



An
Bord
Pleanála

Inspector's Report

ABP-323836-25

Development	Construction of a new footbridge and resurfacing of existing lane with walkway link to the existing park and all ancillary siteworks.
Location	Newport Park, Newport, Co Tipperary.
Local Authority	Tipperary County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Observer(s)	Fiona Bonfield, Newport Tidy Towns Committee, Patrick Gleeson, Brian Dunne & Jorien Szkudlarski.
Date of Site Inspection	12 th February 2026
Inspector	Barry O'Donnell

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1.0 Introduction

- 1.1. Tipperary County Council is seeking approval from An Coimisiún Pleanála for development at Newport Ball Alley and Park, Newport, Co. Tipperary consisting of the construction of a new footbridge, resurfacing of an existing lane with walkway link to the existing park and all ancillary site works. The site is partly located within the Lower River Shannon SAC, a designated European site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

2.0 Site and Location

- 2.1. The subject site is located in the town of Newport, Co. Tipperary. It is located to the rear of buildings along Pound Street and the R503/Church Road and it is currently accessed from the east, via an access that is shared with a private dwelling.
- 2.2. The site contains a handball alley (which is itself a Protected Structure and is listed on the National Inventory of Architectural Heritage) and a small park, which is enclosed by both the Newport River and Small River.
- 2.3. The proposed pedestrian access point, which is to the east of Gleeson's Bar, is set on a relatively steep gradient. It is currently paved in the area closest to Pound Street and turns to compacted earth as it approaches the river.

3.0 Proposed Development

- 3.1. The proposed development comprises the construction of a new footbridge, resurfacing of an existing lane with walkway link to the existing park, together with all ancillary site works. The proposals will provide access from Pound Street to Newport Ball Alley and Park.
- 3.2. The proposed footbridge comprises a precast concrete deck and will be set on concrete abutments on either side of the Small River and will allow access from a pedestrian lane to the north of Gleeson's Bar on Pound Street. The Small River is a tributary of the Newport River, which flows alongside the west site boundary. The Newport River forms part of the Lower Shannon SAC and the SAC designation extends into the western part of the site.
- 3.3. Ancillary works include raising the level of approx. 50sq.m. of the amenity area on the north side of the bridge, in order to meet the bridge deck, public lighting on both sides of the bridge and drainage.
- 3.4. The application is accompanied by the following documents: -
- Appropriate Assessment Screening Report
 - Natura Impact Statement
 - Environmental Impact Assessment Screening Report
 - Invasive Species Management Plan
 - Bat Survey Report
 - Architectural & Engineering Design Report
 - Archaeological Assessment Report.
 - Construction & Environmental Management Plan
 - OPW letter of consent
 - Landowner letter of consent to application.

4.0 Planning History

- 4.1. I am not aware of any previous planning records pertaining to the site.

5.0 Legislative and Policy Context

5.1. The EU Habitats Directive (92/43/EEC)

- 5.1.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011

- 5.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. National nature conservation designations

- 5.3.1. The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two designations form part of the European Natura 2000 Network.

- 5.3.2. European sites located in proximity to the subject site include:

- Lower River Shannon SAC (Site Code 002165): partly within the subject site.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165): c.1.6km north-east (this site is upstream of the subject site).

- 5.3.3. Nationally designated sites in proximity to the subject site include:

- Clare Glen pNHA: c.2.4km south.

- Derrygareen Heath pNHA: c.3.2km east.
- Bleanbeg Bog NHA: c.6km east.

5.4. Planning and Development Act 2000 (as amended)

5.4.1. Part XAB of the Act sets out the requirements for the appropriate assessment of development which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it, with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Commission shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.5. Policy and Guidelines of Relevance

- 5.5.1. The following policy and guidelines are considered relevant to the proposed development: -
- 5.5.2. National Planning Framework
- 5.5.3. The NPF sets out a high-level strategic plan for shaping future growth and development of Ireland for the period up to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered local economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.
- 5.5.4. Water Action Plan 2024: A River Basin Management Plan for Ireland
- 5.5.5. The WAP focuses on protecting and restoring water quality by preventing and reducing pollution, by restoring the natural ecosystem functions of rivers, and by continuing to invest in water infrastructure.
- 5.5.6. The Planning System and Flood Risk Management (2009)
- 5.5.7. The Guidelines provide mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. Planning authorities are required to carefully examine development consent applications, to ensure consistency with the requirements of the Guidelines.
- 5.5.8. Tipperary County Development Plan 2022-2028
- 5.5.9. Volume 2 of the CDP contains a series of settlement guides and plans for the county's towns, villages and settlement nodes. Newport is a 'local town', and the zoning map identifies the Handball Alley and Park site as subject to the 'Amenity' zoning and the pedestrian access route as subject to the 'Town and Village Centre' zoning. The site is also identified as falling partly within a zone of archaeological potential, a flood zone and an architectural conservation area. The CDP vision for Newport is that: -

“Newport will provide an attractive, dynamic and accessible town, centred around Newport’s wealth of natural and built heritage, as an inviting place to live, work and visit. The town will harness its strategic location within the hinterland of Limerick to facilitate balanced sustainable growth, while addressing the challenges and opportunities of climate change.”

