



An
Bord
Pleanála

Inspector's Report ABP-312611-22

Development	Construction of 20 bungalows and renovation of existing gate lodge included in the NIAH.
Location	Coleville Road, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21654
Applicant(s)	Newpark Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Croan Developments Ltd.
Observer(s)	None
Date of Site Inspection	16 th March 2023
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal with a stated area of 0.73 ha is mainly greenfield in nature and is located on the south eastern edge of Clonmel, Co. Tipperary, with frontage onto both Coleville Road (R680) and Spa Road.
- 1.2. The site is within a well-established fringe suburban/ urban area and is bounded by residential properties of varying designs to the east and on the opposite side of Spa Road to the west. The existing cottage on the site dates to c.1850 and is not a protected structure but is included in the National Inventory of Architectural Heritage (Ref. No. 22118015) with a rating of regional importance. The Minella Hotel is located on lands to the north west. The site is within walking distance of Clonmel town centre.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission sought for 20 No. 2 bed terraced bungalows with a stated floor area of 65.7 square metres. It is stated that the development is specifically designed for housing for elderly occupants. Section 3.3 of the Design Statement submitted with the application states that there is an agreement in principle made with Cluid to manage the scheme as a 'Clann' elderly housing scheme.
- 2.2. Permission is also sought for the refurbishment of the existing gate lodge to include sensitive repairs to the existing historic fabric and the creation of two car parking spaces.
- 2.3. The application was accompanied by a number of documents including the following:
 - Development Impact Assessment
 - Engineering Report
 - Development Design Statement

- Traffic and Transport Assessment Report
- Outdoor Lighting Report
- Architectural Heritage Impact Assessment
- Archaeological and Cultural Heritage Impact Assessment
- Stage 1 Appropriate Assessment Screening Report and Natura Impact Statement
- Outline Construction and Environmental Management Plan

2.4. Revised details were submitted to the Planning Authority dated the 1st of October 2021 to include the following:

- Revisions to site layout to provide a 2m footpath along Spa Road together with open space to provide for a pedestrian crossing point to the northwest of the site.
- Details of landscaping proposals and boundary treatments.
- Revisions to design of Block 1 to accommodate the proposed site layout alterations
- Additional details in relation to stormwater management system incorporating revisions
- Relocation of light in the vicinity of House No. 20
- Natura Impact Assessment Addendum
- Report from Garland Concepts Realised including details of stormwater management system, drainage, revised autotrac to provide for a 27-tonne collection vehicle. Details were included in relation to item 5 of the Further Information Request to allow for the future provision of services to adjoining zoned lands.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission granted subject to 21 No. Conditions. Noteworthy conditions include the following:

- Condition No. 5 required Archaeological testing.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Site is zoned for residential use and proposed development is acceptable in principal. Planner notes the submission from adjoining land owner regarding the opportunity to provide access and services to the adjoining lands to the south through the proposed development. Planner's report states that 'I do not consider it reasonable, having regard to the access road proposals under the Waterford County Development Plan, that the adjoining lands are accessed through the application site.' It is noted that the adjoining site has direct frontage onto the Spa Road but the extension of services to serve the adjoining lands can be considered.
- Whilst it is noted that the density proposed of 31 units per hectare exceeds the recommended density set out in the plan of 17 units per hectare, the density proposed is in line with the guidance for 'Outer Suburban/ Greenfield' sites set out in the Sustainable Residential Density Guidelines.
- A second report considers that the Further Information is satisfactory and recommends permission subject to conditions.

3.2.2. Other Technical Reports

Area Engineer: The initial report recommends that Further Information is requested. The second report considers that the applicant has addressed all of the queries

raised in the Further Information Request and recommends permission subject to conditions.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. One third party observation was submitted to the Planning Authority. The issues raised are similar to those raised in the appeal.

4.0 Planning History

- None relevant.

5.0 Policy and Context

5.1. National Policy

5.1.1. National Planning Framework 2018

5.1.2. The National Planning Framework promotes the consolidation of urban areas and compact growth with a focus in promoting 50% of future growth into the 5 key cities. It notes that a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites. The NPG reinforces national policy towards higher densities in key urban areas and states:

“Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.”

5.1.3. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated technical Appendices) (2009)
- Framework and Principles for the Protection of the Archaeological Heritage (1999)
- Architectural Heritage Protection Guidelines for Planning Authorities (Revised 2011)
- Guidelines for Planning Authorities on Urban Development and Building Heights (2018)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

5.2. Development Plan

5.2.1. Tipperary County Development Plan 2022-2028

This plan came into effect on the 22nd of August 2022.

