



An
Coimisiún
Pleanála

Inspector's Report PL-500120-RN

Development	Construction of a recreational shared cycle and walkway together with all associated site works. NIS submitted with Application.
Location	Bord Na Móna Lands within the Townlands of Meelick, Derrymoylin, Cuilbeg, Slattagh More, Dooslattagh, Caul & Cloonmore in County Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2460400
Applicant(s)	Bord na Mona Energy Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Seamus Bennett
Observer(s)	None

Date of Site Inspection

27/01/2026

Inspector

Claire McVeigh

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1.0 Site Location and Description

- 1.1. The subject site (proposed shared cycle and walkway of approximately 8km in length) is approximately 11km to the west of Longford and 20km to the north/northeast of Roscommon towns. The site is situated within the townlands of Meelick, Derrymoylin, Cuilbeg, Slattagh More, Dooslattagh, Caul and Cloonmore in County Roscommon. The proposed route is positioned to the south and southwest of Roosky and west/northwest of Termonbarry.
- 1.2. The proposed route primarily follows existing railway line infrastructure, and the surrounding landscape comprises low-lying agricultural land interspersed with other raised bogs. Derrymoylin and Cloonshannagh Bogs are drained by a number of watercourses which ultimately flow into the River Shannon, which itself flows east and south of the proposed development.

2.0 Proposed Development

- 2.1. The proposed development comprises the development of a recreational shared cycle and walkway located on Bord Na Móna lands between Roosky and Tarmonbarry, Co. Roscommon.

The following is proposed:

- Repurposing of 5375m of existing former rail bed, 540m along existing bog headlands/former high fields, and 2085m along pre-existing machine access routes.
- Construction of car and/or bicycle parking facilities at a number of gateway locations along the proposed route and the provision of EV Charging spaces at the gateway locations:
 - 1 no. Type 02 Gateway (RN-02-05 Cloonmore) 30 no. car parking spaces and 12 no. bicycle parking spaces.
 - 2 no. Type 03 Gateway (RN-03-01 Roosky/Derrymoylin Bog) 12 no. car parking spaces and 4 no. bicycle parking spaces plus (RN-03-03 Cuilbeg) 12 no. car parking spaces and 4 no. bicycle parking spaces.
 - 2 no. Rest Points

- The Type 02 Gateway (RN-02-05) will include the provision of a gently sloped access route to the shared cycle and walkway, a walker totem and Type 02 modular pavilion feature.
- The Type 03 Gateways (RN-03-03) and (RN-03-01) will include the provision of a walker totem and Type 03 modular pavilion feature.
- Thematic experiences – an acoustic mirror feature at former rail line underpass 05-03 at road crossing RN-00-04 and an acoustic sponge feature at former narrow gauge rail line underpass 05-02 at Gateway RN-03-03.
- Upgrade works at 3 no. agricultural crossings.
- Decommission the former narrow gauge rail line level crossing and provision of upgrade works at the local access road crossing RN-00-02.
- The removal of 2 no. existing containers and concrete slabs at the RN-03-03 Gateway.
- The erection of wayfinding and interpretative signage at Gateway locations along the route.
- Fencing and screening will be erected where required for health and safety and biodiversity reasons. This will include 3224m of screening.
- The implementation of nature-based drainage proposals at the Gateway locations to cater for surface water drainage at car park locations.
- All other ancillary and associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 29 September 2025 the planning authority decided to grant permission subject to 24 no. conditions. Please refer to section 3.2.2 of this report summarising the bespoke conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Initial report** - further information requested in respect to uncontrolled private access points onto the N5, an updated Road Safety Audit to include proposals for the uncontrolled private access, pre-development testing given proximity of the development to a zone of archaeological potential established around multiple recorded monuments (particularly in the peatland in Caul, Cloonmore and Cloonshannagh), documentary evidence to substantiate applicant's sufficiency of interest in the entirety of the subject site, proposal for stock proof boundary treatments along the full extent of the route, noise levels expected with the proposed Acoustic Mirror Thematic Experience at the closest noise sensitive site boundary and associated potential for nuisance or disturbance beyond the site boundary, and a detailed account of and specification for all proposed arrangement to facilitate the continuity of existing agricultural access and crossings or where applicant agreed alternative arrangements arising from the proposed development.

Determines the proposed development is not of a type or class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). EIA is not mandatory and there is no requirement for a screening determination.

Stage 2 Appropriate Assessment report undertaken by Roscommon County Council which concludes the risks to safeguarding the integrity of the qualifying interests and conservation objectives of the natura 2000 sites have been addressed by the inclusion of adequate mitigation and preventive measures.

- **Second report** - In response to the further information received considers/recommends the following:
 - A condition to regulate the development with respect to the proposals for tensioned wire mesh fence and gate and the redesign of an existing agricultural entrance and associated works to the southwest of the car park southwest of the N5.

- No revised Road Safety Audit necessary as there would be no increased interaction with the N5 and vulnerable road users.
- Notes that section 5.3 of the AIA provides details and results of test trenching and colludes that “nothing of archaeological significance was recorded in the course of the works”. Section 7 of the AIA recommends that archaeological monitoring takes place along an 800m length of the route between proposed Gateway RN-02-05 and Gateway RN-03-03 in Cloonshannagh Bog.
- Considers the applicant has provided sufficient evidence in support of the purported sufficiently of interest.
- Revised boundary treatments proposed to ensure that adjoining agricultural lands are sufficiently stock proofed and route delimited primarily by ecological screening elsewhere.
- The Acoustic Mirror Thematic Experience has been revised to ensure no sound is produced in the underpass structure (05-02). Recommends a condition to require revised drawings to illustrate same.
- There are three no. agricultural crossings (identified on drawings BNM-DR-MTN-RN-0210 and BNM-DR-MTN-RN-0211) with standard agricultural details. With landowner engagement a site-specific proposal for an upgraded agricultural crossing point immediately north of the N5 with increased access width and a 16ft galvanised gate.
- No development contributions applicable.

3.2.2. Other Technical Reports

- **Roads Section** - have no objection to the development in principle subject to the following conditions: -

All issues raised in the Stage 1-2 are to be addressed by the applicant at detail design level

Stage 3 RSA to review and comment on any potential safety impact on the N5 national route access point to the main car park once the trail is operational.

- **Environment Department -**

It is noted from the submitted documents that an Environmental Impact Assessment is not considered necessary for this development. It is also noted in the submitted Planning Report, Ecological Impact Assessment Report, Flood Risk Assessment and NIS that the proposed development is not considered to pose any risk to any other nearby lands, designated sites, habitats or species.

The Environment Department is of the view that the lists of controls proposed for the site are necessary and must be fully implemented onsite to mitigate any potential risks to the development site, habitats, species or the wider environment during the construction or operation of the development.

Environment Department Second Report

The further information submitted in support of the above application has been reviewed, and the Environment Department has the following comments to make:

There are no further issues of concern contained in the submitted documents and the comments submitted in the original report dated October 9th, 2024, still stand.

3.2.3. Conditions

Condition no. 3 Prior to the commencement of development revised plans for the Acoustic Mirror Thematic Experience omitting all tubular bells and noise activating elements.

Condition no. 4 Prior to the commencement of development full details of arrangements and boundary treatments for the closure of legacy accesses onto the N5 and for the creation of a timber post and rail enclosure and private access gates to lands adjoining the site to the west (Drawing No BNM-DR-MTN_RN_0302 – Rev D03 refers) shall be submitted for the written agreement of the planning authority.

Condition no. 9 All accepted recommendations set out in the Stage 1 and Stage 2 Road Safety Audit received 23 August 2024 shall be implemented by the developer and on completion of the development a stage 3 road safety audit shall be completed by an independent road safety audit and submitted for the written

approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the development at their expense.

Condition no. 17 a minimum of 20% of all car parking spaces shall be provided with functioning EV (electric vehicle) charging stations/points and ducting shall be provided for all remaining car parking spaces.

Condition no. 18 noise condition.

Condition no. 19 All proposed boundary treatments along the trail shall be installed in accordance with section 3.2.3 of the Code of Best Practice National and regional Greenways. All necessary signage and line markings shall be installed in accordance with TII-DN-GEO-03047 Rural Cycleway Design and the Traffic Signs Manual.