5.5.10. Section 2.1 of the Newport Settlement Plan contains general objectives for the town's development, the following of which are relevant to the proposal: -

- To support the sustainable growth and development of Newport as part of the Limerick City Region, ensuring phased residential growth is supported by community infrastructure and services.
- To facilitate the development and enhancement of the town centre through the implementation of the Newport Enhancement Plan and to encourage the development of vacant and derelict sites for a range of retail, tourism, residential and complementary uses.
- To support and work in partnership with the community in the development of community recreational facilities, including the development of a Town Park.
- To improve the experience of the town centres through the creation of an attractive and functional public realm, incorporating built and natural heritage and the development of blue and green infrastructure in the town.
- To reinforce the town identity through the promotion of high-quality design in the built environment.

5.5.11. Other relevant development plan policies and objectives include: -

- **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.

- **Policy 11-6:** Ensure the integration of river corridors with green infrastructure in settlements in line with the 'Planning for Watercourses in the Urban Environment' (Inland Fisheries Ireland, 2020).

- **Policy 11-9:** Assess all new developments (both within and without designated Flood Risk Zones) in line with the 'Staged Approach' and pre-cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DEHLG, 2009) and any amendment thereof, and the following:

(a) Require the submission of site-specific Flood Risk Assessments for developments undertaken within Flood Zones A & B and on lands subject to the mid-range future scenario floods extents, as published by the OPW. These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.

(b) SFRAs and site-specific flood risk assessments shall provide information on the implications of climate change with regard to flood risk in relevant locations. The 2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (or any superseding document) shall be consulted with to this effect.

(c) Ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the OPW Climate Change Sectoral Adaptation Plan for Flood Risk Management applicable at the time.

(d) Applications for development on land identified as 'benefitting land' may be prone to flooding, and as such site-specific flood risk assessments may be required in these areas.

(e) Require applications for new development, or for an extension to an existing development on land zoned for 'Social and Public' or 'Amenity' use and where a potential flood risk is identified, and where the proposed use might be vulnerable, to be subject to site-specific flood risk assessment to the satisfaction of the Council.

- **Policy 11-13:** Seek to control the spread of invasive plant and animal species, including consideration of potential pathways for invasive species spread, i.e. watercourses.
- **Policy 13-1:** Encourage and support the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and protection. In considering proposals for development, the Council will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities, (DAHG 2011) or any amendment thereof, and proposals that will have an unacceptable impact on the character and integrity of a protected structure or adjoining protected structure will not be permitted.
- **Objective 14-B:** Consider all opportunities as they arise to seek maximum connectivity between existing and new walking and cycling routes. The potentials for better inter-connectivity will be detailed in the proposed LTPs and Active Travel Plans to be prepared for the towns as part of the review of existing town plans and LAPs.
- **Objective 14-E:** Support investment in the on-going development, maintenance and enhancement of trails and recreational infrastructure in Tipperary.

5.5.12. Newport Town Centre First Plan

5.5.13. The TCF Plan (which was initially developed as the Newport Enhancement Plan) was published in 2024. It provides a vision for the development of the town, informed by studies, surveys, planning permissions and planned infrastructural works. Project 3.D relates to the proposed development and is described as 'Connecting Ball Alley site to town'. Further, action B4.3 of the Plan seeks to 'create a pedestrian connection to Ball Alley site via a bridge across Cully River¹' and this is identified as a high priority.

¹ The Small River is also known as the Cully River

6.0 The Natura Impact Statement

6.1. Tipperary County Council's application is accompanied by a Natural Impact Statement (NIS), which scientifically examines the proposed development and relevant European sites. The NIS identifies and characterises the possible implications of the proposed development on the Lower River Shannon SAC, in view of the site's Conservation Objectives, and provides information to enable the Commission to carry out an appropriate assessment of the proposed works.

7.0 Consultations

7.1. Prescribed Bodies: -

7.1.1. The application was circulated to the following bodies:

- Department of Climate, Energy and the Environment
- Department of Culture, Communications and Sport
- Department of Housing, Local Government and Heritage
- Department of Rural and Community Development and the Gaeltacht
- Tipperary County Council (internal consultees)
- Planning & Development Section
- Chief Fire Officer
- Roads, Transportation & Infrastructure Section
- Environment & Climate Action, Corporate and Human Resources Section
- Inland Fisheries Ireland
- National Parks and Wildlife Service
- Waterways Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce

- Office of Public Works

7.1.2. No responding submissions were received.

7.2. **Public Submissions:**

7.2.1. Submissions were received from Fiona Bonfield, Newport Tidy Towns Committee, Patrick Gleeson and Brian Dunne & Jorien Szkudlarski. Each submission is summarised below.

