



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-311290-21

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### Strategic Housing Development

115 no. residential units (68 no. houses and 47 no. apartments), creche and associated site works.

### Location

Townland of Croan Lower, Coleville Road (R680), Clonmel, Co. Tipperary. ([www.colevilleroadshd.ie](http://www.colevilleroadshd.ie))

### Planning Authority

Tipperary County Council

### Applicant

Torca Development Limited

### Prescribed Bodies

Dept. of Housing, Local Government and Heritage

Irish Water

Transport Infrastructure Ireland

**Observers**

Jimmy and Celine Kearns  
John Nallen and Elizabeth Nallen  
Bowen and Others  
Louise Moyles  
Melbrook Property Partnership  
Paula O'Shea

**Date of Site Inspection**

20<sup>th</sup> November 2021

**Inspector**

Sarah Moran

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## Appendix I: EIA Screening Report

## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site is located on the south eastern edge of Clonmel, c. 1.3 km south east of the town centre, on the banks of the River Suir, with frontage to Coleville Road. The R680 Coleville Road straddles the boundary between Co. Tipperary and Co. Waterford, with the development site being on the Tipperary side of the border. This side of Clonmel is characterised by low density residential development and a mix of other land uses. The immediate surroundings of the development site include the Dudley's Mills Business Park and Millbrook House to the east, several individual residential properties fronting onto the Coleville Road and the Minella Hotel and a residential property (Riverpark House) to the west. There is also a two storey HSE healthcare facility at Coleville Road to the immediate south west of the site. There are one off houses and agricultural lands on the opposite side of the Coleville Road. The Coleville Road is quite rural in character at this location, with high stone walls and only a narrow footpath on the northern side of the road. Road works were underway to improve pedestrian facilities on the day of site inspection.
- 2.2. The site has a stated total area of 5.23 ha and a stated 'developable area' of 3.23 ha residentially zoned lands and excluding amenity zoned lands at the riverbank, which are within the Lower River Suir SAC (site code 002137). The red line site boundary includes lands to the immediate east of the site, at the boundary with the Dudley's Mills Business Park, which belong to the adjoining landowner, but are included within the development site for the purposes of tree removal at this location. The site boundary also includes an area of Coleville Road to the west of the development site, where pedestrian and cycle infrastructure works are proposed, as well as the area where works to the public foul sewer at Coleville Road are proposed. The residentially zoned part of the site is currently in use as agricultural lands. There is a Recorded Monument (TS083-021006), a standing stone located in the north western corner of the site. The western and southern site boundaries comprise dry stone

walls of varying heights and mature trees and hedgerows. The site rises quite steeply in level from the river into the site levelling off across the site with localised undulations and dips within the site and rising again as it adjoins the Coleville Road. Several ESB lines traverse the site.

### 3.0 Proposed Strategic Housing Development

3.1. The following key points of the proposed development are noted:

<b>Site Area</b>	Gross site area c. 5.23 ha (includes part of R680) Net site area c. 3.23 ha New Residential zoned lands (excluding amenity zoned lands and works at Coleville Road)
<b>No. of Residential Units</b>	115
<b>Residential Density</b>	Net density of 35.5 units/ha
<b>Height</b>	2-3 storeys
<b>Plot Ratio</b>	0.41
<b>Site Coverage</b>	23%
<b>Amenity Space</b>	Total net public open space 4,952 sq.m., excluding the riverside amenity area (15.3% of net residential site area) 1,128 sq.m. communal open space for the apartments Riverside amenity area 0.67 ha (amenity zoned lands)
<b>Childcare</b>	Creche c. 208 sq.m. (up to 32 no. childcare places)
<b>Roads</b>	New vehicular/cycle/pedestrian access to Coleville Road Upgrade works along the R680 to improve pedestrian connectivity to Clonmel town centre
<b>Parking</b>	181 no. car parking spaces 366 no. cycle parking spaces
<b>Part V</b>	23 no. apartment units in Blocks D4 and D5 to be transferred to Tipperary County Council
<b>Site Services</b>	Connection to public sewer and water supply. Upgrade of existing watermain on Coleville Road. Existing public foul sewer at the site to be diverted with a new connection to serve the development. Surface water discharge to River Suir.

<b>Ancillary Works</b>	<p>Site development works including site reprofiling, landscaping, boundary treatments and services connections.</p> <p>Removal of existing overhead power lines and re-route them underground.</p>
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3.7. The overall development involves 115 no. units as follows:

UNIT TYPE	NO. OF UNITS	%
<b>Houses</b>		
4 bed	20	17%
3 bed	24	21%
2 bed	24	21%
<b>Apartments</b>		
1 bed	14	12%
2 bed	9	8%
3 bed duplex	24	21%
<b>Total</b>	<b>115</b>	

3.8. An EIA Screening Report and NIS are submitted with the application.

## 4.0 Planning History

### 4.1. 06550005 PL 52.222478

4.1.1. Permission granted on appeal for demolition of one no. outbuilding and construction of 137 no. residential units, change of use of two offices to crèche and shop, together with all associated site works.

### 4.2. ABP-305770-19 Recent SHD Application on Northern Side of Clonmel

4.2.1. Application for 217 no. residential units on three plots. The Board issued a split decision, with permission granted on Plots 1A and 1B for 36 step-down units and 35 two-storey dwellings and permission refused for the remainder of development, with the reasons for refusal in summary relating to poor design concept, proposal lacking

variety and distinctiveness, failing to establish a sense of place and poor quality of architectural and landscape design.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation ABP-308840-20**

5.1.1. The pre-application consultation related to a proposal to construct 118 no. residential units (67 no. houses, 51 no. apartments), crèche and associated site works at the development site. A section 5 consultation meeting took place on 29<sup>th</sup> April 2021 between representatives of ABP, Tipperary County Council, Waterford City and County Council, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 28<sup>th</sup> May 2021, which considered that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

### **5.2. Applicant's Response to Pre-Application Opinion**

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information / documentation submitted as specified in the ABP Opinion.

## **6.0 Relevant Planning Policy**

### **6.1. Section 28 Ministerial Guidelines**

6.1.1. Having considered the nature and extent of the proposal, the receiving environment, the documentation on file, including the submission from the planning authority, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)

- The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices.
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999

## 6.2. National Planning Framework Project Ireland 2040

- 6.2.1. The National Planning Framework (NPF) supports the development of Ireland's cities and urban areas to achieve compact growth. National Policy Objective NPO 3a sets a target to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and NPO 3c is to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints. NPF section 3.4 relates to the Southern Region, which includes Clonmel, and states:

*The big challenge for this Region in the period to 2040, will be to position its cities as more significantly scaled, while also more compact and attractive, acting as metropolitan drivers for the region as a whole and as effective complements to the economic strength of Dublin. Ensuring a balanced approach in activating and realising much underutilised potential in wider rural towns and dispersed communities will also be a priority...*

*Strategically located between Cork and Dublin, with a network of large towns, the south-east has capacity for improved growth, but has not had a focus sufficient in scale to drive the sustained development of the region as a whole.*

- 6.2.2. The following National Policy Objectives are also noted in particular:

NPO 4 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.



NPO 5 Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment, and prosperity.

NPO 6 Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO 11 In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13 In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 27 Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

NPO 32 To target the delivery of 550,000 additional households to 2040.

NPO 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 6.3. **Circular Letter: NRUP 02/2021 Residential Densities in Towns and Villages**

- 6.3.1. Circular Letter: NRUP 02/2021, dated 21<sup>st</sup> April 2021, provides guidance in relation to residential densities at the edge of larger towns, in the context of the NPF and

section 28 Guidelines on Residential Development in Urban Areas, the Apartment Guidelines and the Building Height Guidelines. It notes national policy objectives to achieve compact growth in urban areas as set out in the NPF and notes that the NPF states a need for more proportionate and tailored approaches to residential development. The Circular Letter states:

*This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.*

*As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context.*

- 6.3.2. The Circular provides clarification on the application of the Sustainable Residential Development Guidelines at 'Peripheral and/or Less Accessible' locations as defined in the Apartment Guidelines. It notes that Section 5.11 of the Sustainable Residential Development Guidelines recommends a density range of 35-50 units/ha for outer suburban /greenfield sites within cities and larger towns and allows ABP and planning authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. Accordingly, the full range of outer suburban density, from a baseline figure of 30 units/ha (net) may be considered, with densities below that figure permissible subject to Section 5.12 of the Sustainable Residential Development Guidelines. This also applies in relation to SPPR 4 of the Building Height Guidelines, which cross references the minimum densities of the Sustainable Residential Development Guidelines.

#### 6.4. **Regional Spatial & Economic Strategy for the Southern Region 2020**

- 6.4.1. Clonmel is located in the South East Planning Area along with Carlow, Tipperary, Waterford, and Wexford. Clonmel with a population of 17,140 is the 8<sup>th</sup> largest town in the Southern Region. It is designated "Key Town" in the RSES settlement strategy as a county town with significant employment locations and a large population and urban centre that functions as a self-sustaining regional driver. It is also identified as

the main centre in a linear network of towns in South Tipperary (Carrick On Suir, Clonmel, Cahir, and Tipperary Town) that form part of the strategic inter-regional road and rail corridor between Waterford and Limerick with a combined population of 35,000. A targeted growth rate of 30% is envisaged for the town.

## 6.5. South Tipperary County Development Plan 2009-2017 (as amended)

- 6.5.1. Clonmel is within the boundary of the former South Tipperary County. The 2009 South Tipperary County Development Plan has been extended and varied and remains currently in effect, with a revised written statement dated December 2017. The updated core strategy identifies Clonmel as a Regional Town at the top of the settlement hierarchy. Development plan Table 2.2 states a population target for Clonmel of 25,000 in 2022, with a corresponding zoned area of 124 ha. The following policies are noted in particular:

Policy SS1: Settlement Hierarchy for Tipperary County Council The Council will prioritise and support the sustainable growth of the county's towns and villages as outlined in the settlement hierarchy, thereby promoting balanced regional development and competitiveness and delivering a stronger network of viable and vibrant settlements to support the needs of local communities in the county.

Policy SS2: Growth and Development in Urban Centres The Council will support, drive and facilitate the growth of urban centres in a balanced and sustainable manner in line with their role in the settlement hierarchy as set out above and in accordance with the Core Strategy.

Policy SC2: Sustainable Residential Development in Towns and Villages It is the policy of the Council to ensure that all new multi-unit residential development and developments comprising a mixture of residential and other uses complies with the 'Guidelines on Sustainable Residential Development in Urban areas', (DECLG 2009). New housing developments of five or more units shall demonstrate compliance with the Guidelines through the submission of a Development Impact Statement (DIS) in line with the development management standards set out in Chapter 10.

## 6.6. Clonmel and Environs Development Plan 2013-2019

- 6.6.1. The Clonmel and Environs Development Plan 2013 – 2019 came into effect on 4<sup>th</sup> November 2013. The plan was subject to Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment.
- 6.6.2. Most of the development site is zoned ‘New Residential’ which seeks to ‘provide for new residential development’. The northern portion of the site on the banks of the River Suir, within the Lower River Suir SAC, is zoned ‘Amenity’, which seeks ‘to preserve and enhance recreation and amenity areas’.
- 6.6.3. The development plan core strategy identifies a requirement for 154 ha of residentially zoned lands to serve Clonmel and Environs for the period 2013-2016 with additional capacity to 2019. A total of 123 ha is zoned within the development plan area, with c. 30 ha lands zoned for new residential use within the administrative area of the former Waterford County Council to account for the remainder of the required lands. Core strategy Table 2.1.2 identifies a housing yield of 1,862 no. units on ‘New Residential’ zoned lands zoned within Co. Tipperary. The following policy applies:

Policy HSG 2: New Residential Development It is the policy of the Council to facilitate sustainable residential development on new residentially zoned lands subject to the policies and relevant criteria set out in this Plan being satisfied. Where Part V of the Planning and Development Acts 2000 – 2013 applies the application must also be supported by a Development Impact Assessment (DIA) (see Section 9).

- 6.6.4. Development plan section 6.3 provides details of the total number of residential units to provided at each ‘New Residential’ zoned land parcel, subject to the following statement:

*36 Every planning application shall be assessed on its individual merits and the reference to a proposed average density shall not prejudice the development of sites at lower or higher densities as appropriate to the individual site.*

The development site area of 4.5 ha at Coleville Road is to be developed at a density of 17 units/ha, to yield a total of 77 no. units. The following policy applies:

Policy HSG 3: Urban Densities It is the policy of the Council to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments.

6.6.5. The following development plan policies are also noted in particular:

Policy HSG 4: Residential Amenity It is the policy of the Council to seek the provision and suitable management of Local Areas for Play and Local Equipped Areas for Play in new residential developments in accordance with the criteria set out under Chapter 9 Development Management. All new residential development will be required to comply with the amenity/open space standards set out under Chapter 9 Development Management.

Policy AH 3: Archaeology It is the policy of the Council to safeguard sites, features and objects of archaeological interest generally and the Council will protect (in-situ where practicable or as a minimum, preservation by record) all monuments included in the Record of Monuments and Places and sites, features and objects of archaeological and historical interest generally.

Policy AH 5: Lower River Suir SAC It is the policy of the Council to maintain the habitats and species within the Lower River Suir SAC site at favourable conservation status. Appropriate Assessment Screening shall be undertaken with respect to any project(s) that may arise with potential to adversely impact on the Lower River Suir SAC in accordance with Article 6 of the Habitats Directive and shall be carried out in consultation with the NPWS and other key stakeholders such as Inland Fisheries Ireland.

Policy AH 6: Amenity and Recreation It is the policy of the Council to actively encourage, promote and develop facilities and opportunities for the retention, improvement and development of amenity and recreational spaces and facilities.

6.6.6. Development plan Chapter 9 provides development management standards including section 9.9 relating to multi-unit residential developments.

## **6.7. Waterford County Development Plan 2011-2017**

- 6.7.1. Lands to the south of Coleville Road are located within the administrative area of Waterford City and County Council and the Waterford County Development Plan 2011-2017, as extended, is the operative County Development Plan for those lands.
- 6.7.2. The Waterford County Development Plan includes a 'Clonmel Environs' zoning map, whereby lands on the opposite (southern) side of the Coleville Road from the development site have the zoning objective 'R2 – Protect amenity of existing residential development and provide new residential development – low density (clustered housing, serviced sites, large plot size)'. There are also lands zoned fR1 for new residential development further to the south and east, within Co. Waterford. The Clonmel Environs map also indicates a roads objective on the zoned lands to the south of the Coleville Road, connecting the Coleville Road to the Spa Road to the south west of the development site. Lands to the east of the development site on Coleville Road are subject to the site-specific objective D04, which requires the site to be developed in accordance with a Masterplan to be agreed by Clonmel Borough Council, South Tipperary County Council and Waterford County Council.

## **6.8. Applicant's Statement of Consistency**

- 6.8.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, and other regional and national planning policies. The following points are noted in relation to national, regional, and local planning policy:
- The subject development is consistent with NPF NPOs 3a, 5 and 33. The site is well located at the south-eastern edge of Clonmel town, c. 1.5 km from the town centre. The development seeks to deliver a sustainable range of residential units at this site. Clonmel is the only designated Regional Town under the County Settlement Hierarchy and the site benefits from access to a broad range and variety of local services and employment in the town and its environs. The development is also consistent with NPO 27 that promotes alternatives to car-based travel. The application will be accessible to the town centre and local services.

