



An
Bord
Pleanála

Inspector's Report ABP-316040-23

Development

PROTECTED STRUCTURE:

Demolition of existing structures and construction of a two storey apartment block. A Natura Impact Statement (NIS) was submitted with this application.

Location

Barrack Lane, Carrick-on-Suir, Co.
Tipperary, E32 RX73

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

225

Applicant(s)

Thomas Duggan

Type of Application

Permission

Planning Authority Decision

Refused

Type of Appeal

First Party

Appellant(s)

Thomas Duggan

Observer(s)

None

Date of Site Inspection

8th August 2024

Inspector

Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is located on the corner of Barrack Lane and North Quay/Castle Lane to the south of Main Street in Carrick-on-Suir. It is occupied by a single storey building with a hipped roof and a parapet roof on its western elevation and is currently vacant. The rear (western façade) of the subject building faces Bridgewater House (a former convent) and part of the subject site includes a car park/playground/forecourt area to Bridgewater House. Bridgewater House is within the applicant's ownership and has a frontage onto North Quay and Main Street and is enclosed within a high boundary wall with a vehicular entrance onto both streets.
- 1.2. Immediately to the north of the subject site is an attached single/two storey outbuilding within the AIB bank grounds. The AIB bank fronts Main Street and wraps around the corner onto Barrack Lane. Barrack Lane is a one way street that slopes down (c.5m) from Main Street onto North Quay/Castle Lane towards the River Suir and has no footpaths on its western side with a limited public footpath on its eastern side. To the east of Barrack Lane is the R676 and Dillon bridge (RPS Ref:1.29). There are a number of public car parking spaces along Barrack Lane next to the Dillon bridge abutment. The subject building is visible from the bridge.
- 1.3. The subject site lies within Carrick-on-Suir Town Centre and the western part of the site lies within the Carrick-on-Suir Architectural Conservation Area (ACA). Bridgewater House is a protected structure (RPS Ref: 1.24) built in the 18th century and is currently in use for Direct Provision accommodation.

2.0 Proposed Development

- 2.1. Planning permission is sought to demolish the single storey building and construct 8 apartments.
- 2.2. The proposed development which was subject to a further information (F.I) request comprises the following:
 - The demolition of the existing building on a 0.13 ha site;
 - The construction of a new two storey building comprising 2 no.1-bed, 6 no.2-bed units;

- The vehicular entrance to the car parking area for the development would be via the existing Bridgewater House entrance from North Quay/Castle Lane;
- A total of 8 car parking spaces, within Bridgewater House forecourt are proposed for the development, including 3 disabled car parking spaces;
- 14 no. secure bicycle parking spaces;
- Associated works include connecting to the existing drainage system, boundary treatments, landscaping, and refuse storage and community amenity areas.

2.3. The following tables summarise the key elements of the proposed development as revised at F.I stage:

Table 1- Key Figures

Site Area	0.13 ha
Dwelling Units	8 no. apartments
Density (Gross/Net)	61.5dph
Building Height	2 storeys
Gross floor areas (as stated)	
Demolition	418.7m ²
Proposed works	
Ground floor	422.7m ²
First floor	377.3m ²
Total	800m ²
Site coverage	32%
Plot ratio	0.6 :1
Dual Aspect	100%
Part V	3 of 8 units, Apts A, B & D.
Open space/Amenities	10.8% communal open space (141m ² of site area)
Car parking spaces	8 spaces indicated within site boundary
Bicycle parking spaces	14

Table 2- Unit Mix

Apartment	1 bed	2 bed	Gross floor area	Private amenity
A		X	82.4m ²	27.3m ²
B		X	84.2m ²	19.7m ²
C		X	84.2m ²	8.6m ²
D	X		64.8m ²	16.3m ²
E		X	83.7 m ²	10.5m ²
F		X	83.7m ²	10.3m ²
G		X	83.7m ²	12.1m ²
H	X		63m ²	7.6m ²
Total	2	6		
% of total mix	25%	75%		

2.4. In addition to revised drawings, the applicant's F.I response included:

- A Site Specific Flood Risk Assessment (SSFRA);
- Revised AHIA;
- Vehicular tracking analysis and proposed drainage layout; and
- A Natura Impact Statement (NIS).

2.4.1. The main differences between the initial proposal and that received in response to the F.I include the following:

- Number of car parking spaces reduced from 15 to 8 on that part of the application site within the red line boundary (i.e to south of Bridgewater House) to serve the apartments.
- Number of car parking spaces remained at 16 on that part of the site contained within the blue line boundary (i.e to the north of Bridgewater House), to serve the development granted for Bridgewater House (P.A Ref: 18600038).
- Total reduction from 31 to 24 car parking spaces within the overall landholding with additional bicycle spaces.