7.2.2. Submission by Fiona Bonfield

- Submission welcomes the proposal, where it will improve access to the park, improve Newport's social and tourism offering and contribute to the local economy.
- Submission refers to previous usage of the proposed pedestrian access as a means of accessing the old boys' school.

7.2.3. Submission by Newport Tidy Towns Committee

- Submission welcomes the proposal, where it will improve access to the park and will bring social, financial and health benefits and will also assist with addressing anti-social behaviour issues.

7.2.4. Patrick Gleeson

- Submission expresses concern that the development of seating and an area for congregation directly abutting residential and business properties will create a noise nuisance and may contribute to anti-social behaviour, which is already in evidence at the handball alley.

7.2.5. Brian Dunne & Jorien Szkudlarski

- Submission states that the park and handball alley are locations for ongoing anti-social behaviour, including noise and fires.
- The proposed footbridge will create a link from the ball alley to the rear of the observer's property and may extend the anti-social behaviour issue.
- The pedestrian route is narrow and steep and is uninviting. It is also used as a service corridor for properties that back onto it and the proposed handrail will narrow it.

- The existing handball alley access route is along private property and it may be closed off once the proposal is in place. If this happens, anti-social behaviour issues will pass via the side and rear of the observer's property causing further disruption.

7.3. County Council Response to Submissions

7.3.1. The applicant responded to the submissions received on 29th January 2026. The response can be summarised as follows: -

- Response to Brian Dunne & Jorien Szkudlarski submission.
 - The proposal is intended to encourage increased legitimate foot traffic, improve passive surveillance and reduce anti-social behaviour through improved visibility, comfort and usability.
 - Lighting and open sightlines will increase natural surveillance.
 - Surface upgrades and the use of handrails, where possible, will allow for wider usage and increased legitimate foot traffic. There is ample space for the proposed handrail, also allowing for existing access to continue.
- Response to Patrick Gleeson submission
 - The proposed landscaping approach aims to avoid hidden corners or enclosed spaces, where anti-social behaviour takes place.
 - The existing usage pattern sees congregation at the riverbank, whereas the proposal will promote usage of the park interior.
- Response to Newport Tidy Towns Committee submission
 - The proposal aligns with the ethos outlined in the observer's submission, bringing social, financial and health benefits.
- Response to Fiona Bonfield submission
 - Observer's submission is welcomed. The proposal will create a safe accessible link for the community to access the amenity space, creating a safer more functional asset.

8.0 EIA Screening

- 8.1. 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination, (refer to Form 1 in Appendix 1). Furthermore, the proposal does not fall under any prescribed type of road development pursuant to Section 50 of the Roads Act, 1993 (as amended) that requires the preparation of an Environmental Impact Assessment Report.
- 8.2. I note that the applicant has submitted an EIA Screening Report, which includes a Schedule 7 assessment. Notwithstanding this, I do not consider it is necessary to complete Form 3 given that the proposal is not a class of development for the purposes of EIA.

9.0 Assessment

- 9.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:
- The likely consequences for the proper planning and sustainable development of the area.
 - The likely effects on the environment.
 - The likely significant effects on a European site.
- 9.2. **The likely consequences for the proper planning and sustainable development of the area**
- 9.2.1. The proposal is relatively small in scale, comprising a c. 20m long bridge over the Small River and associated works that will allow for pedestrian access through from Pound Street to the handball alley and park. These associated works comprise resurfacing of the pedestrian route from Pound Street and the provision of a walking route link to connect to the existing park walking route.
- 9.2.2. Concerns have been expressed by both Patrick Gleeson and Brian Dunne & Jorien Szkudlarski that the development will contribute to and may exacerbate existing antisocial behaviour issues in the area.

- 9.2.3. Brian Dunne & Jorien Szkudlarski have also questioned the suitability of the proposed pedestrian access, which they consider is narrow, steep and uninviting.
- 9.2.4. I have considered the observer concerns regarding antisocial behaviour issues within the park and I sympathise with the situation. On my visit to the site, I noted that that the handball alley and park are effectively enclosed from public view by a mix of buildings and mature trees and, additionally, they are isolated from the town centre by both the Newport River and Small River, which restrict access. The area to the rear of Gleeson's Bar is also enclosed and is restricted from view. These factors no doubt contribute to its desirability as a location for antisocial behaviour. But having said this, in view of the park's backland location, where there are no buildings directly overlooking it, there are limited means by which to improve surveillance and overlooking.
- 9.2.5. I consider the provision of a new pedestrian access to the park and other public realm enhancements, which includes public lighting and public amenity elements like picnic tables and park benches that are commonly found in public parks, will likely increase its social appeal within the community and that increased usage of the park will enhance the level of passive surveillance that is currently lacking. Further, and as the County Council points out, the proposal is likely to promote usage of the park interior rather than congregation at the rear of Gleeson's Bar. Thus, and taking a balanced view, I agree with the County Council that the development will improve passive surveillance and may help to reduce anti-social behaviour patterns.
- 9.2.6. Regarding concerns over the suitability of the proposed pedestrian access, I agree with the observer that it is steep and uninviting at present and there is a realistic risk of slips and falls. The risk is acknowledged by the County Council, which proposes to upgrade the surface with anti-slip surfacing and to install a handrail along the side of the path, along with public lighting columns. These are practical measures that will improve safety and usability and I consider they represent an acceptable solution to the issue.
- 9.2.7. I do not share observer concerns that the provision of a handrail along the pedestrian access would affect its usability as a service access. The area appeared to me to be used as an external store, associated with the adjacent bar, and whilst a

small reduction in the width of the corridor is unavoidable, I am satisfied that the retained width will be sufficient to allow ongoing access.

