in terms of noise and privacy.

Refers to section 8 of the Planning Report by MKO which details the ‘Designing Out crime’ considerations for the proposed Midlands Trail Network.

- Residential amenity – The appeal sets out concerns regarding impact of the existing Loch Dhoire Bhile walking loop relating to littering and anti-social behaviour. The applicant in response highlights that the existing car parks are operated and maintained by TCC for both the upkeep of this trail and carpark areas. The further information response confirms that Bord Na Mona will be responsible for the management and maintenance of the proposed trails including the development of car parking and waste management. Through the Maintenance and Management Plan and in conjunction with the local community, Bord Na Mona will implement a ‘Leave no trace’ policy throughout the Midland Trail Network to mitigate littering and dog fouling.

Appendix 4 includes a briefing note in relation to the funding arrangements with the Department of Rural and Community Development and the Gaeltacht (DRCDG) which will support the ongoing maintenance of these new trails, in addition to recently upgraded trails within Lough Boora Discovery Park.

No CCTV cameras are proposed within the development as the design approach is to have an open non-obstructive view of the proposed gateways and refer to the report prepared by the Community Policing Officer of An Garda Siochana on Crime Prevention Through Environmental Design Principles (CPTED).

- Appropriate Assessment – Table 3.5 confirms that 3 breeding bird surveys were completed within the appropriate breeding bird season, sufficiently stratifying the season with site visits undertaken in April 2024, May 2024 and July 2024. Surveys commenced at 7am (on two occasions) and 7.45am on one occasion ensuring that peak breeding. Bird activity was observed. Target species included waders such as Curlew.

The targets breeding bird surveys were further supported by the findings of other ecological walkover surveys prepared for the planning application, including bat surveys, non-volant mammal surveys, habitat surveys and invertebrate surveys.

Breeding waders and waterbird species were identified within the study area zone of influence, and the findings of these surveys are presented in Table 5.5 of the EclA. Curlew was not identified on the subject site or its environs during the breeding bird surveys.

The iterative design process for this project resulted in changes to the trail footprint location, moving the trail from the central high field area of Ballybeg Bog to the north-eastern and northern boundary of the bog to reduce potential disturbance effects to avifauna that may utilise the more open areas of cutover bog during the breeding and over wintering season.

Breeding Curlew may have the potential to forage within the site and its environs. The larger, more open areas of cutover bog to the south-west of the Ballybeg section and west of the Derryvella section may provide suitable foraging habitat for wintering birds species, including Curlew.

Mitigation in the form of screening is presented in section 6.5.2 of the EclA to avoid indirect disturbance effects to winter foraging birds from the trail. The mitigation measures are also pertinent for non-breeding passage individuals or failed breeders which may opportunistically occur in the area.

The sighting of Curlew on 12<sup>th</sup> July 2025 of Curlew in flight, submitted as part of the appeal, does not confirm where these sightings were located. The timing of this sighting is outside of the core breeding season for Curlew and it is most likely that this sighting included birds that had failed to breed in 2025 or were post breeding early autumn migrants from other breeding sites in Ireland or northern Europe.

Due to the nature of the development, the sub-optimal habitat within the project footprint and the implementation of the mitigation measures as described there is no likelihood of impacts and consequent significant effects from the proposed walkway and cycleway on breeding or non-breeding Curlew.

- Traffic and Transport – The stage 1 and stage 2 Road Safety Audit (RSA) comprehensively assessed both gateway locations and identified speed-related considerations at Gateway TY-02-01. The RSA made 15 recommendations all of which are addressed in the detailed design.

The appeal refers to subsidence along the public roadway at the proposed Ballybeg car park area (Gateway TY-02-01) which the appeal states was not considered in the traffic assessment. It is stated that the area referred to is not within the applicant's ownership and is a public roadway. The ORS response letter to the appeal states that the existing road geometry, surface condition and alignment were considered as part of the baseline conditions. It is noted that Tipperary County Council have carried out repairs along the L-4153 as of May 2025 and a new asphalt surface was laid. The ORS submission notes that the works carried out constitute improvement works and demonstrate active management of the local road network, improved surface conditions, and enhanced baseline conditions compared to those assessed during the original survey prior to the submission of the application.

Surveys undertaken for the application date from 2024 and are less than 15months old at the time of the appeal response. It is noted that in traffic engineering practice survey data typically remains valid for 2-3 years provided no material changes have occurred to the road network or to the surrounding land use.

In response to concerns raised in respect to sightlines the revised site layout submitted as part of the response to the request for further information demonstrates that 120m sightlines, set back 4.5 from the road edge centreline, are shown at either side of the entrance in orange and any verge clearance works within the applicants boundary shown in blue (Drawing BNM-DR-MTN-TY-0300 refers) in compliance with the Tipperary County Development Plan 2022-2028 Volume 3, Appendix 6, Section 6.1 'Road Design & Visibility at a Direct Access'.

The timing of the traffic surveys carried out during the summer months was selected as it would be the expected time of highest visitor numbers. The ORS response states that '*For rural local roads such as the L-4153 and L-211 school traffic does not constitute a significant proportion of total daily traffic.*'

The Thurles District Engineer and Carrick on Suir District Engineer reviewed the proposals and did not have concerns regarding road width.

The TTA, RSA and supporting documents provide a robust evidence base demonstrating that the proposed development can be accommodated safely on the local road network without adverse impact on safety or capacity.

- Local Community Engagement - Community consultation was undertaken using a range of communication methods to raise awareness of the project and to encourage local participation. House to house consultation approach, complemented by personal follow-ups and proactive communication with public representatives. This was supported in recent months by a number of direct engagement and house visits with individuals and groups of residents who made formal submissions on the project with the projects Community Liaison Specialist.

Other details of development of trails north of the L4153 or the Bushcraft centre for the Lanepark area are not included as this application is for the 'Midland Trail Project'.

An Local Area Plan (LAP) is not required for the Ballybeg and Derryvella townlands as the population is not in excess of 5,000 people.

- Planning Conditions – Notes the conditions put forward by the appellants in respect to provision of CCTV, screenings at the proposed car parks areas and the suggestion that a liaison group should be set up for concerns of local residents. The applicants highlight that during the community engagement process contact details were shared for concerns to be raised with Bord Na Mona.

The submission concludes by highlighting that the proposed trails will connect into the existing Loch Dhoire Bhile loop and the Littleton Labyrinth Greenway. They would offer a recreational and tourism use with associated parking facilities and direct the users of the trails to the nearby towns and villages for further services.

### 6.3. Planning Authority Response

- The planning authority respectfully requests that An Coimisiún Pleanála uphold the decision of the planning authority under register reference 25/60154 to grant permission for the development.

### 6.4. Observations

- None.

### 6.5. Further Responses

- A further response was received 14 November 2025 from the appellants to the applicant's appeal response with further comments from Gerard Neville and Hugh Rodgers and Stephanie O'Callaghan. I have included all further responses in summary below:

#### **Quantum of car parking provision**

Note that the Lanespark facility will not have any car park spaces but remains concerned that the provision of 109 spaces within a 5 kilometres radius of Loch Dhoire Bhile is not sufficiently justified.

Remain concerned that there are also a series of other projects with are about to be developed in this area which will involve the provision of additional car park spaces.

These include Littleton Windfarm with a 8-10km walking and cycle trail believed planning will be submitted before the end of 2025 or early 2026, rewetting of Ballybeg Bog, Derryvella and Lanespark Bog (no substantial details available), and a Bushcraft centre in Lanespark (no substantial details available and no meaningful public consultation to date).

No overall plan is available from BnM or Tipperary County Council for these developments. Given the scale of these developments in a small rural community a local area plan should be developed to give an overall view of what the projects would comprise rather than wait for individual applications being submitted.

Noted that there is no minimum car parking standards using guidance from other such development is inappropriate due to the variance in locations, size and amenities and attractions of differing development. The addition of two proposed carparks will do nothing to alleviate the issue of parking at peak time at Loch Dhoire Bhole lake because of their distance from that amenity. The applicant informed local residents in Ballybeg at the meeting arranged at the request of residents that the car park did not need to be of such a scale, but that TCC advised them to provide 28 spaces to alleviate the overflow parking at Loch Dhoire Bhole.

Local users of the trail and locals that work adjacent to the current Labyrinth car park state that it has never been seen at full or even 50% capacity.

Alternative car park location suggested centrally between Littleton and Glengoole (as indicated in Appendix 2). Furthermore, they highlight that the car park accessible for the trail at the Horse and Jockey is located 1km from the trail and this is considered acceptable. As such the existing community car park with sanitary facilities at Littleton village would serve the proposed trail in a similar manner.

### **Impact on residential amenity**

Do not believe that the proposed additional screening will be sufficient to prevent issues of noise and disturbance to nearby residents and that it would prevent overlooking. A detailed management and maintenance plan should have been provided prior to the decision to grant planning permission.

## **Community Engagement**

Issues raised with the methodology employed with the door-to-door consultation and leaflet drop.

## **Appropriate Assessment**

Inadequate level of monitoring undertaken in the surveys in terms of duration and also timing. The sightings of Curlew from a highly experienced bird watch volunteer are set out in Appendix 1.

The early morning surveys completed that are referred to in the MKO response actually relate to the Derryvella Bog and not Ballybeg Bog where the curlew has been seen.

Request that breeding bird assessments for the Curlew are carried out in the next breeding season in Ballybeg Bog. Concern that dogs being taken off their leads and allowed to run free would disturb breeding birds.

## **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 report/s 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:

- Principle of development
- Traffic safety.
- Quantum of car parking provision proposed - including Gateway scale and frequency
- Impact on residential amenity (Management/maintenance/surveillance).
- Ornithological assessment (Curlews).
- Engagement with the local community.