- The development is consistent with the Southern RSES and its objectives. It will deliver a new sustainable residential community within a unique residential setting which will provide an attractive sense of place and excellent quality of life and environmental qualities.
- The development site is appropriate for a development of 2 to 3 storeys with regard to the Building Height Guidelines. The development is significantly screened from sensitive view locations from the vicinity of the River Suir. It responds to its overall natural and built environment and makes a positive contribution to the local area. The materials and finishes are designed to a high architectural standard, with regard to existing pattern of development in the area.
- The development site is accessible to the services, amenities and social infrastructure available in Clonmel town and is c. 1.5 km from the town centre. The proposed residential density is in accordance with the guidance for an 'outer suburban/greenfield' site provided in the Sustainable Residential Development Guidelines. The application includes a rationale, which sets out consistency with the 12 Criteria provided in the accompanying Urban Design Manual.
- The Statement provides analysis of the criteria provided in the Quality Housing for Sustainable Communities Best Practice Guidelines, including housing mix, design and accessibility.
- The development complies with the relevant SPPRs of the Apartment Guidelines, also the requirements of same in relation to open space, residential density and parking provision.
- The development has been designed with regard to the principles of DMURS and prioritises pedestrians and cyclists through the use of shared surfaces and designated footpaths/cycle paths and limiting the number of vehicles in the scheme. The development includes upgrade works to the Coleville Road, improving connectivity to Clonmel town centre.
- The development includes a childcare facility that will provide 32 no. childcare spaces to meet the requirements of the Childcare Guidelines.
- The application includes a Site Specific Flood Risk Assessment (SSFRA). The development is set back from the flood zone at the River Suir in the northern end

of the site. This area is to be developed as a riverside amenity, which shall retain its natural setting and character. The proposed surface water drainage system will reduce the risk of overland flow and reduce the rate of discharge of water at ground level.

- The proposed quantum of development and housing mix are consistent with the housing strategy of the South Tipperary County Development Plan. The development is also in accordance with development plan policies on Part V, community amenity, education, childcare, biodiversity and tree protection, Natura 2000 sites and protected species, architectural and archaeological heritage, flood risk, storm water disposal and light pollution. A detailed rationale is provided indicating compliance with the requirements of the development management standards set out in development plan Chapter 10.
- The development site has been identified as an infill opportunity for residential development in the core strategy of the Clonmel and Environs Development Plan. The site is within walkable distance from the town centre and within c. 4km of existing employment areas including Dudley Mills Business Parks, Carrigeen Business Park and Gortnafleur Business Park, and retail parks such as Poppyfield Retail Park. The site is an appropriate location for high density residential development within the existing Clonmel Environs. It is well serviced in terms of infrastructure networks, and other community/social facilities. The proposed net residential density of 35.5 units/ha is higher than the 17 units/ha provided for in the plan, however, it is noted that the plan states that every planning application shall be assessed on its individual merits and the reference to a proposed average density shall not prejudice the development of sites at lower or higher densities as appropriate to the individual site. A detailed rationale is provided regarding compliance with the development management standards set out in development plan Chapter 9. The development is also consistent with the qualitative and quantitative requirements outlined for open space, car parking standards, refuse storage, design, and layout.
- The development would not prejudice the delivery of zoned lands within Co. Waterford to the south of the Coleville Road, or the delivery of the roads objective at this location identified in the Waterford County Development Plan.



## 6.9. Material Contravention Statement

6.9.1. A Statement of Material Contravention is submitted with the application in accordance with Section 8(1)(iv)(II) of the Act of 2016. The statement relates to the matters of residential density and car parking. It is submitted that the Board can grant permission under sections 37(2)(b)(i) & (iii) as the application is a Strategic Housing Development “of strategic or national importance”. It is also submitted that there is justification for granting the development having regard to the NPF and Section 28 Guidelines. The applicant’s rationale includes the following points in relation to residential density and car parking:

### 6.9.2. Residential Density

- The proposed net residential density of 35.5 units/ha is higher than the 17 units/ha stated in sections 6.3 and 9.9 of the Clonmel & Environs Development Plan. However, it is also noted that footnote 36 of the plan states that every planning application shall be assessed on its individual merits and the reference to a proposed average density shall not prejudice the development of sites at lower or higher densities as appropriate to the individual site.
- It is submitted that current national planning policy justifies the proposed density of 35.5 unit/ha. The Guidelines on Sustainable Residential Development provide for net residential densities of 35-50 units/ha at “Outer Suburban / Greenfield” sites at the edge of large towns. The NPF also promotes increased residential densities, ref. NPOs 4, 11, 13 and 35. In addition, SPPR 4 of the Building Height Guidelines also states that minimum densities for greenfield/edge of town locations designated in the Sustainable Residential Development Guidelines should be achieved. SPPR 1 of the Apartment Guidelines refers to increased density.

### 6.9.3. Car Parking

- The development achieves 90% of development plan car parking standards. While the visitor space provision for houses is below the development plan standard of 2 spaces/5 houses, it is noted that 2 residential spaces are provided for each house. In addition, the parking provision will be in the form of shared grouped parking allowing for more efficient use of the car parking provision. It is also submitted that the proposed car parking provision will promote more

sustainable modes of transportation by reducing the levels of private car usage. Current national planning policy, particularly the NPF (NPO 27) and the Building Height Guidelines, are also noted in relation to reduced car parking provision for housing developments.

## **7.0 Third Party Submissions**

7.1. The third party submissions on file may be summarised separately as follows.

### **7.2. Jimmy Kearns and Celine Kearns**

7.2.1. The observers are residents of an adjoining residential property on Coleville Road. The following points of their observation are noted:

- The observers are generally supportive of the development but raise concerns about specific issues that were not resolved with the developer prior to the SHD application being lodged.
- Concern regarding potential overlooking from first floor windows of houses to the north of the existing houses on Coleville Road, which would be exacerbated by a relative difference in heights. Also overlooking from the road within the development to the north of properties on Coleville Road, again due to a relative difference in heights as indicated in submitted cross sections. It is suggested that this issue could be addressed by a reduction in the ground levels of the proposed development.
- Observers note discrepancies in the levels indicated in drawings of the southern part of the development and adjoining properties on Coleville Road, also the height of the proposed boundary wall at this location. They seek clarification in relation to this matter. Request that the proposed boundary wall be faced in stone on both sides, with costs of the wall construction and removal of the existing boundary to be borne by the developer. Also request that the boundary be constructed prior to the remainder of the development.
- Adjoining residents have removed a beech tree indicated in the submitted Tree Survey, which was located on the boundary of their property, as it was subject to significant rot and decay. The tree stump remains in place and will need to be removed to facilitate the proposed stone wall.

- The area of the development to the north of the houses on Coleville Road is at a higher level than the existing properties. Concerns about surface water run-off to adjoining properties and potential pluvial flooding, also potential for anti-social behaviour and illegal dumping at this location.
- The submitted Daylight and Sunlight Assessment Report does not take account of landscaping proposals for the area to the north of existing properties on Coleville Road. The landscaping in this area will have a direct impact on sunlight levels at the observers' properties.
- Adjoining residents currently have a wayleave over lands at the development site for their connection to the public water network. Concern about impacts on this way leave entitlement and continuation of the existing connection.
- Location of a bin store adjacent to existing residential properties.
- Lack of detail regarding proposed alterations to the ESB network at the development site, concerns that lines could be relocated closer to the observers' properties.
- Concerns about traffic at the proposed site access to Coleville Road. There should be a full roundabout at this location, not a 'flat' roundabout painted on the road surface. Need for further traffic calming measures further to the east on the R680, within Co. Waterford.

### 7.3. **Paula O'Shea**

7.3.1. The observer is resident of Coleville Road, in close proximity to the development site. The submission raises concerns in relation to specific issues, which may be summarised as follows:

- Concerns about proximity of a three storey apartment block to Melbrook Lodge. The structure will be 18.5 m from the observer's house, not 22.765 m, as indicated in submitted plans. The submitted daylight assessment is therefore incorrect. In addition, the level of the observer's house is not indicated on submitted drawings. Lack of details regarding relative levels and contiguous elevations. Proximity of the development will seriously devalue Melbrook Lodge due to noise, general disturbance, and overshadowing.

- Development should be refused permission due to inadequate layout and amenity screening arrangements.
- Concerns about the lack of an amenity area for the Part V units within the development, with resultant potential for anti-social behaviour. It is submitted that Part V units should be dispersed throughout the development rather than concentrated in one location.
- Potential traffic impacts at the site access to Coleville Road. There is existing traffic congestion at this location. Need for a roundabout at the proposed new access. TCC are currently planning to implement a Section 38 Traffic Calming Works on the R680 Coleville Road (project number TCC/21/003). The works will be carried out as far as the entrance to Dudley's Mills. Concern about the absence of traffic calming measures further along the R680, to the east of the development site, within Co. Waterford, and resultant traffic hazard at this location.
- The existing sewer on Coleville Road is inadequate to serve the development. Water pressure is currently very poor in the area, an upgrade of the existing watermain is required.
- The site is within the catchment of the River Suir and has been impacted by OPW drainage works at Clonmel town. These works have caused flood water to enter the site.
- The site is on the banks of the River Suir and the ground profile is sand and gravel. It is unsuitable for this type of development due to ground conditions.
- Development includes surface water attenuation tanks located in the flood plain of the River Suir.
- Development will have a detrimental impact on flora and fauna at the site. Potential deterioration in habitats.

#### **7.4. John Nallen and Elizabeth Nallen-Bowen**

- 7.4.1. The observers are proprietors of the Hotel Minella, Coleville Road, to the west of the development site. The following points of the observation are noted:

- The observers accept the principle of development at the subject site but consider that the proposed development is inappropriate due to excessive density and the inclusion of apartments and duplex units. It is submitted that the development of detached and semi-detached houses would be more suitable house types at this location.
- The proposed residential density exceeds that envisaged in the CEDP for the development site. The development would lead to an unbalanced expansion of the town and would therefore be inappropriate. The density is excessive and would contravene development plan Policy 6.4, which requires new development to integrate with its surrounding context and the character of the area.
- Coleville Road is already very narrow and is subject to significant traffic, particularly at rush hour, when traffic backs up as far as Gashouse Bridge. There is no continuous footpath on either side of the road between the entrance to the Loreto School and the development site. Visibility is poor for pedestrians crossing the road. Some sections of the existing footpath are in poor condition and/or narrow. Development will generate substantial traffic and will need an adequate footpath.
- The proposed car parking provision does not meet development plan standards. Some car parking spaces are too far from the dwellings that they serve.
- Part of the development site is within a flood plain. This issue is partly addressed by the conservation area at the northern end of the development. The Board should ensure that the area is adequate in the context of climate change.
- Photographs are submitted in support of the observers' comments.

## 7.5. Louise Moyles

7.5.1. The observer is a local resident. The following points are noted:

- Development is premature due to the additional traffic it will generate.
- There is a high level of speeding on Coleville Road.
- The proposed Tipperary County Council traffic calming works on Coleville Road are inadequate and will not protect public safety in the light of planning applications at this location.

- There is a need for further traffic calming measures at Coleville Road, including speed ramps towards the Loreto School.
- The proposed roundabout at the entrance to Coleville Avenue must be raised to an adequate height to slow down traffic and must not be a ‘blister’ type roundabout painted onto the road tarmac.
- The road must cater for cyclists, including school children and should have adequate signage at the school approach.

## 7.6. **Melbrook Property Partnership**

- 7.6.1. The Melbrook Property Partnership represents the interests of neighbouring landowners. The observers support the subject application. They previously worked with Tipperary and Waterford County Councils to agree and finalise the Clonmel South East Environs Masterplan 2009 on neighbouring lands. This was adopted by Waterford County Council in 2011 and by Clonmel Borough Council in 2013. It is submitted that the subject application is essentially Phase I of the Masterplan. The development site was originally owned by landholders within the Melbrook Partnership and was sold to the current applicant in recent years.
- 7.6.2. The observers request conditions in relation to various matters including the following:
- No openings or access to Ronan Avenue to the east of the development site. Secure boundary and barrier hedge at this location, to be maintained by the management company of the proposed development (further details of same are submitted with the observation).
  - Applicant to provide new water connections to the development, to also provide capacity for the future potential development of the observers’ landholdings. Details of specific locations for the proposed connections are provided. To be carried out at the applicant’s expense.
  - The existing ESB connection to the observer’s lands is to be retained.
  - Foul drainage infrastructure within the development should connect to existing foul infrastructure at the observers’ landholdings and should have capacity for the future potential development of the observers’ lands, in keeping with the Clonmel South East Environs Masterplan.

- There may be other services underground at the development site that serve the observers' landholdings. If these are found during construction, they should be re-routed by the applicant such that the services to the observers' lands are retained.

## **8.0 Planning Authority Submission**

8.1. Tipperary County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Clonmel Borough Municipal District Meeting on the 20<sup>th</sup> October 2021.

### **8.2. Views of Elected Members**

8.2.1. The following points of same are noted:

- The proposed residential density exceeds that provided for at the development site under the Clonmel and Environs Development Plan.
- Concern with provision of apartments which are considered inappropriate in this rural setting. Three bed apartments and duplex units are not a suitable for accommodating families.
- Other elected members welcome any proposal which meets housing demand in the Clonmel area. The development provides a broad mix of house types and gives people from different strata and first time buyers an opportunity to purchase their own dwelling within their price range. There is now a demand for a range of house types including terraced units.
- The existing road serving the site is inadequate. There is a need for a roundabout at this location. Traffic calming is required. The proposed car parking provision is inadequate.
- There should be an overall Masterplan for the zoned lands at this location, which have capacity to cater to up to 600 residential units. The proposed development should be assessed in the context of same.
- The development should avoid flood zones.
- Proposed landscaping to be considered with respect to biodiversity.

- The amenities of existing residential properties should be protected.
- Site services should be underground.

### 8.3. Planning and Technical Comment

8.3.1. The following points of the planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) are noted.

#### 8.3.2. Principle, Density, Quantum of Development, Housing Mix

- The development is acceptable in principle having regard to the land use zoning objectives of the site. The residential units are to be constructed on the portion of the site zoned for residential land use.
- The proposed density of 35.5 units/ha is higher than the prevailing development density at this location and higher than the density guide of 17 units/ha outlined under section 9.9 of the CEDP. It is acknowledged that current government policy seeks to promote higher development density where possible to make efficient use of land. Considerations regarding density must be examined together with the qualitative aspects of the development design and layout.
- The proposed housing mix within the development is acceptable

#### 8.3.3. Design and Layout

- There is a concern that the proposed houses on the western side of the site access road would impact on the amenity of the adjoining residential property.
- Related requirement for an improved boundary treatment at the southern/western site boundaries.
- The proposed quantum and location of public open space is considered acceptable and exceeds the requirements of Section 9.9 of the CEDP.
- Requirement for clarity regarding access to the amenity area at the northern end of the site. This area will require access to maintain the drainage services and the rear of the apartments.
- The development is considered to be consistent with the requirements of the Apartment Guidelines.



- Drawing No PA-103 'Site Ownership Map' indicates areas to be taken in charge. The areas demarcated do not include public open spaces, footpaths, or parking spaces. A suitable condition should be attached to any grant of permission to ensure that all necessary areas are maintained until taken in charge by the Local Authority.

