

An
Bord
Pleanála

Board Order ABP-318948-24

Planning and Development Acts, 2000 to 2022

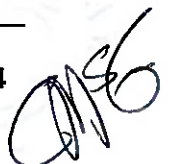
Planning Authority: Tipperary County Council

Application by Tipperary County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 25th day of January 2024.

Proposed Development: The proposed Mall River Flood Relief Scheme will consist of the following works:

- The construction of a 900-millimetre drainage header pipe in the existing redundant channel section of the River Mall and manholes.
- Provision for the connection of 26 existing surface water outfalls, currently discharging to the redundant channel section of the River Mall, to the 900-millimetre drainage header pipe along with all accommodation works.
- The infilling of the redundant channel section, including pipe surround of the 900-millimetre drainage header pipe, to match existing ground elevations surrounding the river channel.
- Provision of a footpath and grass area over the infilled river from Templemore Town Park pedestrian entrance to a point 100 metres south in the direction of the N62, behind an existing stone wall / parapet.
- Provision of approximately 100 metres of new footway adjacent to the Black castle Road to the junction of the N62 (at Young's garage), with a footway width by 1.8 metres which and reduced carriageway width.

- Removal of existing parapet wall to create an alternating current hardstanding area adjacent to Youngs garage.
- The demolition of approximately 50 metres of existing stone wall and bridge parapet north of the N62 to allow for the construction of a new proposed footway to match existing from O'Dwyer Bridge.
- Provision of improvement works north of O'Dwyer bridge for approximately 40 metres to include increasing corner radius, installation of aggregate bollards and hard landscaping area.
- Widening of the carriageway crossing O'Dwyer bridge along the N62.
- The demolition of approximately 15 metres of existing stone wall and bridge parapet south of the N62 to allow for improvement works to include a new footway, increased corner radius and increase sight lines between The Mall Road and the N62.
- Construction of approximately 70 metres alternating current pavement over the existing channel south of the N62 and maintenance of the existing stone wall / parapet.
- The demolition of sections of existing stone walls to allow for the construction of a new proposed footpath from O'Dwyer Bridge to the Templemore Town Park.
- Construction of a proposed stone wall separating the property boundaries and the proposed footpath, along with associated streetscape works at O'Dwyer Bridge.
- Landscape works to match existing surrounding environment at the Templemore town park.
- Construction of proposed hardstand/pavement over existing channel at Youngs Garage and Templemore Motor Works.
- Demolition of existing bridge structures at residential accesses.
- Landscape works to match existing surrounding environment from Templemore Motor Works, in a southerly direction, to the outfall to the existing River Mall.
- Construction of discharge headwalls.
- Construct new agricultural entrance approximately 180 metres south of O'Dwyer's bridge on the western side of the mall Road.



All located at Templemore (from Town Park to Talavera), County Tipperary.

Decision

REFUSE TO APPROVE the above proposed development based on the reasons and considerations set out below.



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 coaching 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 European Union 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

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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.



Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of August 2024