## 7.2. Principle of development

7.2.1. As stated in the Planning Report prepared by *MKO Planning and Environmental Consultants* the proposed shared walkway and cycleway comprise a portion of the proposed Midland Trails Network (MTN). The MTN is a strategic network of shared cycle and walking trails developed predominately along existing rail beds located in Bord Na Móna lands across the Midlands and is supported by EU Just Transition Funding (EUJTF). As part of the regeneration and repurposing of post-industrial peatlands and related land the proposed development generally accords with the Climate Action Plan 2025's Priority 2 to support the rehabilitation and restoration of degraded peatlands and regeneration and repurposing of industrial heritage assets and National Policy Objective 34 of the National Planning Framework (April 2025) which seeks to continue to facilitate tourism development and in particular the implementation of the Strategy for the Future Development of National and Regional Greenways. Furthermore, the proposed development meets with Planning Objective (3 – I) of the Tipperary County Development Plan 2022-2028 (the development plan) which seeks to 'Support projects which assist the transition of industrial cut-over peatlands to sustainable after uses' and Planning Objective (14 – E) to 'Support investment in the on-going development, maintenance and enhancement of trails and recreational infrastructure in Tipperary'. In addition, the proposed development meets with Objective S06 for Glengoole (New Birmingham) which seeks: To support the development of tourism based uses to facilitate the development of Lough Derryvalla and the Littleton Bog Complex. In principle, therefore, I am of the opinion that the proposed development is acceptable.

7.2.2. With respect to the proposed route, I note that a Midlands Trail Network Toolkit (referred to herein as the toolkit) was developed by *Outdoor Recreation Northern Ireland* (ORNI) for *Fáilte Ireland* to inform the long-term planning and development of a sustainable recreation network for Tourism in the Midlands of Ireland. As already set out above in section 5.0 all trail developments will be delivered in line with the principles of the toolkit which at a minimum will link two hubs (towns, villages, visitor attractions etc.). The toolkit is stated to have been used by the project design team to determine where trail connections should be prioritised, what networks features are required and the minimum requirements for build specification. The toolkit (section 3.2 Network Overview) outlines that:

*“Network development is expected to be targeted at corridors associated with former Bord Na Móna narrow gauge railways as there are considered the lowest risk opportunities on which to develop the highest quality trails. ‘Off-track’ construction of trails should be considered only where there a critical connecting link is required to add value to the function of the network, or where a sound rationale to enhance the visitor experience can be demonstrated.”*

- 7.2.3. The proposed development, as described fully in section 2.0, includes the construction of the trails by repurposing 602 metres of existing former rail bed, 2859 metres along existing bog headlands/former high fields and 721 metres along pre-existing machine access routes. As such, the proposed development is targeted at utilising former rail bed and machine access routes however I note there is proposed ‘off track’ construction as well.
- 7.2.4. The vision of the toolkit, as contained in section 2.2 of that document, is that the network will connect rural settlements to open spaces, traversing peatlands, waterways and other habitats and linking to heritage sites and visitor attractions. In the subject application the trails do not connect directly to the hubs, as highlighted in the appeal submission. It is stated in the submitted planning report (section 8.4 socio economic benefits) that the trails will offer a recreational and tourism use with associated parking facilities, directing the users of the trails to the nearby towns and villages for further services. Section 2.3.1.2 of the submitted Engineering Report states that based on *“initial technical assessment there are two Type 02 Gateways presenting along the proposed route based on the proposed gateways proximity to smaller settlements or at a Local Road crossing”*. I would not agree with this statement as the definition of a Type 2 Gateway, as per the toolkit, is to mark an entrance to the Midlands Trail Network from Secondary Hubs or from intersections from other strategic traffic free routes e.g. National Greenways and not a local road crossing. In this instance the proposed Type 2 gateways do not have direct connectivity with the Secondary Hub (determined as Littleton in the development proposal) and are not proposed at an intersection from other strategic traffic free routes. For clarity I highlight that the toolkit sets out that a Type 3 Gateway is appropriate to mark the entrance to the MTN from a tertiary hub and from road crossing points. Section 4.2 (Route Selection – Toolkit Success Criteria) of the

submitted Engineering report whilst providing a summary of the relevant criteria it does not provide a demonstration of how the proposed route achieves the toolkit success criteria.

7.2.5. In section 2.3 of the submitted Engineering report it is set out that a “*...detailed report has been prepared as part of this planning application with respect to the proposed Gateway scale and frequency. Please refer to Bord na Móna Gateway & Trail Surfaces Study Report for further details*”. I highlight to the Commission that the Bord Na Mona Gateway & Trail Surfaces Study (GTS) Report as submitted does not include Appendix A the ‘Gateway Study Scheule’ which is stated to provide detail the proposed gateway scale and frequency (Appendix A missing). Appendix A was requested from Tipperary County Council (TCC) by the Commission and TCC have confirmed in writing that Appendix A documents were not submitted with the Midland Trail Network – Gateway & Trail Surface Report (which was uploaded by the applicant). TCC state in their response that the planning authority were satisfied there was enough information on file to make an assessment and considered the overall design of these gateway structures was acceptable from a design and visual perspective.

7.2.6. I am of the view that the proposed development’s potential impact towards achieving the vision for the MTN is somewhat diminished given that lack of direct connectivity with the rural settlements of Littleton (Secondary hub) and Glengoole (New Birmingham) (Tertiary hub). Notwithstanding, I highlight to the Commission that the proposed routes intersect with and would act as an extension/spurs to the existing cycle/ walkway infrastructure of Loch Dhoire Bhile Loop (this loop follows bog roadways and green tracks along streams and lakeshore) and the Littleton Labyrinth Greenway (following the old peat rail-line) extending from Loch Dhoire Bhile to Derrynaflan and would provide indirect connectivity (requiring a section of walking/cycling on-road at either end) between two Secondary hubs, namely Horse & Jockey and Littleton. The proposed development includes both repurposing of rail-beds and machine access routes, but it also proposed ‘off-track’ construction. On balance, I am of the view that the ‘off-track’ construction can be considered as it would provide a critical connecting section to link and extension of existing trail connections.

7.2.7. I shall assess further the justification of gateway scale and frequency including the consideration of car parking provision in the following section 7.3 of my report.

### 7.3. **Quantum of car parking provision proposed – including Gateway scale and frequency**

7.3.1. The submitted 'Gateway & Trail Surfaces Report' (GTS report) states that Gateway locations have been identified and allocated based on criteria set out in the Midland Trail Network Toolkit (the toolkit). In addition to the three-tier hierarchy specified in the toolkit the GTS report outlines that a fourth gateway type has been identified as being required 'Gateway Type 04' specified where only bicycle racks will be required. An example of where this would be appropriate is where the MTN intersects with a third-party greenway or trail. It is stated that each gateway has been assessed individually and justification for their type and classification has been provided in the gateway study schedule in Appendix A. As already noted in my report Appendix A does not contain any information and it would appear that this study has been omitted in error, the omission of this document from the original planning application submission with the planning authority is acknowledged by Tipperary County Council and in their opinion, there was sufficient information on file to make an assessment.

7.3.2. From my site visit, having reviewed the toolkit and my interpretation of same I would agree with the appellants that the proposed Gateway Type 2 at both Ballybeg and Derryvella do not meet with the definition of and the hierarchy criteria as set out in **Table 2: Gateways** of the toolkit given the lack of direct connection to a secondary hub or a strategic traffic free route. I highlight to the Commission that the Midlands Trail Network Toolkit is a non-statutory document in terms of planning decision making, however it does provide a framework to guide the hierarchy of spaces associated with the proposed trails. Separately I note the third party submissions made in respect to the application which highlight the existing community centre (Moycarkey-Borris Community & Sports Centre) with associated large car park and I would agree that there are potential benefits/synergies to the use of same in conjunction with the proposed trails, although in the short term this would necessitate walking/cycling on the public road for a section to access the proposed route at Ballybeg.

7.3.3. Given that the proposed trail routes would provide for accessible connections /extending spurs to the existing walks in the area I consider that there are synergistic benefits in terms of extending the recreational opportunities for the local population and visitors to the area. I am of the opinion that without an area of some car parking provision at both Ballybeg and Derryvella the feasibility of these extending spurs would be questionable taking into account the nature, narrow width with steep embankments/ditches along sections, of the local roadway to enable safe on road pedestrian/cycle movements from Littleton and Glengoole (New Birmingham). I am of the view that given Glengoole (New Birmingham) is identified as a tertiary hub in the application documentation that a Type 3 Gateway would be more appropriate and more closely align with the toolkit hierarchy. In respect to the quantity of parking spaces I shall address this issue for both proposed gateways. As the third proposed gateway comprises only bicycle parking spaces I am not going to directly include same in the proceeding assessment.

7.3.4. The submitted GTS report sets out that the number of parking spaces to be provided at the different types of gateway has been determined based on consultation with third party stakeholders, such as the County Council, and a comparison analysis of other trail network parking areas. The appellants acknowledge in their further response submission that the total (existing and proposed) of car parking provision is 109 spaces rather than the 130 spaces originally stated in their appeal. For clarity the subject application proposes a total of 56 no. new car parking spaces (28 no. each within proposed Gateway Type 2 at Ballybeg and Derryvella). In the absence of an overall plan from Bord Na Móna or TCC for the proposal in the context of future planned projects the appellants remain concerned that there is not adequate justification for the amount of parking spaces within a 5km radius of Loch Dhoire Bhile.

7.3.5. Taking into account the non-alignment of the proposed Gateways within the hierarchy envisaged in the toolkit and taking into account the submitted case studies (Section 4.2 of the GTS report) it is my view that the car parking provision should be reduced accordingly in respect to:

- (a) the nature, scale and location of the proposed Gateways,
- (b) the hierarchy of gateways relative to the wider context of hubs, and

(c) their relationship with the key attractions of Loch Dhoire Bhile loop and onwards connection to the Littleton Labyrinth and Derrynaflan Trail and the existing parking provision for same.