9.3. The likely effects on the environment

9.3.1. Having regard to the nature and scale of the proposed development, I consider that the main environmental effects to be assessed, other than those covered under the Appropriate Assessment, are as follows:

- Biodiversity,
- Cultural heritage,
- Population and human health, and
- Hydrology and flood risk.

9.3.2. Biodiversity

9.3.3. The application is accompanied by a Natura Impact Statement (NIS), an Invasive Species Management Plan, a Bat Survey Report, a Construction & Environmental Management Plan and an Architectural & Engineering Design Report.

9.3.4. The Commission will note that an Appropriate Assessment is carried out elsewhere in Section 9 of my report, which considers if the proposed works, individually or in combination with other plans and projects, would adversely affect the integrity of any European site in view of its Conservation Objectives.

9.3.5. A field survey was undertaken in July 2025, where baseline ecological conditions were assessed. The findings of the survey are presented in Section 4 of the Appropriate Assessment Screening Report and I note from it that the area is of low ecological value and that there are no Annex I habitats or rare/threatened/protected flora species present. The survey however noted the presence of Japanese Knotweed, Giant Hogweed, Himalayan Knotweed and Rhododendron in a number of proximate locations. Regarding fauna, I note that otter spraints were encountered upstream and downstream of the proposed works. A bat survey undertaken in July 2025 also noted the presence of bats along the riparian corridor and within the park and it was concluded that the area is likely to be important for bat foraging.

- 9.3.6. Potential impacts on biodiversity may arise from; the spread of invasive species; disturbance of otter; removal of bat foraging habitat; and discharge of pollutants/contaminants to receiving surface waters, impacting on water quality.
- 9.3.7. Detailed mitigation measures are set out within the Construction & Environmental Management Plan (CEMP), Invasive Species Management Plan, Bat Survey Report and NIS and subject to implementation of same, I am satisfied that the proposed development will not give rise to any significant effects on biodiversity.
- 9.3.8. Cultural Heritage
- 9.3.9. The handball alley is a Protected Structure (RPS Ref. TRPS784) under the CDP and it is also listed on the NIAH (Ref. 22311006), where it is identified as being of Regional importance. There is an additional protected structure within the park, a shoeing stone (RPS Ref. TRPS2941). The proposal does not involve works to any of these heritage features.
- 9.3.10. The closest recorded monument to the site is Tullow Bridge, which is c. 20m south of the site (the bridge is also a protected structure and is listed on the NIAH).
- 9.3.11. An Archaeological Assessment Report has been submitted with the application, which describes the history of the area and features of heritage interest. It describes the area as being 'rich in archaeological potential' and the site as having 'definite potential for post-medieval discoveries'.
- 9.3.12. Regarding potential impacts on features of interest, given the limited nature of the works there will be limited interaction with below ground features. Construction of the bridge abutments may give rise to interaction with such items, but in view of the applicant's proposal to install the abutments by self-screw piling and that there will be no excavation at the riverbank (this measure is proposed within the NIS), I consider the potential for interaction is also limited. The applicant proposes all ground disturbance will be subject to archaeological monitoring and further proposes that finds will be subject to further assessment and mitigation. Subject to implementation of proposed mitigation, I am satisfied that the proposed development will not give rise to any significant effects on cultural heritage.
- 9.3.13. Population and Human Health

- 9.3.14. The proposed works will include acts of minor excavation and construction, in order to install the proposed bridge and to undertake associated works forming the new or improved walking routes. Construction may give rise to noise and nuisance, but they are not expected to be significant in scale or duration and I consider potential impacts are likely to be minor.
- 9.3.15. For the operational phase, I consider the formalisation of access to the park and handball alley, which includes measures that will improve natural surveillance over an area that is currently poorly surveilled and which has been highlighted in the submissions as being subject to a level of antisocial behaviour, will have a beneficial impact.
- 9.3.16. I have discussed potential impacts on nearby residents in the previous section and, taking a balanced view, I consider the development will contribute to improved passive surveillance of the park and may help to reduce anti-social behaviour patterns.
- 9.3.17. Hydrology and Flood Risk
- 9.3.18. As has been outlined, the proposed bridge crosses the Small River, a tributary of the Newport River. The confluence of the rivers is immediately south of the proposed bridge. Both the Small River and Newport River have 'Good' Water Framework Directive (WFD) status for the period 2019-2024 and both waterbodies are identified as 'Not at Risk' of achieving their WFD water quality objective.
- 9.3.19. According to Office of Public Works (OPW) Flood Maps², the areas of the site closest to the Newport River and Small River are within Flood Zone A. The OPW resource also identifies a recurring flood issue at the Small River and which the applicant identifies impacts the subject site.
- 9.3.20. The application is accompanied by a copy of an Application for Consent Under Section 50 of the Arterial Drainage Act, 1945, made to the Office of Public Works (OPW) and the applicant has also provided a letter from the OPW that consents to the proposed bridge.
- 9.3.21. Potential water quality impacts relate to accidental discharge of contaminants / pollutants to the Small River during bridge installation works, which may affect water