3.3. **Prescribed Bodies**

An Taisce

Water Quality Impacts

We note that the subject site may be in close proximity to the water body labelled as 'Shannon (Upper)_070' by the EPA which has been designated as moderate water quality status and is considered to be at risk of not achieving good water status by 2027 under the Water Framework Directive (WFD). This water body also has a hydrological connection with the Lough Boderg and Lough Bofin pNHA (site code:001642). Therefore, it is of critical importance that the ecological integrity of the 'Shannon (Upper)_070' is enhanced to achieve the objectives of the WFD.

Furthermore, the 'Feorish (Tarmonbarry)_010' water body is also in proximity to the subject site and has been designated as poor water quality status and is also at risk of not achieving good status by 2027 under the conditions of the WFD. Therefore, the proposal should be assessed against Article 4 of the WFD to determine whether the project may cause deterioration of the status of a surface or ground water body or it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status. We submit that particular close consideration is given to the construction phase impacts arising

from the proposal, and that sufficient setback distances are provided for during the operational phase if the proposed greenway comes close to river riparian zones.

Habitats Directive

We also note that the 'Feorish (Tarmonbarry)_010' water body has an eventual hydrological connection with the Lough Ree SAC (site code:000440) and Lough Ree SPA (site code:004064). Consequently, it should be ensured that the requirements of Article 6(3) of the Habitats Directive with regard to the direct, indirect and cumulative impacts of the proposed development are satisfied. In this way, it can be determined whether the proposal is likely to have a significant effect, either individually or in-combination with other plans or projects, on the European site in view of the site's conservation objectives.

An Taisce (submission dated 8 September 2025)

We note that the applicant's Archaeological Impact Assessment, submitted as part of a response to a further information request from the Council, refers to a cluster of recorded monuments close to the proposed walkway/cycleway. These consist of 69 platforms or toghers which are wooden roadways of significant cultural and archaeological interest. Consequently, the applicant's claim that these will not be impacted by the development requires verification by the Council. This is required given that it appears the assessment makes no mention of a proposed setback distance and buffer zone between the proposed route and these monuments. We note the occurrence of standalone monuments to the north and south of this cluster also, (RO024-046 and RO030-030), which may be impacted by proposed construction works.

We would emphasise the importance of ensuring maximum protection of our national monuments under the National Monuments (Amendment) Act 1994 and we suggest that an archaeological investigation and test is carried out before the application is granted permission. This should not be left as a condition after the permission due to monitoring and enforcement constraints within local authorities. Furthermore, a 20-metre minimum buffer zone between development sites and national monuments/archaeological sites should be considered to ensure maximum protection. In any event, a clear articulation of mitigation measures specifying how these monuments will be buffered from any development works would be prudent.

Transport Infrastructure Ireland (TII)

The Authority has examined the above application and considers that it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads.
- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.
- The proposed development, located on a national road where the maximum speed limit applies, would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.

TII submission dated 24 September 2024

TII has reviewed the subject application in the context of the Authority's submission of 18 September 2024. This observation supplements TII's previous comments.

TII notes and supports the public car-park access to the recreational shared cycle and walkway proposed in the subject application accessed from the L-6162 (a public road) prior to access to the N5, national road, at a location where a 100kph speed limit applies. It appears that access to the N5, national road, via the adjoining local public road (L-6162) to access the proposed car-parking area associated with the subject development proposal conforms, in the opinion of TII, to the provisions of official policy relating to access to national roads.

However, TII would highlight that the documentation accompanying the subject application also indicates existing 'legacy' access to the N5, north and south, which are uncontrolled private access points. From the material available, it is unclear what is the nature of the proposed management for these accesses to the N5, national road.

TII would highlight that no measures appear to have accompanied the application to address the potential of these accesses, particularly the access to the north of the N5, national road, to be utilised for general access, thereby resulting in the potential for intensification of access and potential public safety issues associated with the national road which would be contrary to the provisions of official policy.

In addition, TII considers that the Road Safety Audit has not fully considered nor assessed this increased potential interaction between the highly trafficked N5, national road, and vulnerable road users.

Having regard to the nature of the proposed use and the likely increase in vulnerable road users attracted to the proposed development, TII recommends that the Council ensures that the safety of all road users is appropriately considered and addressed.

TII submission dated 8 August 2025

In the case of this planning application, Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impact on national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's 'Code of engineering practice for works, on, near, or adjacent the Luas light rail system'.

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

Archaeology

Due to the scale of the proposed development and it is noted that the proposed development site (PDS) is within the zone of archaeological potential established around multiple Recorded Monuments (particularly in the peatland in Caul, Cloonmore and Cloonshannagh) which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994, this Department recommends that pre-development testing as described below should be carried out on site.

It should be noted that peatland in Derrymoylin bog has potential to contain previously unrecorded archaeology. Any parts of the proposed recreational trail that are sited in green field or open bog should be tested to the depth of construction prior to construction.

Additionally, the proposed Gateway access (RN-03-01, RN-03-03 & RN-020-05) and associated proposed car parking facilities should be subject to pre-development testing.

A report of the testing should be submitted as Further Information. This will enable this Department and the Planning Authority to formulate an informed archaeological recommendation before a planning decision is taken.

Archaeological test excavations should be carried out as follows:

- The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
- The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings.

- The archaeologist is required to notify this Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to this Department in advance of the planning decision. Where archaeological material/features are shown to be present, preservation *in situ*, preservation by record (excavation) or monitoring may be required.
- It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required. No decision should be made on this application until this Department, and the Planning Authority has had the opportunity to evaluate the Archaeological Assessment. This Department will forward a recommendation based on the Archaeological Assessment to the Planning Authority.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

DAU Submission received 8 September 2025

Archaeology

The Department acknowledges receipt of the Archaeological Impact Assessment including testing prepared by Archaeologist Ms. Maeve McCormack, submitted with the application and dated February 2025.

The proposed development would involve groundworks within the Zone of Archaeological Potential established around multiple Recorded Monuments (particularly in the peatland in Caul, Cloonmore and Cloonshannagh) which are subject to statutory protection in the Record of Monuments and Places, established under Section 12 of the National Monuments (Amendment) Act 1994, therefore the

Department recommends that archaeological monitoring, as described below, should be required as a condition of planning.

Archaeological monitoring shall be carried out under the terms of a licence issued by this Department.

Archaeological Monitoring

- The applicant is required to employ a qualified Archaeologist to monitor all groundworks associated with this development.
- The Archaeologist is required to notify this Department in writing at least four weeks prior to the commencement of site preparations. This will allow the Archaeologist sufficient time to obtain a licence to carry out the work.
- The report of the archaeological monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by this Department with regard to any necessary mitigating action (e.g. preservation *in-situ*, or excavation) and should facilitate the Archaeologist in recording any material found.
- The Planning Authority and this Department shall be furnished with a report describing the results of the monitoring.

Reason

To ensure the continued preservation (either *in-situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Nature Conservation

This submission is intended to assist Roscommon County Council in relation to identifying potential impacts on European and National nature conservation sites,

biodiversity and environmental protection in general, in the context of the current proposal. The Department acknowledges the provision of a Natura Impact Statement (NIS) and Ecological Impact Assessment (EclA) with the Planning Application. The following recommendations are provided;

It is noted that hydrological connectivity exists to the Lough Forbes Complex Special Area of Conservation (SAC) (Site Code: 001818) and to the Lough Ree SAC (Site Code: 000440).

All mitigations outlined in the NIS and EclA should be strictly adhered to in order to prevent adverse impacts to these sites. In addition, pre-construction Ecological Surveys within the project area and the Zone of Influence (Zol) are advised to determine the presence of protected species prior to the commencement of works, including searches for potential/hitherto undiscovered Otter Holts and Badger Setts.

All Ecological Surveys works should be carried out by a suitably qualified Ecologist.

Where there are impacts on protected species and their habitats, resting or breeding places, licences may be required under the Wildlife Act 1976-2023 (as amended) or Derogations under the EC (Birds and Natural Habitats) Regulations 2011 (as amended). In particular, bats and otters are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).

The Planning Authority will be required to take account of species protected under Sections 21, 22 and 23 of the Wildlife Acts if there are any impacts on other protected species or their resting or breeding places, such as on protected plants, badger setts or birds' nests. For that reason, vegetation, including hedges and trees, should not be removed during the nesting season (i.e. March 1st to August 31st). They will also need to be cognisant of Article 5(d) of the Birds Directive. If such works are to be undertaken during this time period, pre-commencement Breeding Bird Surveys are recommended to identify suitable habitat within which nests may be deemed to be active.