In respect to the proposed parking at Ballybeg, I consider that this area located off a local road should be reduced in size and scale as a subsidiary parking area with no more than 14 no. spaces having regard to the nature, scale its location to allow for a phased implementation for additional car parking infrastructure within this rural area, leaving open potential future opportunities for shared parking and provision of facilities at the Community Centre in Littleton. As already set out in my considerations above I am of the view that the appropriate gateway proposal for Derryvella is a Type 3 Gateway given its proximity to the tertiary hub of Glengoole (New Birmingham) and that car parking in this gateway should be reduced proportionately to no more than 8 no. spaces in order to provide a hierarchy of parking areas associated with the various entrance points to the trail. In the event the Commission is minded to grant permission this matter could be addressed by condition.

#### **7.4. Traffic Safety**

7.4.1. The appellant raises concerns in respect to the traffic assessment undertaken and the capacity of the existing local road to handle extra traffic movements due to its condition and width. I note the photographs submitted by the appellants to visually demonstrate the stated unsuitability of the L-4153 and L-2111. From my site visit I would concur with the appellant that due to the roadway pulling into gateways and close to the roadside verge is required to allow for passing in sections of the roadway depending on the size of the vehicle approaching. The appellants state that the road subsides every few years. At the time of my visit recent road improvements works appeared to have been carried with traffic cones alongside the road edge (L-4153) still present close to the proposed location of gateway TY-02-01. The applicants in agreement with the appellant in their response document confirm that road surface works and subsidence remediation works were completed on the L-4153 in May 2025.

7.4.2. Firstly, to address concerns raised in respect to the validity of the Traffic and Transport Assessment (TTA) based on surveys undertaken in the summer of 2024, pre the road improvement works referred to above. The applicant confirms in their response document that Automatic Traffic Counts (ATC) were undertaken by an independent third-party traffic survey company between 26 June 2024 and 2 July 2024 at two key locations proposed gateway TY-02-01 on the L-4153 and proposed gateway TY-02-03 at Derryvella, capturing both weekday and weekend traffic patterns. The applicant's response states that while school journeys may be absent during the summer period that the summer months present their own traffic characteristics including increased recreational traffic, agricultural traffic, tourist and visitor traffic and holiday traffic which they suggest does not systematically underestimate traffic levels on rural recreational routes. It is put forward by the applicants that the survey is a representative sample of typical traffic conditions during the period when greenway facilities experience peak demand. I accept the justification put forward by the applicant in respect to the ATC proving a representative sample and consider the TTA to be valid on this basis. The applicant further sets out that the surveys are less than 15 months old at the time of the appeal response and that in traffic engineering practice survey data remains valid for 2-3 years provided no material changes have occurred to the road network or surrounding land use. I am of the opinion that the road improvements undertaken by Tipperary County Council (TCC) as referred to by both the appellants and the applicant do not constitute a material change to the road network and as such the survey data is valid for the purposes of the assessment of this application.

7.4.3. Secondly in respect to the concerns raised in respect to the speed of vehicles and road condition the applicant has submitted a detailed response note prepared by *ORS Consulting Engineers* (contained in Appendix 1 of response received 14 October 2025) confirming that the existing road geometry, surface condition and alignment were considered as part of the baseline conditions included in the Traffic and Transport Assessment (TTA). Furthermore, the Road Safety Audit (Stage 1 and Stage 2) recommendations in respect to problems raised were addressed in the detailed design.

7.4.4. In this respect at Gateway TY-02-01 (Ballybeg) the RSA found that vehicles travelling along this section of road appeared to be exceeding the mandatory speed

limit, which the appellants confirm witnessing in their appeal statements. The speed surveys undertaken in June /July 2024 show the 85<sup>th</sup> percentile speeds of 59.1 kph at L-4153 and 86.2 kph at L-2111 as representative of the operational speeds on these roads. The RSA recommends mitigation measures including advance warning of the new access point and control of vehicle speed. The applicant proposes to engage with TCC to discuss off-site mitigation measures that may be required prior to the development operation. I am of the opinion that mitigation measures at both construction stage and operation stage would be applicable in respect to speed control measures and in the event the Commission is minded to grant permission this issue could reasonably be addressed by way of condition as Tipperary County Council are the relevant road authority in this instance.

7.4.5. The submitted TTA applied TII central growth factors for County Tipperary to project traffic volumes from the 2024 survey year through the assessment years for 2026, 2031 and 2041 which the submission from *ORS Consulting Engineers* (Appendix 1) states is industry standard methodology prescribed in TII Publication PE-PAG-02017 '*Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections*' (October 2021). I note that the TRICS database analysis using Land Use 07 – Leisure – Country Parks as the most comparable category indicates that for each parking Gateway of 28 spaces there would be 11 total vehicle movements during peak hour on a weekday and 17 total vehicle movements on a weekend. It is the view of the applicant that these are extremely modest levels of traffic generation. It is put forward that the traffic generation would occur gradually throughout the day and the assessment has conservatively assumed peak summer conditions considering with peak baseline traffic. It is further contended that the proposed extension represents an incremental addition to an existing recreational facility rather than an entirely new traffic generator in the area with no previous recreational facility. The submission includes a summary of the junction analysis which demonstrates negligible impact.

7.4.6. In relation to the road width the applicant states that the characteristics observed on the L-4153 and L-2111 are typical of the Irish rural local road network. It is further stated that rural roads of these widths routinely accommodate two-way traffic flow through:

- Informal passing places and local widening at regular intervals.

- Use of gateway entrances and field accesses for passing.
- Courteous driving practices familiar to rural road users
- Low traffic volumes that minimise the frequency of passing manoeuvres.

I concur with the appellants that given the nature of the roads (L-4153 and L-2111) there are instances when the use of gateway entrances are already used for passing and it is anticipated that there would be an increase in same as a result of the proposed development. The predicted traffic generation as a result of the two no. trail route extensions/spurs as detailed in the TTA the calculation factor for this analysis was based on the number of proposed car parking spaces for each of the two gateway types proposed (Section 4.1 TTA), as such, taking into account the recommendation to reduce the quantum of parking spaces at both Gateways by way of condition the traffic generation would also proportionally be reduced. In conclusion on this point, I am of the opinion that the increase in traffic movements would not be of such significance to warrant a refusal of permission.

## **7.5. Impact on residential amenity (Management/maintenance/surveillance) / including suggested conditions.**

7.5.1. Concerns are raised with respect to the potential for littering and antisocial behaviour consequent to the development of the proposed car parks to serve the trails. I acknowledge that issues have arisen in the Loch Dhoire Bhile area car park and note the photographic evidence of same submitted with the appeal. On my site visit there was little evidence of littering, and the car park did appear to be well maintained and was in use by groups and individuals. There were approximately nine cars within the car park and a minibus parked just outside on the access roadway due to the height restriction barrier.

7.5.2. In response to the appeal the applicant has submitted a revised site layout in respect to proposed Gateway TY-02-01 (Bord Na Móna Drawing No. BNM-DR-MTN-TY-0300 Revised Screening Provision) in Appendix 3 of the appeal response which indicates proposed screening to reduce noise impacts and provide privacy screening in the north western corner of the field within which the proposed carparking is proposed. I highlight to the Commission that the proposed screening on lands indicated as within the ownership of Bord Na Móna (as delineated by the blue line). It

is annotated on the drawing that the height and design of the screening to be finished on site by the Project Supervisor Construction Stage (PSCS).

- 7.5.3. The appellant in their response to the applicant's screening proposals state that they do not believe it would be sufficient to ameliorate overlooking or allay their concerns with respect to noise and anti-social behaviour. The appellants are of the view that a detailed maintenance and management should have been provided as part of the Further Information (FI) response.
- 7.5.4. I note that the applicant in response to the further information confirmed that Bord Na Móna will implement a '*Maintenance and Management Plan*' in place prior to opening the trail. A draft Maintenance and Management plan was not submitted as part of the FI response, but I note that the submission included an outline of the items that would be included under the maintenance and management plan including surface defects, verge, tree and hedges and cleanliness and weed growth to list a few. The response to the further information request also confirms that the applicant would implement a winter service plan from 1 October to 30 April as per the Transport Infrastructure Ireland TII Guidelines. In terms of waste management, the planner's report acknowledges that a 'leave no trace' initiative is proposed to be implemented. I note for the Commission that no amenity facilities such as picnic benches, BBQ areas, bins etc. are proposed. The applicant in their response to the appeal have included a briefing note in Appendix 4 confirming the capital investment towards trail development and that the funding secured from DRCDG would support the ongoing maintenance of these proposed trails. The planning authority addressed this issue under condition no. 2 of their decision which requires that the developer submit a Maintenance and Management Plan for their written agreement to include details on the upkeep and management of the pathways, gateways, car park and boundary treatments.
- 7.5.5. In respect to the proposed development impact on residential amenity I accept the appellants view that the development may result in an increase in noise and consider that it would not be reasonable to exclude the possibility of anti-social behaviour occurring at the gateway. Notwithstanding, taking into account my assessment and recommendation, as per section 7.3 above, in respect to reducing the size of the car parking provision at the gateways I consider that on balance subject to conditions in relation to both the screening and a maintenance and management plan being

agreed with the planning authority that the impacts on established residential amenity would not be so significant as to warrant a refusal of permission.

- 7.5.6. I highlight to the Commission that the appellants suggest a number of conditions that should be attached in event of a grant of permission including the establishment of a management system to ensure that anti-social behaviour does not take place with the provision of CCTV, appropriate screening and ongoing maintenance of the trailways. It is also requested that a liaison group be set up to take into account ongoing concerns of local residents.
- 7.5.7. CCTV has not been included in the proposals as part of the application. I am of the view given the design elements, the siting of the Gateway's and their proximity of the local road that the principles of designing out crime have been adequately incorporated at each of the proposed Gateways. In respect to the issues relating to the proposed maintenance and management system, provision of appropriate screening and the request for community liaison I am of the view that these issues can be addressed by condition in the event the Commission is minded to grant permission.