#### 8.3.4. Childcare

- The proposed childcare provision is in accordance with the requirements of the Childcare Guidelines and is acceptable.

#### 8.3.5. Archaeology

- The planning authority is satisfied with the measures outlined to mitigate impacts on the Recorded Monument at the development site and on unrecorded archaeology

#### 8.3.6. Part V

- Includes comment of TCC Housing Section dated 18<sup>th</sup> October 2021.
- The planning authority is not fully in agreement with the proposed Part V units. There is demand for one and two bed apartments on the basis that they are delivered in tandem with the scheme and phased accordingly. A condition of planning should ensure these are delivered in the early stages of scheme development to satisfy some of the Part V requirement as units are sold.
- The proposed three bed Part V units are not acceptable as duplexes and should be dispersed throughout the development in appropriately sized dwellings. They can be delivered as semi-detached or terraced units to be agreed with the planning authority. There may be scope to include some additional one and two bed units if the scheme allows.
- The Part V pack is presented as Schedule of Accommodation and Approximate Cost. No discussion on costs have taken place with the Housing Section and these figures are not agreed.

#### 8.3.7. Roads and Car Parking

- Includes report of TCC District Engineer dated 27<sup>th</sup> October 2021, which sets out requirements in relation to pedestrian priority across the entrance to the

development, locations of wheelie bins so that same do not obstruct pedestrian routes, requirement for a swept path analysis, location of trees relative to public lighting, gradient of internal access road No. 1 prior to same meeting the Coleville Road, signage, lack of car parking and location of same relative to the units it serves, requirement for additional road gullies.

- Notes section 4.22 of the Apartment Guidelines in relation to car parking. The proposed car parking provision is less than the parking demand generated when the standards in the CEDP and the Apartment Guidelines are applied.

#### 8.3.8. Site Services and Flood Risk

- Notes submission of Irish Water regarding water supply and wastewater. No capacity issues are identified.
- Notes proposed surface water management and discharge, states no objection to same.
- Notes submitted SSFRA, states no issues with the conclusions of same.

### 8.4. **Planning Authority Conclusion**

8.4.1. The planning authority recommends permission subject to conditions that require the following amendments to the proposed development:

- Omission of the terraced block on the western side of the internal site roadway located opposite the crèche.
- Suitable boundary (no less than 2 m from ground level) be provided along the interface of the site with the properties that adjoin the site to the south west. A stone wall should be considered as this boundary treatment.
- All services should be designed to a capacity and located/extended that allows for the servicing of adjoining development land.
- Revised parking provision to meet the requirements of the CEDP and the Apartment Guidelines.
- A suitable anti-climb boundary treatment shall be included to secure the site boundary to the River Suir.

## 9.0 Prescribed Bodies

### 9.1. Waterford City and County Council

9.2. The development site is located within the jurisdiction of Tipperary County Council, however it was also referred to Waterford City and County Council (WCCC) as it adjoins the boundary between Co. Waterford and Co. Tipperary. The main points made in the submission of WCCC may be summarised as follows:

- The current Waterford County Development Plan includes a transport objective to construct a new local road between the Old Spa Road and Coleville Road exiting approximately opposite the development site. WCCC requests that at a minimum the junction for the proposed development should provide adequate land take for a roundabout at this location.
- The development should ensure that statutory provision is afforded to the recorded monument within the site.
- Notes that the boundary wall along Coleville Road is of cultural heritage interest and architectural value and recommends that it should be retained (with provision for new access arrangements) to ensure protection of the architectural heritage value of Coleville Road.
- Consideration should be given to increasing the footpath provision at Coleville Road to make adequate allowance for pedestrians and cyclists.
- Lands to the east of the site adjoining the banks of the River Suir are subject to Masterplan zoning with a general objective to provide a network of linear parks along the southern bank of the River Suir, through Dudley's Mills and at Croan Lower. WCCC requests that permeability along the River Suir is given material consideration in the assessment of the proposed development.
- WCCC highlights that lands to the immediate south of the site, within Co. Waterford have been subject to Strategic Flood Risk Assessment as part of the development plan review and are proposed to be dezoned under the Draft Waterford City and County Development Plan 2022-2028.
- Notes the location of the northern part of the site within the Lower River Suir SAC, with potential for loss of habitat within the SAC and deterioration of water

quality in the River Suir. The area of the development site that is within the SAC does not contain a habitat that is a qualifying interest of the SAC. It is considered that the development will not adversely impact the integrity of the Lower River Suir SAC.

- The proposed surface water management plan is welcomed to alleviate risk of contaminated surface water runoff from the site to the surrounding environment and the River Suir.
- WCCC requests that any facilitating works to roads and site services be carried out prior to the commencement of any development on site.

### 9.3. Department of Housing, Local Government and Heritage

9.3.1. The following points are noted:

- The development is partly located within the Lower River Suir SAC (site code 002137). The Department is not opposed to the development of the lands where the housing portion of the development would be located, however, it has concerns about the proposed location of the surface water discharge pipe and headwall and in relation to the proposed surface water treatment regime.
- The submitted Ecological Impact Assessment refers to the IFI guidance on “Planning for Watercourses in the Urban Environment” which states that no works should take place within the >10m streamside zone. The development proposes a pipe and headwall in this area which will also entail associated works and machine access damage and is located within the Lower River Suir SAC. Mitigation may lessen but will not prevent this impact. The riparian woodland where this damage would occur is a habitat of conservation value with links to the Annex I habitat alluvial forest which is a qualifying interest for this SAC. In addition to its intrinsic value this habitat also has an important role in supporting the other aquatic qualifying interests of the SAC. The works proposed within the riparian woodland are of limited scale and extent but nevertheless would constitute an adverse impact and a deterioration in habitat quality at the site. This deterioration in habitat quality is unnecessary as alternative options exist.
- The Department also has reservations in relation to the proposed treatment of surface water and believes that more ecologically sensitive nature based

solutions exist and would be suitable for this site. The improved grassland field between the proposed development area and the riparian woodland is not a habitat of ecological concern in itself and its main value is in maintaining the natural floodplain and in acting as a buffer between potentially damaging activities and the River Suir; running a discharge pipe through this buffer would undermine this function. Part of this area could however become a nature based sustainable drainage system creating both wetland habitat that would support the conservation objectives of the SAC and create an attractive mechanism to treat surface water. The Department recommends surface level treatment of surface waters and the use of swales and permeable surfaces etc. throughout the development in accordance with SUDS philosophy but is not opposed, if they are required, to more traditional subsurface level treatments such as petrol and oil interceptors within the portion of the site outside the SAC. However, if such measures are to be employed, they should then discharge to a specifically designed surface level nature based SUDS in the improved grassland area and not directly into the River Suir. These SUDS while principally designed to treat surface water, removing harmful pollutants, should also be designed using native species to create wetland habitat such as retention ponds and storm water wetlands and could be combined with sensitive planting of native riparian woodland adjoining the existing riparian woodland and more open wetland habitats closer to the development and further from periodic flooding from the River Suir. There should be no point discharge of water to the River Suir, and water should filter through the largest area possible before reaching the river. Drier open areas within this area could still be managed to achieve a species rich grassland supporting the wetlands and riparian woodland.

- In order for consent to be granted for this development, the Department recommends the design of a nature based SUDS to receive surface waters from the development combined with a habitat management plan which will enhance the biodiversity of the area and support the conservation objectives of the Lower River Suir SAC.

#### **9.4. Irish Water**

- 9.4.1. The applicant will be required to fund upgrades to the water network as part of a connection agreement which will be carried out in the public domain by Irish Water.

Irish Water records indicate existing Irish Water infrastructure(s) within the site boundaries. The applicant is required to engage with Irish Waters diversion section regarding an assessment of feasibility any diversion(s) which may be required. Irish Water has been issued a Statement of Design Acceptance for the development. Conditions are recommended.

## 9.5. **Transport Infrastructure Ireland**

9.5.1. The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

## 10.0 **Assessment**

10.1. The following are the principal issues to be considered in this case:

- Principle of Development and Planning Context
- Design and Layout of Residential Development
- Impacts on Residential and Visual Amenities
- Roads and Traffic
- Site Services
- Surface Water Drainage and Flood Risk
- Ecology
- Childcare Provision
- Part V
- Archaeology
- Relocation of Electricity Lines
- Material Contravention

These matters may be considered separately as follows.

## 10.2. Principle of Development and Planning Context

### 10.2.1. Zoning

The development site is zoned for 'New Residential' development under the Clonmel and Environs Development Plan 2013 (CEDP) and the proposed development is in accordance with CEDP Policy HSG 2 to facilitate sustainable development on new residentially zoned lands subject to relevant policies and criteria. The development is therefore considered to be acceptable in principle.

### 10.2.2. Density Assessment

Observer submissions state concerns that the development will result in excessive residential density at this location, over and above that envisaged at the site by the CEDP. The CEDP provides for a residential density of 17 units/ha at the development site, ref. section 6.3 of same, however this is subject to the following statement:

*36 Every planning application shall be assessed on its individual merits and the reference to a proposed average density shall not prejudice the development of sites at lower or higher densities as appropriate to the individual site.*

CEDP policy HSG 3 states a policy to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments. The proposed residential density of 35.5 units/ha is well in excess of 17 units/ha and the applicant's Material Contravention Statement addresses this matter.

I consider that the policy HSG 3 and the above statement provide for some flexibility in the application of residential density standards, and it could therefore be argued that the development does not materially contravene the development plan. In addition, the proposed net density of 35.5 units/ha is within the scope of the guidance for greenfield sites at peripheral locations in cities and larger towns as per section 5.11 of the Sustainable Residential Development Guidelines. This recommends densities of 35-50 units/ha at open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure,

roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities, a definition which is consistent with the location of the development site.

The development site is c. 1.5 km from the centre of Clonmel and c. 2.4 from Clonmel Railway Station. It is also located on the south eastern periphery of the town, while significant employment locations such as Abbott Ireland, Boston Scientific, Bulmer's, Gortnafleuur Business Park and South Tipperary General Hospital are located in the centre or on the northern periphery of the town. I therefore consider that the site also meets the definition of a 'peripheral and/or less accessible' location as per section 2.4 of the Apartment Guidelines, which recommend:

*Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly < 45 dwellings per hectare net)...*

The proposed residential density is consistent with this guidance. While the provisions of Circular Letter: NRUP 02/2021 Residential Densities in Towns and Villages (April 2021) in relation to such locations are noted, they do not apply in this instance given that the proposed density is within the parameters recommended in section 5.11 of the Sustainable Residential Development Guidelines.

I consider that the densities provided for in the CEDP are very low for zoned and serviced lands within c. 1.5 km of the centre of a county town at the top of the County Development Plan settlement hierarchy. I also note that Clonmel is designated as a Key Town in the Southern RSES, with significant employment locations and as a large centre of population that functions as a self-sustaining regional driver. I do not consider that the recommended density of 17 units/ha at the development site would achieve an efficient use of such zoned, serviced land, consistent with the policies and intended outcomes of current Government policy, specifically the NPF, the RSES, the Sustainable Residential Development Guidelines and the Apartment Guidelines, which all look to secure more compact and sustainable urban development urban settlements. In particular, the proposed development will support several key objectives of the NPF, including NPOs 3a and 3c which aim to deliver at least 40% of all new homes nationally within the build-up



of existing settlements and to deliver at least 30% of all new homes in settlements other than the five cities and their suburbs; NPO 13 which stipulates that 'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth'; NPO 32 which sets a target of 550,000 no. additional homes to 2040; NPO 33 which prioritises the provision of residential development at appropriate scales within sustainable locations and NPO 35 which notes the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

While the planning authority states concerns about the design and layout of the development, it does not object in principle to the proposed residential density and recommends permission for the development. The adjoining planning authority Waterford City and County Council also does not object in principle to the proposed residential density.

The proposed residential density is considered acceptable in principle on this basis.

#### 10.2.3. Housing Mix and Building Height Assessment

Observer comments submit that the scale of the proposed development is excessive, and that detached and semi-detached houses would be a more appropriate form of development for the subject site. The proposed housing mix comprises 17% four-bed houses, 42% two and three-bed houses, 12% one-bed apartments, 8% two-bed apartments and 24% three-bed duplex units. Given that the site is located in an area currently dominated by one off housing, I am satisfied that the development will enhance the variety of housing typologies in Clonmel and is satisfactory to the planning authority. The apartment mix is in accordance with SPPR 1 of the Apartment Guidelines, noting that the relevant development plan does not include an evidence-based Housing Need and Demand Assessment. The proposed mix of houses and duplex units is also consistent with SPPR 4 of the Building Height Guidelines, which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two storey own door houses only, particularly in developments > 100 units. As discussed

above, the density complies with the guidance for outer suburban sites in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The proposed housing mix and building height are therefore considered satisfactory in principle.

### 10.3. Design and Layout of Residential Development

#### 10.3.1. Proposed Design and Layout

There are two no. three storey apartment/duplex Blocks D4 and D5 to the immediate east of the site access from Coleville Road. The blocks are grouped around a communal amenity space. They contain the Part V units and the creche is located on the ground floor of block D4. There is communal parking to the immediate north of Block D4, which serves the apartment blocks and provides a drop off area for the creche. The access from Coleville Road leads to a 'main avenue' that runs through the centre of the site, which is lined by two and three-bed terraced houses. There are three no. three storey 'Type D' apartment blocks at the northern end of the site, overlooking the river and the riverside amenity area. The remainder of the development is laid out as groups of two and three storey terraced and semi-detached houses, grouped around shared spaces, which are landscaped with communal parking areas. The application includes a Materials Strategy, which details that the elevations are to be finished in buff/rust coloured brick and coloured render with reconstituted stone elements, pressed metal cladding to dormer windows and blue/black slate roofs. There is a central amenity area to the south of the Type D apartment blocks at the northern end of the site, which includes a play area and passive open space. There are also incidental public open spaces to the immediate west of the Coleville Road access and at the southern site boundary, to the rear of houses on Coleville Road, where landscaping and an amenity pond are to be provided.

I consider that the proposed design and layout provide an acceptable approach to the site constraints overall and a good response to the site context on the banks of the River Suir and encompassing lands within the River Suir SAC and Flood Zone A. The proposed three storey apartment blocks at the road frontage to Coleville Road will provide a substantial presence at this location and give the scheme a strong identity. The location of the creche adjacent to the Coleville Road access will retain

associated traffic in that part of the site and the proposed set down area is generally acceptable. I also consider that the grouping of three storey blocks along the northern site boundary will make the most of views towards the River Suir over the Amenity zoned lands at this end of the site. They will also create a presence for the development in views from the other side of the river. The grouping of two and three storey houses around shared spaces with communal car parking represents an integrated approach to individual house layout, roads layout, SUDS measures and landscaping, which is satisfactory. The applicant's Statement of Compliance with DMURS is noted and I am satisfied that the development is generally consistent with the principles of same. I also note the submitted Architectural & Urban Design Statement, Landscape Design Rationale and Materials Strategy and I am satisfied that the development will provide a high quality public realm having regard to the details of these documents. The main public open space is well designed and overlooked and will function as an important amenity for residents of the development. The incidental public open spaces are more marginal in nature but will also enhance the overall amenity of the development.