- Reconfiguration of the communal amenity areas to the south of Bridgewater House for the proposed development.
- Redesign of the apartment building from a partial pitch and flat roof to an 'M' shaped/row of intersecting gable style pitches, a reconfiguration of the layout of the apartments with bedrooms located on the western boundary, set back of building line along Barrack Lane and North Quay, and change in unit types.

2.4.2. The application on receipt of the F.I response by the P.A was readvertised. The F.I response details are the subject of this appeal.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 16/2/2023 Tipperary County Council refused planning permission for the development on the following ground:

1. Having regard to:

- The site location within an area with a high risk of flooding,
- The vulnerability of the use proposed to flood risk,
- The limitations in information regarding the flood risks to the site, in particular the absence of a detailed site-specific flood risk assessment that contains the outputs for such an assessment as identified in the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009 Technical Appendices,
- The requirements of Policy INF 21: Flood Risk Assessment of the Carrick on Suir Town Development Plan 2013, as varied,
- The provisions of the Planning System and Flood Risk Management-Guidelines for Planning Authorities to adopt a precautionary principle with regard to flood risk and to avoid risks where possible,

The Planning Authority is not satisfied, having regard to the information submitted, that adequate account has been taken of the flood risks to the development and that the development is acceptable from a flood risk perspective.

It is considered, therefore, that the proposed development would thus be contrary to the proper planning and sustainable development of the area.

- 3.1.2. An Advice Note was attached to the Notification to refuse permission which included the following:

The Planning Authority note the following matters were not adequately addressed in the further information reply:

- Safety considerations and sightlines at the site entrance onto the Quays.
- A conservation justification for the apartment design noting its setting relative to St Joseph's Convent of Mercy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key items of note from the planner's assessment of the proposed development is summarised as follows:

Planner's initial report dated 21/2/2022

- Residential considered acceptable in principle.
- The size and mix of the units, private amenity and internal storage space, plot ratio and site coverage in compliance with the Carrick-On-Suir Town Development Plan standards.
- 3 unconnected communal space areas within Bridgewater House considered unsatisfactory.
- Site intersects with a flood zone and development was considered a highly vulnerable use. This may be a factor against supporting the development.
- The privacy for future occupiers of the development was a concern due to the interface onto Barrack Lane as the windows to the apartments served bedrooms.
- The overlapping of the car parking area for the proposed development and that granted in P.A Ref: 18600038, and the current use of Bridgewater House

was not clear. The proposed car parking exceeded the 14 spaces required as per the TDP standards.

- It was determined a Stage 2 Appropriate Assessment was required for the development.

Further Information (F.I) requested on 25/2/2022 seeking:

- A Site Specific Flood Risk Assessment (SSFRA),
- Revised sightlines in compliance with DMURS, consideration of the development's impact on the regeneration of North Quays and a vehicular track analysis for delivery and refuse trucks at the junction of Barrack Lane/North Quays,
- Further detail to be provided in the AHIA regarding the impact of the development on the setting of the protected structure,
- Revised design of the roof pitch, external materials, layout of the apartments regarding privacy onto Barrack Lane & North Quays,
- Clarity regarding the parking accommodation for the development and Bridgewater House, and a coordinated approach for the development of the site and Bridgewater House lands,
- Layout plan indicating drainage details,
- Submission of a Natura Impact Statement.

Planner's report on receipt of F.I response dated 8/2/2024

- Considered the amendments to the design of the proposal which included a slate roof, change to the external materials and an internal reconfiguration of the apartments with bedrooms facing west, and a set back of the building line onto Barrack Lane and North Quay/Castle Lane was an improvement to the original proposal. However, the submitted AHIA was considered to contain limited details of the compatibility of the proposal on the character of the protected structure.
- The level of detail in the SSFRA was considered inadequate, and based on the precautionary principle, the development should be refused due to flood concerns.

- Issues raised by the District engineer regarding flooding, sightlines, parking capacity and access for delivery and refuse trucks were considered not adequately addressed.
- Mitigation measures in NIS for the development considered acceptable.

3.2.2. Other Technical Reports

Tramore House Roads Design Office: Report dated 14/1/2022: No direct conflict with the proposed N24 development. The development should take account of planned Active Travel measures in the area.

District Engineer: Report dated 16/2/2022: Further information required to address flooding, sightlines, reducing floor area to allow for visibility at Barrack Lane, auto track analysis showing how delivery and refuse trucks can access the road to the south of the development, car parking with Bridgewater House development, drainage issues, Construction Waste Management Plan, and connection agreement from Uisce Eireann. This report refers to a flood event at Bridgewater House in Dec 2015/Jan 2016 where there was a need for the Fire Service to pump out flood water and there were requests for sandbags.

District Engineer: Report dated 16/12/2022 on receipt of F.I., sought further clarity on matters in the submitted SSFRA report, revised sightlines for the development, auto track analysis for delivery vehicles, and the car parking for the proposed development and that in P.A Ref: 1800038 being combined.