Fáilte Ireland

The Midlands Trail Network Development Scheme focuses on developing and enhancing the network of trails across former industrial peatlands in the EU Just Transition Territory. The scheme aims to develop the overall EU Just Transition region into an exciting and world-class sustainable tourism destination that will enhance the region for visitors and locals.

The objective of the Midlands Trail Network project is to deliver a strategic network of connected walking and cycling trails across the Midlands, which will interconnect with the existing and emerging Greenway networks, spanning across multiple administrative boundaries, these are Counties Offaly, Roscommon, Longford, Westmeath, and Tipperary.

Fáilte Ireland supports the responsible sustainable development of our tourism amenities in Ireland's Hidden Heartlands. We recognise that a network of walking and cycling trails on boglands has a unique offering in its combination of natural environment, landscape, culture and community which are all vital elements in ensuring a sustainable future for inhabitants and visitors alike. The trails will give people more walking and cycling opportunities and reasons to stay longer in the area thus helping local tourism attractions/activities and hospitality businesses thrive.

Ireland's Hidden Heartlands is a brand initiative created by Fáilte Ireland in 2018 to provide the Midlands with a distinct and compelling tourism proposition. The Ireland's Hidden Heartlands Regional Tourism Development Strategy 2023 – 2027 is a roadmap for the tourism industry and all stakeholders involved in tourism in the region to navigate the current challenges and steer a course towards a sustainable recovery and continued success. The plan sets out a strategic approach to unlocking the commercial potential of Ireland's Hidden Heartlands. It will ensure focus on tourism development is sustainable and regenerative and that the benefits accrue to local communities and to nature. The region has a strong tradition of sustainable tourism and eco-tourism visitor experiences.

It is a strategic objective of the strategy to;

“Enhance the range and quality of our visitor experiences to underpin the Hidden Heartlands brand proposition, leveraging the natural and cultural assets of the region in a sustainable way with a focus on ecotourism.”

&

“Establish the region as one of the leading regenerative tourism destinations in Europe in which tourism results in net positive outcomes for communities and nature.”

The trail development network will develop and repurpose former industrial peatlands to support a network of universally accessible cyclable and walkable trails that will add to, and connect with, existing trails. The ambition for this connected trail network will be to firmly establish the Midlands as a compelling destination for outdoor activities, supporting the creation of new jobs in ancillary and related activities, connecting back into towns and villages.

Therefore, from a tourism perspective, Fáilte Ireland is supportive of this proposed development which will be an integral part of the wider Midlands Trail Network, subject to the proper planning and environmental requirements being met.

3.4. Third Party Observations

Three third party observations were received; in summary the areas of concern are:

Colette McManus – Concerns relating to existing access to their lands on both side of the N5 national route i.e. both the Northern side and Southern side of the N5 as you travel west is via the existing passway (Folio Nos: RN14771F and RN14772F) must be left in a manner that allows for the movement of machinery and cattle.

The proposed development allows for a new gated access off what is known locally as the ‘old’ N5 and this has been discussed at local level with the Bord na Móna engineer, requests that this is adequately shown on the application documentation.

Where the trail is in close proximity to agricultural land there needs to be some form of fence to stock proof the area.

There is a swallow hole at the agricultural crossing point on the northern side of the N5 and also an area of deep water between this crossing and RN-00-04. These areas need to be made safe for people using the trail.

Further submission made following receipt of FI - The drawings as submitted at FI stage does not reflect the discussions and agreements with Bord na Móna with respect to access to lands.

Ita Kelly - Access to my lands part of Folio No. RN699F are off the N5 national route on the Northern side of the N5 as you travel west. This access must be left in a manner that it is easy for me to access these lands with machinery and also allow for the movement of cattle.

There should be some form of stock proof fence along the trail and in particular at the areas around my land.

In response to the Further Information Request issued by Roscommon County Council on the 17/10/2024 regarding PI Ref24/60400.

...Concerned that what was submitted to planning and what was agreed with me is extremely different. Proper access to my lands is vital and I am disappointed that the further information sought by the council and provided by Bord na Móna does not reflect our discussions and agreements.

Although the closing off of access to my lands with the Tensioned Wire Mesh Fence and locked gates north of the N5 will inconvenience me greatly I agreed to this on grounds of traffic safety.

Seamus Bennett – Issues raised in respect to landownership in respect to registered folio no: RN 26578, proximity of proposed trails with a lack of stock proof fencing proposed to prevent trespass and separation of animals on third party lands, impact of the noise created by the acoustic mirror may cause nuisance/frighten the livestock.

Submission in Response to Further Information - The issue of ownership remains unresolved. Without clarification on ownership, any approval would be premature and could result in complications down the line.

4.0 Planning History

Planning history provided by Roscommon County Council:

Planning register reference PD/14/274 Planning permission granted (October 2014) for the refurbishment and extension of existing dwelling, associated services and site development works at Moyglass Townland, Strokestown, Co. Roscommon.

Case referred to in appeal:

Currently on appeal reference ACP -PL.500085.LD (Planning register reference 24/60325) 10 Year Planning Permission for a solar farm and energy storage compound. A Natura Impact Statement (NIS) was submitted with this application. Cornacarta, Doonacurry, Foygh, Kilcommock, Glebe, Ledwithstown, and Tirlickeen (townlands), Keenagh and Ballymahon in County Longford.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028

Strategic Vision (Section 1.5) Roscommon County Council is committed to working for the common good of the people of County Roscommon, and through this County Development Plan will set out a positive and sustainable approach to developing the county economically, socially and culturally for the benefit of current and future generations.

Strategic aim no. 13 Ensure that the county is served by adequate community facilities and amenities, which add to the quality of life of residents of the county.

The proposed development lies within the Slieve Bawn and Feorish Bogland Basin Landscape Character area, which is designated as Very High Value in the County Roscommon Landscape Character Assessment.

In terms of landscape value, the RCDP 2022-2028 states;

“The upland area is considered valuable for its recreation potential, with recently developed recreational facilities (including walking and equestrian trails, a viewing platform and picnic area) being developed on Slieve Bawn, from where there are extended views across the adjoining low-lying landscape”.

- Chapter 6: Economic Development

ED 6.21 Engage with all relevant government stakeholders, sectoral representatives, ESB and Bord na Móna in development and supporting sustainable alternative economic development guided by the principles of ‘Just Transition’ for those employees and communities affected by the closure of the ESB Lough Ree Power Station and associated Bord na Móna peat harvesting practices.

- Chapter 7: Infrastructure, Transport and Communications – 7.4 Road Transportation and Movement; 7.6 Cycling and Walking
- Chapter 9 Built Heritage – 9.7 Archaeological Heritage
- Chapter 10 Natural Heritage - 10.8 Peatlands; 10.15 Green Infrastructure, 10.16 and 10.17 and 10.31
- Chapter 12 Development Management Standards – 12.18 Tourism and Recreational Facilities

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

- Lough Ree SAC (000440) 9.1km from the subject site (straight line distance);
- Lough Ree SPA (004064) 9.1km from the subject site (straight line distance);
- Ballykenny Fisherstown Bog SPA (004101) 3.1km from the subject site (straight line distance);
- Lough Forbes Complex SAC (001818) 3.1km from the subject site (straight line distance);
- Cloonen Bog SAC (002348) 2.2km from the subject site (straight line distance);

- River Shannon Callows SAC (000216) 38.6km from the subject site (Straight line distance); and
- Middle Shannon Callows SPA (004096) 38.6km from the subject site (Straight line distance).

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal has been submitted by Seamus Bennett, in summary the key issues raised are:

- Issues relating to title to land –

The appellant states that they are the registered owner of folio RN 26578 and that Bord na Móna did not complete on a Compulsory Purchase Order (CPO) for the subject lands.

It is stated that there was no attempt to execute and complete the contract with respect to the CPO with the appellant's father (now deceased) and no payment was received.

The appellant notes that the applicant claims something akin to beneficial ownership to part of the lands within folio RN 26578 and also claims an entitlement to be in possession and to be registered as owner.

The appellant contends this and states that the applicant has delayed in asserting its rights and the delay means that they are no longer entitled to equitable rights to these lands.