Relevant Sections include the following:

- Chapter 4 Settlement Strategy outlines Clonmel as a Key Town (Self-Sustaining Regional Driver). It is described as ‘a vibrant and thriving town, a key regional centre for education, health services and social and cultural activities with a county museum, arts centre, theatre, swimming pool, library and cinema and numerous sports clubs.’ In its role, it is targeted to grow by at least 30% in terms of population, and to attract a range of large employers and regional services, amenities and infrastructure.
- Figure 2.4 Core Strategy Map identifies Clonmel as a Key Town.
- Section 5.3 deals with Residential Developments in Towns and Villages.
- Section 5.7 outlines Planning Objectives for Housing.
- Chapter 6 Supporting Sustainable Communities - Section 6.2 deals with Inclusive Communities and Places.

- Appendix 6 outlines Development Management Standards.

5.2.2. Clonmel and Environs Development Plan 2013

- The site is zoned as 'New Residential'
- The site adjoins lands to the south that are zoned for new residential development with an objective to provide a new road linking the landbank to the R680 (Coleville Road).
- 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.
- Development Plan section 6.3 provides details of the total number of residential units to be provided at each 'New Residential' zoned land parcel, subject to the following statement:
- Section 9.9 deals with Multi Unit Residential Developments
- In terms of density the guided density for the Coleville Road location is set out as follows: 17/ha (7/ acre).

5.2.3. Waterford County Council Development Plan 2022-2028

This plan came into effect on the 19th of July 2022.

- Clonmel Environs is identified as a Key Town in the settlement strategy of the development plan.
- Appendix 17 Table 11 highlights the 1 No. new residential development site proposed for Clonmel Environs. All sites highlighted are currently serviced and are classed as Tier 1.
- Appendix 17 outlines Clonmel Environs Site Identification as follows:

With regards to Clonmel Environs Waterford County Development Plan 2011 - 2017 has included c.40 ha of zoned land for residential purposes. Circa 0ha have been developed over the lifetime of the Plan.

All lands currently identified with in existing plan and a number of contiguous sites were identified for detailed review and assessment. Land identified by the Strategic Flood Risk Assessment to be at risk of flooding was discounted from the assessment. In total 1 site (phase 1) was identified for further examination as illustrated in Figure 8. The only site identified for further investigation is a site on Old Spa Road of 1.93 hectares in total (current site and adjoining lands).

5.2.4. Waterford County Development Plan 2011-2017 (Expired)

- The Waterford County Development Plan includes a 'Clonmel Environs' zoning map, whereby the current site is zoned R1 – Protect amenity of existing residential development and provide for new residential development.
- The Clonmel Environs map also indicates a roads objective on the zoned lands connecting the Coleville Road to the Spa Road to the south west of the development site. Lands 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.

5.3. Natural Heritage Designations

- 5.3.1. The Lower River Suir SAC (Site Code 002137) is located c. 165m to north of the site. Nier Valley Woodland SAC and NHA (Site Code 000668) is located c. 8.6km to south of the site. Comeragh Mountain SAC and NHA (Site Code 001952) is located c. 10km to southeast of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The application site provides an opportunity to connect our site to water, wastewater, and storm water services.
- It is considered that access to the site should be through the applicant's development. This is the best means of access to allow the development of zoned lands.
- Figure 1 included in the appeal indicates that additional road required to provide access to lands at Spa Road.

6.2. Applicant Response

6.2.1. The response submitted on behalf of the applicant can be summarised as follows:

- The possibility of an integrated approach with adjoining lands was investigated and a master plan was prepared. This was discussed at pre-planning stage with both Waterford City and County Council and Tipperary County Council.
- Waterford City and County Council felt that the master plan approach, whilst welcome, was premature as it could not deliver the entire of the link road.
- The applicant took the approach that any application was pointless as the delivery of the road in its entirety was not something the applicant was in a position to resolve or deliver.
- The applicant proposed a gated elderly community scheme.
- The appellants proposal is not considered to be practical, functional or beneficial as a gate is necessary to provide privacy and security for elderly residents.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- The Planning Authority wish to highlight that the lands south of the site are not dependent on access being provided through the application site. These lands are served by the Spa Road L3617 and can be accessed directly from same.

6.3.2. Observations

- None.