I note the recommendation of Tipperary County Council that the row of terraced houses to the west of the site access road, opposite the creche, be omitted due to potential impacts on the residential amenities of adjacent properties. I do not recommend this omission, having regard to the detailed consideration of potential impacts on residential and visual amenities below.

The submitted Tree Survey and Landscaping Scheme indicate that the existing trees at the eastern site boundary are to be retained. The proposed layout includes a fence at the northern end of the site to separate the development from the 'Amenity' zoned lands within the Lower River Suir SAC. This area is to be managed as a riverside habitat. While there is a gate in the boundary at the north western corner of the site, it appears that the lands within the SAC will not be generally accessible to residents of the development or members of the public. I note that the submission of Waterford City and County Council states that lands to the east of the site adjoining the banks of the River Suir within Co. Waterford are subject to Masterplan zoning with a general objective to provide a network of linear parks along the southern bank of the River Suir, through Dudley's Mills and at Croan Lower. WCCC requests that permeability along the River Suir is given material consideration in the assessment

of the proposed development. While this point is noted, I also note that there is a gate from the SAC lands to the subject development, which could allow for greater permeability in the context of the potential future development of the adjacent Masterplan lands within Co. Waterford, subject to ecological considerations. The site layout as currently proposed therefore does not preclude this objective.

The Standing Stone recorded monument at the north eastern corner of the site is to be retained in situ, with a surrounding grassed area, such that a buffer of 15m is retained. This is acceptable in terms of both potential archaeological issues, as discussed below, and with regard to the need to provide a satisfactory context for this important Recorded Monument.

The proposed design and layout of the development are considered to be generally acceptable on this basis.

#### 10.3.2. Quality of Residential Accommodation

The application includes a Housing Quality Assessment, and I am satisfied that the development is in accordance with the standards set out in the Apartment Guidelines. All of the apartment units are dual aspect. The Housing Quality Assessment indicates apartment floor areas that generally exceed the standards set out in SPPR1 of the Apartment Guidelines by over 10% and meet or exceed the requirements for storage space and aggregate bedroom and living/dining/ kitchen floor areas. Ground floor to ceiling heights meet the 2.7 m requirement as per SPPR 5. Private amenity space is provided in the form of balconies/terraces which exceed the quantitative standards set out in Appendix I of the Apartment Guidelines. Communal bin storage is provided. The proposed communal open space provision for the apartments comprises 425 sq.m. for Blocks D1, D2 and D3 at the northern end of the site and 703 sq.m. for Blocks D4 and D5 at the access to Coleville Road. This provision is generous and is well in excess of the requirements of the Apartment Guidelines. The development is therefore in accordance with the quantitative requirements of the Apartment Guidelines. I am also satisfied with regard to the Landscaping Design Rationale that the communal open spaces will achieve a high standard of amenity. In addition, the submitted Daylight and Sunlight Assessment Report demonstrates that all areas of communal open space associated with

apartments achieve well over the BRE Guidelines recommendation of at least two hours of sunlight on March 21<sup>st</sup> over 50% of the amenity area.

The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011.

The design and layout of the proposed houses are generally satisfactory with regard to the Housing Quality Assessment, and I consider that they will provide a good standard of residential accommodation. The private open spaces to the rear of individual houses generally meet or exceed the 11m requirement as per CEDP section 9.9 and provide adequate private open spaces.

The proposed public open space provision is stated as 4,952 sq.m. or 15.3% of the 'New Residential' zoned lands. This meets the requirement specified in CEDP section 9.9 for 15% of the site area of multi-unit residential developments. As discussed above, the spaces are satisfactory in terms of landscaping and layout.

I am therefore generally satisfied with the quality of residential accommodation provided in the proposed development.

### 10.3.3. Daylight to Apartment Units

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The

Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The applicant's Daylight and Sunlight Assessment relies on the standards in the following documents, ref. section 3.1 of same:

- BRE Report "Site Layout Planning for Daylight and Sunlight"; and Memo re Sunlight Daylight
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting.

I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) but that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. I also note that the development management standards for new residential developments as set out in the CEDP do not refer to any specific guidance in relation to daylight and sunlight.

The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved within proposed developments, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartments and duplex units have combined living/kitchen/dining areas (LKDs). The applicant's Daylight and Sunlight Assessment applies a standard of 2% ADF to the combined LKDs, in

accordance with the higher 2% requirement for kitchens in a dual purpose room. The Daylight and Sunlight Assessment assesses ADF for all habitable rooms in Blocks D3, D4 and D5. It is assumed that higher ADFs will be achieved at Blocks D1 and D2, located in the north western corner of the site, given the lack of surrounding obstructions at these blocks. This point is considered reasonable, and I am satisfied that the ADF analysis provided represents a 'worst case scenario' of apartment units within the development. All of the rooms assessed achieve well in excess of the BRE standards and I am satisfied on this basis that the overall development will have a high standard of amenity in terms of daylight to habitable rooms.

#### 10.3.4. Design and Layout Conclusion

I am satisfied that the development generally achieves a high quality of design and finish, while making optimum use of this zoned and serviced site adjoining the built up area of Clonmel and provides a high standard of amenity and public realm. I also consider that the development will provide an acceptable standard of residential accommodation for future occupants, subject to conditions, and is generally satisfactory with regard to national and development plan guidance for residential development.

#### 10.4. **Impacts on Residential and Visual Amenities**

10.4.1. The following residential properties are located in the immediate vicinity of the development site:

- Millbrook House and Melbrook Lodge to the east
- Carrowbaun, Croan Lodge and Croan House fronting onto the Coleville Road to the south. The HSE facility at Coleville House to the immediate south west of the development site is also included in the following analysis due to its sensitive land use.
- Riverpark House to the west.

Potential impacts at each of these locations may be considered separately as follows with regard to the submitted architectural drawings, CGIs and Daylight and Sunlight Assessment and noting the submissions of adjacent residents as summarised above. The issue of Daylight and Sunlight impacts is considered separately below.

#### 10.4.2. Impacts to the East of the Development Site

An observer submission states concerns about the proximity of Block D5 to Melbrook Lodge, including a lack of details and accuracy in the submitted drawings regarding relative ground levels and intervening distances. Having examined the drawings on file and on the basis of the site inspection, I am satisfied that there will be an intervening distance of between c. 18m at the narrowest point and c. 24m at the widest point between Block D5 and Melbrook Lodge. This is accurately represented in the architectural drawings on file, the CGIs and in the Daylight and Sunlight Assessment. I note also the existing and proposed site sections in drawing no. PA-202, which incorrectly refer to Melbrook Lodge as 'Melbrook Cottage', however, having inspected the site and its vicinity, I am satisfied that they provide a reasonably accurate representation of conditions on the ground. I am therefore satisfied that the submitted documents give due consideration to potential impacts on this property.

The site of Block D5 is angled away from Melbrook Lodge, which will prevent direct overlooking. While I note the observer concerns in relation to overlooking, overshadowing and general disturbance from the adjacent apartment blocks, I consider that, given the acceptable intervening distance and having regard to the proposed landscaping details and boundary treatment, which involve the presence of a landscaped passive open space and the retention and enhancement of the existing hedgerow at this location, the development would not result in undue impacts on residential amenities at this location such as would warrant a refusal of permission. Potential sunlight, daylight and overshadowing impacts are considered separately below. The observer also states concerns in relation to the potential concentration of Part V units at this location. Notwithstanding the concerns of the observer, I do not consider this aspect of the proposed development to be contrary to the proper planning and development of the area. In any event, the location of the Part V units within the development is a matter for the applicant and the local authority to agree, based on operational requirements, etc.

#### 10.4.3. Residential Properties at Coleville Road

An observer submission states concerns in relation to potential overlooking of properties to the south of the development on Coleville Road, which would be



exacerbated by a relative difference in heights. Tipperary County Council recommends the omission of the adjacent row of terraced houses to the immediate west of the site access, in order to prevent overlooking of the adjacent residential property.

Having regard to the proposed site layout, I consider that the adjacent houses within the development will achieve satisfactory intervening distances to all of the existing houses at Coleville Road to obviate overlooking. While the outlook from these properties will change, this would be the case for any development at these zoned and serviced lands. I accept that there is a need for clarity in relation to the site boundary at this location, also the detailed landscaping of the public open space at the southern site boundary. These aspects of the development have the potential to significantly ameliorate changes to the setting of the existing residential properties on Coleville Road. Satisfactory landscaping and boundary treatment would also prevent or significantly reduce overlooking from the road and footpath in the southern part of the development. The proposed landscaping strategy indicates the retention of the existing site boundaries at the southern end of the site, supplemented by a 1.8m high block wall in places. I consider that this issue may be resolved by a condition requiring agreement with the planning authority on a substantial site boundary to the rear / side of all existing properties at Coleville Road, also the landscaping of the adjacent area of public open space such that it prevents overlooking of rear gardens from the public realm, whilst not resulting in overshadowing of same. I also note and accept the observers' request that the boundary wall be constructed prior to the commencement of the remainder of the development. This is reasonable and may be required by condition. I also recommend that the bin store at the southern site boundary be relocated, such that it is further from the adjacent properties, again, this may be required by condition.

#### 10.4.4. Riverpark House

The houses along the western site boundary achieve adequate distances to the shared boundary to obviate overlooking of the residential property to the immediate west of the development. Full details of the boundary may be agreed by condition, as above. I therefore do not consider that any significant adverse impacts on residential amenities will arise to the west of the development.

#### 10.4.5. Daylight and Sunlight Impacts

As discussed above, the applicant’s Daylight and Sunlight Assessment is based on the BRE Report “Site Layout Planning for Daylight and Sunlight”; and Memo re Sunlight Daylight and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting and the following assessment is also based on this guidance. The Daylight and Sunlight Assessment applies the following tests in relation to potential daylight and sunlight impacts on adjacent residential properties:

- Effect on Vertical Sky Component (VSC)
- Effect on Annual Probable Sunlight Hours (APSH)
- Effect on Sunlight in Existing Garden Areas / Amenity Areas
- Shadow Study

These tests are considered to be comprehensive, and I am therefore satisfied that there is adequate information available to carry out a comprehensive assessment of potential daylight and sunlight impacts.

The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The findings of the Daylight and Sunlight Assessment on effects on VSC at the windows of neighbouring properties may be summarised as follows (note that Melbrook Lodge to the east of the site is denoted as 10 Coleville Road and Millbrook House is denoted as Dudley’s Mills in the Daylight and Sunlight Assessment):

Receptor	Existing VSC	Resultant VSC	Ratio of Proposed to Existing VSC
Carrowbaun	38.55% - 39.67%	33.36% – 36.17%	0.86 – 0.91
Croan Lodge	28.03% – 38.7%	24.31% - 36.17%	0.87 – 0.94
Croan House	26% – 39.72%	25.3% – 38.47%	0.93 – 1.00
Coleville House	26.85% – 39.8%	25.82% – 39.08%	0.96 – 0.98
Riverpark House	33.75% – 39.38%	32.53% - 39.35%	0.93 – 1.00
Millbrook House	33.21% – 39.68%	31.42% – 39.25%	0.95 – 1.00
Melbrook Lodge	34.25% – 39.66%	31.75% – 38.14%	0.89 – 0.96

The existing and resultant VSC values do not exceed 27% in all instances, however the resultant values are all over 80% of the original VSC and the development

therefore meets BRE recommendations and is not considered to have a noticeable effect on VSC at neighbouring properties.

The Daylight and Sunlight Assessment considers effects on the APSH at windows to habitable rooms in existing properties. The windows assessed were selected on the basis of orientation, as per BRE Guidance that windows with an orientation within 90 degrees of due south should be assessed. As per BRE guidance, a development could possibly have a noticeable effect on the sunlight received by an existing window, if the following occurs:

- The APSH value drops below the annual (25%) or winter (5%) guidelines; and
- The APSH value is less than 0.8 times the baseline value; and
- There is a reduction of more than 4% to the annual APSH.

The analysis of effects on annual APSH at windows in adjacent residential properties may be summarised as follows:

Receptor	Existing Annual APSH	Resultant Annual APSH	Ratio of Proposed to Existing Annual APSH
Croan House	39.8% – 56.0%	39.6% – 55.8%	0.99 – 1.00
Riverpark House	57.8% – 75.6%	54.7% – 71.3%	0.94 – 1.00
Millbrook House	54.9% – 86.2%	52.8% – 85.8%	0.96 – 1.00
Melbrook Lodge	44.1% – 56.6%	39.9% – 51.0%	0.87 – 0.93

The separate analysis of effects on winter APSH values may also be summarised as follows:

Receptor	Existing Winter APSH	Resultant Winter APSH	Ratio of Proposed to Existing Winter APSH
Croan House	19.2% – 58.1%	19.2% – 58.1%	1.00 in all instances
Riverpark House	62.2% – 83.0%	58.5% – 82.1%	0.92 – 0.99
Millbrook House	58.0% – 96.5%	54.1% – 95.3%	0.93 – 1.00
Melbrook Lodge	27.8% – 59.2%	27.9% – 58.0%	0.84 – 1.01

The Daylight and Sunlight Assessment finds that the applied APSH target values are exceeded in all instances. Effects are assessed as imperceptible.

The Assessment considers impacts on sunlight at amenity areas at Riverpark House to the west of the site and Millbrook House to the east, with regard to BRE guidance that, in order for a proposed development to have a noticeable effect on the amount of sunlight received in an existing garden or amenity area, the value needs to both drop below the stated target value of 50% and be reduced by more than 20% of the existing value. There is no discernible impact at Riverpark House and an impact of 1% at Millbrook House such that the resultant figure is 94.3% of the area achieving over two hours of sunlight on March 21<sup>st</sup>, which is well above the 50% target.

The detailed Shadow Study provides hourly renderings from sunrise to sunset for the spring equinox and summer and winter solstices. It compares the existing undeveloped site with the proposed development. The shadow analysis does indicate some additional overshadowing to the east and west of the development, however this is inevitable in comparison to the existing undeveloped lands. As discussed elsewhere in this report, the proposed dwellings are considered to achieve adequate separate distances from adjacent residential properties and, given the modest two/three storey scale of the development, I do not consider that it results in any undue shadow impacts above those which would result from any development of these zoned and serviced lands.

The above findings of the applicant's Daylight and Sunlight Assessment are noted. I have reviewed the documentation submitted, concerns raised, and the relevant guidance documents, as required by the Apartment Guidelines and Building Height Guidelines. Having regard to the methodology set out in section 4.0 of the Daylight and Sunlight Assessment, to the extensive locations that were tested and to the use of several tests for various types of impacts on daylight and sunlight, I consider overall that this is a robust analysis of potential impacts on adjacent residential properties and sensitive receptors and the conclusions of the Assessment are generally accepted. Having regard to my detailed assessment of the design and layout of the development and to my inspection of the site and surrounding areas, and with regard to the relevant standards set out in BS 2008, I am satisfied that the development will not have any significant adverse impact on residential amenities or sensitive receptors by way of overshadowing or adverse impacts on daylight/sunlight.