The law reform commission confirmed that all substantive provisions of the 1946 Turf Development Act have been repealed. The validity of the CPO issued under same is therefore questioned.

- Standard of proof and, in this respect, the submitted Natura Impact Statement (NIS) is incomplete, not precise and it is not definitive –

Concerns raised with respect to the development as consented built on partly third-party lands would potentially result in implications for the NIS if retention permission is required to be sought.

No reference made to planning application 24/60325, which is hydrologically connected to Lough Ree SAC, in Table 5-2 on pages 59 to 80 which lists all the programmes, plans and projects and their respective potential for in-combination effects. A copy of third-party submission/observation made in respect to planning application 24/60325 has been submitted to illustrate the point made in respect to an NIS that there cannot be lacunae in scientific reports.

The applicant refers to Court of Justice Case 258/11¹ with respect to the standard of proof:

“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned”

6.2. Applicant Response

- In the response to further information report prepared by MKO the issues of landownership on the subject lands were addressed by Bord na Móna’s legal team. Bord na Móna are the party entitled to be registered as owner of all the lands within the proposed development boundary. In relation to the lands within Folio RN 26578 registered in the name of the appellant with Tailte Eireann, Bord na Móna are the party entitled to be registered on foot of dealings pending in Tailte Eireann.

Bord na Mona acquired these lands by Compulsory Purchase Order (CPO) on the 11th January 1980 and entered possession lawfully on foot of the CPO on the 27th February 1980. Upon going into possession Bord na Móna constructed a railway line and operated a machine pass thereon and have maintained and operated same in the intervening period. Following entering

¹ Available at: https://infocuria.curia.europa.eu/tabs/affair?lang=en&sort=AFF_NUM-DESC&searchTerm=%22C-258%2F11%22&publishedId=C-258%2F11

into possession the only right of the registered owner is the right to compensation in accordance with the statutory scheme.

It is stated that Bord na Móna reached an agreement on compensation with the previous registered owner (appellant's father) in the early 1980s but that this agreement has not yet been completed. Bord na Móna have been engaging with the appellant as successor to title to complete matters. Notwithstanding Bord na Móna are entitled to possession of the lands and to be registered as the legal owners. Refers to letter submitted from Fiona Gallagher Barrister-at-law dated 18 July 2025 detailing Bord na Móna's legal interest.

Highlights that the planning report considered that the applicant has provided sufficient evidence in support of purported sufficiently of interest for the purposes of item 4 of the required further information.

States that there is no question of any false statement having been made on the application form for the planning application. Bord na Móna has demonstrated sufficient interest to bring the application.

The appellants incorrectly assert that the substantive provisions of the Turf Development Act have been repealed when in fact many subsets for the benefit of Bord na Móna plc and its subsidiaries, including the power to acquire lands under section 30 remain applicable.

Refers to *Heather Hill Management Company CLG v an Bord Pleanala* [2022] IEHC 146 case to illustrate the approach which a planning authority or the Commission should adopt when the adequacy of the applicant's title to the land the subject of the application of owner's consent is questioned.

- The appellant appears to be conflating a Natura Impact Statement (NIS) with the Appropriate Assessment to be carried out by the competent authority under Article 6(3) of the Habitats Directive. The NIS informs the AA process but ultimate responsibility rests with the competent authority to carry out AA. The legal burden to prove an AA was defective rests with the arty challenging the validity of the process and it is not sufficient to merely make assertions or to somehow reverse the legal burden to require the decision maker to prove a negative – i.e. there were no gaps.

- Do not accept the appellant's comments in respect to the submitted NIS being incomplete, not precise and not definitive. No detail has been provided or evidence to support this broad assertion.

The Environmental Section within Roscommon County Council has no objections to the proposal on the basis of information submitted by the application with the planning application including the submitted NIS.

As statement of authority has been submitted by Eammon Delanaey of Delichon Ecology who prepared the screening for appropriate assessment and NIS.

The NIS was prepared in accordance with all relevant best practice measures and guidance documents and current national and European legislations relative to the AA process (section 2 of the NIS refers).

Planning application for the proposed Foigha Solar Farm Development planning register reference 24/60325/ACP ref. No. 500085 (currently on appeal) was lodged on 20/12/2024 approximately 4 months post lodgement of the subject application. As such, this project could not have been considered in the NIS. Furthermore, the proposed solar farm development is approximately 21km southeast of the subject site and within a separate water framework directive (WFD) catchment to the proposed development and there is no direct or indirect hydrological connectivity between the footprints of either project.

In the review of projects that was undertaken as part of the cumulative impact assessment process, no connection that could potentially result in additional or cumulative impacts was identified. It is argued that the analysis as submitted in response to the appeal including the Foigha Solar farm development that the findings of the NIS remain complete, precise and definitive and the likelihood of the proposed development (either individually or in combination with any project or other plan, including Foigha Solar Farm) having significant effects on a European site can be excluded.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

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:

- Issues relating to title of land
- Standard of proof and adequacy of the NIS

7.2. **Issues relating to title of land**

7.2.1. The appellant sets out in their submission that “...*legal entitlement to land is not a matter which should ordinarily bother An Coimisiún Pleanála*”. However, they are disputing ownership (in relation to Folio RN26578) and are concerned that the development would be built on third party lands without consent of the registered owner (i.e. the appellant). The appellant refers to the potential procedural implications of such unauthorised works.

7.2.2. The planning authority sought documentary evidence by way of further information request from the applicant to substantiate the sufficiency of interest in the entirety of the site of the proposed development. As referred to in the applicant’s response to the appeal the issues of land ownership were addressed by Bord na Móna’s legal team. Bord na Móna confirm in their letter dated 23 July 2025 that Bord na Móna Energy Limited is the registered owner, or the party entitled to be registered as owner on foot of dealings in Tailte Eireann, of the lands within the boundary of the planning application. In addition to the documentary evidence submitted as a

response to the further information request I have reviewed the opinion of Fiona Gallagher B.L setting out the legal entitlements to be registered as owner to the subject lands and note the copy of signed agreement of James Bennett, predecessor in title, to sell to Bord na Mona rights, title and interest in the parcel of lands (6.25acres) in the townland of Cloonmore, Co. Roscommon.

7.2.3. From the information on file Bord na Móna acquired the lands by way of a Compulsory Purchase Order (CPO) dated 11 January 1980 and entered possession on foot of the CPO on the 27 February 1980, with the construction of a railway line and operation of a machine pass on the subject lands. I highlight to the Commission that from the information contained in the applicant's appeal response and in the appellant's grounds of appeal that both parties acknowledge that the payment of compensation has not yet been completed. As such, notwithstanding the further information submitted with the application I am of the view that it could be argued that some doubt remains in respect to legal interest given that the formal conveyance of lands is incomplete. Nevertheless, in agreement with the appellant, the Commission's scope of engagement in respect to issues of title and landowner consent is somewhat limited and I highlight that the Commission is not the arbiter of title.

7.2.4. Section 5.13 of the Development Management Guidelines for Planning Authorities (June 2007) sets out the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this respect it is stated that the planning authority may decide to grant permission notwithstanding a remaining element of doubt as such a grant of permission is subject to the provisions of section 34 (13). In this regard section 34(13) of the Planning and Development Act, 2000 (as amended) provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission the permission does not give rise to an entitlement to carry out the development.

7.2.5. In the event the Commission is minded to grant permission it is recommended that an advisory note is added to the end of the decision outlining that the grant of permission is subject to section 34(13).

7.3. Standard of proof and adequacy of the Natura Impact Statement (NIS)

7.3.1. The appellant raises as an issue the standard of proof necessary to allow for robust decision making in the context of the submitted Natura Impact Statement (NIS) with the planning application. It is suggested that the NIS is incomplete, not precise and not definitive referencing Case C-258/11, in which the judgement determined that the assessment carried out under Article 6(3) of the Habitats Directive cannot have lacunae and must be capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

7.3.2. The applicant in response to the appeal set out in the first instance that the appellant appears to be conflating a NIS with the Appropriate Assessment (AA) required to be undertaken by the competent authority. I would concur with this view and highlight that the '*Appropriate Assessment of Plans and projects in Ireland – Guidance for Planning Authorities*' explains how AA is an impact assessment process that fits within the decision-making framework and comprises two main elements. Firstly, a NIS must be prepared and secondly the competent authority carries out the AA based on the NIS and any other information it may consider necessary. The planning authority undertook the stage 2 AA. The conclusions of which states that:

“Following the identification of a potential impact upon four Natura 2000 sites a Stage 2 Appropriate Assessment of the proposed development has been carried out in accordance with the requirements of Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC). The risks to the safeguarding and integrity of the qualifying interests and conservation objectives of the Natura sites described herein have been addressed by the inclusions of adequate mitigation and preventive measures to ensure that the proposed development has minimal significant impact on the Natura 2000 network.”