## **7.6. Ornithological assessment (Curlews) and alleged deficiency on Appropriate Assessment Screening/ Natura Impact Statement (NIS)**

- 7.6.1. The appeal submission raises the issue of the robustness of the ecological surveys undertaken with respect to the protected species Curlew and the adequacy of the Appropriate Assessment Screening / Natura Impact Statement (NIS). There is a specific test undertaken in Appropriate Assessment with respect to a European Site is whether the proposed development (project or plan), alone or in combination with other projects and plans would adversely affect the integrity of the sites (s) concerned in view of the conservation objectives of that site. The appellants acknowledge the differentiation in the scope for the AA which focuses on the European Site to that of the broader EclA in their further response (dated 14 November 2025). Taking this into account I intend to look principally in this section at the EclA and will in section 9.0 of this report and Appendix 2 address the adequacy of the assessment undertaken in the Natura Impact Statement (NIS).

7.6.2. The Curlew (red conservation status) has been observed by Gerard Neville a Local Volunteer in Bird Watch Ireland within the Ballybeg Bog area and in their statement, submitted in the appeal and in further response, confirm that since the re-wetting of the bog they have seen the Curlews return initially in single figure numbers increasing to 23 on 12 July 2025. The appellants are of the opinion that their concerns raised in respect to the protected species (Curlew) have been dismissed in the applicant's response to the appeal and that the ecological surveys undertaken were inadequate in timing, duration and scope as the surveys failed to note any Curlews. In addition, they state that the applicant's response to the appeal prepared by MKO Planning and Environmental Consultants incorrectly refers to early morning surveys completed in Derryvella Bog rather than Ballybeg Bog.

7.6.3. To address firstly the robustness of the Ecological Impact Assessment Report (EclA) and its associated surveys in terms of scope I note that the Curlew is identified as a species in Appendix VI Table A-V: Birdwatch Ireland Irish Wetland Bird Survey (i-WeBS) count results for the winter period 2022-2023 and previous 10 seasons and this data forms part of the ecological baseline within the EclA. In the response to the appeal, it is stated that target species included waders such as Curlew, but that Curlew were not identified on the subject site or its environs during the breeding bird surveys. It is further stated that Curlew were not identified foraging or overflying the subject site during any of the wintering and breeding bird surveys or the multi-disciplinary bird surveys completed for the project between late 2023 and early 2025.

7.6.4. I would not agree with the appellant that concerns raised in relation to Curlew have been dismissed by the applicant. The submitted EclA clearly identifies that Curlews on the i-WeBS are in scope and, furthermore, in response to the appeal confirm that Curlew were included in the target species for the survey work. The appellant correctly, in their further response, highlights that the early morning surveys (i.e. 7am and 7.45am) were only carried out in Derryvella Bog (Table 3-5: Breeding wader survey details). The survey work commenced in Ballybeg Bog at 9.46am at the earliest. The timing of the commencement of survey in Ballybeg Bog is identified as a constraint (section 3.3.2.1.2 Breeding Bird Surveys) within the EclA. The EclA provides an explanation the breeding bird surveys were carried out in this area on a precautionary basis considering the unsuitability of the majority of the habitat in

these locations for breeding waders and as such it is argued that these timing have not greatly influenced the results.

7.6.5. Whilst the applicant's appeal response does suggest that the sightings of Curlew were outside of the core breeding season for Curlew, they do acknowledge that the larger more open areas of cutover bog to the southwest of the Ballybeg section and west of the Derryvella section may provide suitable foraging habitat for wintering bird spaces, including over-wintering Curlew. It is put forward by the applicant in the response to the appeal that mitigation in the form of a design change prior to application submission and post consultation with the NPWS (via DAU), resulted in moving the proposed trail footprint location from the central high field area of Ballybeg Bog to the north-eastern and northern boundary of the bog to reduce potential disturbance effects to avifauna that may utilise the more open areas of the cutover bog during the breeding and over-wintering season. A copy of the Department of Housing, Local Government and Heritage's observations/recommendations co-ordinated by the Development Applications Unit (DAU) on the pre-application design proposals is contained in Appendix III of the submitted EclA. In this respect I highlight to the Commission the following excerpt from the DAU:

*"The western section of the proposed greenway development traverse through a central section of Ballybeg Bog. In selecting this route, disturbance to the adjoining habitat is maximised and it would be a significant disincentive for disturbance sensitive species to become established, it may also limit the future habitat restoration or enhancement. The Department recommend redesigning this section of the route so that it skirts the northern and eastern margin of Ballybeg Bog thereby dramatically reducing future disturbance to the open bog area and increasing options for future habitat restoration...The open bog area, particularly with its standing water pools is potentially attractive to a range of open habitat specialist species such as for example breeding wader species, many of which are threatened nationally and internationally and for whom suitable habitat is scarce".*

7.6.6. As part of the suite of mitigation measures proposed screening presented in section 6.5.2 of the EclA seeks to avoid indirect disturbance effects from the operational effects of the trail on winter foraging birds from the proposed development. It is

contended by the applicant that the mitigation measures described are also pertinent for non-breeding passage individuals or failed breeders which may opportunistically occur in the area.

7.6.7. In conclusion on this point, I accept that the surveys carried out in respect to the project did not record any sighting of Curlew in Ballybeg Bog or Derryvella Bog. The constraints to the survey work undertaken in Ballybeg Bog are acknowledged by the applicant. Notwithstanding, I am of the opinion that the submitted EclA and supporting surveys provide a sound evidence base upon which to assess the potential ecological impacts. The EclA findings indicate that that habitat of proposed trail footprint does not provide suitable roosting habitats or habitat to support abundances of SCI species associated with the European site and is suboptimal habitat for wintering bird species including the Curlew. Furthermore, the mitigation measures proposed for the wintering bird species, including Curlew, would appropriately minimise disturbance related impacts resulting from operational use of the proposed trails, specifically from dogs.

7.6.8. The appellant also raises concerns that the applicant has failed to provide sufficient detail on how the construction phase would be managed to prevent pollution and disturbance to sensitive habitats and water bodies ensuring the viability of the protected species mentioned in the locality. I note that a comprehensive Construction and Environmental Management Plan (CMP) has been submitted and it has been prepared in conjunction with the mitigation measures and best practice design presented in the Natura Impact Statement (NIS) and accompanying EclA. An Ecological Restriction Zone is proposed to be adopted on a precautionary basis to avoid significant disturbance to wintering birds and will be evaluated and impacted as required in accordance with best practice and overseen by the Bord Na Móna ecology team. In the event the Commission is minded to grant permission this issue can be confirmed by condition.

## 7.7. Engagement with the local community

7.7.1. The applicant has outlined their community engagement approach including the range of communication methods to raise awareness of the project and to encourage

local participation. It is outlined in the appeal response (section 4.5) that the following was undertaken:

- January 2025 the project team undertook a structured door-to-door engagement initiative visiting approximately 70 households within 1km radius of the proposed gateways for the project. Each household was provided with a letter and accompanying map which includes project overview and contact details, an invitation to discuss the proposal with Bord Na Mona (a direct point of contact for further queries or concerns was provided).
- In parallel with the door-to-door engagement Bord Na Móna informed and consulted with a wide range of stakeholders including local community groups and political representatives including County Councillors and TDs.
- February 2025 over 60 stakeholders received electronic communications including an accompanying map outlining the proposed development with a direct contact for any further questions or concerns.
- Several follow up in person meetings and phone calls were held.

No details have been provided in respect to which local community groups were engaged with or political representatives. I highlight for the Commission that the planning application was submitted to the planning authority on the 28 February 2025.

7.7.2. The appellants are dissatisfied with the methodology employed for community engagement and suggest that the engagement focussed on the proposals in isolation rather than within the context of a strategic development plan. Given the nature of the trails in this instance, which would act as an extension to the existing attractions of Loch Dhoire Bhile and Littleton Labyrinth and would not be of such a scale to warrant a Masterplan as envisaged in Planning Policy 11-15 of the development plan, I consider that the methodology employed for engagement to be appropriate.

7.7.3. The appellants, notwithstanding the applicant's appeal submission remain unchanged in their view that meaningful consultation did not occur and that they did not have an opportunity to input into design considerations. The appellant's outline meetings arranged by themselves post application lodgement in March and

September 2025 and coordinated with the Community Liaison Officer. I shall not address issues raised with respect to those consultations post application lodgement.

7.7.4. It is evident that there are conflicting viewpoints on the adequacy of community engagement on this project. I am of the view that local community engagement came later in the project development than would be considered ideal given the lodgement of the application in February 2025. Nevertheless, I consider that a satisfactory level of engagement has been demonstrated by the applicant to raise awareness of the project with those living in the immediate environs and has enabled the local community to get involved in the statutory decision-making process in advance of the submission of the application, through their third-party submissions and subsequent appeal.

## 8.0 Environmental Impact Assessment (EIA) Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 9.0 Appropriate Assessment

*Appropriate Assessment Conclusion: Integrity Test*

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

9.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Suir SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

9.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the DAU and the report of the Environment Section Tipperary County Council and the Appropriate Assessment included within the planner's report I consider 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.

9.4. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures (detailed in the NIS, EclA, Habitat Management and Enhancement Plan and accompanying Construction and Environmental Plan (CEMP)) proposed including supervision and monitoring and integration into the CMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of mitigation measures.

9.5. 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.