#### 10.4.6. Wider Visual Impacts

As discussed above in relation to design and layout, the development will have a new presence on Coleville Road and will be visible in the wider area on the opposite side of the River Suir. The existing mature vegetation at the riverbank will also partially screen the development in views from the north. Having regard to the submitted CGIs and Architectural & Urban Design Statement and having inspected the site and viewed it from a variety of locations in the vicinity, I consider that the development will read as a continuation of the existing built-up area at Coleville Road to the west of the site, as part of an ongoing process of change with the development of new zoned areas on the edge of Clonmel. I consider that the detailed design and materiality of the apartment blocks will present attractive facades to Coleville Road and to the River Suir and that the overall development will provide a quality contribution to the public realm of the area. I do not consider that the subject proposal would have any particular adverse visual impacts beyond what would normally be expected from a modern urban development on zoned and serviced lands such as would warrant a refusal of permission on grounds relating to adverse visual impacts.

I note the recommendation of WCCC that the existing boundary wall to Coleville Road should be retained due to its historic importance. The details of the development frontage to Coleville Road may be agreed by condition if permission is granted.

#### 10.4.7. Impacts on Visual and Residential Amenities Conclusion

To conclude, having regard to the above assessment, I am satisfied that the development generally will not have any significant adverse impact on visual or residential amenities. I also consider that the development has a high quality of design and finish that will make a satisfactory contribution to the overall public realm.

### 10.5. **Roads and Traffic**

#### 10.5.1. Existing and Proposed Roads, Pedestrian and Cycle Infrastructure

I note observer comments stating concerns about existing traffic volumes and speeding on the Coleville Road, also the need for improved pedestrian infrastructure and traffic calming measures at this location. The development is to provide a new

access to the R680 Coleville Road and the red line site boundary includes the stretch of the R680 between the development site and the Gas House Bridge roundabout, c. 1 km to the west. The Coleville Road has a varied character between the Gas House Bridge and the development site, all of which is within the 50 kph speed limit. It serves a school, Loreto Convent High School, adjacent to the bridge, as well as established residential areas, the Minella Hotel, and the Dudley's Mills business park to the east of the development site. This stretch of the Coleville road is relatively narrow (c. 5-6m), with an intermittent footpath and no pedestrian crossing facilities. Tipperary County Council is currently implementing a pedestrian improvements scheme at the Coleville Road, ref. project number TCC/21/0003 (see enclosed details of same). The works in the vicinity of the development site comprise improvement works to the existing footpath along the site frontage, a new uncontrolled pedestrian crossing and a new footpath on the southern side of the road. These works were observed to be underway at site inspection. I am generally satisfied on this basis that there will be adequate pedestrian infrastructure in place to connect the development to the centre of Clonmel and to the school to the west of the site.

The proposed roads layout indicates a simple, unsignalized priority junction at the access to the R680 Coleville Road, with turning radii of 6 m in accordance with DMURS and 2 m wide footpaths on both sides. The applicant has demonstrated adequate sight distances in accordance with the standards set out in Table 4.2 of DMURS. The applicant's Road Safety Audit is also noted in this regard and its recommendations may be required by condition. I note the comments of several observers and elected members of TCC that there should be a roundabout at the site access to the R680. This point is also made in the submission of Waterford City and County Council, which refers to a transport objective in the current Waterford County Development Plan to construct a new local road between the Coleville Road and the Old Spa Road to the south west, exiting approximately opposite the development site. The submission of WCCC states:

*The planning authority would see merit in a future roundabout at this location on the Coleville Road and as a minimum the proposed junction for this development should include for the land take required for an adequate future roundabout at this location.*

The applicant's Traffic and Transport Assessment (TTA) states that there is an 'informal, draft' proposal by TCC to provide a mini-roundabout at this junction, however, this has not been progressed and there is no provision for a roundabout at the site access in the current road works at Coleville Road. The TCC comment and the report of the TCC District Engineer do not refer to this matter and state no objection to the proposed unsignalized priority access to the Coleville Road. For the purposes of this SHD application, I consider that a roundabout would not be required in the context of the current proposed development. I am therefore satisfied with the proposed unsignalized access, subject to the submission of a satisfactory final layout to TCC, to provide adequate pedestrian and cycle facilities that are compatible with the current road works. I consider that this layout would not preclude any future road works in Co. Waterford on the southern side of the R680 and, in any case, a revised roads layout could be provided at this location at a future date when lands across the road become available. I also note that the current draft Waterford City and County Development Plan 2022 does not include the roads objective connecting Coleville Road with the Spa Road and instead replaces it with an objective that the development of strategic residential reserve lands at this location will be informed by a masterplan for the area with particular focus on access and linkages to Clonmel town centre, permeability, servicing, and amenity provision. However, in any case, the roads layout envisaged in the final adopted development plan cannot be adopted at this stage.

Several observers comment on the need for further pedestrian infrastructure along Coleville Road to the east of the development site and at lands within Co. Waterford. The submission of the Melbrook Property Partnership, which includes owners of lands to the east of the development site, also refers to a historic Masterplan for an area including lands to the east of the site that are zoned for amenity and, beyond, located in Co. Waterford. While the lands to the east and south of the site in Co. Waterford are zoned for residential development under the Waterford County Development Plan 2011-2017 (currently under review), the development of supporting roads, pedestrian and cycle infrastructure would be considered in the context of any future development of those lands. At present, the great majority of the pedestrian traffic generated by the development would be travelling west towards

the centre of Clonmel and would be catered for by the proposed works to the Coleville Road west of the development site.

The proposed layout does not make specific provision for cycle infrastructure, apart from cycle parking. In addition, there is no provision for cycle infrastructure at the Coleville Road adjacent to the site. However, I accept that the layout is generally in accordance with DMURS in terms of shared spaces, that the development includes adequate cycle parking provision, and that the ongoing works to the Coleville Road by Tipperary County Council will improve conditions for cyclists.

#### 10.5.2. Traffic Impacts

The applicant's TTA is based on traffic counts undertaken on Wednesday 2<sup>nd</sup> September 2021. Covid-19 restrictions were not in place on this date, however schools were still not operating at full capacity. The TTA states that a 'Covid-19 adjustment factor' has been applied to the traffic count data, which has been derived from continuous traffic monitoring by TII on the N24 between Clonmel and Carrick-on-Suir during the month of September 2019. I am therefore satisfied that the TTA is based on robust baseline data. The TTA provides projected traffic volumes for an opening year of 2023 and a future year of 2038, based on TII growth factors for a medium growth scenario. It carries out detailed capacity tests for the following junctions:

- R680 Coleville Road / development access junction
- R680 Coleville Road / R678 Gas House Bridge roundabout

The proposed development access to the R680 Coleville Road is projected to operate well within capacity under all scenarios, with a maximum Ratio to Flow Capacity (RFC) of 9.7% forecast. While the development will result in some increase in traffic volumes at the R680/Gas House Bridge roundabout, the resultant RFC values are well within accepted parameters. I am therefore satisfied that the development will not result in any significant adverse traffic impacts at local road junctions.

#### 10.5.3. Car and Cycle Parking

The proposed car parking provision may be considered with regard to the car parking standards of the CEDP as follows:



Land Use	Development Plan Standard	Parking Provision
Apartments / houses	1 space per one or two bed unit = 47 spaces 2 spaces per three-bed + unit = 136 spaces Total: 183 spaces	47 spaces for apartments 24 spaces for two-bed houses 88 spaces for three + bed houses Total = 159 spaces
Creche	1 space per staff member / 1 space per 4 children = 8 spaces	4 spaces
Visitor parking	2 visitor spaces per 5 dwelling units = 23 spaces	12 visitor spaces for apartments 6 spaces for houses Total = 18 spaces
<b>Total</b>	<b>214</b>	<b>181</b>

The car parking provision therefore falls short of development plan car parking standards. The applicant submits that the proposed apartment provision of 47 no. residents spaces (one per unit) and 12 no. visitor spaces is in accordance with the guidance provided in section 4 of the Apartment Guidelines. As discussed above in relation to residential density, I consider that the development site meets the definition of a 'peripheral and/or less accessible' location as per section 2.4 of the Guidelines. Section 4.22 of the Apartment Guidelines states in relation to car parking at such locations:

*As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*

The proposed car parking provision for the apartments would meet this quantitative requirement. In addition, the apartment parking is to be managed by the Management Company, which will allow for the most efficient possible use of the spaces. While there is a deficiency in the creche parking provision, I accept that there is scope for complementary car parking usage in this context and that demand for creche parking during the daytime will differ from peak residential parking demand at evenings and weekends. The proposed car parking provision for the houses meets development plan standards of two spaces per unit. There is some

shortfall in visitor parking for the houses with regard to development plan standards, however this is acceptable given the proposed layout of communal car parking bays rather than spaces in the curtilages of individual houses, which allows for a more efficient usage of spaces. The proposed car parking provision is satisfactory overall on this basis, notwithstanding that it does not meet development plan standards. In addition, while the both the planning comment of TCC and the report of TCC District Engineer note the parking shortfall, neither recommend refusal on the basis of inadequate car parking provision. The matter of material contravention is addressed below.

The CEDP does not provide quantitative cycle parking standards. Section 4.17 of the Apartment Guidelines states a general quantitative minimum standard of one cycle storage space per bedroom, which entails a requirement of 104 no. cycle parking spaces for the apartments within the development. The development provides 366 no. cycle parking bays within two lockable cycle stores (304 spaces in total) and visitor parking at Sheffield stands (58 spaces for the residential development and 4 no. spaces for the creche). This provision exceeds the quantitative requirements of the Apartment Guidelines. I am also satisfied that the design and layout of the proposed cycle parking is in accordance with the guidance provided in the Apartment Guidelines and is accessible to the apartment units.

#### 10.5.4. Construction Traffic

The applicant's TTA includes a proposed Outline Construction Traffic Management Plan, which provides for site staff and HGV movements. Proposed construction traffic management measures are outlined. The applicant's proposals are considered reasonable, and a final Construction Traffic Management Plan may be required by condition if permission is granted.

#### 10.6. **Site Services**

- 10.6.1. There is an existing foul sewer at the development site, which continues below the River Suir towards the existing Clonmel wastewater treatment plant. There are also several foul drains under the site that serve adjacent dwellings and Dudley's Mills to the east. The submitted Services Report states that these existing drains are to be removed and diverted into the new foul network serving the proposed development. The development is to provide a new connection to discharge to the existing foul

sewer. There is also an existing public watermain at Coleville Road, as well as an existing watermain that traverses the site, serving adjacent properties. The applicant proposes to upgrade the watermain on Coleville Road, with the existing watermain at the site to be diverted to the new network subject to the agreement of Irish Water.

- 10.6.2. Adjacent residents and landowners state concerns about potential impacts on their existing site services, also concerns regarding poor water pressure in the area at present. I am satisfied that the proposed new connections to foul and water infrastructure, and the proposed watermain upgrade works, will address these issues. The submission of Irish Water states that the applicant will be required to fund the required network upgrades. The applicant is also required to engage with Irish Water regarding the proposed diversion of existing Irish Water infrastructure within the site, however Irish Water states no objection to the proposed connections to the foul sewer and watermain. I also note that the submissions of Tipperary County Council and Waterford City and County Council state no objection to the proposed site services. Permission for the drainage design is to be subject to the agreement of Irish Water or the planning authority, where relevant, as required by condition. I consider this arrangement to be acceptable.
- 10.6.3. The submission of Melbrook Property Partnership requests that the proposed site services provide capacity for the potential future development of adjoining lands. The Services Report states that the proposed drainage design allows for future foul and storm water connections to zoned lands to the east of the site within Co. Waterford, which is acceptable.

## 10.7. **Surface Water Drainage and Flood Risk**

- 10.7.1. The submitted Site Specific Flood Risk Assessment (SSFRA) outlines the history of flood events in Clonmel as per OPW flood hazard mapping, The Suir is documented to have caused severe flooding in the town of Clonmel including areas close to the site. Historic flooding has been caused by high flows and subsequent high levels of the River Suir due to heavy rainfall. The risk of flooding during a 1% AEP event and more frequent has been alleviated for many parts of the town by the Clonmel Flood Defence Scheme. The SSFRA states that the development site does not benefit from flood defences in the event of a 1% AEP flood. The Strategic Flood Risk Analysis (SFRA) of the Clonmel and Environs Development Plan 2013 predates the

Suir Catchment Flood Risk and Management Study (CFRAMS), which was finalised in 2016, and is based on the previous Preliminary Flood Risk Assessment (PRFA) and a hydraulic flood model for the River Suir at Clonmel, which mapped the extent of the 0.1% AEP and 0.01% AEP flood events. This is reflected in the 'Amenity' zoning at the northern end of the site. The development site is within an area of 26.69 ha of lands at the Coleville Road that are identified as 'Development Site 4' in the CEDP SFRA. The related mapping indicates the flood zone at the northern end of the development site. The SFRA provides the following guidance for Development Site 4:

<b>Benefitting from Defences (flood relief scheme works)</b>	The site does not benefit from defences. However, it lies on the left bank, opposite an area protected by the flood relief scheme. In producing the Flood Zone Maps; modelling undertaken as part of the scheme design has shown the scheme has not worsened the extents of flooding in this location.
<b>Sensitivity to Climate Change</b>	Relatively low; in the main there is little difference between the extents of Flood Zone A and B so climate change is unlikely to have a big impact on the extents of flooding, although depths may increase over time.
<b>Residual Risk</b>	Currently none
<b>Historical Flooding</b>	The site is shown to be within the recorded outline for the flood events which occurred in 2000.
<b>Surface Water</b>	Partially urbanised site adjacent to the River Suir. FRA required to consider surface water management at the site, and retention of greenfield runoff rates for currently undeveloped lands.

The submitted SSFRA provides details of the subsequent CFRAMS mapping, which indicates the lands in Flood Zones A and B at the northern end of the development site. The extent of Flood Zones A and B matches that of the Amenity zoned lands (and the extent of the Lower River Suir SAC) due to the natural topography of the site, which has a sharp drop c. 40m from the river's edge that clearly defines the extent of the flood zone. SSFRA Figure 4-1 delineates Flood Zones A and B at the northern end of the site, such that the residential development is to the south of these zones with the lands in Flood Zones A and B remaining undeveloped.

10.7.2. The SSFRA and an additional Hydrogeology Technical Note submitted indicate that there is no significant risk of groundwater flooding, with regard to the ground

conditions present at the development site. Any impact on baseflow contribution to the River Suir is likely to be negligible. In addition, PRFA flood maps indicate no risk of pluvial flooding at this location and there have been no recorded historic instances of pluvial flooding at the site. The SSFRA screens out groundwater and pluvial flooding on this basis and this conclusion is accepted.