7.3.3. To address the concerns and for clarity of approach, I shall consider the standard of proof issue raised by the appellant in conjunction with the adequacy of the NIS in my following assessment and also in separate Appropriate Assessment (please refer to section 9.0 and Appendix 2).

7.3.4. In terms of the adequacy of the NIS the appellant states that the submitted NIS is incomplete as planning application for a solar farm project in Longford County Council (Planning register reference: 24/60325), please refer to section 4.0 for detail,

was not considered in terms of the potential for in-combination effects with the subject application. It is stated by the appellant that planning register reference 24/60325 is hydrologically connected to Lough Ree SAC as is the case in the subject application. The applicant has responded and clearly sets out the timeline for the subject application to that of planning register reference 24/60325 to demonstrate that the planning application was lodged on the 23/08/2024, approximately four months prior to the lodgement of the proposed solar farm development in December 2024, and as such the solar farm application could not have been included in the NIS and the findings of the cumulative impact assessment presented in the NIS remain accurate based on the information presented initially. The applicant further sets out an analysis of the proposed solar farm development in terms of its separation from the subject application and location within a separate Water Framework Directive (WFD) Catchment (that is stated to be 26C_Upper Shannon) to the proposed development which is within WFD catchment 26F_Upper Shannon.

7.3.5. I accept the response by the applicant that the solar farm development project was not live at the time of the subject application's lodgement and I am of the opinion that the NIS, as submitted, has appropriately taken into account in combination effects with other projects or plans. I shall address further the in-combination effects in the Appropriate Assessment (See Appendix 2 of my report).

7.3.6. The applicant in response to the appellant's assertion that the NIS is incomplete, not precise and it is not definitive and draws attention to the planner's report which refers to report received from the internal Environmental Section of Roscommon County Council which raised no objections to the proposal on the basis of information submitted stating that:

"It is recommended that the findings of the NIS, which was carried out by a suitably qualified practitioner, should be accepted".

I highlight to the Commission the statement of authority submitted in response to the appeal from Eammon Delaney BSc, MSc, MCIEEM, CECOL (Delichon Ecology) which I consider demonstrate sufficient expertise, scope and competence in relation to the ecological and other issues concerned within the NIS.

7.3.7. In conclusion on this issue, I am of the view that the NIS provides a robust evidence base upon which I can undertake the Appropriate Assessment, taking into account

also the other information that has been made available with the application and in the appeal process.

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 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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, the report of the Environment Section Roscommon County Council and the Stage 2 Appropriate Assessment included within the planner's report I consider that adverse effects on site integrity of Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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 (HMEP) 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818).

10.0 Water Framework Directive (WFD) Screening

10.1. The proposed walkway and cycleway is located within the 'Curraghroe' Groundwater Body (GWB) (IE_SH_G_075). This GWB Water Framework Directive (WFD) status was classified as 'Good' between 2016-2021 while the GWB risk is classified as 'Not at Risk' of not meeting its WFD objectives.

10.2. The submitted Natura Impact Statement (NIS) sets out that the drainage network within Derrymoylin and Cloonshannagh sections of the proposed development are connected to silt ponds within the wider area of these bogs. Wet ditches run parallel to much of the Cloonshannagh Rail Link section of the route connect to the Feorish (Tarmonbarry) watercourse IE_SH_25F030400. The Feorish [Tammonbarry] watercourse subsequently flows to the Upper River Shannon. Derrymoylin Bog is drained at its northern end by the Aghoo stream [EPA code 26A04] which flows to Lough Bofin, and to the west by the Slattagh More watercourse [EPA Code 26S33] which flows to the Slattaghmore Stream [EPA code 26S14] and subsequently to the Feorish [Tammonbarry] watercourse.

10.3. The proposed development comprises a recreational cycle and walkway which would include the repurposing of 5375 meters of existing former rail bed, 540 meters along existing bog headlands / former high fields, and 2085 meters along pre-existing machine access routes.

- 10.4. Water deterioration concerns were raised in the planning appeal in respect to the indirect hydrological connections to Natura 2000 sites. Please refer to section 9.0 and Appendix 2 in respect to this issue.
- 10.5. 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.
- 10.6. 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 (EclA) report, Habitat Management and Enhancement Plan (HMEP) and Construction and Environmental Management Plan (CEMP).

Conclusion

- 10.7. 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

- 11.1. 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, would provide indirect connectivity between two secondary hubs, namely Roosky and Termonbarry through existing infrastructure. 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 23 July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) incorporating relevant measures included in the Ecological Impact Assessment (EclA) report, Habitat Management and Enhancement Plan (HMEP) and

Construction and Environmental Management Plan (CEMP) and accompanying documentation, shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of all 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. Prior to the commencement of development appropriately scaled and detailed plans and particulars shall be submitted for the written agreement of the planning authority. The plans and particulars shall provide for a redesign of the proposed Acoustic Mirror Thematic Experience, as referenced in Section 1.6.1 of the 'Response to Further information request' documents received 23 July 2025, such that all tubular bells and noise activating elements are omitted.

Reason: In the interest of amenity.

4. Prior to the commencement of development full details of arrangements and boundary treatments for the closure of legacy accesses onto the N5 and for the creation of a timber post and rail enclosure and private access gates to lands adjoining the site to the west (Drawing No. BNM-DR-MTN-RN-0302-Rev D03 refers) shall be submitted for the written agreement of the planning authority.

Reason: In the interests of orderly development and 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 (EclA) and accompanying application documentation. The CEMP shall include specific proposals with respect to the application of the proposed Ecological Restriction Zone and proposals as to how the CEMP will be measured and monitored for effectiveness, 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, a Traffic Management Plan (TMP) shall be agreed in writing with the planning authority, following consultation with Roscommon County Council's Roads Department and Boyle Municipal District Coordinator. The TMP shall set out proposed measures and best practice to be implemented during the construction phase of development. The TMP should address the following: Site Access and Egress, Traffic Management Signage, Traffic Management Speed Limits, Road Cleaning, Road Conditions, Implementation of TMP. It shall include details of construction traffic routing, the number of trips generated for deliveries and collection of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures or control of dust and other pollutant materials the installation of which shall be the responsibility of the developer.

Reason: In the interest of the orderly development.

7. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a detailed '*Maintenance and Management Plan*' for the operation of the development. The plan shall include a structure for community engagement 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.

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

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

9. A suitably qualified ecologist (Ecological Clerk of Works) shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the NIS, EclA, Habitat Management and Enhancement Plan and Construction and Environmental Management Plan (CEMP) and accompanying documentation. The ecologist shall be present during site construction works. Upon completion of works,

an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

10. Archaeological monitoring, as described below, shall be carried out under the terms of a licence issued by the Department of Housing, Local Government and Heritage.

The applicant shall employ a qualified Archaeologist to monitor all groundworks associated with this development.

The Archaeologist is required to notify the Development Applications Units, Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the Archaeologist sufficient time to obtain a licence to carry out the work.

The report of the archaeological monitoring shall include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.

A key plan, clearly showing the location and direction from which photographs were taken shall be included in the report (An annotated site location map will suffice for this purpose).

Should archaeological material be found during the course of monitoring, the Archaeologist shall have work on the site stopped, pending a decision as to how best deal with the archaeology. The developer shall be advised by the Development Applications Units Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ or excavation) and should facilitate the Archaeologist in recording any material found.

The planning authority and the Development Applications Unit, Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

11. 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.

12. On completion of the development, a stage 3 road safety audit shall be completed by an independent road safety auditor, at the developer's expense, and submitted for the written approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the developer at their expense.

Reason: In the interest of road safety.

Advisory Note:

The Commission noted that Section 34(13) of the Planning and Development Act 2000, as amended, states that:

'A person shall not be entitled solely by reason of a permission under this section to carry out any development'

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.