## 10.0 Water Framework Directive (WFD) Screening

10.1. The Derryvella section of the proposed walkway and cycleway is located upon the 'Templemore' Groundwater Body (GWB) (IE\_SE\_G\_131) while the Ballybeg section of the study area is underlain by the 'Templemore' Groundwater Body (IE\_SE\_G\_116) and Thurles Groundwater Body (IE\_SE\_G\_158). Both of these Groundwater Body's Water Framework Directive (WFD) status are classified as 'Good' between 2016-2021. The Templemore groundwater body is classified as being 'At Risk' of meeting its objectives under the Water Framework Directive while the Thurles Groundwater Body is classified as being 'Not at Risk'. The report of the

Environment Section Tipperary County Council (see section 3.2 for full details) outlines that in terms of ongoing groundwater monitoring, Bord Na Móna have 2 no. piezometers at Ballybeg and 1 no. at Derryvella and can monitor ground water levels through online dash boards.

- 10.2. As further set out in the report by the Environment Section the proposed trail crosses an unnamed stream that flows into the Breegagh. The Breegagh flows around Littleton towards Thurles to join the Drish. The Drish flows approx. 0.75km west to meet the Suir. This section of the river is not a designated site, but it flows south-west into the Lower River Suir SAC.
- 10.3. The proposed trail would be situated alongside the North Glengoole River for some of the trail. The trail crosses the river at two points. The North Glengoole River flows into the Black River which in turn flows into the Drish. As stated above, the Drish flows into the Suir at a point that is not a designated site but flows south-west into the Lower River Suir SAC just outside of the Cabra wetlands.
- 10.4. The proposed development would necessitate installation of culverts at a number of locations on the exiting drainage ditch network to allow the proposed shared walkway and cycleway to cross these as well as to facilitate construction of the Gateway within northern Derryvella.
- 10.5. The proposed development comprises a recreational cycle and walkway to connect into the existing Loch Dhoire Bhile Loop which would 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. The proposed development would include the installation of culverts at a number of locations on the existing drainage ditch network as well as the proposed Gateway TY-02-03 at Derryvella. Please refer to Section 2.0 of my report.
- 10.6. Water deterioration concerns were raised in the planning appeal in respect to potential construction phase impacts on sensitive habitats and waterbodies. Please refer to Appendix 3 for the assessment in respect to WFD and section 9.0 Appropriate Assessment and Appendix 2 where this issue is addressed in relation to Appropriate Assessment.
- 10.7. I have assessed the proposed shared cycle and walkway trail and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to

protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.8. The reason for this conclusion is as follows:

- Nature of works
- Mitigation measures contained within the Natura Impact Statement (NIS) incorporating relevant measures included in the Ecological Impact Assessment (EIA) report, Habitat Management and Enhancement Plan and Construction and Environmental Management Plan (CEMP).

#### *Conclusion*

10.9. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

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

## **12.0 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.

## 13.0 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 25 day of June 2025 and An Coimisiún Pleanala on 14 day of October 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 (EIA) 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 14 no. car parking spaces at Proposed Gateway TY-02-01, inclusive of accessible parking and EV parking spaces.
- (b) No more than 8 no. car parking spaces at proposed Gateway TY-02093, inclusive of accessible parking and EV parking spaces.
- (c) Full details of proposed noise/privacy screening, indicated on drawing no. BNM-DR-MTN-TY-0300 Rev D04 submitted to An Coimisiún Pleanala, within proposed Gateway TY-02-01 shall be provided.

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, 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 (EcIA) 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, and it shall be placed on file prior to the commencement of development and retained as part of the public record.

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

6. 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 with a dedicated Community Liaison Officer and details on the upkeep 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.

7. No removal of vegetation during the breeding bird nest season (March 1st to August 31st), in the absence of the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.

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

8. A suitably qualified ecologist 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. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016), with particular attention to section 2.1 for the installation of culverts. A programme of water quality monitoring shall be prepared in consultation with the contractor, the developer and relevant statutory agencies and the programme shall be implemented thereafter. The findings of that water quality monitoring programme shall be placed on the public file, following completion of construction.

**Reason:** In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

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, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Claire McVeigh  
Planning Inspector

14 January 2026

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323662-25
<b>Proposed Development Summary</b>	A recreational cycle and walkway to connect into the existing Loch Dhoire Bhile Loop which 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. This Planning Application is accompanied by a Natura Impact Statement (NIS).
<b>Development Address</b>	Bord Na Mona lands, within the townlands of Ballybeg, Derryvella and Lanespark in County Tipperary.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	See section 8.0 of my report.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	N/A

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> Development is not a class of development.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 2: Appropriate Assessment**

### **1.0 Appropriate Assessment**

1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement (NIS) and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of the European site.

### **1.2. Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### 1.3. Screening the need for Appropriate Assessment

#### **Appropriate Assessment: Screening Determination**

##### **(Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed recreational shared cycle and walkway development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment and Natura Impact Statement (NIS) has been prepared by *Delichon Ecology* on behalf of the applicant. In addition, I have had regard to the submitted Ecological Impact Assessment (EIA) Report prepared by the *Bord Na Mona Ecology Team* and *Delichon Ecology*.

The objective information presented in these reports informs this screening determination.

#### **Description of the proposed development**

It is proposed to construct a recreational cycle and walkway connecting into the existing Loch Dhoire Bhile Loop. The proposal seeks to repurpose 602 metres of existing former rail bed, 2859 metres along existing bog headlands/former high fields and 721 metres along pre-existing machine access routes.

I have provided a detailed description of the development in my report (Section 2.0) and detailed specifications of the proposal are provided in the NIS and other planning documents provided by the applicant.

#### **Consultations and submissions**

Submissions which raised issues related to screening for appropriate assessment and the AA process generally were received in relation to the proposed recreational shared cycle and walkway. A summary of each of these submissions and a response to each, is provided below:

Pre-application consultation with the Development Application Unit (DAU) National Parks and Wildlife Service (NPWS) -Appendix III within the Ecological Impact Assessment Report (EIA) in which it is recommended to redesign the section of the Ballybeg Bog route (from what was initially proposed at pre-application consultation stage) so that it skirts the northern and eastern margins of the Bog thereby dramatically reducing future disturbance to the open bog area and increasing options for future habitat restoration. In this respect it states: "*The open bog area, particularly with its standing water pools is potentially attractive to a range of open habitat specialist species such as for example breeding wader species, many of which are threatened nationally and internationally and for whom suitable habitat is scarce These species are very sensitive to human disturbance and re-routing the proposal would minimise disturbance offering greater protection to these species with considerable benefits also for other species. The edge route would maximise the internal area available for potential future habitat enhancement and carbon retention measures such as dam blocking or otherwise raising water levels to reduce carbon loss from the dry bog atmospheres*"

Third party appeal – Tina Dollard & Others

- Stage 2 of an AA process is to identify any adverse impacts that a development might have on the integrity of a site. This development will have a determined effect on this bogland, due to the removal of habitats of protected species, removal of existing bog/pasture to install a tarmac car park and electrical charging points.
- Note that the AA report typically only concentrates on those habitats and species designated for the particular site, however, it is highlighted that the Curlew is a protected red-list bird and has been recorded on the database of the National Biodiversity Data Centre (NBDC) at Ballybeg. Suggest that breeding bird assessments for the Curlew are carried out in the next breeding season in Ballybeg Bog.
- The assessment must consider the cumulative impacts of the development alongside other existing and planned projects in the region, particularly those that impact the same protected species of habitats.
- Concerns that the applicant has failed to provide sufficient detail of how the construction phase will be managed to prevent pollution and disturbance to sensitive habitats and water bodies, ensuring the viability of the protected species mentioned in the locality.

*Department of Housing, Local Government and Heritage – Development Applications Unit (DAU)*

- Noting for clarity that the report focuses on potential archaeological impacts, no commentary on natural heritage.

I acknowledge the issues related to screening for appropriate assessment and the AA process generally.

#### **European Sites**

The development site is not located within or directly adjacent to any Natura 2000 site. The development site lies within the catchment of the Lower River Suir.

The submitted Screening Report for Appropriate Assessment identifies the Natura 2000 sites within the project zone of influence as including:

- Lower River Suir SAC (002137).
- Slieve Bloom Mountains SPA (004160).
- Slievefelim to Silvermines Mountains SPA (004165).

There is no ecological justification for a wider consideration of sites, and I am satisfied that the above listed Natura sites as identified in the submitted AA screening are the only European sites of relevance which could be impacted by the proposed development applying the source-pathway-receptor model.

<b>European Site</b>	<b>Qualifying Interests</b>	<b>Distance</b>	<b>Connections</b>
Lower River Suir SAC	Atlantic salt meadows (Glauco-	Greater than 8km via the nearest	Hydrological connectivity.

<p><a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a></p> <p>Conservation Objective Series (March 2017)</p>	<p>Puccinellietalia maritimae) [1330]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p>	<p>straight-line distance and 18.1km downstream via the Black (Twomileborris)-010, Drish_050, Drish-060, Breagagh (Tipperary)-010 and Breagagh (Tipperary)-020 watercourses.</p>	
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	Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]		
Slieve Bloom Mountains SPA <a href="https://www.npws.ie/protected-sites/spa/004160">https://www.npws.ie/protected-sites/spa/004160</a>	Hen Harrier (Circus cyaneus) [A082]	c. 37km north via the nearest straight-line distance.	Ex-situ disturbance
Slievefelim to Silvermines Mountains SPA <a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Hen Harrier (Circus cyaneus) [A082]	C25km west/northwest via the nearest straight-line distance.	Ex-situ disturbance

**Table 1.1**

**Likely impacts of the project.**

The development lands are not located within or directly adjacent to any Natura 2000 site.

Impacts may include indirect disturbance (through ex-situ disturbance of feeding or foraging SCI species) and deterioration of water quality and the wetland components of European Sites within the project zone of influence and the consequent disturbance of reliant features of qualifying interest.