The District engineer considered a more detailed assessment regarding flooding was required to consider whether the existing OPW flood defences were adequate and to consider a situation if the flood pumps along the Quays were to fail. Considers future occupiers of the development ought to be made aware of previous significant flood events on the River Suir, how the flood defences operate and the tidal nature of the River Suir. A major review is to be undertaken by the OPW in due course to take account of climate change effects to the flood defences along the River Suir which were installed over 20 years ago. The OPW continue in the meantime provide an annual budget to the Council towards pump maintenance costs. The District engineer considered the finished floor levels (FFL) for the proposed development were reasonable but the applicant hadn't provided any details of the proposed 'flood

gates' to be installed at the entrance to Bridgewater House. Considered a more detailed SSFRA was required with regard to the OPW's 2018 Flood report.

Housing Capital: Dated 21/4/2022: Part V agreement in principle.

3.3. Prescribed Bodies

TII: Letters dated 14/1/2022 & 21/12/2022: No observations to make.

Department of Housing, Local Government & Heritage: Response dated 24/1/2023. Notes the proposed development requires groundworks within the Zone of Archaeological Potential around the historic town of Carrick-on Suir- a Recorded Monument that is subject to statutory protection under Section 12 of the National Monuments Act 1930-2014: (RMP:No.TS085-004- Historic Town). Recommends a condition monitoring archaeological monitoring works by a licensed archaeologist.

3.4. Third Party Observations

None

4.0 Relevant Planning History

4.1. Subject Site- None

4.2. Adjoining Bridgewater House/former St.Joseph's convent building:

P.A Ref: 18600038: Planning permission was granted on 14th February 2019, for inter alia; the conversion of the existing building to 17 residential units, a caretaker's apartment, 4 new apartments, 31 car parking spaces and, the refurbishment of Bridgewater House/St. Joseph's Convent Building (RPS. Ref: No.1.24), subject to 15 conditions. Conditions of note include the following:

Condition 1(b)- This grant of permission is in respect of apartments 1-17 and caretaker's apartment only. This permission does not extend to the 4no.apartments within the St.Joseph's Convent building and west wing between the Convent Building and Chapel and does not allow for the reconstruction of the demolished entrance porch to the convent building.

Condition 7: The number of parking spaces at the rear section of the site shall be reduced to 10 no. marked spaces only.

There is no record on the planning register that this permission has been granted an Extension of Duration of permission. This permission has expired.

Recent planning applications in close proximity to the subject site along North Quays:

Site immediately to the east of Barrack Lane (Strategic Site No. 2 in Appendix 8 of COSTDP):

No recent planning permissions on this site, there are a number of incomplete planning applications recorded on the planning register for the site.

Adjoining site to the west of Bridgewater House (Strategic Site No.3 in Appendix 8 of COSTDP):

P.A Ref: 03560067: Planning permission granted in August 2004, for the development for the partial demolition and mixed-use redevelopment of a 0.224 ha site, and the construction of a new four storey mixed use residential and retail building and the conversion of an existing four storey building on the site from storage to residential and office use. Office use was permitted on the ground floor.

Gaelscoil Application referenced in District engineer's report:

P.A Ref: 21110: Planning permission was granted in January 2022 for a new two storey 8 classroom building at a site along the North Quays and Well Road. An evacuation plan was proposed within the SSFRA but it was not conditioned in the grant of planning permission.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

- 5.1.1. Carrick-on-Suir is one of six District towns identified within the Tipperary County Development Plan 2022-2028, which have important roles in supporting their hinterlands and the Key Towns within the County, and in particular in supporting local economic strengths, and in providing housing and services. The District Towns

will accommodate approximately 20% of total population growth over the lifetime of the Plan.

- 5.1.2. Section 6.5.1 of this Plan outlines minimum car parking & bicycle standards for multi residential unit developments in Tables 6.4 & 6.5.

Car parking spaces-

- 1 or 2 bed residential units - 1 space plus 2 visitor parking spaces per 5 units.
- 3 bed residential units or more - 2 car parking spaces plus 2 visitor spaces per 5 units.

Bicycle spaces-

- 1 space per residential unit and 1 space per 5 units for visitors.

5.2. Carrick-on-Suir Town Development Plan (COSTDP) 2013 (varied and extended)

- 5.2.1. The subject site is zoned for town centre use, within the Town Development Plan (TDP), the objective of which is 'To preserve, enhance and or/provide for town centre facilities. Proposals for development on lands zoned for town centre use should comprise mixed use developments consisting of a combination of retail, office, service, community and /or residential uses.' Residential use is permitted within the town centre zoning.
- 5.2.2. Two strategic sites are identified within this plan along the North Quay. Site No. 2 to the west of Bridgewater House and Site No.3 to the east of Barrack Lane. The Planning History of these 2 sites are referenced in Section 4 of this report and are detailed in Appendix 8 of the TDP.
- 5.2.3. The following sections of the COSTDP are relevant to the proposal:

Policy TC1: Enhancing the quality of the town centre

It is a policy of the Council to strengthen the retail/commercial, residential and recreational functions of the town centre, retaining and encouraging high value uses only at ground floor level within the Primary Retail Area, to seek improvements to the visual quality of the town centre as part of any new development and to facilitate appropriate and desirable development of the town centre.