6.4. Further Responses

6.4.1. A further response was submitted on behalf of the applicant which can be summarised as follows:

- Waterford County Council did consider a masterplan approach with the adjoining site but this was considered to be premature given that it could not deliver the entire of the link road. In fact, Waterford City and County Council went further to advise that this 'link road' was not in fact to be considered as a 'link road', but as a 'master planned road' that was put forward by Waterford City and County Council as a necessary piece of road/ infrastructure to be delivered to service these lands. Given this stance by Waterford City and County Council, in particular relating to the master planned road, we felt any application was pointless and futile as the delivery of the road in its entirety was not something we could do or the landowner was in a position to resolve or deliver, therefore we withdrew from the process.
- It is proposed that this application is for a gated elderly community scheme and it is considered the proposed access will provide privacy and security for the elderly residents. We do not consider the appellants proposal as practical, functional or beneficial.
- Waterford County Council have been very clear, they see that the appellants land is only developable in conjunction with the ability to deliver the master planned road in full.

- The solution proposed by the appellant of providing access through the applicant's site is not a solution Waterford City and County Council want.
- It begs the question why the appellant did not purchase these lands himself when they came on the market.

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle of Development
- Infrastructure
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. 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. I note that since the Council decision on this application dated the 4th of January 2022, a new Development Plan for Tipperary came into effect on the 22nd of August 2022. Clonmel is designated as a Key Town under Section 4.3. It is stated that ' The Clonmel and Environs Development Plan 2013 will remain applicable to its Plan area, 'until a detailed assessment and review of land use zoning for residential development has been carried out...'. A new Development Plan also came into effect for Waterford City and County on the 19th of July 2022 which includes a Clonmel Environs Zoning Map. The lands to the south of the site in the ownership of the appellant are zoned as 'R1' New Residential and 'SRR' Residential: Strategic Reserve under this plan.'

7.2.2. Having regard to the proposed density, typology, layout, and design, I am satisfied that the proposed scheme complies with the relevant requirements of the Development Plan and that no negative impact to adjoining residential properties should arise. I am also satisfied that the quantitative provision of both public and private open space is acceptable.

7.3. Infrastructure

7.3.1. As documented in Section 6 of the appeal, the main issues raised relate to infrastructure arrangements. The appellant considers that the site provides an opportunity to connect to their land with the R680. The connection to the R680 was an objective of the Waterford County Council Development Plan 2011-2017. This plan has since expired but I note that the roads route shown on the Waterford City and County Development Plan 2022-2028 is similar. This route is illustrated on the Map of Clonmel Environs in the current Development Plan.

7.3.2. It is also contended that the application site also provides an opportunity to provide access to water, wastewater and storm water services. The appeal acknowledges that the second issue was resolved at the Further Information Stage with the applicant proposing to demolish and rebuild the stone wall along Spa Road to create a 2m wide footpath. This will enable them to run services beneath Spa Road and meet the separation distances required by Irish Water.

7.3.3. I have examined the drawings and details submitted to the Planning Authority dated the 1st of October 2021 and note that provision has been made to accommodate the adjoining lands in terms of water supply and drainage services. It is stated that a 300mm rocker pipe will be left such that the attenuated storm water can connect into the proposed storm line. In addition, it is stated that the adjoining lands would require a mixed gravity and pumped foul water solution and provision is made for connection to the proposed development. I note also the response to the appeal which considers that 'It would appear that the appellant accepts that his second grounds of appeal have in fact been addressed by Tipperary County Council in the Further Information stage of the application. Therefore, the appellants only grounds for appeal is the first grounds, i.e. site access to the R680.' I concur with this and am satisfied that the applicant has already addressed the access to water, waste water

and storm water services through the Further Information Response. I note that the Area Engineer report considers that the response submitted to the Further Information Request has addressed all of the issues raised in this regard.

- 7.3.4. In terms of the access from the R680, I note that the site is not dependent on this access through the existing site. In their response to the appeal, the Planning Authority 'wish to highlight that the lands south of the site are not dependent on access being provided through the application site. These lands are served by Spa Road L3617 and can be accessed directly from same.'
- 7.3.5. I note that the applicant is unwilling to provide access through the site to the third party due to the nature of the development which is a gated elderly community.
- 7.3.6. I note that the Clonmel Environs Plan included in the Waterford County Development Plan 2011-2017 included a roads objective connecting old Spa Road to Coleville Road and an Objective that development on this site should be in accordance with a masterplan. This plan has now expired but I attach a copy of the Clonmel Environs Plan and the Development Objectives included in the Waterford County Development Plan 2022-2028 to this report. I note that a similar 'indicative proposed road' is indicated together with Objective CLED05 – the development of strategic residential reserve lands 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.'
- 7.3.7. The appeal response stated that the masterplan approach and link road were investigated with the adjoining owner, but this approach 'bore no fruit. In short Waterford City and County Council felt the master plan approach, whilst welcome, that the development was deemed premature given it could not deliver the entire of the link road.'
- 7.3.8. I concur with the Planning Authority that the appellant's site can be accessed without the requirement to provide access through the current site. Having regard to the indicative layout of the proposed road, I consider that this road can be achieved in the future whether the current site is developed or not. Specifically, in relation to the stated reason for a private access in terms of the need for privacy and security for vulnerable older tenants, I note that it is the policy of Tipperary County Council to support the age friendly programme in collaboration with communities to help the

county be more inclusive of older people and to address their concerns and interests as set out in Section 6.3.4 (Age Friendly County).