Operational phase activities relate to low level intermittent maintenance works that area considered to be in accordance with ongoing baseline disturbance level impacts. However, the use of the proposed shared cycle and walkway during the project operational phase may contribute localized intermittent disturbance effects to ex-situ SCI species for SPAs should they utilise adjoining areas of more expansive cutover and rehabilitating bog.

**Likely significant effects on the European sites in view of the conservation objectives**

Based on the information provided in the screening report and Natura Impact Statement (NIS) including the revised NIS, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Indirect disturbance. (ex-situ disturbance of feeding or foraging SCI species)
- Deterioration of water quality and the wetland components of European Sites.

An examination and analysis of the potential for other plans and/or projects to act in combination with the proposed project to have a significant effect on any European site within its zone of influence is considered in Table 5-2 the AA Screening report.

I concur with the applicants' findings that such impacts could be significant when considered on their own and in combination with other projects and plans in relation to habitat loss and pollution related pressures on qualifying interest habitats and species.

### **Overall Conclusion**

#### **Screening determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Suir SAC (002137), Slieve Bloom Mountains SPA (004160) and Slievefelim to Silvermines Mountains SPA (004165) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

### **Appropriate Assessment**

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed recreational shared cycle and walkway in view of the relevant conservation objectives of the Lower River Suit SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Report (NIR) of Tipperary County Development Plan 2022-2028.
- Natura Impact Statement prepared by *Delichon Ecology* and its Appendices
- Table 2-5: Summary of response received from the Development Application Unit (Department of Housing, Local Government and Heritage) in relation to Nature Conservation and Appendix III of the Ecological Impact Assessment Report (EIA) Response received from the Development Applications Unit (DAU) of the National Parks and Wildlife Service (NPWS).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and

assessed in the NIS and Mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### **Submissions/observations**

Submission raised issue in the appeal related to adequacy of the ecological surveys undertaken with respect to timing, duration and scope. In particular, concerns raised that the bird survey failed to note any breeding curlews contrary to the sightings noted in the written testament of a local Bird Watch Ireland volunteer.

The submissions states that the purpose Stage 2 AA process is to identify the adverse impacts that the development might have on the integrity of a site and is of the opinion that the subject development would have a detrimental effect on the bogland due to the removal of habitats of protected species, removal of existing bog/pasture to install a tarmac carpark and electrical charging points.

Concerns raised that the assessment must consider the cumulative impacts of the development alongside other existing and planned projects in the region, particularly those that impact the same protected species of habitats.

I acknowledge the issues related to the AA process generally and will consider same within the following assessment (Please also refer to section 7.6 of my report in respect to adequacy of the ecological surveys).

### **European sites**

#### **Lower River Suir SAC (Site Code 002137)**

##### **Summary of key issues that could give rise to adverse effects:**

(i) Deterioration in surface water quality during construction phase and increased surface water runoff during operational phase.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes (as relevant summary)	Potential Adverse effects	Mitigation measures (Summary) See NIS section 7.
The submitted NIS considers this European site further in sections 6.2 to identify the features of qualifying interest with the potential to be adversely impacted as a result of the proposed development and following this exercise undertake an impact assessment on the relevant features of qualifying interest for the European Site in Table 6-2.			
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition.  Habitat area, Kilometres, Area stable or increasing  Habitat distribution, Occurrence, No	The proposed works do not overlap and are not located in proximity with this wetland habitat, which is associated with the wetland habitats fringing the River Suir main channel and larger tributaries located downstream.	Summary of mitigation measures presented in Table 7.1 of the submitted NIS.  Works sequencing.  Construction and Environmental

	<p>decline, subject to natural processes.</p> <p>Hydrological regime: river flow, Metres per second, Maintain appropriate hydrological regimes.</p> <p>Hydrological regime: groundwater discharge. Metres per second. Maintain appropriate hydrological regime.</p> <p>Hydrological regime: tidal influence. Daily water level fluctuations-metres. Maintain natural tidal regime.</p> <p>Substratum composition: particle size range. Millimetre. Maintain appropriate substratum particle size, range, quantity and quality, subject to natural processes.</p> <p>Water quality. Various. Maintain appropriate water quality to support the natural structure and functioning of the habitat.</p> <p>Typical species. Occurrence. Maintain typical species in good condition, including appropriate distribution and abundance.</p> <p>Floodplain connectivity. Hectares. Maintain floodplain connectivity necessary to support the typical species and vegetation composition of the habitat.</p> <p>Fringing habitats. Hectares. Maintain</p>	<p>During construction, secondary effects (via indirect hydrological connectivity) may be realised but would be limited to potential aquatic habitat degradation from the use of fuels, cement and bituminous materials, earthworks and excavations in close proximity to surface water features. The shared cycle and walkway network would not impact the ongoing hydrological regime for the study area and consequently would not affect the hydrological regime, vegetation composition, water chemistry or structure of the annex 1 habitat.</p> <p>The proposed works will require shallow excavations, which would not intersect with the underlying groundwater body.</p> <p>No discharge of unattenuated surface water to groundwater during the project's construction or operational phases.</p> <p>No invasive species were identified during habitat mapping and other surveys. Therefore, potential effects via transfer of invasive species are not possible during construction phase, Spread of invasive alien plant species as a result of fly-tipping or littering may be realised during the projects operational phase.</p>	<p>Management Plan (CMP).</p> <p>Ecological Clerk of Works to manage and supervise works undertaken during the winter months.</p> <p>Trail Manamgement by BnM staff and maintenance personnel.</p>
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	<p>marginal fringing habitats that support the typical species and vegetation composition of the habitat.</p>		
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	<p>To maintain the favourable conservation condition.</p> <p>Habitat area. Hectares. Area stable or increasing, subject to natural processes.</p> <p>Habitat distribution: Occurrence. No decline, subject to natural processes.</p> <p>Hydrological regime: Flooding depth/height of water table.</p> <p>Vegetation composition: positive indicator species. Number of species at a representative number of monitoring stops. At least three positive indicator species present.</p> <p>Vegetation composition: Positive indicator species. Number of species at a representative number of monitoring stops. At least three positive indicator species present.</p> <p>Vegetation composition: Non-native species. Percentage cover at a representative number of monitoring stops. Cover of non-native species not more than 1%.</p> <p>Vegetation composition: Negative indicator species. Percentage at a</p>	<p>Significant effects on this habitat type through direct habitat loss or reduction in distribution can be excluded given the lack of proximity of proposed works.</p> <p>The proposed works have a remote hydrological connectivity with this habitat via the adjoining drainage channels network and larger watercourses downstream. During construction secondary effects may be realised but would be limited to potential aquatic habitat degradation from the use of fuels, cement and bituminous materials, earthworks and excavations in close proximity to surface water features.</p> <p>As above the proposed works would not impact the ongoing hydrological regime for the study area and consequently would not affect the hydrological regime, vegetation composition, water chemistry or structure of this Annex 1 habitat.</p> <p>Due to the nature of the proposed works with shallow excavations there would be no interaction with the</p>	As above.

	<p>representative number of monitoring stops. Cover of non-native species not more than 33%.</p> <p>Vegetation composition: scrub, bracken and heath. Percentage at a representative number of monitoring stops. Cover of scrub, bracken and heath not more than 5%.</p> <p>Vegetation structure; Height. Height (cm) at a representative number of monitoring stops. Herb height at least 50cm.</p> <p>Physical structure: bare soil. Percentage at a representative number of monitoring stops. Cover of bare soil not more than 10%.</p> <p>Physical structure: Grazing and disturbance. Square metres in local vicinity of a representative number of monitoring stops. Area of the habitat showing signs of serious grazing or disturbance less than 20m<sup>2</sup>.</p>	<p>underlying groundwater body. No discharge of unattenuated surface water to groundwater during the construction and operational project phases.</p> <p>No invasive species were identified during habitat mapping and other surveys. Therefore, potential effects via transfer of invasive species are not possible during construction phase, Spread of invasive alien plant species as a result of fly-tipping or littering may be realised during the projects operational phase.</p>	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	<p>To restore the favourable conservation condition.</p> <p>Habitat area. Hectares. Area Stable or increasing, subject to natural processes, at least 32.9ha for site surveyed.</p> <p>Habitat distribution. Occurrence. No decline. Surveyed locations shown on map 5.</p>	<p>The proposed works are not overlapping or in proximity with this woodland habitat which is associated with wetland habitats/riparian area of the River Suir main channel and its larger tributaries downstream.</p> <p>Potential adverse effects as detailed above.</p>	As above.

	<p>Woodland size. Hectares. Area stable or increasing.</p> <p>Woodland structure: cover and height. Percentage and metres. Diverse structure with relatively closed canopy containing mature trees; subcanopy layer with semi-mature trees and shrubs; and well-developed herb layer.</p> <p>Woodland structure: community, diversity and extent. Hectares. Maintain diversity and extent of community types.</p> <p>Woodland structure: natural regeneration. Seedling: sapling: pole ratio. Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy.</p> <p>Hydrological regime: flooding depth/height of water table. Metres. Appropriate hydrological regime necessary for maintenance of alluvial vegetation.</p> <p>Woodland structure: dead wood. M<sup>3</sup> per hectare; number per hectare. At least 30m<sup>3</sup>/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter (greater than 20cm diameter in case of alder).</p>		
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	<p>Woodland structure; veteran trees. Number per hectare. No decline.</p> <p>Woodland structure: indicators of local distinctives. Occurrence. No decline.</p> <p>Vegetation composition: native tree cover Percentage No decline. Native tree cover not less than 95%.</p> <p>Vegetation composition: typical species Occurrence A variety of typical native species present, depending on woodland type, including alder (<i>Alnus glutinosa</i>), willows (<i>Salix</i> spp.), oak (<i>Quercus</i> spp.), ash (<i>Fraxinus excelsior</i>) and birch (<i>Betula pubescens</i>).</p> <p>Vegetation composition: negative indicator species Occurrence Negative indicator species, particularly non-native invasive species, absent or under control.</p>		
<i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]	<p>To maintain the favourable conservation condition.</p> <p>Distribution Occurrence No reduction from baseline. See map 7.</p> <p>Population structure: recruitment Occurrence of juveniles and females with eggs Juveniles and/or females with</p>	<p>The proposed development does not require instream works and would not hinder movement of this species to and from breeding grounds. The works would not involve aquatic habitat removal or replacement, or disturbance of riverine or lacustrine habitats that support this species. There would</p>	As above.