Policy INF 21: Flood Risk Assessment

The Planning Authority will require development proposals within Flood risk Zone A and Flood Zone B to comply with the recommendations of Section 5.3 of the Strategic Flood Risk Assessment (SFRA). Applications will also be required to be accompanied by a comprehensive Stage 3 Flood risk Assessment for proposals in an area at risk of flooding, adjoining same or where cumulative impacts may result in a flood risk elsewhere, in low lying areas and in areas adjacent to streams.

Section 5.3 of the SFRA outlines the following 4 criteria to be addressed

- (i) Indicate and quantify loss of floodplain storage arising from the development proposal;
- (ii) Provide compensatory storage located within or adjacent to the proposed development;
- (iii) Indicate measures to ensure that water-vulnerable elements of the Development would not be flooded during the 1000year flood;
- (iv) Ensure that existing flow paths for flood waters will not be compromised.

Policy HSG2: Urban Densities

It is the policy of the Council to encourage a range of densities and housing types 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.

Policy HSG 3: Residential Amenity

All new residential development will be required to comply with the amenity/open space standards set out under the Development Management Section of this Plan.

Policy AH1: Protected Structures

It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures that are of special interest and to ensure any development is appropriate and sensitively undertaken. In assessing development proposals the Council will, where applicable, have regard to the Architectural Heritage Protection Guidelines for Planning Authorities and any relevant Conservation and Management Plans. The Council, will proactively work

with developers/applicants to facilitate the appropriate reuse/redevelopment of Protected Structures.

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 4: River Suir & tributaries

It is a policy of this Council to protect and improve the natural amenity potential and accessibility of the River Suir and its tributaries, to protect riparian habitats along the watercourses by maintaining an appropriate ecological buffer zone, a minimum of 10m where feasible, from the top of the watercourse riverbank and to protect and improve access to the River Suir without compromising the quality and setting of the river.

Policy AH 5: Lower River Suir SAC

To conserve the favourable conservation status of species and habitats within the River Suir Special Area of Conservation and ensure that development is not permitted that adversely affects the integrity of the site unless of overriding public interest and subject to compliance with Article 6 of the EU Habitats Directive.

Chapter 10 Development Management Standards

This chapter refers to standards for residential developments contained within sections 10.6 (Residential Development), 10.6.4 apartments sizes, private open space, storage facilities, 10.7 plot ratio & site coverage, 10.11.1 car parking standards, and 10.12 traffic & road safety.

Car parking standards are outlined in Section 10.11.1 Table 15 of this Plan:

- 1 space per 1 or 2 bed residential units and 2 spaces per 3 bed units.
- 2 visitor spaces per 5 residential units.

Bicycle parking requirements are not specified.

5.3. Draft Carrick-on-Suir & Environs Local Area Plan (LAP) 2025-2031

- 5.3.1. This LAP is currently at draft stage, and when adopted would replace the COSTDP. It is currently at Stage 2 of the LAP process and has been published and the public consultation period expires on 9th December 2024.
- 5.3.2. I note from the draft zoning map, the site lies within the Urban Core, the objective for these zoned lands are to 'Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses'. I also note the southern part of the site lies within Flood Zones A and B and part of St, Bridgewater House and the building to be demolished abuts the ACA as in the current Town Development Plan.

5.4. Carrick-on-Suir Regeneration Plan

- 5.4.1. The document is focused on the central area of the Town, and includes proposals to link the Sean Healy park to the west of the subject site via a shared surface along the North Quay/Castle Lane to the Ormond Castle Quarter to the east beyond the Dillon Bridge. Proposals also include linking the Main Street via Barrack Lane with a new pocket park to the south of the River Suir.

5.5. Section 28 Ministerial Planning Guidelines

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets (DMURS), 2013.
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011.
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009. Circular PL 2/2014 of the Flood Risk Management Guidelines for Planning Authorities.

5.6. Natural Heritage Designations

- 5.6.1. The site is not located within a designated site. The closest Natura 2000 site is the Lower River Suir SAC (site code: 002137) which is c.8m to the south of the site. The Comeragh Mountains SAC, site code 001952 lies c.11km to the south west of the site.

5.7. EIA Screening

- 5.7.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted in respect of Tipperary County Council's notification to refuse planning permission for the development. The grounds of appeal primarily relate to flooding and the following provides a summary of the grounds of appeal:

The applicant contends that flood risk on the site had been suitably assessed and mitigated to ensure minimal risk and consequences of receptors, namely the building owner, property owners and residents.