- 10.7.3. The risk of potential impacts from fluvial flooding is to be managed by raising the finished floor levels (FFLs) of the residential units to provide protection against climate change and model uncertainty. Ground levels at the road frontage and centre of the site currently range between c. 23.0 mOD at the road to c. 19.0 mOD at the centre of the site. There is a significant drop in the northern part of the site at the riverbank, where levels range between 16.0 mOD and 15.0 mOD. Based on the Suir CFRAM, the level of the 0.1% AEP event/Flood Zone B, is 18.82 mOD. The SSFRA recommends a minimum FFL of 19.12 mOD, which is the 0.1% AEP flood depth plus a 300mm freeboard. It is submitted that the use of the 0.1% AEP flood depth is greater than the 20% climate change allowance and is therefore a conservative approach. The proposed minimum FFL is 19.68 mOD, which is 0.56 m above the recommended minimum.
- 10.7.4. The submitted cross sections indicating existing ground levels and FFLs do not indicate substantial changes in levels such that there would be significant impacts on residential or visual amenities or on the quality of the design and layout of the development. However, the documentation on file does not provide clear and consistent information on the proposed ground works involved in achieving the stated FFLs. The applicant has submitted contour maps indicating an existing area to the south of the site that can be discharged to the proposed sewer network based on (i) existing topography and (ii) on the proposed ground works at the site. There is also a drawing, 'Cut and Fill Calculations', which provides further details of ground works at the site. I understand from these drawings that the development will reduce flood risk at areas outside the development site, however this matter is not elaborated upon in the SSFRA, which merely concludes that, as all the changes in ground profile will be within Flood Zone C, there will be no change in flood risk from the current scenario.
- 10.7.5. In addition to the above, the submission of Waterford City and County Council states:

*The planning authority would highlight that the residential zoned lands to the immediate south of the site located in County Waterford having been subject to a Strategic Flood Risk Assessment as part of the development plan review are proposed to be dezoned under the draft Waterford City and County Development Plan 2022-2028.*

The draft zoning map for the Clonmel Environs in Co. Waterford indicates lands to the immediate south of the site that are zoned for 'RS Residential' and 'SRR Residential Strategic Reserve'. Section 7.2.1 of the SFRA of the draft Waterford City and County Development Plan includes a zoning map, ref. Figure 7-1, which indicates lands to the east of the development site, beyond Dudley's Mills, which are within Flood Zone A, however the lands to the south of the site remain zoned RS and SRR. Part 3 of the current CE Report on the draft development plan responds to a submission by the OPR and the OPW in relation to the zoning of lands within flood plains. The CE Report includes a specific recommendation that a 40m buffer to the River Suir at the Clonmel Environs shall be maintained free from new development in the interest of retaining the natural function of the floodplain and protecting new development from flooding. However, the current zoning map indicating recommended zoning changes on foot of the CE Report does not indicate any changes to the RS and SRR zoned lands in Co. Waterford south of the Coleville Road. It is therefore unclear which area the submission of Waterford County Council is referring to.

- 10.7.6. The proposed surface water management system will discharge to the River Suir at the northern site boundary. Outflow is to be attenuated to greenfield runoff rates with an attenuation tank located under the central public open space (not in the SAC or flood zone, as queried in observer submissions), a hydro-brake system and a petrol interceptor. The proposed attenuation tank invert level is designed to be above the 1 in 1,000 year flood probability. The drainage design also includes SUDS measures including rainwater recycling and permeable paving. The SSFRA states that the proposed surface water drainage design allows for 20% climate change and 10% urban creep. There is also an emergency overflow route, which will divert water directly in to the Suir in the event that the outfall from the attenuation area becomes blocked. The emergency overflow is designed for 1000-year event with 630mm freeboard before reaching lowest FFLs. I am recommending changes to the

proposed surface water drainage system and outfall to the River Suir in response to issues raised by the Department of Housing, Local Government and Heritage (see further discussion below), however these changes shall be informed by a revised SSFRA such that they do not increase flood risk at the development site or elsewhere.

10.7.7. The SSFRA includes a Justification Test of the development which responds to the criteria set out in Box 5.1 of the Flood Risk Management Guidelines. The proposed development may be considered with regard to the criteria (in italics) as follows:

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*

The residential element of the development is located in the area of the site that is zoned 'New Residential' under the Clonmel and Environs Development Plan. The CEDP includes a SFRA, which was carried out prior to the completion of the River Suir CFRAMS in 2016. However, the delineation of CFRAMS Flood Zones A and B at the development site matches the CEDP land use zonings (and the general extent of the River Suir SAC), which are all defined by a sharp drop in the natural topography of the site c. 40m from the river's edge. The site is considered to meet criterion 1 on this basis.

2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*

- (i) *The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*

The proposed residential units are located within Flood Zone C and lands zoned for new residential development. However, the following elements of the associated infrastructure are located within Flood Zones A and B:

- New surface water outfall to the River Suir.
- Existing foul sewer under the northern part of the development site and below the River Suir to connect to Clonmel WWTP.
- Existing ESB lines

The application includes a SSFRA, which assesses flood impacts based on CFRAMS mapping. The SSFRA states that there will be no change in ground profile in lands within Flood Zones A and B and concludes on this basis that there will be no change in flood risk from the current scenario.

The SSFRA states that the site is not at risk from tidal, pluvial or groundwater flooding and this is accepted with regard to the lack of recorded historic flooding instances at the site from such flooding and the ground conditions at the site.

The development is therefore considered to meet criterion 2(i).

*(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;*

As stated in the SSFRA, all residential units will be within Flood Zone C. The SSFRA also sets out the proposed flood mitigation measures comprising FFLs raised above the 0.1% AEP flood event, taking 20% climate change into account. In addition, the proposed surface water drainage design will provide adequate storage for the volume of runoff generated by the development, with outfall to the River Suir attenuated to greenfield rates.

The development is therefore considered to meet criterion 2(ii).

*(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access;*

The SSFRA states that residual risk is low, as the development is protected up to a 0.1% mid-range future scenario AEP event with additional freeboard. The SSFRA states that threshold levels have been set with regard to climate change and residual risks. The site is accessed via the Coleville Road, which is within Flood Zone C.

The development is therefore considered to meet criterion 2(iii).

*(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes. The*



*acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context.*

The development will achieve an adequate density and quantum of residential units on zoned and serviced lands contiguous to existing residential areas in Clonmel. The design and layout of the development will achieve a high quality of residential amenity and public realm. The development is therefore considered to make a satisfactory contribution to national and regional planning objectives regarding the compact development of existing settlements to meet housing targets.

The development is therefore considered to meet criterion 2(iv).

10.7.8. It is my opinion that the proposed development satisfies each of the criteria set out in the justification test. The development site has been subject to the SFRA of the CEDP and the zoning at the site is consistent with CFRAMS mapping. The residential units are located in Flood Zone C and are at least c. 40m from the edge of the River Suir. The development has also been subject to a SSFRA, which is based on CFRAMS modelling, and includes mitigation measures including FFLs above the 0.1% AEP. The ground works to achieve the FFLs are outside the flood zone and therefore will have no impact on flood risk. I am recommending changes to this outfall in line with the recommendations of the Department of Housing, Local Government and Heritage, however, the revised surface water drainage system shall be informed by a revised SSFRA such that it should not result in any increased flood risk within the site or to any adjoining sites. I am therefore satisfied that the development will not result in flood risk.

## 10.8. **Ecology**

10.8.1. The documentation on file includes an Ecological Impact Assessment (EclA), a Mammal and Bird Assessment and a Bat Assessment of the development, which are based on a habitat survey on 5<sup>th</sup> June 2020; bat surveys carried out on the 1<sup>st</sup> and 2<sup>nd</sup> September 2020 and 8<sup>th</sup> and 9<sup>th</sup> June 2021; and mammal and bird surveys carried out on 5<sup>th</sup> January and 8<sup>th</sup> and 9<sup>th</sup> June 2021. Potential impacts on habitats and species present at the site may be considered separately as follows.

### 10.8.2. Habitats Impacts

The habitats present at the development site within the SAC boundary include riparian habitats, improved grassland, treelines, and the riparian and aquatic habitats of the River Suir. The Lower River Suir SAC (site code 002137) is of international importance. There will be no construction or landscaping works within the SAC boundary. The predominant habitat within the remaining area of the development site is improved agricultural grassland, which has low biodiversity value. The treelines and hedgerows that occur along the western, eastern, and northern site boundaries are important ecological features, providing nesting areas and safe commuting corridors for local populations of birds and small mammals, including potentially bats, as well as ecological connectivity to the SAC. No invasive species were noted at the site.

The Tree Survey is based on a site inspection carried out on July 5<sup>th</sup> 2020. Most of the older trees at the site are along the eastern boundary, however many of the trees at this location are in poor condition. There is a band of Cypress trees at the northern end of the eastern site boundary, which forms a landscape screen. The Tree Survey Report notes a large Beech tree at the southern site boundary (T26, category U), which has some root spread into the site. It is suffering from significant heartwood decay of the lower stem and stem base, however, it had 'fairly good' physiological vitality at the time the Tree Survey was carried out. The submission by the owners of the adjoining residential property states that this specimen has since been removed due to concerns about decay and potential impacts on their property. In terms of arboricultural impacts, the Tree Survey states that the development will require the removal of a mature Sycamore tree on the eastern side of the site (T1, category C2), which is currently of reasonable form but is of comparatively low value due to bark damage caused by livestock. The trees along the eastern site boundary will generally be retained and tree protection measures during construction are recommended. The Tree Survey concludes that the overall arboricultural impact of the development should be low as tree removal will be supplemented by new tree planting in the development, as outlined in the Landscape Scheme. The EclA assesses impacts on treelines and hedgerows as significant at a local level. Appropriate landscaping with suitable trees and shrubs could provide beneficial

habitats for wildlife and provide nesting and foraging opportunities for birds. The management of the verges for wildlife would also be beneficial for local pollinators.

The depth of the riparian zone to be retained at the lands in the northern end of the site within the Lower River Suir SAC is in the order of c. 40m, which is in accordance with the 38 m riparian buffer generally recommended in the IFI document 'Planning for Watercourses in the Urban Environment' (2020). The area is currently a mixed species riparian woodland and areas of improved grassland. The Tree Survey states that the existing trees are of varying quality. Dutch Elm disease is affecting the young Elms and ESB line clearance works have affected a number of other trees. However, there are several remaining larger Ash and Willow trees of some landscape and conservation value. The EclA and landscaping proposals indicate that the area is to be managed as a riverside habitat with an annual cut with suitable machinery and control of invasive species. This is generally in keeping with the IFI guidance, which recommends that the 'middle zone' is best developed as a narrow woodland area and planted with an appropriate mixture of native woodland species. Additional ecological enhancement measures are to be provided, comprising bat and bird boxes, as set out in the Bat Assessment and Mammal and Bird Assessment. While there is a gate in the boundary at the north western corner of the site, the SAC lands will not be generally accessible to residents of the development or members of the public. A hedgerow is to be allowed to develop along the fence boundary.

There is a risk to aquarian habitats at the River Suir SAC associated with ground works at the site and associated with the installation of a pipe and a precast headwall from the attenuation area to the river, which will require the construction of a 1.4m deep 0.9m wide trench. Any negative impacts upon water quality in the River Suir could be internationally significant. During the operation of the site, pollution to the River Suir may occur due to run-off of silt and oil from hard surfaces. The EclA identifies suitable construction management measures to protect terrestrial and aquarian habitats including avoiding works within the boundary of the SAC; tree and hedgerow protection measures and waste management, as outlined in the submitted Construction Environmental Management Plan (CEMP), Construction and Demolition Waste Management Plan and Operational Waste and Recycling Management Plan. Approx. 2m of bankside vegetation will have to be cleared in order to construct the pipe to allow discharge from the attenuation tank into the river.

The location of this outfall has been chosen at a point along the river where vegetation is thinnest. The EclA recommends detailed construction management measures in relation to this aspect of the development, including carrying out the works under the supervision of the Ecological Clerk of Works (ECoW). The submission by the Department of Housing, Local Government and Heritage states concerns about potential ecological impacts and effects on the Qualifying Interests of the SAC due to the proposed works within the riparian zone. It recommends a revised surface water management approach in the riparian zone, based on a nature based sustainable drainage system, in place of the proposed pipe and surface water outfall. This matter is considered in detail below in the context of Appropriate Assessment, however it is generally acceptable and the revised surface water drainage system may be required by condition.

The EclA also recommends measures to protect water quality during construction and further construction management measures are outlined in the submitted Hydrogeological Assessment, in order to protect groundwater during construction. These measures may also be required by condition.

#### 10.8.3. Impacts on Mammals and Birds

No badger setts noted within the site or adjoining lands. No otter holts were found during the winter 2021 survey, however, there was evidence of otter activity along the riverbank. The installation of the proposed headwall and drainage pipe into the river will involve the fragmentation of approximately 2 m of riverbank. This could have a negative effect upon the otter. While there are currently no holts along this area of the riverbank, this may change in the future. A revised surface water management system within the riparian zone is to be required by condition. The loss of open land and any treelines/hedgerows/scrub habitats may reduce the loss of nesting, roosting and foraging areas for some bird species. This may be addressed by landscaping with appropriate species, which will also provide screening for badger and otter movement.

#### 10.8.4. Bat Impacts

The bat surveys confirmed that there are no species of bats roosting within the site. The species of bats recorded feeding within and around the site included Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat. Most bat activity within and around

the site was soprano pipistrelle and the Bat Assessment concludes that it is probable that there is a soprano pipistrelle roost very close to the site, which may be located at the houses to the southwest given the level of activity at this location. A single Soprano Pipistrelle was seen to return to the upper branches of a mature oak that lies to the south of the access road into the housing development proposed within the site. This tree has a very high roost potential, and it may serve as a roost site for other species on other occasions. It was noted that this would be a suitable tree for Leisler's bats amongst others.

Potential impacts on bats may include the loss of roosting and hibernating sites due to the removal of mature trees. However, as determined by the bat survey, there are currently no roosts within the site and roost loss is not certain. There will also be a loss of open habitat for foraging, whilst the ecological corridors that bats use for navigation may also be lost. Habitats within the development site will be cleared and replaced with lower quality habitats (i.e., buildings and artificial surfaces) that are less suitable for bats due to their lower ability to support prey species and because most bat species will avoid lit areas when foraging. Overall, as determined in the Bat Assessment, these impacts range from a long term slight-moderate negative impact. The Bat Assessment proposes bat mitigation measures comprising the installation of bat boxes, planting new vegetative cover, and avoiding light pollution in the completed development, which may be required by condition. A slight, long term residual impact on bats is predicted.

#### 10.8.5. Ecology Conclusion

The EclA does not identify any significant residual or cumulative ecological impacts, subject to the implementation of the recommended construction, water quality and waste management measures and the proposed ecological enhancement measures. I am satisfied on this basis and with regard to the above assessment that the development will not have any significant adverse impacts on habitats or species, subject to the implementation of the recommended landscaping, construction, surface water management and waste management measures, as well as the recommended light management, landscaping, and ecological enhancement measures, which may all be required by condition.

## 10.9. **Childcare Provision**

10.9.1. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The proposed development includes 44 no. houses, 14 no. one-bed apartments, 9 no. two-bed apartments and 24 no. three-bed duplex units. This implies a maximum childcare requirement of c. 20 places if all of the two-bed units are taken into account. The proposed childcare facility in Block D4 provides up to 32 no. childcare places, which meets this requirement. I am therefore satisfied that the development is in accordance with the requirements of the Childcare Guidelines.

## 10.10. **Part V**

10.10.1. The applicant proposes to transfer 23 no. apartment units to Tipperary County Council to meet Part V obligations. The units to be transferred are all located in the apartment Blocks D4 and D5, which are adjacent to the access to Coleville Road. The 23 no. apartments comprise eight no. one-bed apartments, three no. two-bed apartments and 12 no. three-bed duplex units. The comments on file from Tipperary County Council Housing Department, dated 18<sup>th</sup> October 2021, state that it is not fully in agreement with the transfer of the units proposed. The proposed one and two-bed units are acceptable, subject to their delivery at an early stage of the development of the overall scheme, in order to satisfy some of the Part V obligations as units are sold. However, the Housing Department does not consider the three-bed duplex units to be acceptable as Part V units and states a preference for three-bed terraced or semi-detached units, or additional one or two-bed units instead. It also notes that the applicant has not submitted details of Part V costs and states that there has been no discussion between the Housing Department and the applicant regarding costs.