Claire McVeigh

4 February 2026

Appendix 1 – EIA Screening Form 1

Case Reference	PL-500120-RN
Proposed Development Summary	Construction of a recreational shared cycle and walkway together with all associated site works. NIS submitted with Application.
Development Address	Bord Na Móna Lands within the Townlands of Meelick, Derrymoylin Cuilbeg Slattagh More Dooslattagh Caul, & Cloonmore in County Roscommon.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (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.
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.	N/A
<input checked="" 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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	See section 8.0 of my report.

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	N/A
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	N/A

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) Development is not a class of development.</p>

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 (EclA) 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 located on Bord Na Móna lands between Roosky and Termonbarry, Co. Roscommon. It is proposed that the route would include the repurposing of 5375m of existing former rail bed, 540m along existing bog headlands/former high fields, and 2085m 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 as part of the third-party appeal raise issues related to the standard of proof necessary on undertaking assessment carried out under Article 6(3) of the Habitats Directive and that the submitted NIS is incomplete as it does not include a consideration of Planning applications Register Reference 24/60325 (Longford County Council) in respect to potential for in-combination effects.

Pre-application engagement between the applicant and the Development Application Unit (DAU) National Parks and Wildlife Service (NPWS) is included in Appendix II within the Ecological Impact Assessment Report (EclA) acknowledging receipt of the consultation request (Ref G pre00027/2024). No comments or recommendations in relation to Ecological Impact Assessment of biodiversity were received.

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 submitted Screening Report for Appropriate Assessment identifies seven Natura 2000 sites within the zone of influence of the proposed works (Table 3-1 of Screening for AA & Natura Impact Statement refers). Following the assessment in Table 3-1 it is determined that given the hydrological distance between the subject site and the Middle Callows SPA and the River Shannon Callows SAC that potential for impacts and consequent likely significant effects are not possible. With respect to Cloonen Bog SAC the assessment establishes that this European Site is located

within a separate surface water sub catchment to the proposed walkway and cycleway and as such no complete course-pathway-receptor (SPR) chain is identified.

As such the European Sites within the project zone of influence are refined from the broad scope to the following four European Sites:

- Lough Ree SAC (000440),
- Lough Ree SPA (004064),
- Ballykenny Fisherstown Bog SPA (004104), and
- Lough Forbes Complex SAC (001818)

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.

European Site	Qualifying Interests	Distance	Connections
<p>Lough Ree SAC (000440) Lough Ree SAC National Parks & Wildlife Service</p> <p>(Conservation Objectives Series August 2016)</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae,</p>	<p>13.5km downstream via Tarmonbarry_020 and the main channel of the River Shannon (Shannon Upper_100)</p> <p>9.1km south via the nearest straight-line distance.</p>	<p>Indirect hydrological connectivity via onsite drainage channels, tributaries of the River Shannon (Tarmonbarry_020 and the River Shannon Main channel (Shannon Upper_100).</p>

	Salicion albae [91E0] Lutra lutra (Otter) [1355]		
Lough Ree SPA (004064) https://www.npws.ie/protected-sites/spa/004064 (Conservation Objectives Series April 2025)	Little Grebe (Tachybaptus ruficollis) [A004] Whooper Swan (Cygnus cygnus) [A038] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Tufted Duck (Aythya fuligula) [A061] Common Scoter (Melanitta nigra) [A065] Goldeneye (Bucephala clangula) [A067] Coot (Fulica atra) [A125] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Common Tern (Sterna hirundo) [A193] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857]	13.5km downstream via Tarmonbarry_020 and the main channel of the River Shannon (Shannon Upper_100) 9.1km south via the nearest straight-line distance.	Indirect hydrological connectivity via onsite drainage channels, tributaries of the River Shannon (Tarmonbarry_020 and the River Shannon Main channel (Shannon Upper_100). Potential ex-situ disturbance effects to SCI species utilizing the expansive areas of cutover, revegetating and rehabilitating areas of bog.

	Wetland and Waterbirds [A999]		
<p>Ballykenny- Fisherstown Bog SPA (004104) Ballykenny-Fisherstown Bog SPA National Parks & Wildlife Service</p> <p>(Conservation Objectives Series April 2025)</p>	<p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p>	<p>11.9km downstream via Bofin Lough and the Shannon_(Upper) 080 watercourse.</p> <p>3.1km south-east via the nearest straight-line distance.</p>	<p>Indirect hydrological connectivity via Bofin Lough and the Shannon_(Upper) 080 watercourse.</p> <p>Potential ex-situ disturbance of foraging and feeding Greenland White fronted Goose during the project's construction and operational phases. However, no sightings of this SCI species as part of ongoing baseline bird surveys undertaken for the proposed development.</p>
<p>Lough Forbes Complex SAC (001818) Lough Forbes Complex SAC National Parks & Wildlife Service</p> <p>(Conservation Objectives Series May 2016)</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>	<p>11.9km downstream via Bofin Lough and the Shannon_(Upper) 080 watercourse.</p> <p>3.1km south-east via the nearest straight-line distance.</p>	<p>Indirect hydrological connectivity to this site via Bofin Lough and the Shannon_(Upper) 080 watercourse.</p>

	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>		
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Table 1.1

I note that the screening for AA (page 24) sets out an assessment of the likely impacts of the development on the Hen Harrier, which are known to occur in the wider area during the non-breeding period. It is stated that the “*proposed Roscommon Midlands Trail Network is located >60km from SPAs where Hen Harrier is a Special Conservation Interest species. Given the distance and paucity of records for Hen Harrier at the proposed Roscommon Midlands Trail project footprint or environs potential for impacts and consequent likely significant effects are not possible for SPA where Hen Harrier is a SCI species*”.

Likely impacts of the project.

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

Construction 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 are 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), 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 of the Screening for AA.

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 ex-situ disturbance 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Stage 2 Appropriate Assessment undertaken by Roscommon County Council.
- Natura Impact Statement prepared by *Delichon Ecology* and its Appendices.
- Natura Impact Statement prepared by *Karen Banks MCIEEM* dated 17 December 2024 in respect to planning register reference: 24/60325 (ACP-PL-500085-LD)

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

Submissions as part of the third-party appeal raise issues related to the standard of proof necessary on undertaking assessment carried out under Article 6(3) of the Habitats Directive and that the submitted NIS is incomplete as it does not include a consideration of Planning applications Register Reference 24/60325 (Longford County Council) in respect to potential for in-combination effects.

The applicant in response to the appeal clarifies that the above reference to application could not have been included in the NIS as it was lodged with Longford County Council four months after the lodgement of the subject application. I note that a search of both Longford County Council's and Roscommon County Council's online planning enquiry databases informed the applicant's assessment of potential for in-combination effects and at a strategic level a consideration of both development plans for Longford and Roscommon was included. I consider the applicant has considered all relevant programmes, plans and projects at this time of making the subject application.

As the application (Planning register reference 24/60325 referred to herein as 'proposed Foigha solar farm development') has been referred to by the appellant, I highlight to the Commission that an appeal decision is pending on this application (ACP-PL-500085-LD).

I concur with the applicant that the findings of the NIS remain complete, precise and definitive at the time of the lodgement of the application. Please see further assessment below.

I acknowledge the issues related to the AA process generally and will consider same within the following assessment (Please also refer to section 7.3 of my report in respect to standard of proof and adequacy of the submitted NIS).

European sites

Lough Ree SAC (Site Code 000440)

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

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

Refer to Table 6-2: Impact Assessment of Features of Qualifying Interest for European Sites within the NIS.