The appeal is accompanied by a letter from the applicant's engineering consultant addressing the issue of flooding at the site, addressing the four criteria in Section 5.3 of the SFRA of the COSTDP.

6.2. Planning Authority Response

None

7.0 Assessment

7.1. I have read the entire contents of the file, visited the site and its surroundings, and having regard to the particular grounds of appeal, noted the planning authority's request for additional information and the applicant's response to same. I consider the main issues in this appeal to be as follows:

- Principle of the development;
- Flooding;
- Sightlines at the entrance onto North Quay;
- Apartment design and its impact on the setting of the protected structure and ACA (new issue);
- Other issues; and
- Appropriate Assessment.

7.2. Principle of the development:

- 7.2.1. The subject site including the existing building to be demolished and the forecourt area to Bridgewater House are zoned for town centre use. The site is essentially a brownfield site, with the building having been used for commercial purposes in the past. I note the applicant states that it had previously been in residential use associated with the convent, but did not submit any evidence to suggest this was the case. Nevertheless, mixed and residential uses are permitted on town centre zoned lands, and I consider the redevelopment of the existing building offers an opportunity to regenerate this part of the North Quay/Barrack Lane area.
- 7.2.2. The southern part of the subject site lies within a flood zone and therefore any new development must have a low sensitivity to flood risk and not contribute to a flood risk elsewhere. Although I will discuss the flooding aspects of the appeal in the following section, I note that the SFRA for the Town Development Plan states that in most instances, existing development in the town centre meets the Justification Test, but in assessing planning applications, the Planning Authority will seek to address flood risk through substitution or replacement of uses (for example non-residential

uses at ground floor) and design for residual flood risk as applications for replacement developments are received.

Conclusion

- 7.2.3. The proposed development on this site is acceptable in principle however, I consider a residential use to be a vulnerable use as defined within the Flood Risk Management Guidelines, and therefore for a residential development to be acceptable on this site a comprehensive SSFRA is required in accordance with Policy INF21 of the Development Plan outlined above.

7.3. Flooding

- 7.3.1. The P.A's reason for refusal relates primarily to the vulnerability of the proposed use in an area with a high risk of flooding, and that the applicant's SSFRA lacked detail regarding the flood risks to the site and was contrary to the requirements of the Flood Risk Management Guidelines. The applicant in their grounds of appeal consider the development would be acceptable from a flood risk perspective for a number of reasons namely; it is a minor form of development, it would have a similar footprint to the existing building on site, the likelihood of flooding is low, the FFL of the proposed building would be above the 1:1000 year predicted flood level, flood defences were constructed in 2001 along the River Suir and, that area of the site that have been classified to have a high risk of flooding has been designed for low vulnerability usage, i.e. car parking and landscaping.
- 7.3.2. The subject site slopes towards the river and the primary potential flood risk to the subject site can be attributed to the River Suir which is tidally influenced and located c.8m to the southern boundary of the site. A review of the CFRAMS study of the area indicates the site is in an area at risk of fluvial flooding from a 1% AEP (1 in 100 year) flood event and 0.1% AEP (1 in 1000 year) flood event. According to the CFRAMS coastal map the site is at risk from a 0.5% AEP (1 in 200 year) probability of a flood event and a 0.1% AEP (1 in 1000 year) probability along the southern boundary of the site. The CFRAMS maps indicate a flood defence wall has been erected along this stretch of the river designed to defend up to a 1 in 50 year event (2% AEP). The southern part of the building to be demolished and Bridgewater House forecourt area lie within both zones.

- 7.3.3. The depth of the water level for the 1 in 100 year flood is recorded at 3.06m OD and 3.24m OD in the 1:1000 year flood. Allowing for a 20% increase for climate change water levels would increase to 3.672mOD and 3.88mOD respectively. I note the FFL for the proposed development is specified at 3.52mOD which would not be above the height of either flood event, allowing for climate change.
- 7.3.4. I do not concur with the applicant's SSFRA that the area subject to a high flood risk has been designed for a low vulnerability use, as the southern part of the proposed building and car parking area would both lie within the 1 in 100 year flood and 1 in 1000 year event area. Bearing in mind the FFL would not be above the height of the 1 in 100 or 1 in 1000 year flood (allowing for climate change) future occupiers of the development would be forced to access onto a flooded area, in the event of a flood occurrence. I note the applicant has proposed to install flood gates to protect the car park area, nevertheless, I consider there is a probability that the River Suir could flood and impact the development and the future occupiers of the apartments.
- 7.3.5. The Flood Risk Management Guidelines 2009, specifies particular uses which are considered vulnerable to flooding, which is influenced by the ability to manage the safety of people in flood events and the long-term implications for recovery of the function and structure of buildings. Buildings which include residential use, such as the proposed development, are considered a highly vulnerable type of use/development within a flood zone. However, the Guidelines recognise that development plans may identify urban areas for continued growth on lands subject to flooding, and therefore the Justification Test was designed to assess the appropriateness for development in areas of moderate or high flood risk.
- 7.3.6. The applicant submitted a SSFRA by way of further information, and whilst it is not as detailed as required by the Planning Authority, the applicant considers given the minor nature of the development, the detail is sufficient. I note Section 5.3 of the COSTDP allows for the detail in a SSFRA to be appropriate for the development to which it relates. The OPW flood maps (accessed 15/10/2024) indicates there have been reoccurring flood events upstream. These flood events appear to have occurred in 2000 and record that flooding extended along part of the North Quay between Old Bridge and Dillon Bridge, which would include the subject site. A more flood recent event close to the site occurred on 30/12/2015 (ID-13501). Although there are no reports provided on the flood map website regarding this event, the