- 7.3.9. Overall, the information available to the Board would support a conclusion that the access as proposed is satisfactory to serve the proposed development and that any future development of the site to the rear of same can be adequately accessed from a separate access from Old Spa Road in the future subject to satisfactory compliance with the requirements of the Planning Authority. Accordingly, I am satisfied that this scheme can be adequately serviced and recommend that should the Board be minded to grant permission that conditions similar to those recommended by Tipperary County Council be attached.

7.4. **Appropriate Assessment**

7.5. Appropriate Assessment Stage 1 – Screening

- 7.5.1. The project was subject to Appropriate Assessment (AA) screening and I have examined the Stage 1- Appropriate Assessment Screening Report and Natura Impact Statement submitted with the application, together with the Natura Impact Statement Addendum submitted dated the 1st of October 2021 in the Further Information Response. Three European sites are located within a 15km radius of the application site and their location relative to the site is listed in Table 1 below.

7.5.2. Table 1 – European sites within the zone of influence of the site

European Site name and site code	Location relative to application site
Lower River Suir SAC (002137)	165m to north
Nier Valley Woodlands SAC (000668)	8.6km to south
Comeragh Mountains SAC (001952)	10km to southeast

- 7.5.3. 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.
- 7.5.4. 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)

7.5.5. In relation to consideration of the Lower River Suir SAC (Site Code 002127), a hydrological pathway exists between this site and the application site via the surface water drainage network. Given the source-pathway-receptor link between the two, I would agree as is submitted that there is potential for negative impacts on water quality within the Lower River Suir SAC to arise from construction activities and operational phase impacts. As such the water quality of this site remains vulnerable to potential indirect effects resulting in a reduction in water quality within the SAC and by consequence, the potential for significant effects on otter and Annex II fish species and cannot be screened out. Therefore this site requires further consideration at Appropriate Assessment – Stage 2.

7.6. Appropriate Assessment Stage 1 – Screening Conclusion

7.6.1. Potential for significant effects on the Lower River Suir SAC (Site Code 002127), noting the site's conservation objectives cannot be screened out for the reasons outlined above. Accordingly, a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of this site. It is reasonable to conclude on the basis of information on the file, which I consider to be 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 European sites:-

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

or any other sites in view of their Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

7.7. Appropriate Assessment – Stage 2

7.7.1. The conservation objectives of the Lower River Suir SAC (Site Code 002127) are to maintain or restore the favourable conservation condition of Annex I Habitats and Annex 2 species for which the SAC has been selected. Table 2.

Table 2 – Qualifying Interests/ Conservation Objectives of Lower River Suir SAC

Species Code	Qualifying Interests/ Conservation Objectives
	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:
1330	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
1410	Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
3260	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
91A0	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)
91J0	<i>Taxus baccata</i> woods of the British Isles
1029	<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)
1092	<i>Austropotamobius pallipes</i> (White-clawed Crayfish)
1095	<i>Petromyzon marinus</i> (Sea Lamprey)
1096	<i>Lampetra planeri</i> (Brook Lamprey)

1099	Lampetra fluviatilis (River Lamprey)
1103	Alosa fallax fallax (Twaite Shad)
1106	Salmo salar (Salmon)
1355	Lutra lutra (Otter)

- 7.7.2. The NIS describes the following potential effects 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.
- 7.7.3. No direct effects are predicted on the SAC. In the hypothetical scenario of a large release of contaminated run-off or silt into the nearby drainage network during construction works, there could be significant indirect effects on the Lower River Suir SAC.
- 7.7.4. Indirect effects may occur, via water quality. In the event of siltation or pollution of watercourses resulting from uncontrolled run-off from the proposed works, the Lower River Suir SAC could be significantly affected by changes to water turbidity and water quality.
- 7.7.5. Sea lamprey occur in the main channel of the Suir at Clonmel and are recorded as spawning in this area. They may be affected by sediment or polluted run-off arising from the proposed works. Brook and river lamprey are also recorded in the area. There may be some potential for effects on spawning beds via siltation or pollution.
- 7.7.6. Current indications are that the crayfish plague has wiped out or decimated the white-clawed crayfish populations. As such, there is currently no potential for proposed works to affect this species. There is nonetheless potential for siltation of refugia in gravel beds to affect white-clawed crayfish in the event of their recovery or re-introduction.
- 7.7.7. There is some potential for Twaite shad to spawn within the ZOI and therefore to be subject to effects arising from siltation and pollution. Atlantic salmon are known to occur in the main channel of the Suir in Clonmel, however it is unlikely that this section of the Suir is important for spawning Salmon.