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.
	Maintain/restore favourable conservation condition		
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	The following water dependent and nutrient sensitive habitats and species of qualifying interest features are potentially located in the downstream	Indirect disturbance of water dependent and nutrient sensitive habitats and species within the SAC. Potential for indirect disturbance through construction phase	Mitigation measures included in section 7 of the submitted NIS. A Construction Management Plan (CMP) has been prepared in

<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>receiving sections of Lough Ree SAC:</p> <p>1355 Otter <i>Lutra lutra</i> [Maintain] Target: No significant decline in Fish Biomass available.</p> <p>3150 Natural eutrophic lakes with <i>Magnopotamion</i>. or <i>Hydrocharition</i> - type vegetation [Restore] – Target: Maintain appropriate natural hydrological regime necessary to support habitat.</p> <p>7120 Degraded raised bogs still capable of natural regeneration [Restore] Target: Water quality on the high bog and in transitional areas close to nature reference conditions.</p> <p>7230 Alkaline fens [Maintain] Target: Appropriate water quality to support the natural structure and functioning of the habitat.</p> <p>91D0 Bog woodland [Restore]</p>	<p>run-off of potential pollutant sources to receiving watercourses and by extension nearby / proximal areas of the SAC supporting habitats corresponding with these Annex I qualifying habitats and downstream habitats supporting species of qualifying interest.</p> <p>Habitat degradation through the spread of invasive species i.e. Giant Hogweed (1 location) and Japanese knotweed (1 location).</p> <p>Disturbance of foraging habitat for otter.</p>	<p>conjunction with the measures and practices in the NIS and accompanying EclA prepared for the project.</p> <p>Other mitigation measures proposed include:</p> <ul style="list-style-type: none"> • Timing of works. • Proposed works monitoring. • Ecological Restriction Zone • Management of machinery and associated materials. • Protection of soils, surface water and groundwater during construction stage & operational stage. • Dust control. • Invasive species. • Screen fencing • Trail management. <p>I note that no otter holts or other breeding sites within 150m of the proposed development found during walkover surveys and mammal surveys.</p>
<p>Other QI's</p>			
<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco- Brometalia</i>) (*important orchid sites)</p> <p>8240 Limestone pavements</p>	<p>Not at risk</p>	<p>These features of qualifying interest are terrestrial habitats located on the margins and shoreline areas of Lough Ree and are not located within the downstream ecological hydrological pathway of the proposed works.</p> <p>As per the Conservation Objectives Series document the status of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles as a qualifying Annex I habitat for the Lough Ree</p>	

91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles.		SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this habitat.	
<p>Lough Ree SPA (Site Code: 004064)</p> <p>Summary of key issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> • Indirect disturbance (ex-situ disturbance of feeding or foraging SCI species). • Deterioration of water quality and the wetland components of European Sites. 			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures (Summary) See NIS Section 7.
<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Coot (Fulica atra) [A125]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p>	<p>The following SCI species are potentially located in the downstream receiving sections of Lough Ree SPA. The proposed works footprint does not provide suitable foraging or roosting habitat for these SCI species. However, the expansive areas of cutover and recolonising bog adjoining Cloonshannagh Bog and Derrymoylin Bog may provide some opportunistic feeding and foraging habitat for SCI species for this SPA. To that end, the following SCI species for this SPA could be subject to habitat deterioration of their reliant downstream aquatic habitats in addition to ex-situ disturbance from the project:</p> <p>A004 Little Grebe Tachybaptus ruficollis A038 Whooper Swan Cygnus cygnus. A050 Wigeon Anas penelope A052 Teal Anas crecca A053 Mallard Anas platyrhynchos A125 Coot Fulica atra A140 Golden Plover Pluvialis apricaria A142 Lapwing Vanellus vanellus</p>	<p>Indirect disturbance of water dependent and nutrient sensitive habitats and species within the SAC. Potential for indirect disturbance through construction phase run-off of potential pollutant sources to receiving watercourses and by extension nearby / proximal areas of the SPA supporting habitats corresponding with these Annex I qualifying habitats and downstream habitats supporting species of qualifying interest.</p> <p>Some degree of wintering habitat is likely to be available for overwintering wildfowl species such as Golden Plover, Mallard and Snipe, following rehabilitation works at Derrymoylin and Cloonshannagh. The extent to which disturbance/ displacement impacts may occur will likely depend on user levels</p>	<p>Water quality issues mitigated with pollution control measures and monitoring of water quality parameters.</p> <p>Timing for the proposed construction works will predominately be outside the overwinter period (October to March) thereby avoiding potential indirect ex-situ disturbance or displacement to foraging or roosting birds using adjoining or nearby areas of open and recolonising cutover raised bog habitat.</p>

<p>Common Tern (Sterna hirundo) [A193]</p> <p>Wigeon (Mareca penelope) [A855]</p> <p>Shoveler (Spatula clypeata) [A857]</p> <p>Wetland and Waterbirds [A999]</p>	<p>The following SCI species associated with this SPA may potentially be located within the project Zol particularly the adjoining areas of cutover, recolonising and rehabilitated bog:</p> <p>A004 Little Grebe Tachybaptus ruficollis A038 Whooper Swan Cygnus cygnus</p>	<p>and seasonality of usage and may have limited effect at a population level (Pouwels, 2019). The findings of the site walkover surveys and bird surveys undertaken to inform this Natura Impact Statement and the accompanying Ecological Impact Assessment did not identify large accumulations of SCI species for Lough Ree SPA / Ballykenny Fisherstown Bog SPA within 150m Zol of the proposed development. It is considered that any operational phase disturbance/displacement effects would be unlikely to constitute impacts at a population level given the area of the rehabilitated bog that would remain available.</p>	<p>There are large areas of displacement habitat available in the immediate hinterland of the proposed network and environs.</p> <p>Signage will be erected in specific locations adjacent to the proposed development highlighting the potential for disturbance to birds and requesting that users of the route keep dogs on a lead as well as keeping themselves to the defined route of the proposed development (shared walkway and cycleway).</p> <p>Screening will be implemented within areas of Derrymoylin Bog judged to be sensitive in term of impacts on birds during the operation phase i.e. where aggregations of wintering (and breeding)</p>
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			<p>water birds (or suitable habitat to support) were recorded during the surveys. This includes the section of open exposed bare cutover bog west of the central most section of Derrymoylin Bog.</p> <p>No artificial lighting is proposed.</p>
<p>Other QI's</p> <p>A056 Shoveler Anas clypeata A061 Tufted Duck Aythya fuligula A065 Common Scoter Melanitta nigra</p>	<p>The following SCI species are not likely to be distributed within the works footprint or downstream environs as they are typically associated with the main waterbody of Lough Ree, feeding, foraging and roosting on this deeper, expansive waterbody. The proposed walkway and cycleway footprint and the adjoining areas of cutover, recolonising and rehabilitated bog do not provide suitable foraging or roosting habitat for the following SCI species.</p>	<p>The SCI species could be subject to habitat deterioration of their reliant aquatic habitats as a result of the proposed works due to indirect hydrological connectivity.</p>	<p>As above - Water quality issues mitigated with pollution control measures and monitoring of water quality parameters.</p>
<p>Ballykenny Fisherstown Bog SPA (Site Code: 004101)</p> <p>Summary of key issues that could give rise to adverse effects:</p> <p>(i) Ex-situ disturbance/displacement related effects to Greenland White-fronted Geese, the SCI species for this European Site.</p> <p>(ii) Deterioration of water quality and the wetland components of European Site</p>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures (Summary) See NIS Section 7.
	To restore the favourable conservation condition		
Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Attribute: Forge spatial distribution, extent and abundance.	The proposed Roscommon midlands trail supports hydrological connectivity with this	Mitigation measures including water quality control measures and screening of the

	<p>Target: Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target.</p> <p>Attribute: Supporting habitat: area and quality. Target: Sufficient area of utilisable habitat available in ecologically important sites outside the SPA.</p>	<p>European Site. To that end, the SCI for this SPA (Greenland White-fronted Goose) are potentially located in the downstream receiving sections of Ballykenny-Fisherstown Bog SPA.</p> <p>Use of excavators and other machinery. Use of hydrocarbons, aggregates and wet cement. Introduction and transmission of invasive plant species. Transmission of silt laden water from the works area to the surrounding area and to downstream receiving watercourses and waterbodies.</p>	<p>proposed walkway/cycleway.</p> <p>The timing for the proposed construction works will predominantly be outside the overwinter period (October to March) thereby avoiding indirect ex-situ disturbance or displacement to foraging or roosting birds using adjoining or nearby areas of open and recolonising cutover raised bog habitat.</p>
<p>Lough Forbes Complex SAC (Site Code: 001818)</p> <p>Summary of key issues that could give rise to adverse effects:</p> <p>(i) Deterioration of water quality and the wetland components of European Site.</p>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures (Summary) See NIS Section 7.
	To restore the favourable conservation condition		
<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] [R]</p> <p>Active raised bogs [7110] [R]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]²</p> <p>Depressions on peat substrates of</p>	<p>Attribute: Hydrological regime: water level fluctuations. Target: Maintain appropriate natural hydrological regime necessary to support the habitat.</p>	<p>Indirect disturbance of water dependent and nutrient sensitive habitats within the SAC. Potential for indirect disturbance through construction phase run-off of potential pollutant sources to receiving watercourses and by extension downstream areas of the SAC supporting habitats corresponding with these Annex I qualifying habitats.</p>	<p>Mitigation measures including water quality control measures.</p> <p>Invasive species management plan.</p>

² The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Forbes Complex SAC (As per Conservation Objectives Series May 2016).