² <https://www.floodinfo.ie/map/floodmaps/>

quality. Both the CEMP and NIS contain mitigation measures that are intended to protect receiving surface water quality, including the aforementioned use of self-screw piling for the bridge abutments, dust management measures and the installation of silt fencing between the location of the abutments and the river. Subject to implementation of the proposed mitigation, I am satisfied that there will be no significant hydrological impacts during the works.

9.3.22. For the operational phase, I note that the Section 50 application to the OPW includes a site-specific hydraulic analysis, which demonstrates that a c. 0.45m freeboard will be maintained above the 1-in-100 year water level and that there will be no significant impact on overall channel performance. Having considered the site-specific analysis and, having particular regard to the OPW's Section 50 consent, I am satisfied that there will be no material change to the flow conditions of the watercourse, which could materially exacerbate flood risk elsewhere in the vicinity.

9.4. The likely significant effects on a European site

9.4.1. 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.
- Appropriate Assessment.

9.5. Compliance with Article 6(3) of the EU Habitats Directive

9.5.1. 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.

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

9.6. Appropriate Assessment Screening

- 9.6.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment shall be carried out.
- 9.6.2. Having regard to the information and submissions available, together with the nature, scale and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the ecological receptors, the European Sites set out in Table 1 below are the only sites considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects:
- 9.6.3. I concur with Section 5.2 of the Screening Report that other sites within a potential zone of influence (as shown on Figure 10 of the Screening Report) are not likely to be affected by the development.

Table 1: European sites considered for Stage 1 screening:

European site (SAC/SPA)	Distance	Connections	Considered further in Screening?
Lower River Shannon SAC (Site Code 002165)	Within & adjacent to	<ul style="list-style-type: none"> Hydrological – the Small River is a tributary of the Newport River 	Yes
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	c.16.5km (measured in a direct line)	<ul style="list-style-type: none"> Hydrological – the Newport River (along with other tributaries ultimately flows into the Shannon east of Limerick City) 	No – The SPA is a considerable distance from the subject site and works will not affect supporting habitat for any QI species.

9.6.4. Table 2 below provides a screening summary matrix for the Lower River Shannon SAC where there is a possibility of significant effects, or where the possibility of significant effects cannot be excluded without further detailed assessment.

Table 2: Potential Impact Factors in relation to the Lower River Shannon SAC	
Potential Impact Factors	Potential Significant Impact
Habitat loss and/or fragmentation:	No Qualifying Interest habitats are distant from the subject site.
Disturbance/displacement of SCI:	No The project is smallscale in nature and is located in an urban environment, where there are high levels of daily activity ongoing including HGV traffic, construction works and other human activity. Otter surveys identified spraints upstream and downstream on the Newport River. No holts were identified within 150m of the subject site. Otter using the area for foraging are likely habituated to noise associated with human activities and are unlikely to be significantly affected by construction.
Habitat degradation caused by pollution/contamination of receiving waterbodies:	Yes The proposal involves works adjacent to and over the Small River, which flows into the Newport River and the <u>Lower River Shannon SAC</u> to the west. A contamination / pollution event of sufficient magnitude during either the construction or operational phases has the potential to negatively affect the water quality within the Lower River Shannon SAC.
Habitat degradation caused by spread of non-native invasive species:	Yes There are non-native invasive species present in a number of locations that are proximate to the subject site and proposed development and, therefore, a risk associated with the proposed development to the <u>Lower River Shannon SAC</u> .

9.6.5. Based on my examination of the Appropriate Assessment Screening Report and NIS and having regard to the scale and nature of the proposed development and its likely effects, I conclude that a Stage 2 Appropriate Assessment is required for the Lower River Shannon SAC.

