

An
Bord
Pleanála

Board Direction
BD-017226-24
ABP-318948-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/08/2024.

The Board decided by a majority of 2:1, to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

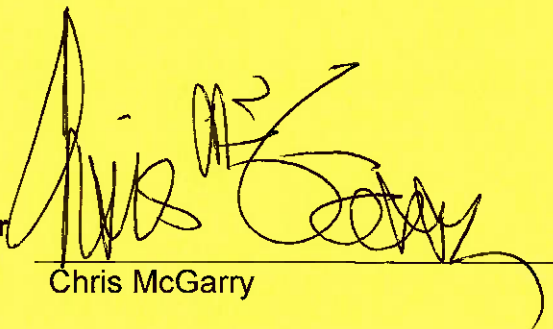
1. On the basis of the information submitted with the application and in the absence of up-to-date survey information, the Board is not satisfied that the proposed development would not give rise to significant adverse effects on Annex II species other by way of barrier connectivity effects, habitat loss and impacts on couching sites and holts. In this regard the Board is not satisfied that it has been demonstrated that the proposal would not adversely affect the integrity of European Site, Lower River Suir Special Area of Conservation (Site Code 002137), in view of the site's Conservation Objectives. Furthermore, it is therefore considered that the proposed development, would contravene Policy 11-2 of the Tipperary County Development Plan 2022-2028 which seeks to ensure the protection, integrity and conservation of European Sites and Annex II species listed in EU Directives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would materially and adversely affect the character and setting of the Protected Structures TMS73 O'Dwyer Bridge and TMS89 Small Bridge as listed in the Templemore and Environs Development Plan 2012. The proposed development would, therefore, be contrary to Policy 13-1 of the Tipperary County Development Plan 2022-2028 and Policy BH3 of the Templemore and Environs Development Plan 2012, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application, the Board is not satisfied that the proposed development which entails the loss of the wetland nature of the existing channel, would be consistent with Strategic Objective 7 (seek to protect enhance and connect areas of blue and green infrastructure) and Policy 11-4 (conserve, protect and enhance areas of local biodiversity value, ecological corridors) of the Tipperary County Development Plan 2022-2028. Furthermore, on the basis of the information submitted with the application, the Board is not satisfied that the proposed development would be consistent with the overarching provisions of the 4th National Biodiversity Action Plan 2023-2030, prepared by the National Parks and Wildlife Service, January 2024, including Action 3C1, 'all public authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure'. In this regard, it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board considered the commentary of the Inspector that, while he noted the expressed views of the Department (on the loss of biodiversity as a consequence of the proposed development) that he was of the opinion the proposed development would be consistent with the County Development Plan and the National Biodiversity Action Plan. However having considered the totality of the documentation on file, the Board determined that the strength of argument as presented by the Department in its submission, outweighed an assessment of the merits of the proposed development, noting that a specific, detailed and measurable argument for the necessity of the proposed development was not apparent to the Board from the application submission. Specifically, the Board shared the view of the Department that, *'far from being a negative thing as identified by Tipperary County Council, ecologically speaking the accumulation of water in the old channel is a good thing'*. Furthermore, while the Board noted and shared the view of the inspector that the new section of channel created as part of the Templemore flood relief scheme approved in 2017, now functions as a river and ecological corridor, this does of itself not lead to a conclusion that the loss of the existing channel would somehow have less of an adverse impact, when judged by reference to applicable development plan policy and in the absence of a clear, measurable need for the specific proposed development set out in this application.

Board Member



Chris McGarry

Date: 13/08/2024