District engineer's report refers to an event occurring at Bridgewater House in Dec 2015/Jan 2016 which would reflect the flood event recorded on floodmaps.ie, which required the need for the Fire Services to pump out flood water and provide sand bags at Bridgewater House. This flood event would correspond with the high-water levels recorded in 2015 at the gauging station to the east of the site (16062).

Contrary to this view, the applicant states that the previous occupier of the subject building did not experience any flooding in the 20 years she occupied the building. Although the applicant's SSFRA references an historic flood event in close proximity to the property it is stated it did not impact on the subject building. However, I would be of the opinion the subject building was in commercial use at the time of this flood event and therefore a less vulnerable use than the proposed residential use.

Furthermore, Bridgewater House which is set much further back from the southern boundary than the subject building, still required sandbagging at the entrance along the North Quay entrance. I would be concerned that future occupiers of the apartment development would be impacted in the event of a similar flood as the only entrance/exit to the apartments is off North Quay. I also note the flood area in the current draft LAP (referenced in 3.5 above) is larger and extends beyond the subject site boundary towards Bridgewater House.

- 7.3.7. The Flood Risk Management Guidelines specifically state climate change could potentially have a very significant effect on flooding in the longer term, with higher sea levels, wetter winters, more intense rain storms, which could significantly increase both the frequency and intensity of flooding. While I note the FFL of the building would be above the highest recorded water level, the applicant's flood report does not include calculations to allow for climate change or allowances for flood parameters for the mid and high-end future scenarios. The more recent OPW report 'Implementing the National Flood Risk Policy' 2018, advises avoiding construction in flood prone areas for vulnerable users. This report indicates that a flood relief scheme was completed at Carrick-on-Suir by the OPW between 1995-2017 but there is no reference made within this report that this scheme is subject to further assessment as referenced in the District engineer's report.
- 7.3.8. The applicant proposes several additional flood mitigation measures including installing a non-return valve where sewers of the development enter the manholes along the North Quay, and the possibility of installing flood gates at the entrance into

Bridgewater House. However, I consider this would offer little protection to the occupiers of the proposed apartments in the event of a severe flood event. The District engineer also refers to the need for an evacuation plan in the event of a severe flood event for the proposed development, which the applicant has not addressed. Whilst I would concur with the applicant that the site has an identified 'medium' flood risk for both the parking area and the apartment building, I cannot agree with their conclusion that the apartment building has a 'low' likelihood of flooding due to the FFL as the proposed FFL has not had regard to climate change, and the southern boundary of the proposed building is also indicated as having the same risk of flooding as the car park area on the flood maps.

Conclusion

- 7.3.9. Section 5.3 of the COSTDP SFRA considers lands along the North Quay meets the Justification Test, however it states that the Planning Authority will seek to address flood risk through the substitution or replacement of uses such as non-residential uses on the ground floor as replacement developments are received. I also note there has been no residential development permitted along this stretch of the North Quay since the adoption of the Flood Risk Management Guidelines. The recent Gaelscoil development referenced by the District engineer in his report, is located on the higher part of the site away from North Quay and towards Well Road to the north.
- 7.3.10. Although I consider the proposed development would be protected to some extent by the existing flood defences constructed along the River Suir, which are 8m to the south of the site, I am mindful that flood defences only reduce the risk of flooding but do not eliminate it. The Flood Risk Management Guidelines clearly states a precautionary approach should be applied, where necessary, to reflect uncertainties in flooding datasets and risk assessment techniques and the ability to predict the future climate and performance of existing flood defences. I consider the proposed development introduces a new vulnerable/ residential use on the subject site, where future occupiers would access and egress onto an area which has been subject to flood events in 2015/2016 after the defence wall was constructed along the River Suir, and future occupiers of the building would be subject to unacceptable risks, and therefore recommend refusal on this ground.

- 7.3.11. In the event the Board are minded to grant planning permission, if the FFL of the building was raised to allow for climate change, that the residential element is removed from the ground floor and replaced with a less vulnerable use in accordance with the town centre zoning.