- 9.6.6. As can be seen from Table 2 above, the impact factors I consider require further consideration as part of the Stage 2 Appropriate Assessment are impacts on water quality and water dependent habitats arising from an accidental spillage or pollution event during construction and/or the potential for spread of alien invasive species during construction.
- 9.6.7. Regarding the potential for habitat loss or fragmentation within the SAC, the Screening Report does not directly discuss the issue but I note from Table 6 of the Report that QI other than those that are water-based are unlikely to be affected due to the lack of connection to the subject site. I agree with the applicant in this regard. The project involves limited tree felling within the SAC boundary and land raising up to the boundary but I am satisfied that it will not affect QI habitat within the SAC, where all such habitat is at some remove from the site.
- 9.6.8. The Screening Report does not identify any risks associated with the operational phase, however, the proposal involves construction of walking and circulation areas in very close proximity to the Small River and consideration of the surfacing materials for these areas is required as this aspect of the project may give rise to discharge of sediments to the Small River. Therefore, adopting a precautionary approach, I consider the issue cannot be screened out at this stage.
- 9.6.9. Finally, and notwithstanding the fact that bat species are not a QI of the Lower River Shannon SAC, the Screening Report briefly comments on the impact of tree removal on bat foraging and the NIS identifies this as an impact to be addressed and proposes mitigation in response to the issue. The fact that bat species are not a QI of the Lower River Shannon SAC is acknowledged by the applicant in Section 1 of the Bat Survey Report and, in this context, I am satisfied that the issue can be screened out. For clarity, the issue is addressed above, in Section 9.3 of my report.

9.7. **Appropriate Assessment Screening Conclusion**

- 9.7.1. In conclusion, it is my opinion that the proposed development has the potential to affect 1 No. European site having regard to its Conservation Objectives, and that progression to a Stage 2 Appropriate Assessment is required.

9.8. **The Natura Impact Statement**

- 9.8.1. The application is accompanied by a NIS, prepared by Flynn Furney Environmental Consultants which describes the proposed development, the project site and the

surrounding area. The NIS builds on the Appropriate Assessment Screening Report, which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within the relevant European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its Conservation Objectives, proposes mitigation measures and assesses in-combination effects with other plans and projects.

9.8.2. The NIS is informed by the following studies, surveys and consultations:

- A desktop study,
- A survey of the subject site and surroundings,
- Consultation with Inland Fisheries Ireland and Nore Vision, and
- Examination of EPA and NPWS online mapping.

9.8.3. The NIS concludes that, subject to the implementation of proposed mitigation measures, the proposed development would not, either individually or in combination with other plans or projects, give rise to any impacts which would constitute adverse effects on the Lower River Shannon SAC or any other Natura 2000 site, in view of their Conservation Objectives.

9.8.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

9.9. **Appropriate Assessment of Implications of the Proposed Development**

9.9.1. The following is an assessment of the implications of the project on the relevant Conservation Objectives of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are identified and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

9.9.2. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2011) Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones.
- EC (2022) Guidance document on assessment of plans and projects in relation to Natura 2000 sites - A summary (European Commission. Directorate General for Environment).

9.9.3. **Relevant European site:** The following site is subject to appropriate assessment:

- Lower River Shannon SAC (Site Code 002165).

9.9.4. **Aspects of the proposed development:** The aspects of the proposed development that could adversely affect the conservation objectives of the European Site are:

- Habitat degradation caused by pollution/contamination of receiving waterbodies during construction or operation.
- Habitat degradation caused by spread of invasive species during construction.

9.9.5. Table 3 below summarises the NIS Appropriate Assessment of potential significant effects and proposed mitigation and also presents a summary of my assessment. In summary, identified impacts relate to habitat degradation arising from (a) reduce water quality or (b) spread of invasive species. A suite of mitigation proposals is outlined. I expand on specific issues in subsequent sections.

Table 3: Lower River Shannon SAC (Site code: 002165)

Conservation Objectives document: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

Summary of Appropriate Assessment

Conservation Objective: To <u>maintain</u> the favourable conservation condition of the following:	Relevance to the proposed development	Potential Impacts	All Mitigation Measures	Residual and Cumulative Impacts	Can adverse effects on site integrity be excluded?
Brook Lamprey	Potential	Lamprey spawning is unlikely in the Small River although it is likely to occur downstream. Release of silt and other pollutants from the site during construction or operation may impact lamprey.	<ul style="list-style-type: none"> • Preparation of a CEMP. • Preparation of an Invasive Species Management Plan. • Toolbox talks will take place with all site employees. • Delineation of works areas. • No machinery to enter the river at any time. • Materials to be transported via existing track from Pound Lane, on north side of the river. • Works to be undertaken during dry weather and during periods of low water levels. • Machinery will be subject to regular inspection and will be cleaned prior to site entry. • Refuelling will not take place within 25m of a watercourse. 	None predicted.	Yes
River Lamprey	Potential	Lamprey spawning is unlikely in the Small River although it is likely to occur downstream.	<ul style="list-style-type: none"> • Emergency spill kits will be provided. • Hazardous substances stored away from the river. • Where the ground allows, fencing will be erected on downslope side of the works areas. No vegetation will be removed. • Discharged water will be directed to a vegetated area at least 25m from the river. 	None predicted.	Yes