	<p>eggs in all occupied tributaries.</p> <p>Negative indicator species Occurrence No alien crayfish species.</p> <p>Disease Occurrence No instances of disease.</p> <p>Water quality EPA Q value At least Q3-4 at all sites sampled by EPA.</p> <p>Habitat quality: heterogeneity Occurrence of positive habitat features No reduction in habitat heterogeneity or habitat quality.</p>	<p>be no loss or reduction of riverine habitat supporting spawning habitat as a result of the proposed works.</p> <p>During construction secondary effects on water quality and on aquatic habitat quality may be realised but would be limited to potential aquatic habitat degradation from the use of fuels, cement and bituminous materials, earthworks and excavations in close proximity to surface water features.</p> <p>The proposed development would not affect the ongoing hydrological regime for the study area (see section 2.1 of the NIS and consequently would not affect the hydrological regime of watercourse supporting this species. Impacts to groundwater and groundwater dependent habitat and species of this Sac are not likely given the nature of the proposed works.</p> <p>There would not be discharge of unattenuated surface water to groundwater during the project's construction or operations phases.</p>	
Petromyzon marinus (Sea Lamprey) [1095]	<p>To restore the favourable conservation condition.</p> <p>Distribution: extent of anadromy Percentage of river accessible Greater than 75% of</p>	As above.	As above.

	<p>main stem length of rivers accessible from estuary.</p> <p>Population structure of juveniles Number of age/size groups At least three age/size groups present.</p> <p>Juvenile density in fine sediment Juveniles/m<sup>2</sup> Juvenile density at least 1/m<sup>2</sup>.</p> <p>Extent and distribution of spawning habitat m<sup>2</sup> and occurrence No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat Number of positive sites in 3rd order channels (and greater), downstream of spawning areas More than 50% of sample sites positive.</p>		
Lampetra planeri (Brook Lamprey) [1096]	<p>To restore the favourable conservation condition.</p> <p>Distribution Percentage of river accessible Access to all water courses down to first order streams.</p> <p>Population structure of juveniles Number of age/size groups At least three age/size groups of brook/river lamprey present.</p> <p>Juvenile density in fine sediment Juveniles/m<sup>2</sup> Mean catchment juvenile density of brook/river lamprey at least 2/m<sup>2</sup>.</p> <p>Extent and distribution of spawning habitat</p>	As above.	As above.

	<p><math>m^2</math> and occurrence No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat Number of positive sites in 2nd order channels (and greater), downstream of spawning areas More than 50% of sample sites positive.</p>		
Lampetra fluviatilis (River Lamprey) [1099]	<p>To restore the favourable conservation condition.</p> <p>Conservation Objectives as per Brook Lamprey above.</p>	As above.	As above.
Salmo salar (Salmon) [1106]	<p>To restore the favourable conservation condition.</p> <p>extent of anadromy Percentage of river accessible 100% of river channels down to second order accessible from estuary.</p> <p>Adult spawning fish Number Conservation limit (CL) for each system consistently exceeded.</p> <p>Salmon fry abundance Number of fry/5 minutes electrofishing Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 minutes sampling.</p> <p>Out-migrating smolt abundance Number No significant decline.</p>	As above.	As above.

	<p>Number and distribution of redds Number and occurrence No decline in number and distribution of spawning redds due to anthropogenic causes.</p> <p>Water quality EPA Q value At least Q4 at all sites sampled by EPA.</p>		
Lutra lutra (Otter) [1355]	<p>To maintain the favourable conservation condition.</p> <p>Distribution. Percentage positive survey sites. No significant decline.</p> <p>Extent of terrestrial habitat. Hectares. No significant decline. Area mapped and calculated as 116.17ha above high-water mater (HWM) and 726.61ha along river banks.</p> <p>Extent of marine habitat. Hectares. No significant decline. Areas mapped and calculated as 712.27ha.</p> <p>Extent of freshwater (river) habitat. Kilometres. No significant decline. Length mapped and calculated as 382.31km.</p> <p>Couching sites and holts. Number. No significant decline.</p>	<p>The majority of the proposed works would be restricted to the existing railway network and adjoining cutover bog headlands and high field areas. The works areas and associated access routes and their immediate environs primarily support bare ground, bare peat, recolonising bare ground, linear woodland, scrub and young bog woodland and does not support suitable habitat for this species. No active Otter holts were recorded within the footprint of the proposed works during the surveys.</p> <p>No signs of otter breeding sites (couches) or ongoing usage was identified within the proposed shared cycle and walkway footprint or its immediate environs.</p> <p>Disturbance effects during construction of any significance are</p>	Section 7.1.6 of the submitted NIS.

	<p>Fish biomass available. Kilograms. No significant decline.</p> <p>Barriers to connectivity. Number. No significant increased.</p>	<p>considered unlikely as construction works would be limited to daylight hours. During operation, animals are unlikely to be affected by disturbance and the screening included along parts of the route would avoid visual intrusion. No lighting proposed as part of the project and trail route usage is likely to be at peak during daylight hours.</p> <p>No lighting is proposed for the project.</p> <p>The proposed works would not result in impacts to fish biomass for otter within the receiving, surrounding and downstream environment.</p>	
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#### European sites

**Sieve Bloom Mountains SPA (Site Code: 004160)**

**AND**

**Sievefelim to Silvermines Mountains SPA (Site Code: 004165)**

**Summary of key issues that could give rise to adverse effects:**

- (i) **Ex-situ disturbance/displacement related effects to overwintering Hen Harrier, the SCI species for these European Sites.**

**The submitted NIS considers these European sites further in sections 6.3 and 6.4 to identify the features of qualifying interest with the potential to be adversely impacted as a result of the proposed development and following this exercise undertake an impact assessment on the relevant features of qualifying interest for the European Site in Table 6-2.**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures (Summary)
			<b>See NIS Section 7.</b>

	<b>To restore the favourable conservation condition.</b>		
Hen Harrier ( <i>Circus cyaneus</i> ) [Site Code A082].	<p>Population size. Number of confirmed breeding pairs.</p> <p>Maintain numbers at or above 5–10 confirmed breeding pairs (<i>Sieve Bloom Mountains SPA</i>). Maintain numbers at or above 4–8 confirmed breeding pairs (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Productivity rate. Number of fledged young per confirmed pair</p> <p>Maintain at least 1.0–1.4 fledged young per confirmed pair (<i>Sieve Bloom Mountains SPA</i>). Restore at least 1.0–1.4 fledged young per confirmed pair (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Spatial utilisation by breeding pairs.</p> <p>Percentage.</p> <p>Maintain at least 82-97% spatial utilisation of the SPA by breeding pairs (<i>Sieve Bloom Mountains SPA</i>). Maintain at least 74-94% spatial utilisation of the SPA by breeding pairs (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Extent and condition of heath and bog and associated habitats Hectares; condition assessment.</p> <p>Maintain the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation (<i>Sieve Bloom Mountains SPA</i>). Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and</p>	<p>No suitable roost locations recorded overlapping the proposed development footprint. Roost locations identified at Littleton Bog 1.5km from the proposed development and a second likely roost located in proximity to Bawnmore Bog at least 11km north of the proposed development.</p> <p>No significant effects on nocturnally roosting Hen Harrier predicted during construction.</p> <p>Disturbance to birds either indirect or sequential which might fly within 150m of works/operational walk and cycleway whilst foraging or commuting are appraised as momentary and highly reversible as birds are easily able to fly on the other foraging resources.</p> <p>Screening in the form of vegetation that exists along</p>	<p>Works sequencing (7.1.3 of the submitted NIS). Ecological Clerk of Works to manage and supervise works undertaken during the winter months.</p> <p>Pollution control measures.</p> <p>Working in accordance with the relevant legislation.</p> <p>Construction and Environmental Management Plan (CMP) (Appendix B of NIS).</p> <p>Appointed Environmental Officer (7.1.4 of the submitted NIS).</p> <p>Ecological Restriction Zones (ERZ) c. 150m from areas that have the capacity to support feeding or roosting over-wintering avifauna. to be adopted.</p> <p>Implementation of screening</p>

	<p>spatial utilisation (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Extent and condition of low intensity managed grasslands and associated habitats. Hectares; condition assessment</p> <p>Maintain the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation (<i>Slieve Bloom Mountains SPA</i>).</p> <p>Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation (<i>Slievefelim to Silvermines Mountains SPA</i>)</p> <p>Extent and condition of hedgerows. Kilometres; condition assessment.</p> <p>Maintain the length and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation (<i>Slieve Bloom Mountains SPA</i>).</p> <p>Maintain at least the length and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Age structure of forest estate. Percentage.</p> <p>Achieve an even and consistent distribution of age-classes across the forest estate (<i>Slieve Bloom Mountains SPA</i>).</p> <p>Achieve an even and consistent distribution of age-classes across the forest estate (<i>Slievefelim to Silvermines Mountains SPA</i>).</p> <p>Disturbance to breeding sites Level of impact.</p>	<p>substantial parts of the existing railway corridor limits the magnitude of any intrusion or disturbance.</p> <p>Potential for cascade effects on birds associated with the Littleton roost as a result of disturbance, that may occur whilst birds are commuting and foraging within the study area, has been identified on a precautionary basis.</p>	<p>with mammal gaps) 2250m approx..) to minimise disturbance (section 7.1.14 of the submitted NIS and 7.1.16 of the submitted NIS).</p> <p>Additional tree and shrub planting to enhance the screening function of existing features (refer to the Habitat Management and Enhancement Plan (HMEP)).</p> <p>Monitoring of wintering bird populations at the site by Bord na Mona Ecologists.</p> <p>No lighting proposals for the construction or operational phases of the proposed development.</p>
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	<p>Disturbance occurs at levels that does not significantly impact upon breeding hen harrier (<i>Sieve Bloom Mountains SPA</i>).</p> <p>Disturbance occurs at levels that does not significantly impact upon breeding hen harrier (<i>Sievefelim to Silvermines Mountains SPA</i>).</p>		
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects:**

**Lower River Suir SAC**

- (i) **Deterioration in surface water quality during construction phase and increased surface water runoff during operational phase.**

Impacts to water dependent and nutrient sensitive Annex 1 habitats and aquatic species of the Lower River Suir SAC and as a result of deterioration in water quality or changes to in-situ hydrological regimes were found, in the submitted NIS, not to result in adverse effects due to the proposed protection measures around construction practices.