7.4. Sightlines at the entrance onto North Quay

- 7.4.1. The P.A in their Notification to refuse planning permission included an advisory note regarding the safety considerations and sightlines at the site entrance onto Quay Lane. The proposed entrance into the car parking area at Bridgewater House would be 8m in width and it is proposed to increase the sightlines from 7.95m to 14m on either side of the entrance by splaying the existing boundary walls of Bridgewater House. The applicant considers the proposed sightlines would be adequate if Quay Lane had reduced speeds of 20kph. The regeneration plan for the North Quays proposes to make this street a shared surface, which would assist in slowing down vehicular traffic. However, the District engineer in his report states there are no proposals to reduce the speed limits along the Quays as part of the regeneration plans for the street.
- 7.4.2. The speed limit along the Quays is currently 50kph according to the District engineer. Table 16 of the COSTDP requires sightlines of 70m in both directions at an entrance where the speed limit is within 50kph in a built up area. To achieve sightlines of this distance at the subject site would result in the partial demolition of the existing boundary wall to Bridgewater House, which forms the curtilage of this protected structure. I consider this would have a detrimental impact on the setting of the protected structure and would reduce the sense of enclosure along this street, which assists in reducing vehicular speed along this road. I would agree with the applicants that 70m sightlines are unnecessary at this location.
- 7.4.3. The Design Manual for Streets (DMURS) recommends sightlines of 45m on roads with design speeds of 50kph, however this would also impact on the boundary wall of the protected structure. I appreciate that reducing forward visibility is an effective measure to increase driver caution and reduce speeds, however, given the proposed use of the car park for up to 8 car parking spaces, I consider 14m sightlines may not be adequate. Although the applicant considers if the operational speed of the road is

reduced to 20kph, 14m sightlines would be acceptable, nevertheless, the District engineer has stated the speed limit for the area is 50kph. I would be of the opinion when the road becomes a shared surface vehicle speed would be lower, however, I consider the applicant has not in this instance demonstrated that the 'operational speed' of the road is less than the specified design speed, via a speed survey report for example, which would enable the Planning Authority to reduce the sightlines at the entrance. I therefore agree with the planning authority the proposed sightlines are inadequate for the proposed development.

Conclusion

- 7.4.4. Given the level of parking provision for the proposed development I consider increasing the sightlines along the North Quays to 70m sightlines is unnecessary and would unduly impact on the protected curtilage wall. However, I consider the applicant would need to provide a greater justification to reduce the sightlines to 14m.

7.5. Apartment design and its impact on the setting of the protected structure and ACA (New Issue)

- 7.5.1. The Planning Authority in their advice note to the Notification to refuse planning permission raise an issue relating to a conservation justification for the apartment design and its setting relative to St. Joseph's Convent of Mercy/Bridgewater House not being adequately addressed. The applicant submitted an AHIA in response to the F.I request. The AHIA focuses on the main structure Bridgewater House, but the proposed apartment building is not considered with regards to its context, design rationale and visual impact when viewed from the protected structures.
- 7.5.2. The building to be demolished as part of the development is not included within the curtilage of the protected structure but its western single storey flat roof elevation abuts the protected structure's curtilage and the ACA. The subject site however includes the courtyard/former garden to Bridgewater House which it is proposed to use for car parking and communal space for the apartment building. I have concerns that the inclusion of this forecourt area for a separate development unrelated to Bridgewater House would sever this area which forms part of the protected structure's curtilage and would impact on its distinctive setting and character.

- 7.5.3. This subject building currently has a blank facade (western elevation) that faces the protected structure's forecourt area. Whilst I do not consider its demolition would impact on the setting of the protected structure, the current building provides a sense of enclosure to the forecourt of Bridgewater House and contributes to the Barrack Lane street elevation and is visible from Dillon Bridge.
- 7.5.4. The proposed elevation facing the forecourt area to Bridgewater House/convent and church would be two storeys in height with an overall length of c.36m and would be set back from Bridgewater house by c.5m. The roof profile which I note has been revised in response to the F.I from a flat profile on the western elevation to a more complicated apex style 'M' roof which I consider gives the appearance of industrial style type units. The facade to this elevation is overly complicated, and the horizontal railing detail extending for the full length of the first floor and the wide ground floor windows, makes the structure appear overly wide and does not take account of the existing vertical rhythm or proportions of the protected structures and would impact on the setting of the ACA. I consider any future building on this site should include a design rationale which would have regard to the building abutting its southern elevation to the rear of the Bank.

Conclusion:

- 7.5.5. The development impact assessment and AHIA do not provide a comprehensive rationale for the proposed apartment building. Whilst I agree the proposed apartment block should clearly identify as a new building, I do not consider the development enhances or respects the setting of the protected structure and its form, scale, proportions and overall design would detract from the setting of the protected structure and ACA and the street elevation along Barrack Lane and would not contribute positively to the character and appearance of the area. I also consider the car parking area and proposed amenity space would impact on the setting of the protected structure in that it would sever the overall curtilage of the building.
- 7.5.6. I wish to make the Board aware this was not cited as a reason for refusal by the P.A (although included within an advisory note relating to the justification of the apartment design and its impact on the setting of Bridgewater House not being adequately addressed and may therefore be considered as a new issue.

