



**An
Bord
Pleanála**

**Board Direction
BD-018022-24
ABP-320189-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/10/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- a) Policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region.
- b) Policies and objectives set out in the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030, including the location of the site on lands subject to Zoning Objective R1 New Residential, and the permitted in principle uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) Climate Action Plan, 2024.
- e) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- g) The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

- h) The Childcare Facilities, Guidelines for Planning Authorities, 2001.
- i) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- j) The nature, scale, and design of the proposed development.
- k) The planning history at the site and within the area.
- l) The pattern of existing and permitted development in the area.
- m) The reports of the planning authority.
- n) The submissions received by the planning authority from observers and prescribed bodies.
- o) The grounds of appeal.
- p) The response to the grounds of appeal by the applicant.
- q) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Screening for Appropriate Assessment – Stage 1

The Board completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the European site, Lower River Suir SAC (site code: 002137) in view of the site's conservation objectives and qualifying interests. The Board determined that an Appropriate Assessment (Stage 2) is required of the implications of the project on same. The Board is satisfied that the possibility of likely significant effects by the project on any other European sites could be excluded in view of the nature and scale of the project, separation distances, and the absence of connections between the project, and any other European sites.

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the case file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Lower River Suir SAC

(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. The Board concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Suir SAC in view of the site's conservation objectives and qualifying interests. This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Lower River Suir SAC.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower River Suir SAC.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The relevant policies and objectives in the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030 (including the lands being subject to Zoning Objective R1 New Residential), and the results of the strategic environmental assessments of these plans undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
- d) The planning history at the site.
- e) The pattern of existing and permitted development in the area.

- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, Flood Risk Assessment, and Technical Traffic Assessment (in addition to several commensurate reports accompanying the parent permission, including the Landscape Management and Maintenance Plan, and Archaeological Impact Assessment).

In so doing, the Board concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the provisions of the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030, including the R1 New Residential zoning objective subject to the site, would constitute an acceptable mix and quantum of residential development, would result in an appropriate density of residential development, would provide

acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP 311290-21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to commencement of development, the developer shall lodge with the planning authority for its written agreement, full details (plans, elevations, sections) of the screening and boundary treatments, inclusive of privacy strips, for the terrace areas of all ground floor apartment units in Blocks D1, D2, and D3.

Reason: To comply with Section 28 Ministerial Guidelines and protect the amenities of future residents.

Board Member

Eamonn James Kelly
Eamonn James Kelly

Date: 30/10/2024

Note

The Board also considered the total number of two bedroom-three person apartment units included as part of this application exceeded 10% of the total number of apartment units. However, having regard to the overall nature of the development and the standard and quality of apartment and housing units being delivered, the Board was satisfied that it had regard to the relevant apartment guidelines and that, in this instance, an additional eight apartment units of this nature did not constitute a significant deviation in the context of the overall residential development.