**Mitigation measures and conditions**

Mitigation measures (See sections 7.1.7-7.1.13 of the submitted NIS).

**Sieve Bloom Mountains SPA & Sievefelim to Silvermines Mountains SPA**

- (i) **Ex-situ disturbance/displacement related effects to overwintering Hen Harrier, the SCI species for these European Sites.**

Aspects to consider, as per the NPWS notes with respect to the Conservation Objectives relating to disturbance to breeding sites, are the habitat structure and overall open habitat coherence. In addition, factors such as intensity, frequency, timing and duration of a potentially disturbing activity need to be taken into account to determine its significance on breeding hen harrier in the SPA.

**Mitigation measures and conditions**

Design measures have been implemented in the subject application following consultation with the Development Applications Unit (DAU) of the NPWS at pre-application stage (please refer to Table 3-1 of the Ecological Impact Assessment Report (EcIA)) to re-route the proposed walkway/cycleway from its initial route line which traversed a high field within Ballybeg to the northern end of the bog before looping back around to the east (Figure 3-1 of the EcIA).

Ex-situ disturbance and displacement of over-wintering Hen Harrier were found, in the submitted NIS, not to result in adverse effects due to the protective measures around timing and scheduling of works (7.1.3 of the submitted NIS), targeted screening of expansive areas of rehabilitated and cutover bog (section 7.1.16) and areas close to known/suitable foraging habitats and the implementation of an ecological exclusion zone, on a precautionary basis during the period when the SCI's may be present (section 7.1.5).

The exclusion zone (150m) is selected based on the largest Minimum Approach Distance (MAD) for the SCI species under consideration and is stated in the NIS submitted to constitute Best Available Scientific Knowledge.

There are no significant effects identified which would adversely affect the special conservation interests or conservation objectives of these SPAs with regard to the densities, range or conservation status of the waterbird species and their supporting wetland habitats.

#### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS (see table 5-2). I am satisfied that the applicant has demonstrated that no residual adverse effects would remain post the application of mitigation measures.

#### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of Lower River Suir SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA in view of the conservation objectives.

Based on the information provided, I am satisfied that adverse effects arising from proposed development can be excluded. No direct impacts are predicted. Design measures have been implemented following consultation with the Development Applications Unit of the NPWS at pre-application stage (please refer to Table 3-1 of the Ecological Impact Assessment Report (EclA)) to re-route the proposed walkway/cycleway from its initial route line which traversed a high field within Ballybeg to the northern end of the bog before looping back around to the east (Figure 3-1 of the EclA). The route was repositioned, in accordance with the recommendation of the NPWS to skirt the northern and eastern margin of Ballybeg Bog, to the north and easy to a location where it is screened from the adjacent open cutaway bog by establishing shrub and woodland. The EclA states that this repositioned route would minimise operational disturbance related impacts on wintering water birds and breeding waders which may utilise the cutaway as the bog continues to re-wet following rehabilitation.

Indirect impacts would be temporary in nature and mitigation measures are described to prevent deterioration in water quality or changes to in-situ hydrological regimes. In addition, with respect to the Hen Harrier protective measures around the timing and scheduling of works, screening and implementation of ecological restriction zones would prevent adverse effects. Monitoring measures are also proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicated.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

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

Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

#### **Appropriate Assessment Conclusion: Integrity Test**

The proposed residential 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 Lower River Suir SAC, Slieve Bloom Mountains SPA and Slievefelim to Silvermines Mountains SPA 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 NIS, all associated material submitted and taking into account observations of the DAU and the report of the Environment Section Tipperary County Council and the Appropriate Assessment included within the planner's report I consider 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.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures (detailed in NIS, EcIA, Habitat Management and Enhancement Plan and accompanying Construction and Environmental Plan (CEMP)) proposed including supervision and monitoring and integration into the CMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of 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.

## Appendix 3: Water Framework Directive (WFD) Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	323662-25	<b>Townland, address</b>	Ballybeg, Derryvella and Lanespark, County Tipperary.
<b>Description of project</b>		A recreational cycle and walkway to connect into the existing Loch Dhoire Bhile Loop which 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. This Planning Application is accompanied by a Natura Impact Statement (NIS).	
<b>Brief site description, relevant to WFD Screening,</b>		The Derryvella section of the proposed walkway and cycleway is located upon the 'Templemore' Groundwater Body (GWB) (IE_SE_G_131) while the Ballybeg section of the study area is underlain by the 'Templemore' Groundwater Body (IE_SE_G_116) and Thurles Groundwater Body (IE_SE_G_158). Both of these Groundwater Body's Water Framework Directive (WFD) status are classified as 'Good' between 2016-2021. The Templemore groundwater body is classified as being 'At Risk' of meeting its objectives under the Water Framework Directive while the Thurles Groundwater Body is classified as being 'Not at Risk'.  In terms of ongoing groundwater monitoring, Bord Na Móna have 2 no. piezometers at Ballybeg and 1 no. at Derryvella and can monitor ground water levels through online dash boards.	

	<p>The proposed trail crosses an unnamed stream that flows into the Breegagh. The Breegagh flows around Littleton towards Thurles to join the Drish. The Drish flows approx. 0.75km west to meet the Suir. This section of the river is not a designated site, but it flows south-west into the Lower River Suir SAC. The proposed trail is situated alongside the North Glengoole River for some of the trail. The trail crosses the river at two points. The North Glengoole River flows into the Black River which in turn flows into the Drish. As stated above, the Drish flows into the Suir at a point that is not a designated site but flows south-west into the Lower River Suir SAC just outside of the Cabra wetlands</p>
<b>Proposed surface water details</b>	<p>The surface water drainage design for the proposed car parks is based on technical Guidance Document Part H – Drainage &amp; Wastewater Disposal (TGD Part H), the Greater Dublin Strategic Drainage Study (GDSDS and Sustainable Drainage Systems (SuDS). Nature based Solutions (NBS) will be employed through the adoption of wet swales and other appropriate measures such as Hydrocarbon interceptors and flow control chambers to treat surface-water run-off during the operational phase.</p> <p>Surface water runoff during the construction phase will be contained and will either drain to ground or will drain away from the site boundary. Water will be prevented from draining to existing watercourses through the implementation of physical mitigation such as bunding work areas and the installation of netting as necessary.</p>
<b>Proposed water supply source &amp; available capacity</b>	Not relevant.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Not relevant.

Others?						
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	240m	Breagagh (Tipperary)_020 (IE_SE_16B0304 00)	Moderate (2016-2021)	Review status	No pressures identified	Yes - multiple drainage ditches hydrologically connected to watercourse.
River Waterbody	16m	North Glengole_010 (IE_SE_16N2807 80)	Poor (2016-2021)	Review status	No pressures identified	Yes - multiple drainage ditches hydrologically connected to watercourse.

River Waterbody	700m	Black/Twomileb orris_010 (IE_SE_16B0101 00)	Moderate (2016-2021)	At risk	Morphological, Organic (Peat)	Yes - multiple drainage ditches hydrologically connected to watercourse.	
Groundwater Waterbody	Underlying site	Templemore Groundwater Body (IE-SE-G- 116) and	Good (2016- 2021)	At Risk	Nutrients (Unknown, Ag)	Yes	
Groundwater Waterbody	Underlying site	Thurles Groundwater Body (IE-SE-G- 158)	Good (2016- 2021)	Not at risk	No pressures identified.	Yes	
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage	Residual Risk (yes/no)	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if</b>

					Mitigation Measure*	Detail	'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Breagagh (Tipperary)_020 (IE_SE_16B030400); North Glengoole_010 (IE_SE_16N280780); and Black/Twomileborris_010 (IE_SE_16B010100)	Existing drainage ditches, watercourse	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Templemore Groundwater Body (IE-SE-G-116) and	Pathway exists	Spillages	As above	No	Screened out

		Thurles Groundwater Body (IE-SE- G-158)					
<b>OPERATIONAL PHASE</b>							
3.	Surface	Breagagh (Tipperary)_02 0 (IE_SE_16B030 400); North Glengoole_01 0 (IE_SE_16N28 0780); and Black/Twomile borris_010 (IE_SE_16B010 100)	Existing drainage ditches, watercourse	Hydrocarbon spillage	SUDs features	No	Screened out
4.	Ground	Templemore Groundwater Body (IE-SE- G-116) and	Pathway exists	Spillages	SUDs features	No	Screened out

		Thurles Groundwater Body (IE-SE- G-158)					
<b>DECOMMISSIONING PHASE</b>							
5.	NA						