7.7.8. Otter are known to occur on the Suir at Clonmel and as such could be indirectly impacted if prey species abundance was reduced due to siltation or pollution arising from the proposed development.

7.7.9. In the absence of mitigation measures the potential exists for effects to some of the key species of the Lower River Suir SAC downstream of the site.

7.8. Mitigation Measures

7.8.1. Measures used to prevent and/or avoid impact have been set out in Section 6.5.1 of the NIS. The mitigation by avoidance and design include the following measures:

- Incorporation of petrol interceptor into stormwater drainage design
- Attenuation of surface water at post developed site to ensure stormwater run-off rates are maintained at equivalent levels to pre-developed levels.
- Foul water to be discharged to Clonmel WWTP

7.8.2. General mitigation measures include the following:

- The Construction and Environmental Management plans will reduce the risk of sediment run-off and pollutants reaching the waterways within the catchment of the proposed project.
- Installation of temporary settlement ponds and collector drain prior to demolition of the northern wall.
- Toolbox talks with construction staff on operation and maintenance of sediment control measures.
- Installation of silt traps.
- Refuelling of plant at designated refuelling stations.
- Use of appropriate spill control equipment.
- Use of portaloos for staff during construction.
- Reuse of excavated material on site.
- Timing of earthworks to avoid periods of heavy rainfall.

7.9. I note that the response to the Further Information Request provided for a new footpath to be installed to the west of the site along the Spa Road boundary. The NIS

addendum provided for an update to the NIS to provide for settlement ponds and a collector drain as outlined in Table 1 in this document submitted to the Planning Authority dated the 1st of October 2021.

7.10. It is submitted that there will be no significant impact on water quality or hydrological change and as such there will be no significant negative impacts on the habitats and species of the SAC. This conclusion remains the same notwithstanding the altered design to provide for a footpath along the western boundary and the alterations to mitigation measures outlined in the NIS addendum.

7.11. Overall, I am satisfied that, subject to the adoption of mitigation measures referenced in the NIS, and identified above, the proposed development would not adversely affect the integrity of the aforementioned European designated sites, having regard to the conservation objectives for the site as set out above and no reasonable scientific doubt remains in the absence of such adverse effects on the site as a result of the proposed development.

7.12. In-combination effects

7.12.1. The potential of in combination effects were considered in Section 6.5.3 of the NIS. There are no significant effects from this site and therefore a significant contribution to cumulative or in combination effects are not anticipated.

7.12.2. I am satisfied that the current site would not act in combination with any other projects such as to result in any significant effects on the Lower River Suir SAC or any of the qualifying features for which the site is designated, having regard to its conservation objectives.

7.13. Appropriate Assessment – Stage 2 Conclusion

7.13.1. On the basis of the information provided with the application, including the Natura Impact Statement and the Natura Impact Statement Addendum, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, the submissions received and the assessment carried out above, I am satisfied that the proposed development, individually or in combination with other plan or projects would not adversely affect the integrity of the European Sites: Lower River Suir SAC or any other European site, in view of the sites' Conservation Objectives.

8.0 Recommendation

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be GRANTED for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site in the Clonmel and Environs Development 2013, to the design and scale of the proposed development, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, would not endanger public health, and would comply with the relevant provisions of the Tipperary County Development Plan 2022-2028, the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 together with the Natura Impact Statement Addendum, 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 Natura Impact Statement Addendum 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.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted on the 1st day of October 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures as outlined in the Natura Impact Statement, the Natura Impact Statement Addendum, the Archaeological and Cultural Heritage Impact Assessment, and the Outline Construction & Environmental 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. a) The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.
b) Drainage arrangements, including those for the attenuation and disposal of surface water as set out below, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Proposals for an estate/ street name, house numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate/ street signs and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual and residential amenity.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and 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.

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

10. The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and (b)

employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. 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.

13. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.

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

14. 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.

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

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

16. Prior to commencement of development, the applicant 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 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 for the area.

17. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

18. 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 the 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emer Doyle
Planning Inspector

1st June 2023