



An  
Bord  
Pleanála

**Board Direction**  
**BD-019408-25**  
**ABP-318093-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/04/2025.

The Board decided to approve permission for the road development under the Roads Act 1993 generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024.

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

- Planning and Development Act 2000, as amended
- Project Ireland 2024 National Planning Framework,
- the objectives and targets of the National Biodiversity Action Plan 2023-2030,
- the relevant provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment,
- the Southern Regional Assembly Regional Spatial and Economic Strategy for the Southern Region,

- the policies and objectives of the Tipperary County Development Plan 2022-2028, the Waterford City and County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030,
- the nature, scale and design of the proposed development and the pattern of development in the vicinity of the site,
- mitigation measures proposed for the construction, and operation of the site and subject works,
- the submissions and observations on file including those from prescribed bodies, and other third parties,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- the report and recommendation of the Inspector.

### **Appropriate Assessment Screening**

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site Code: 002137) is the only European Site for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the Site was designated and in the absence of viable connections to, and distance between the application site and the European Sites, Comeragh Mountains Special Area of Conservation (Site Code: 001952), Nier Valley Woodlands Special Area of Conservation (Site Code: 000668), and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), could be screened out from further



consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on these European Sites or any other European Sites in view of the Sites' conservation objectives and that a Stage 2 Appropriate Assessment is therefore not required in relation to these European Sites.

### **Appropriate Assessment Stage 2:**

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Lower River Suir Special Area of Conservation (Site Code: 002137), in view of the Site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered, in particular, the following:

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

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

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code: 002137), or any other European Site in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application, including further information,
- (c) the submissions received from the prescribed bodies, and observers, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made during the application.

#### **Reasoned Conclusion for Environmental Impact Assessment:**

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and Human Health:** There is a potential for significant effects to arise by way of noise at construction stage, which will be minimised by way of a finalised Construction Environment Management Plan, best practice measures and mitigation measures. Impacts will be short term with no significant noise generated at operational stage. Positive impacts at operation stage will include enhanced pedestrian and cycling, and enhanced connectivity with the town centre for businesses.
- **Air:** Potential effects on air during construction which will be mitigated by a dust minimisation plan. Positive impacts at operational stage will include a reduction in air pollutants due to a reduction in traffic.
- **Water:** Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the



vicinity of existing watercourses. There is also the potential for negative impacts on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, construction methodologies, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.

- **Biodiversity:** Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the vicinity of existing watercourses, risk of potential noise, vibration and light pollution at construction stage, with potential for impacts on habitats, species, and these impacts will be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, drainage management, noise, vibration and lighting. There will be small scale permanent habitat loss, with temporary loss of habitat mitigated by habitat reinstatement works. Risk of potential light pollution at operational stage will be mitigated by lighting mitigation measures.
- **Material Assets:** Short term effects on the road network for the construction phase of the development, which will be mitigated by a Traffic Management Plan and Outline Construction Environmental Management Plan. Positive impacts will include enhanced cycling and pedestrian infrastructure in the town.
- **Cultural Heritage:** Potential for effects on archaeology, which will be mitigated by way of an Outline Construction Environment Management Plan, mitigation measures, archaeological impact assessment, testing and recording.
- **Landscape:** There will be the long-term siting of transportation infrastructure into the urban landscape, which will be mitigated by the proposed developments design and siting, natural screening, and additional planting.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment

Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would enhance connectivity, economic development and vibrancy in the town centre and promote more sustainable forms of transport through the prioritisation of improved pedestrian and cycling facilities be in accordance with National and regional policies and with the provisions of the Tipperary County Development Plan 2022-2028, the Waterford City and County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030. The proposed development would not seriously injure the visual or residential amenities of the area nor have an unacceptable impact on the character of the landscape nor on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety, public health and would be in the interest of the common good. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including an Environmental Impact Assessment Report lodged, with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 30<sup>th</sup> day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with authorities, the developer shall agree such details in writing with authorities 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 Environmental Impact Assessment Report (EIAR) and Addendums to the Environmental Impact Assessment Report shall be implemented.

**Reason:** To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

4. (a) The lighting design for the bridge sections shall be based on Guidance Note GN08/23 Bats and Artificial Lighting At Night 2023 and any updates to the Guidance Note.

(b) Prior to commencement of the development, the developer, or any agent acting on its behalf, shall prepare a finalised Invasive Species Management plan detailing the methodology of control of Invasives and monitoring. These details shall be placed on file and retained as part of the public record.

**Reason:** In the interests of clarity and of the protection of the environment and European Site during the construction and operational phases of the development.

4. Prior to commencement of the development, the developer, or any agent acting on its behalf, shall finalise a Construction Environmental Management Plan (CEMP). The construction of the development shall be managed in accordance with the CEMP. This plan shall incorporate all mitigation measures set out in the Outline CEMP and application documentation and provide details of intended construction practice for the development, including:
  - (a) location of site and material compound(s) including areas(s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings,

- (b) a comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (c) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network,
- (d) details of appropriate mitigation measures for noise, dust, and vibration, and monitoring of such levels,
- (e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- (f) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (g) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,
- (h) an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting, and,
- (i) a record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

The CEMP shall be placed on file prior to the commencement of development and retained as part of the public record.

**Reason:** In the interests of environmental protection, amenities, public health, and safety.

5. The developer shall appoint a suitably qualified Ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. A report on the implementation of these measures shall be retained on file as a matter of public record.



**Reason:** To protect the environmental and natural heritage of the area.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

7. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in the application. Any trees or shrubs that are removed, die or become seriously damaged or diseased during the operative period as set out by this permission, shall be replaced within the next planting season by trees or shrubs of similar size and species.

**Reason:** In the interests of visual amenity and biodiversity.

9. (a) Archaeology
  - i. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 14 of the Environmental Impact Assessment Report dated 22<sup>nd</sup> day of September, 2023 shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.
  - ii. The finalised CEMP shall include the location of any and all archaeological and cultural heritage constraints relevant to the proposed development (Chapter 14 of the Environmental Impact Assessment Report) and include constraints identified by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

- iii. The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer. The report shall be placed on the file and retained as part of the public record.

(b) Underwater Archaeology

- i. The developer shall engage a suitably qualified licensed Archaeologist to carry out an Underwater Archaeological Impact Assessment following consultation with the National Monument Service in advance of any site preparation works and groundworks. The Underwater Archaeological Impact Assessment shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, and include a dive/wade assessment and metal detection survey centred on but not confined to areas where works are proposed within or immediately proximal to river channels, including proposed locations of the North Bridge Pier, and enabling works and machinery movements that may effect the river channel and/or river banks, with consent/licenses as required under the National Monuments Acts and accompanied by method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of license applications and method statement.
- ii. Having completed the above works in (b)(i), and following consultation with the National Monument Service, the archaeologist may undertake in river pre-development archaeological testing in areas of proposed ground disturbance to be agreed with the National Monument Service. The archaeological test excavation shall be carried out under licence and in accordance with an approved method statement, with survey and detection device consent/licenses as required under the National Monuments Acts and accompanied by method statement. Note a period



of 3-4 weeks should be allowed to facilitate processing and approval of license applications and method statement.

- iii. The archaeologist shall prepare a comprehensive report, describing the results of the Underwater Archaeological Impact Assessment, including underwater archaeological test excavations undertaken, and shall include an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the National Monument Service in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the Underwater Archaeological Impact Assessment. Any further archaeological mitigation requirements specified by the National Monument Service following consultation, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the National Monument Service. The National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer. The report shall be placed on the file and retained as part of the public record.

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

**Board Member**



Mick Long

**Date:** 07/04/2025