<p>the Rhynchosporion [7150]³</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] [R]</p>		<p>Habitat degradation through the spread (downstream catchment or as a result of fly-tipping or littering) of invasive species - Giant Hogweed (1 no. location) and Japanese knotweed (1 no. location).</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:

The proposed works have the potential to provide contributory effects to European sites within the project Zone of Influence. Such impacts may include direct and indirect disturbance (through ex-situ disturbance of feeding or foraging 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) to species of Qualifying Interest for European Sites within the project zone of influence.

Operational phase activities relate to low level; intermittent maintenance works that are considered to be in accordance with ongoing baseline disturbance level impacts. The use of the proposed shared walkway and cycleway during the project operational phase may contribute disturbance effects to ex-situ SCI species for SPAs and mobile species of qualifying interest for SACs should they utilise adjoining areas of more expansive cutover and rehabilitating bog.

Mitigation measures and conditions

Mitigation measures (See section 7 of the submitted NIS).

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS (see table 5-2).

As noted above the appellant has raised concerns that a planning application Register Reference 24/60325 (Longford County Council) was not included in the submitted NIS (refer to Table 5-2) in respect to potential for in-combination effects. In this regard I consider the applicant has considered all relevant programmes, plans and projects at this time of making the subject application. Please refer to consideration of this issue under the heading 'Submissions and Observations' in this AA.

Planning register reference 24/60325 (referred to herein as 'proposed Foigha solar farm development') has been highlighted to by the appellant, I highlight to the Commission that at the time of writing my report an appeal decision is pending on this application (ACP-PL-500085-LD).

The applicant has included an assessment of same within their response to the appeal stating the proposed Foigha solar farm development located approximately 21km south-east from the subject site is within a separate Water Framework Directive (WFD) catchment. The report of the Executive

³ Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Forbes Complex SAC (As per Conservation Objectives Series May 2016).

Scientist (Longford County Council) identifies that the application site of the proposed Foigha solar farm is hydrologically connected to Lough Ree SAC, but that provided the mitigation measures are implemented in full states that it can be objectively concluded that the proposed solar farm development will not adversely affect the integrity of Lough Ree SAC or Lough Ree SPA in view of the site's conservation objectives. I note the submitted NIS accompanying the Foigha solar farm development application prepared by Karen Banks MCIEEM includes within section 7 mitigation measures for same.

Taking into account the above referenced findings of no adverse effect in respect to the proposed solar farm development I am of the opinion that the proposed development would not adversely affect the integrity of Lough Ree SAC or Lough Ree SPA in view of the site's conservation objectives in combination with this project.

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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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.

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. 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818).

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 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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 the Stage 2 Appropriate Assessment report of the Roscommon County Council I consider that

adverse effects on site integrity of the Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818) 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, EclA, Habitat Management and Enhancement Plan (HMEP) 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 Lough Ree SAC (000440), Lough Ree SPA (004064), Ballykenny Fisherstown Bog SPA (004104) and Lough Forbes Complex SAC (001818).

Appendix 3: Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	500120-RN	Townland, address	Bord Na Mona Lands within the Townlands of Meelick, Derrymoylin, Cuilbeg, Slattagh More, Dooslattagh, Caul & Cloonmore in County Roscommon.
Description of project		Construction of a recreational shared cycle and walkway together with all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The proposed walkway and cycleway is located within the 'Curraghroe' Groundwater Body (GWB) (IE_SH_G_075). This GWB Water Framework Directive (WFD) status was classified as 'Good' between 2016-2021 while the GWB risk is classified as 'Not at Risk' of not meeting its WFD objectives.</p> <p>The submitted Natura Impact Statement (NIS) sets out that the drainage network within Derrymoylin and Cloonshannagh sections of the proposed development are connected to silt ponds within the wider area of these bogs. Wet ditches run parallel to much of the Cloonshannagh Rail Link section of the route connect to the Feorish (Tarmonbarry) watercourse [EPA Code:26F03]/ Feorish (Tarmonbarry)_020</p>	

	<p>watercourse IE_SH_25F030400. The Feorish [Tarmonbarry] watercourse subsequently flows to the Upper River Shannon. Derrymoylin Bog is drained at its northern end by the Aghoo stream [EPA code 26A04] which flows to Lough Bofin, and to the west by the SLATTAGH-MORE watercourse [EPA Code 26S33] which flows to the Slattaghmore Stream [EPA code 26S14] and subsequently to the Feorish [Tarmonbarry] watercourse.</p>
<p>Proposed surface water details</p>	<p>The proposed development includes the implementation of nature-based drainage proposals at the Gateway locations along the route.</p> <p>As stated in submitted NIS –</p> <p>The surface water drainage design for the proposed car parks is based on Technical Guidance Document Part H – Drainage & 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 run-off during the operational phase.</p> <p>Surface water runoff during the construction phase of the shared walkway and cycleway 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 silt netting.</p>

	<p>For the most-part, the shared walkway and cycleway will be developed along the existing Bord na Móna rail network. This network currently consists of former rail-line, flanked by open drainage channels on both sides. All existing drainage channels and flow paths will be retained to function during the operational phase of the development.</p> <p>Following completion of rehabilitation works scheduled within Derrymoylin and Cloonshannagh scheduled to commence in 2024, the drainage of surface water runoff from the bog margins will be directed towards blocked drainage ditches with outfalls modified and with overflows managed with controlled weir outfall where required; these measures will therefore retain and slow water movement through the bog and further act as settlement features for any suspended sediment. As an additional precautionary measure, where the proposed development infrastructure is situated in close proximity to rewetted peatlands and/ or any historical drainage features, bunding or silt fencing will be utilised as required immediately adjacent to the working area, in order to contain and minimise any surface water run-off as required. These additional measures will be instated to prevent any silt entering adjacent waterbodies.</p>
<p>Proposed water supply source & available capacity</p>	<p>Not relevant.</p>

Proposed wastewater treatment system & available capacity, other issues		Not relevant.				
Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (16-21)	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 runoff, drainage, groundwater)
River Waterbody	250m	Feorish (Tarmonbarry) _010 watercourse [IE_SH_26F03 0400]	Poor	At risk	Peat	Surface water

River Waterbody	60m	Feorish (Tarmonbarry) _020 watercourse [IE_SH_26F03 0200]	Poor	At risk	Peat	Surface water
River Waterbody	1200m	Shannon (Upper)_080	Good	Review	None identified.	Surface water
Watercourse	1160m	Aghoo stream [IE_SH_26S02 1415] – Feeding into Shannon (Upper)_070	Moderate	At Risk	Unknown.	Surface water
Watercourse	250m	SLATTAGH- MORE watercourse [IE_SH_26F03 0200] Feeding into Shannon (Upper)_070	Moderate	At Risk	Unknown	Surface water

Groundwater Waterbody	Underlying site	'Curraghroe' Groundwater Body (GWB) (IE_SH_G_075)	Good (2016-2021)	Not At Risk	No pressures identified	Yes	
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.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	As identified above.	Existing drainage ditches, watercourses	Siltation, pH (Concrete), hydrocarbon spillages	Yes -As included in Section 7 of submitted NIS, CMP and EclA.	No	Screened out

2.	Ground	As identified above.	Pathway exists	Spillages	Yes -As included in Section 7 of submitted NIS, CMP and EclA.	No	Screened out
OPERATIONAL PHASE							
3.	Surface	As identified above.	Existing drainage ditches, watercourses	Siltation, pH (Concrete), hydrocarbon spillages	Yes -As included in Section 7 of submitted NIS, CMP and EclA.	No	Screened out
4.	Ground	As identified above.	Pathway exists	Spillages	Yes -As included in Section 7 of submitted NIS, CMP and EclA.	No	Screened out
DECOMMISSIONING PHASE							

5.	NA	As identified above.	NA	NA	NA	NA	NA
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