		Release of silt and other pollutants from the site during construction or operation may impact lamprey.	<ul style="list-style-type: none"> • Further surveys to be undertaken if works not commenced within 12 months. • Bird nesting survey to be undertaken if tree removal takes place during nesting season. • Immature willow and alder will be planted along the bank, in agreement with IFI. • Silt fencing will be removed following construction. • Rubbish to be collected daily and disposed of. • An ECoW will be appointed to oversee works and to maintain liaison with both IFI and NPWS as required. 		
Sandbanks which are slightly covered by sea water all the time	Nil - No pathway for interaction due to distance from suitable areas.	-			
Estuaries	Nil - No pathway for interaction due to distance from suitable areas.	-			
Mudflats and sandflats not covered by seawater at low tide	Nil - No pathway for interaction due to distance from suitable areas.	-			
Large shallow inlets and bays	Nil - No pathway for interaction due to distance from suitable areas.	-			
Reefs	Nil - No pathway for interaction due to	-			

	distance from suitable areas.	
Perennial vegetation of stony banks	Nil - No pathway for interaction due to distance from suitable areas.	-
Vegetated sea cliffs of the Atlantic and Baltic coasts	Nil - No pathway for interaction due to distance from suitable areas.	-
Salicornia and other annuals colonizing mud and sand	Nil - No pathway for interaction due to distance from suitable areas.	-
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	Nil - No pathway for interaction due to distance from suitable areas.	-
Molinia meadows on calcareous, peaty or clayey-silt-laden soils	Nil - Not present in vicinity of the site.	-
Bottlenose Dolphin	Nil - No pathway for interaction due to lack of hydrological	-

	connectivity and distance from suitable areas.				
To restore the favourable conservation condition of the following:	Relevance to the proposed development	Potential impacts	All Mitigation Measures	Residual and Cumulative Impacts	Can adverse effects on site integrity be excluded?
Sea Lamprey	Potential	Lamprey spawning is unlikely in the Small River although it is likely to occur downstream after it joins the Newport River. Release of silt and other pollutants from the site during construction or operation may impact lamprey.	As above	None predicted.	Yes
Atlantic Salmon	Potential ³	Salmon spawning is unlikely in the Small River although it is likely to occur downstream.		None predicted.	Yes

³ The NIS identifies 'Nil' relevance to the project, but this appears to be an error where the assessment identifies a potential impact on spawning Salmon and corresponding mitigation.

		Release of silt and other pollutants from the site during construction or operation may impact spawning salmon in the Newport River.		
Otter	Potential ⁴	Siltation during construction or operation may affect water quality and the presence of prey.		None predicted. Yes
Coastal lagoons	Nil - No pathway for interaction due to distance from suitable areas.	-		
Atlantic salt meadows	Nil - No pathway for interaction due to distance from suitable areas.	-		
Alluvial forests with <i>Alnus glutinosa</i> and	Nil - No pathway for interaction.	-		

⁴ The NIS identifies 'Nil' relevance to the project, but this appears to be an error where the assessment identifies a potential impact on foraging habitat and corresponding mitigation.

Fraxinus excelsior		
Mediterranean salt meadows	Nil - No pathway for interaction due to distance from suitable areas.	-
Freshwater pearl mussel	Nil - No pathway for interaction due to lack of hydrological connectivity and distance from suitable areas	-

Overall Conclusion: Integrity Test

The applicant determined that following implementation of proposed mitigation, none of the potential impacts associated with the proposed development will affect the Conservation Objectives of any of the qualifying interest habitats or species of the Lower River Shannon SAC.

Having considered the information provided within the NIS, I am satisfied that adverse effects can be excluded for the Lower River Shannon SAC for the construction phase. The potential for significant effects arising from a contamination or pollution event during construction can be effectively prevented by mitigation measures ensuring the protection of receiving waters within the Small River, which flow into the SAC immediately to the west. In this regard I note that non-invasive construction techniques will be employed for the installation of bridge abutments and a silt fence will be installed between the works and the river. The spread of invasive species can also be controlled via proposed mitigation.

For the operational phase, the application documents indicate a surfacing layer of 'blinding' for the proposed footpaths and circulation areas. It is unclear if this is a bound material and, adopting a precautionary approach, I consider additional mitigation is required in order ensure receiving waters are protected from potential sediment discharges during the operational phase. This additional mitigation, which can be controlled by condition, relates to the provision of a bound surfacing material for the proposed footpaths and circulation areas. Subject to this mitigation, I am satisfied that the potential for significant effects arising from during operation can be effectively prevented.

The proposed development would not delay or prevent the attainment of the Conservation Objectives of the Lower River Shannon SAC.