10.10.2. I note the observer comments that the Part V units should not be concentrated in one part of the site but should be dispersed throughout the development, also that adequate open space should be provided for the Part V units.

10.10.3. While I note the concerns of Tipperary County Council Housing Department and the observer comments, I consider that there is scope within the development to provide Part V units to meet the applicant's Part V obligations, subject to agreement with the local authority. The issue of the location of the Part V units within the development may be resolved to the satisfaction of Tipperary County Council Housing Department, depending on operational management issues, housing list requirements, etc. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

### 10.11. **Archaeology**

10.11.1. The submitted Archaeological Assessment details the history of the site and the surrounding area. The assessment is based on a field inspection and geophysical investigation of the site. Analysis of cartographic sources indicates that the development site has remained relatively unchanged throughout the post-medieval period, comprising mostly open fields. The site once formed part of the demesne associated with Croan Lodge, located on Coleville Road to the immediate south. There is an archaeological complex of possible medieval origin lying to the immediate east of the development site, which has been reclassified as a redundant record (TS083-021). Analysis of the aerial photographic record available for the area failed to identify any previously unknown archaeological features in the area. A geophysical survey carried out within the development site found evidence of a landscape littered with modern ferrous responses, which are most likely attributed to modern debris, however, irregular responses in the north of the data are of potential interest and it is possible that plough damaged archaeology is represented here. The development site is considered to possess moderate archaeological potential given the results of the assessment and the geophysical survey. Archaeological testing is recommended prior to the commencement of construction.

10.11.2. The standing stone at the north western corner of the site (TS083-021006) may date to the Bronze Age period. There is a further standing stone located 1.3 km to the southwest (WA001-048) and a third standing stone, which has since been

removed, was located 1.2 km north of the development site, off King Street in the centre of Clonmel. The standing stone at the development site is to be preserved in-situ with a 15 m buffer to the proposed development, as requested by the National Monuments Service of the Department of Housing, Local Government and Heritage. Construction management measures are recommended, also that the stone is highlighted within the development as a heritage feature, with information provided on the site and local historic context of the landscape.

10.11.3. Having regard to the above, I am satisfied that the development will not have any significant adverse archaeological impacts subject to the archaeological resolution of the site, including monitoring, and the preservation of the 15m buffer around the standing stone. Conditions requiring same may be imposed if permission is granted.

#### **10.12. Relocation of Electricity Lines**

10.12.1. There are currently several overhead ESB lines traversing the development site. The applicant proposes to relocate these lines to facilitate the proposed development. Observers state concerns about a lack of detail regarding the proposed alterations to the ESB network at the development site and concerns that lines could be relocated closer to the observers' properties. The submission of the Melbrook Property Partnership also requires the existing ESB connection to their lands is to be retained. I note the correspondence on file from the ESB, dated 23<sup>rd</sup> June 2020, which confirms that ESB will alter existing networks at the site if required for future development. Full details of same may be agreed with the planning authority by condition.

#### **10.13. Material Contravention**

10.13.1. The applicant's Material Contravention Statement refers to two separate grounds of material contravention comprising (i) density of development and (ii) car parking. While I have addressed these matters separately in the relevant sections above, I shall also address the issue of material contravention here in the interests of clarity and with regard to the relevant legal provisions.



### 10.13.2. Residential Density Material Contravention

This matter is assessed above, such that I consider that the development does not materially contravene the Clonmel and Environs Development Plan 2013-2019 on the matter of residential density. However, the issue has been raised in the applicant's Material Contravention Statement and the Board therefore can invoke the provisions of section 37(2)(b) in relation to residential density if it takes a difference view.

### 10.13.3. Car Parking Material Contravention

The proposed car parking provision is less than that required by the car parking standards of the CEDP for the relevant land uses. The issue of inadequate car parking with regard to development plan standards has been raised by observers. I therefore consider that the proposed car parking provision does materially contravene the provisions of the Clonmel and Environs Development Plan 2013-2019. This matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

I consider that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Clonmel and Environs Development Plan 2013-2019 would be justified for the following reasons and considerations.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, as well as its potential to contribute to the delivery of several National Policy Objectives of the National Planning Framework, specifically NPOs 3a, 3c, 5, 32, 33 and 35 in relation to compact urban development and the provision of additional residential units at existing settlements.

In relation to section 37(2)(b)(iii):

In relation to car parking, regard is had to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020, which promote a performance based approach to car parking in urban areas. In addition, NPO 13 of the National Planning Framework stipulates that 'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth'.

The provisions of section 9(3) of the SHD Act are also noted in this regard, i.e., that where SPPRs of section 28 guidelines differ from the provisions of a development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

## **11.0 Environmental Impact Assessment Screening**

11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Report, and I have had regard to same in this screening assessment. This report contains information to be provided in line with Schedules 7 and 7A of the Planning and Development Regulations 2001. I am satisfied that the EIA screening report identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

11.2. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an EIA is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

It is proposed to construct 115 no. residential units and a creche on a site with a stated area of 5.23 ha. The site is located on a greenfield site contiguous to the

urban area of Clonmel (other parts of a built up area). The site is, therefore, below the applicable threshold of 10 ha. There are no demolition works proposed. There are limited excavation works and it is noted that no basement is proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.

11.2.1. Having regard to the submitted EIA Screening Report, EclA and other supporting documentation, I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The proposed development would use the public water and drainage services of Irish Water and Tipperary County Council, upon which its effects would be marginal.

11.2.2. The EIA Screening Report notes that the development site is partially within the Lower River Suir SAC. The development site is zoned for new residential development under the Clonmel and Environs Development Plan 2013-2019, which has been subject to SEA and AA. Matters relating to potential effects on the designated site are addressed in the context of Appropriate Assessment in section 12 below. As required under Article 6 (3) of the Habitats Directive, an Appropriate Assessment report was prepared for the development and this was submitted as a Natura Impact Assessment. This report concluded that with the implementation of mitigation measures, the proposed development would not have any significant effects upon the Lower River Suir SAC, when considered on its own or in combination with other plans and projects. In addition, the matter of potential effects on the Lower River Suir SAC has been addressed in detail in the submission of the Department of Housing, Local Government and Heritage. The DOHLGH comment recommends that the proposed surface water outfall to the River Suir shall be replaced by a nature based surface water management system within the SAC, which may be required by condition, but does not recommend refusal on the basis of potential adverse effects on the SAC or other adverse environmental impacts. I am therefore satisfied that the development will not have adverse effects on the Lower River Suir SAC, subject to the implementation of the mitigation measures recommended in the NIS, and other technical reports on file, and to my recommended condition in relation to the nature based drainage design, on foot of the DOHLGH comment.

11.3. Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted EIA Screening Report sets out the criteria specified in Schedules 7 and 7A.

11.4. Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- CGIs
- Landscape Design Rationale
- Site Specific Flood Risk Assessment
- Hydrogeology Technical Note
- Engineering Services Report
- Environmental Impact Assessment Screening Report
- Natura Impact Statement
- Ecological Impact Assessment
- Bat Assessment
- Mammal and Bird Assessment

- Tree Survey Report
- Archaeological Assessment
- Traffic and Transport Assessment
- Planning Report and Statement of Consistency
- Operational Waste Management Plan
- Construction and Demolition Waste Management Plan
- Construction and Environmental Management Plan

11.5. Appendix A of the EIA Screening Report comprises a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, in response to the requirements of Article 299B (1)(b)(ii)(II)(C).

11.6. I have completed an EIA screening determination as set out in Appendix I of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

11.7. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 12.0 **Appropriate Assessment**

### 12.1. **AA Introduction**

- 12.1.1. 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).
- 12.1.2. The application has submitted a Natura Impact Statement (NIS) by Whitehill Environmental. The NIS provides a detailed description of the development, including the proposed foul and surface water drainage arrangements, SUDS measures, construction management plan, landscaping proposals and flood risk management strategy, and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. The report concludes that acting on a strictly precautionary basis, an NIS is required in respect of the effects of the project on the Lower River Suir SAC only. The assessment is based on site surveys carried out in June and September 2020 and January and June 2021, which also supported the EclA, Bird and Mammal Assessment and Bat Assessment. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.
- 12.1.3. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

## 12.2. The Project and its Characteristics

12.2.1. See the detailed description of the proposed development in section 3.0 above.

## 12.3. The Development Site and the Receiving Environment

12.3.1. See site description in section 2.0 above. The site is partially within the Lower River Suir SAC (site code 002137).

## 12.4. Stage I Appropriate Assessment Screening

12.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)).

12.4.2. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

European Site (code)	Distance to Development	Qualifying Interests/ Conservation Objectives
Lower River Suir SAC (002137)	Site is partially within the SAC	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</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><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p>

		<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaites Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>
Nier Valley Woodlands SAC (000668)	8.9 km south	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitat, as defined by specific attributes and targets:</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>
Comeragh Mountains SAC (001952)	9.5 km south east	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>

12.4.3. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

12.4.4. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a



hydrological or any other linkage between the development and the European Site and I have therefore excluded them from the remainder of this AA screening:

- Nier Valley Woodlands SAC (000668)
- Comeragh Mountains SAC (001952)

It is reasonable to conclude that based on the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these European Sites. This conclusion is also reached in the applicant's submitted Stage I Screening Assessment. I concur with the applicant, that there is no potential for likely significant effects on these designated sites and they can, therefore, be screened out from further assessment.

12.4.5. I concur with the NIS that further assessment is required for the Lower River Suir SAC. The NIS states that the proposed development could result in likely significant effects on the SAC in relation to:

- Habitat loss and fragmentation within the SAC including the works required for the construction of the pipe and headwall (2 m width) to allow discharge from the attenuation tank into the River Suir. This will necessitate the clearance of approximately 2 m of vegetation along the riverbank.
- Deterioration of water quality in the SAC arising from pollution to surface or groundwaters during site preparation and construction.
- Impacts on the SAC arising from inappropriate landscaping and/or future management of the habitats within the SAC.
- Anthropological impacts on the SAC and its Annex II species, including the effects of noise, illumination, and human activity during all constructional and operational activities.
- Cumulative impacts with other proposed/existing developments.

12.4.6. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a

significant effect on the Lower River Suir SAC (002137), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

## 12.5. Stage 2 Appropriate Assessment

12.5.1. The Qualifying Interests/Special Conservation Interests of the Lower River Suir SAC are set out above. The NIS provides a detailed description of the Lower River Suir SAC. The site contains a range of Annex I habitats, including floating river vegetation, eutrophic tall herbs, alluvial forest, old oak woods, yew woods and salt meadows. The site is very important for the presence of a number of scarce and specialised Annex II animal species with particularly important populations of the fish species *Salmo salar* and *Alosa fallax fallax*. *Lutra lutra* is widespread on the system, as is *Austropotamobius pallipes*. The site supports two Annex I priority and five non-priority Annex I habitats. There are four Annex I species of birds present within the site. The Natura Standard Data form for this SAC (NPWS, 2017) has identified the highest threats to the integrity and conservation status of this site. These main threats include fertilisation, urbanised areas and human habitation, discharges, pollution to surface waters, dikes, and flood defence work.

12.5.2. The NIS describes the following potential impacts on the SAC, with regard to the attributes and targets provided in the Site Specific Conservation Objectives (SSCOs) for the relevant Qualifying Interests (QIs) of the SAC:

Qualifying Interest	Potential Impacts
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [Habitat Code 3260]  Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [Habitat Code 6430]	Possible direct / indirect impacts and subsequent effects on the habitats arising from: <ul style="list-style-type: none"> <li>• Disturbance habitat due to silt / hydrocarbon run-off from the site arising from construction works.</li> <li>• Loss or decrease in the quality or area of the habitat due to pollution or a decrease in surface or ground water quality arising from run-off during the operation of the proposed development:</li> </ul>
Sea Lamprey <i>Petromyzon marinus</i> [Species code 1095]	Possible direct / indirect impacts and subsequent effects on these species due to:

<p>River lamprey (<i>Lampetra fluviatilis</i>) [Species code 1099]</p> <p>Brook lamprey (<i>Lampetra planeri</i>) [Species code 1096]</p>	<ul style="list-style-type: none"> <li>• An increase in the siltation load or changes to the siltation patterns of the river due to inadequate siltation control strategies from proposed development.</li> <li>• Eutrophication – both adult and ammocoete life stages of the lamprey are vulnerable to the effects of pollution.</li> </ul>
<p>Twaiite Shad <i>Alosa fallax fallax</i> [Species Code: 1103]</p>	<p>Possible direct / indirect impacts and subsequent effects on this species due to:</p> <ul style="list-style-type: none"> <li>• A decrease in water quality in the river due to contaminated run off or pollution from the site.</li> <li>• An increase in the siltation levels of the river locally due to run off from the site.</li> </ul>
<p>Salmon (<i>Salmo salar</i>) [Species Code: 1103]</p>	<p>Possible direct / indirect impacts and subsequent effects on this species due to:</p> <ul style="list-style-type: none"> <li>• An increase (temporary or permanent) in the siltation load of the river due to inadequate siltation control strategies from the development during construction may impact upon salmon spawning grounds.</li> <li>• Eutrophication – Possible impacts on this species due to the pollution of the water with cement, silt or oil during construction or operation.</li> </ul>
<p>Otter (<i>Lutra lutra</i>) [Species code 1355]</p>	<p>Possible direct / indirect impacts and subsequent effects on this species due to:</p> <ul style="list-style-type: none"> <li>• A decrease in water quality in the River Suir due to contaminated run off or pollution from the site – this may impact upon the diet of the otter.</li> <li>• Disturbance to habitats within the territory of the otter due to inappropriate disposal of waste or from the installation of the pipe from the attenuation area and the associated headwall.</li> <li>• Impacts arising on this species due to noise during construction;</li> <li>• Impacts upon this species due to inappropriate illumination.</li> </ul>

<p>White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [Species code 1092]</p>	<p>Possible direct / indirect impacts and subsequent effects on this species due to:</p> <ul style="list-style-type: none"> <li>• A decrease in water quality in the river due to contaminated run off or pollution from the site;</li> <li>• An increase in the siltation levels of the Suir River locally due to run off from the site.</li> </ul>
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12.5.12. As a result of the foregoing, specific mitigation measures during construction are required to protect and maintain the integrity of the QI habitats and species. Mitigation measures identified are set out in detail in section 5 of the NIS. These refer, for the most part, to best practice construction measures which seek to ensure, inter alia, the protection of water quality during construction phase, along with precautionary measures and actions to be taken in the unlikely event of a spill from the site. Dust control is also outlined with measures to reduce, suppress, and clean dust generated from construction activities on the site. The area of the site within the SAC is to be fenced off and neither works nor storage of machinery, soils or other materials will take place in this area. Trees and hedgerows at the site will be protected during construction with detailed measures set out in the Tree Survey Report.