- 9.9.7. Habitat Degradation caused by pollution/contamination of receiving waterbodies during construction of operation
- 9.9.8. The NIS contains a summary assessment of predicted impacts but I note from the Screening Report that a pollution/contamination event may pose a risk to QI species that are vulnerable to reduced water quality within the SAC.
- 9.9.9. The proposal is smallscale in nature and I am satisfied that the proposed mitigation, which is standard for works in proximity to open water, will be effective in protecting the Small River from potential contaminant/pollutant discharges during construction. However I note that the commitment to use 'self-screw piling, removing the need for excavation at the riverbank' that is contained at Section 1.1 of the NIS is not contained within the proposed mitigation. Alternative or more invasive construction methods gives rise to other means of degrading water quality, particularly where construction will take place in close proximity to the water. Taking a precautionary approach, I consider a condition should be attached to the Commission's Order, requiring that bridge abutments shall be installed using self-screw piling and shall not involve mechanical excavation of the ground.
- 9.9.10. For the operational phase, the potential for impacts relates to unbound materials used to surface the proposed footpaths and circulation area being discharged to receiving waters. The issue is not discussed within the NIS.
- 9.9.11. Drawing No. 7766-WMA-ZZ-ZZ-DR-A-1001 identifies a 50mm layer of blinding as the surfacing material for the footpaths. No section detail of the circulation areas is provided but it is likely that they will be similarly surfaced. It may be the case that the blinding layer will be bound, but this is not stated within the application. In view of the close proximity of the works to the Small River I consider the applicant should be required to use a bound material for the surfacing layer of the proposed footpaths and circulation areas. This can be controlled by condition.
- 9.9.12. Habitat degradation caused by spread of invasive species during construction
- 9.9.13. Again, the NIS contains a summary assessment of predicted impacts but I note from the Screening Report that the risk of spread of Giant Hogweed is identified. The accompanying Invasive Species Management Plan identifies the risk of spread as 'low' but nevertheless commits to a series of actions that will be undertaken under ecological supervision. I am satisfied that that the applicant's mitigation strategy will

be effective in ensuring there is no significant effect on the SAC arising from the spread of invasive species.

9.9.14. In-Combination Effects

9.9.15. The NIS addresses the issue of in-combination impacts under the heading of 'residual and cumulative impacts' and predicts that, provided all mitigation measures are implemented in full and remain effective throughout the construction phase, no significant residual or cumulative impacts on the Lower River Shannon SAC are expected from the proposed development.

9.9.16. The proposed development is smallscale in nature and incorporates mitigation measures that I consider will be effective in ensuring significant effects on the Lower River Shannon SAC are unlikely.

9.9.17. I have given consideration to the Department of Housing, Local Government and Heritage's EIA Portal and I note that there is a record of a proposed biogas facility at Thornhill and Annaholty, approx. 4km north-west of the subject site (Portal ID No. 2025195) and the proposed Uisce Eireann Water Supply Project Eastern and Midlands Region (Portal ID No. 2025247, ABP Ref. ACP-323982-25). Both developments are remote from the subject site and are, in any case, to be supported by project-specific environmental assessment and associated mitigation such that significant in-combination effects are not likely. I am satisfied that there will be no significant in-combination effects with these infrastructure projects.

9.9.18. I have also given consideration to recent applications and appeals received by the Commission in this area and note that there are no current proposals under consideration by the Commission, which might give rise to the potential for significant in-combination effects.

9.9.19. Tipperary County Council planning records indicate a number of recent records at Newport, which have the potential to interact with the Lower River Shannon SAC in a similar manner to the proposal. The planning authority must satisfy itself that there will be no significant impact on a European site prior to granting permission for any proposed development. I am satisfied that there will be no significant in-combination effects with such development proposals.

9.10. **Appropriate Assessment Conclusion**

9.10.1. Having carried out screening for appropriate assessment of the proposed development, it was concluded that the works may result in significant effects on the Lower River Shannon SAC (Site Code: 002165). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site, in light of its Conservation Objectives.

9.10.2. Following an Appropriate Assessment, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site No. 002165 or any other European site, in view of the site's Conservation Objectives.

9.10.3. This conclusion is based on: -

- A detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on the Lower River Shannon SAC.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats of the Lower River Shannon SAC.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- The proposed development would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for the European site.

10.0 Recommendation

10.1. On the basis of the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon SAC (Site Code 002165),
- (e) the policies and objectives of the Tipperary County Development Plan, 2022-2028,
- (f) The provisions of the Newport Town Centre First Plan,
- (g) the nature and extent of the proposed works as set out in the application for approval,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment:

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

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

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

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

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

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

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

2. (a) The proposed bridge abutments shall be installed using a self-screw piling method, in accordance with the Natura Impact Statement, and shall not involve any act of mechanical ground excavation.

(b) The proposed footpaths and circulation areas within the park and along the pedestrian access route shall be surfaced in a bound material.

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

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to biodiversity/ecology. The ecologist shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and biodiversity.

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

- c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- d) a Traffic Management Plan for the construction phase.

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

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry O'Donnell
Senior Planning Inspector

9th March 2026.

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-323836-25
Proposed Development Summary	Construction of a new footbridge and resurfacing of existing lane with walkway link to the existing park and all ancillary siteworks
Development Address	Newport Park, Newport, Co Tipperary
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.	
<input checked="" type="checkbox"/> No, No further action required.	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	
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)?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____