12.5.13. The NIS elaborates that works on the installation of the outfall pipe from the attenuation tank and the construction of the headwall at the outfall to the River Suir will require works within the immediate buffer zone of the River Suir and these works will all take place within the SAC. Initial works will involve digging a trench (1.4 m deep, 0.9 m wide) to accommodate the 450m pipe. The trench will be infilled and stabilised immediately and vegetation along the route restored. The timing of head wall installation will be scheduled to ensure no instream works shall be carried out during the closed season for instream works. (October 1st to June 30<sup>th</sup>). It is proposed to notify Inland Fisheries Ireland prior to works taking place. The timing of works shall be in accordance with to IFI (2016) Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Water. Works associated with the headwall construction are to be supervised by an Ecological Clerk of Works (ECoW). Proposed operational mitigation measures include biodiversity enhancement in the area of the site to be developed and management of invasive

species. The submission of the Department of Housing, Local Government and Heritage (DOHLGH) states concerns in relation to the proposed location of the surface water discharge pipe and headwall, with regard to potential impacts on the QIs of the Lower River Suir SAC. The comment states:

*The Ecological Impact Assessment supporting the application refers to the Inland Fisheries Ireland guidance on “Planning for Watercourses in the Urban Environment” which is guidance that this Department supports and which states that no works should take place within the >10m streamside zone but the application proposes to place a pipe and headwall in this area which will also entail associated works and machine access damage and is located within the Lower River Suir SAC. Mitigation may lessen but will not prevent this impact. The riparian woodland where this damage would occur is a habitat of conservation value with links to the Annex I habitat alluvial forest which is a qualifying interest for this SAC. In addition to its intrinsic value this habitat also has an important role in supporting the other aquatic qualifying interests of the SAC. The works proposed within the riparian woodland are of limited scale and extent but nevertheless would constitute an adverse impact and a deterioration in habitat quality at the site. This deterioration in habitat quality is unnecessary as alternative options exist.*

The DOHLGH also states concerns in relation to the proposed surface water management regime. The improved grassland within the SAC is not a habitat of ecological concern in itself but has value in maintaining the natural floodplain and in acting as a buffer between potentially damaging activities and the River Suir. The DOHLGH considers that running a discharge pipe through this buffer would undermine this function. It considers that a more ecologically sensitive, nature based solution would be suitable for this site. It recommends that part of the area could become a nature based sustainable drainage system creating both wetland habitat that would support the conservation objectives of the SAC and also creating an attractive mechanism to treat surface water. The more traditional subsurface surface water management measures such as petrol and oil interceptors within the portion of the site outside the SAC could then discharge to the specifically designed surface level nature based SUDS in the improved grassland area and not directly into the River Suir. There should be no point discharge of water to the River Suir, and water should filter through the largest area possible before reaching the river. Drier open

areas within this area could still be managed to achieve a species rich grassland supporting the wetlands and riparian woodland. The DOHLGH concludes by recommending that permission should be subject to the design of a nature based SUDS to receive surface waters from the development combined with a habitat management plan which will enhance the biodiversity of the area and support the conservation objectives of the Lower River Suir SAC.

12.5.14. Following a complete review of the mitigation measures outlined in the NIS, alongside consideration of the site specific conservation objectives and potential impacts upon these, I am confident that with the incorporation of the described mitigation, in addition to the recommendations of the Department of Housing, Local Government and Heritage, the project would not adversely affect the integrity of the Lower River Suir SAC (002137).

#### **12.6. In Combination / Cumulative Impacts**

12.7. Section 4.4 of the NIS considers in combination effects, with reference to relevant policies and objectives of the South Tipperary County Development Plan 2009 (as varied) and a review of planning applications in the vicinity of the development site. No significant cumulative impacts are identified.

12.8. With the implementation of the mitigation measures outlined in this report, I conclude that the proposed development is not likely to lead to any cumulative impacts upon the integrity of the Lower River Suir SAC (002137), when considered in combination with other developments.

#### **12.9. Conclusion**

12.9.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).

12.9.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower River Suir SAC (002137). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.

12.9.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European site No. 002137, or any other European site, in view of the site's Conservation Objectives.

- 12.9.4. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

## **13.0 Conclusions and Recommendation**

- 13.1.1. The proposed development is regarded as acceptable in principle on these zoned lands on the edge of the urban area of Clonmel and comprising part of the wider development of this area. The development will materially contravene provisions of the Clonmel and Environs Development Plan 2013-2019, however, having regard to Section 9(6)(c) of the 2016 Act, it is considered that these contraventions would be justified. I consider that the design, density, and layout of the development are acceptable on these lands and that satisfactory levels of residential amenity would be achieved. Having regard to the above assessment, I am satisfied that the development would not have any significant adverse impacts on residential or visual amenities or roads/traffic such as would warrant a refusal of permission. The proposed roads layout, access to Coleville Road and car and cycle parking provisions are acceptable subject to conditions. Occupation of the development should be subject to completion of the identified upgrade works to Irish Water networks. Surface water management proposals are satisfactory, subject to a revised proposal for the lands within the SAC, as recommended by the Department of Housing, Local Government and Heritage. Having regard to the submitted Site Specific Flood Risk Assessment, I am satisfied that the development is not at risk of flooding and will not result in increased flood risk elsewhere and I note that the planning authority has not raised any objections in relation to flood risk. It is not considered that the development is likely to give rise to significant effects on any European Site or to any other significant adverse environmental impacts, subject to the recommended mitigation measures.
- 13.1.2. Having regard to the foregoing, I recommend that the Board grant permission for the proposed development subject to such conditions and modifications to the

development as it specifies in its decision in accordance with section 9(4)(b) of the Act, as set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Tipperary County Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 3<sup>rd</sup> Day of September 2021 by Torca Development Limited, 68 Pembroke Road, Ballsbridge, Dublin 4.

### **Proposed Development Comprises of the following:**

- Construction of 115 number residential units comprising five number three storey blocks with 14 number one-bed apartments, nine number two-bed apartments and 24 number three-bed duplexes and 68 number two-stores houses comprising 24 number two-bed houses, 24 number three-bed houses and 20 number four-bed houses.
- A two storey creche (circa 208 square metres)
- Provision of 181 number car parking spaces and 366 number cycle parking spaces.
- New vehicular and pedestrian access to the R680 Coleville Road.
- All associated site development works including site reprofiling, landscaping, boundary treatments.

### **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**



## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

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

- (a) The location of the site on zoned and serviced lands contiguous with the edge of the built up area of Clonmel.
- (b) The policies and objectives in the South Tipperary County Development Plan 2009 (as varied).
- (c) The provisions of the National Planning Framework.
- (d) The provisions of the Regional Spatial and Economic Strategy for the Southern Region
- (e) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for all 2021.
- (f) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2019).
- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009.
- (h) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018.
- (i) The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020.

- (j) The Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009.
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of educational, social, community, transport, and water services infrastructure.
- (l) The pattern of existing and permitted development in the area, and the planning history relating to the site and the wider area.
- (m) The Report of the Chief Executive of Tipperary County Council.
- (n) The submissions and observations received.
- (o) The report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to environmental impact assessment and screening for appropriate assessment.

### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a serviced urban area, the Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than the Lower River Suir SAC (site code 002137), which is a European site for which there is a likelihood of significant effects.

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

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on 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. In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- c) the mitigation measures which are included as part of the current proposal.

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 site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

### **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands zoned on lands zoned for residential development in the Clonmel and Environs Development Plan 2013-2019. The

South Tipperary County Development Plan 2009-2017 (as extended) and Clonmel and Environs Development Plan 2013-2019 were subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).

- (c) The location of the site contiguous to the existing built up urban area of Clonmel, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) The Board noted the location of the site immediately adjoining and partially within the River Suir SAC (site code 002137).
- (f) 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),
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

The Board noted the location of the development site partially within the Lower River Suir SAC (site code 002137). The Board was satisfied, having regard to the mitigation measures outlined in section 5 of the submitted Natura Impact Statement, alongside consideration of the site specific conservation objectives and potential impacts upon these, and subject to the incorporation of the described mitigation, including the recommendations of the Department of Housing, Local Government and Heritage, the project would not adversely affect the integrity of the Lower River Suir SAC (002137).

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

The Board considered that the proposed development is, apart from the issue of car parking, broadly compliant with the current Clonmel and Environs Development Plan 2012-2019 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Plan with respect to car parking standards. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (ii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, as well as its potential to contribute to the delivery of several National Policy Objectives of the National Planning Framework, specifically NPOs 3a, 3c, 5, 32, 33 and 35 in relation to compact urban development and the provision of additional residential units at existing settlements.

In relation to section 37(2)(b)(iii):

In relation to car parking, regard is had to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020, which promote a performance based approach to car parking in urban areas. In addition, NPO 13 of the National Planning Framework stipulates that 'in urban areas, planning and related standards, including in particular building height

and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth’.

## 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, the Ecological Impact Assessment, the Bat Assessment, the Bird and Mammal Assessment, the Tree Survey Report, the Archaeological Assessment, the Hydrology Technical Note and Outline Construction & Environmental Waste Management Plan shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment, to provide mitigation against adverse effects on the SAC and in the interest of public health.

3. The proposed surface water outfall pipe to the River Suir shall be replaced by a nature based SUDS to receive surface waters from the development, combined

with a habitat management plan, which will enhance the biodiversity of the area and support the conservation objectives of the Lower River Suir SAC (site code 002137). This revised surface water outfall shall be informed by a revised Site Specific Flood Risk Assessment and revised surface water drainage proposals for the residential development, all of which are to be submitted to the planning authority for agreement in writing prior to the commencement of development.

**Reason:** In the interests of maintaining the riparian zone and supporting the conservation objectives of the Lower River Suir SAC.

4. The proposed development shall be amended as follows: -

The bin store at the southern end of the development shall be relocated such that it is not immediately adjoining the adjacent residential properties on Coleville Road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity

5. The following matters shall be agreed in writing with the planning authority prior to the commencement of development:
- (a) Full details of all boundaries shared with adjoining residential properties
  - (b) Full details of the treatment of the boundary shared with Dudley's Mills
  - (c) Full details of the treatment of the frontage to Coleville Road
  - (d) Landscaping proposals for the area of public open space to the north of adjoining residential properties on Coleville Road, such that the proposed planting shall not result in overshadowing of residential properties and shall prevent overlooking from the public realm.

(e) Proposals to relocate or underground the existing ESB lines at the site.

**Reason:** In the interests of visual and residential amenities.

6. Prior to commencement of development, final details of the phasing of the development including details of areas of open space and infrastructure to be provided at each phase, shall be submitted to and agreed in writing with the planning authority. Boundary walls to adjoining properties shall be constructed prior to the commencement of development.

**Reason:** In the interest of clarity

7. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

8. Details of works to the public road to facilitate the proposed development, including the detailed design of the proposed pedestrian access to the R680 Coleville Road, shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All works to the public roads / footpaths shall be completed to the satisfaction of the Planning Authority.



A finalised Road Safety Audit shall be submitted to the planning authority for agreement.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

9. The internal road network serving the proposed development, turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

11. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

13. Details of signage relating to the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. Prior to the commencement of development, details of the proposed amenity pond area shall be submitted to and agreed in writing with the planning authority.

Details shall include any health and safety measures proposed to ensure the risk to the public is minimised, as far as is practicable.

**Reason:** In the interest of health and safety.

17. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

18. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

19. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

20. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

22. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

24. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

25. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

26. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 residential amenities of property in the vicinity.

27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

28. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.



**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

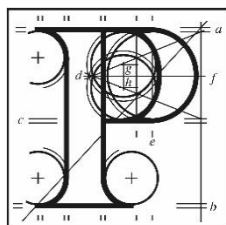
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Sarah Moran

Senior Planning Inspector

6<sup>th</sup> December 2021

ABP-311290-21 Appendix 1: EIA Screening Form



An  
Bord  
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

**A. CASE DETAILS**

<b>An Bord Pleanála Case Reference</b>		ABP-311290-21
<b>Development Summary</b>		Construction of 115 no. residential units (68 no. houses and 47 no. apartments), creche and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and a Natural Impact Statement were submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p><b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b></p>	<p><b>Yes</b></p>	<p>SEA and AA undertaken in respect of the Clonmel and Environs Development Plan 2013 and the South Tipperary County Development Plan 2009</p> <p>A Site-Specific Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.</p> <p>An AA Screening Statement and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.</p> <p>A Preliminary Construction and Demolition Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern -Midlands Region (EMR) Waste Management Plan 2015-2021.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p><b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b></p> <p><b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises the construction of residential units on lands zoned 'New Residential ' and is in keeping with the existing residential development in the vicinity.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal involves the development of a greenfield site previously used for agricultural purposes.</p> <p>The proposed residential development is not considered to be out of character with the pattern of development in the surrounding area.</p> <p>It is intended to raise levels in some sections of the site to provide adequate freeboard to the 0.1% AEP flood event. It is considered that this issue is minor in nature.</p> <p>Surface water from the development will discharge to the River Suir, attenuated to greenfield rate. The surface water drainage design is to incorporate mitigation measures to prevent adverse impacts on riparian and aquatic habitats, including the use of a nature based SUDS in the riparian zone of the River Suir.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>

<p><b>1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters, or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk is identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b>	<b>No</b>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<b>No</b>
<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 115 no. units.</p>	<b>No</b>
<b>1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	<p>Standalone development, with developments in the immediately surrounding area permitted or built.</p>	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> <li>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ol>	<b>No</b>	<p>The site is partially within the Lower River Suir SAC (site code 002137)</p> <p>The NIS concludes that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives and subject to the implementation of the recommended mitigation measures. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.</p> <p>Surface water from the development will discharge to the Lower River Suir SAC. I am</p>	<b>No</b>

		satisfied that the development will not have any significant adverse effects on aquatic or riparian habitats or on water quality, subject to the implementation of the proposed mitigation measures and to the use of a nature based SUDS in the riparian zone, as recommended by the DOHLGH.	
<b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b>	<b>No</b>	Surface water from the development will discharge to the Lower River Suir SAC. I am satisfied that the development will not have any significant adverse effects on aquatic or riparian habitats or on water quality, subject to the implementation of the proposed mitigation measures and to the use of a nature based SUDS in the riparian zone, as recommended by the DOHLGH.	No
<b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b>	<b>No</b>	There are no protected structures or Architectural Conservation Areas at or in the immediate vicinity of the development site.  There is a Recorded Monument (TS083-021006) at the north western corner of the site. A satisfactory 15m buffer to the Recorded Monument will be retained within the development.	No
<b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b>	<b>No</b>	There are no areas in the immediate vicinity which contain important resources.	No



2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	A SSFRA is submitted. The proposed residential units are all located within Flood Zone C. Finished Floor Levels within the development will be raised to achieve satisfactory freeboard to the 0.1% AEP flood event. Surface water from the development will discharge to the River Suir at greenfield rates, with a 20% climate change allowance.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to landslides or erosion.  Ground works and works to the existing site boundaries will be subject to best practice.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community facilities which could be affected by the project.	No

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No

<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

**C. CONCLUSION**

<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to: -

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) The location of the site on lands zoned to 'New Residential' in the Clonmel and Environs Development Plan 2013-2019 and the results of the Strategic Environmental Assessment of the plan;
- c) The location and context of the site;
- d) The existing use on the site and pattern of development in surrounding area;
- e) The planning history relating to the site
- f) The availability of mains water and wastewater services to serve the proposed development,
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Sarah Moran**

**Date:** 6<sup>th</sup> December 2021