7.6. Other Issues

Car parking for proposed development and that granted in P.A Ref: 18500038

- 7.6.1. The layout submitted at further information stage illustrates 8 car parking spaces, including 3 disabled parking spaces and bike parking (14 no.) to the west of the proposed apartment block and contained within the site boundary. The COSTDP parking standards would require 1 space per unit and a visitor parking space which would equate to 9 spaces for the development. There would therefore be a deficit of 1 space within the development boundary for the proposed apartment development.
- 7.6.2. The Apartment Guidelines are non-prescriptive in terms of car parking standards other than to note that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard in intermediate urban locations. I note that certain policies and standards in the COSTDP are now superseded by the applicable mandatory SPPRs in the Compact Settlement Guidelines. I consider 8 no.car parking spaces, and 14 cycle spaces provided for the proposed apartment development satisfactory, as the site is located within the town centre, within a 14 minute walk from the railway station and close to local bus links, and a shortfall of 1 space would not materially contravene the COSTDP.
- 7.6.3. Bridgewater House is included within the blue line boundary as submitted with the current appeal. The applicant's response to the F.I refers to the parking provision associated with planning permission Ref: P.A Ref: 18600038 being shared with the current proposal. There is no record of an extension of duration of permission for this development which was granted in in 2019 and as this permission has lapsed, it is no longer required to be taken into account.

Impact of the proposed development on Bridgewater House (New Issue)

- 7.6.4. The proposed two storey apartment block would have bedroom windows to Apartment D (ground floor) and Apartment H (First floor) located between 3.7m and 5.2m respectively from windows along the eastern flank wall to Bridgewater House which currently serve habitable rooms. The separation distance between both developments would be less than the minimum 16m between opposing habitable windows serving as outlined in SPPR 1 of the Compact Settlement Guidelines. I therefore consider the proximity of the proposed development to Bridgewater House

is too close and would prejudice the privacy and light for the existing occupiers of Bridgewater House, and future occupiers of the proposed development.

Conclusion:

- 7.6.5. The applicant has sought to include the conversion of Bridgewater House (P.A Ref: 18600038) with the current proposal particularly with regards to the parking provision. This permission has expired and I therefore consider a new planning application would be required for this development. Nevertheless, I consider the proposed development would impact on the development potential of Bridgewater House and impact on the privacy of both existing occupiers and future occupiers of the proposed development.

8.0 AA Screening

8.1. Stage 1- Screening Determination for Appropriate Assessment

- 8.1.1. Having carried out Appropriate Assessment screening (Stage 1) of the project (please refer to Appendix 2 of this report), it has been determined that the project may have likely significant effects on the Lower River Suir SAC (site code: 002137) in view of the sites' conservation objectives and qualifying interests.
- 8.1.2. An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SACs in light of their conservation objectives.

8.2. Stage 2 – Conclusion for Appropriate Assessment

- 8.2.1. The proposed development has been considered in light of the assessment requirements of Sections (177U and 177V) of the Planning and Development Act, 2000, as amended. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.2.2. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually, or in combination with other plans or projects would not be likely to give rise to significant effects on the integrity of the Lower River Suir SAC (site code: 002137) or any other European site, in view of the Conservation

Objectives of this site with regards to impacts on water quality from the discharge of uncontaminated water run off during the construction and operational phase of the proposed development to ground and surface water affecting aquatic QIs..

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Lower River Suir SAC (site code: 002137).

9.0 Recommendation

I recommend planning permission is refused.

10.0 Reasons and Considerations

1. The proposed residential development is a vulnerable use in an area which is at risk of flooding in close proximity to the River Suir. The Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not pose a risk to future residential occupiers of the development in the event of a flood. The proposed development would, therefore, be prejudicial to public health and safety and contrary to the proper planning and sustainable development of the area and the Flood Risk Management Guidelines 2009.
2. Having regard to the protected status of Bridgewater House (RPS 1.24), and the site's location adjoining an Architectural Conservation Area (ACA), it is considered that the proposed apartment building would, by reason of its design, form, proportions and roof design impact on the setting of the Protected Structure and would detract from the adjoining ACA and the street elevation along Barrack Lane. The proposed would prejudice the future development of the Bridgewater House and would not contribute positively to the character and appearance of the area. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

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.

Catherine Dillon

Planning Inspector

31st October 2024

Appendix 1
Form 1 - EIA Pre-Screening

ABP Case Reference	ABP- 316040-23		
Proposed Development Summary	Demolition of existing building and construction of two storey, 8 no. unit apartment building with associated services		
Development Address	Land to the rear of St.Joseph's Convent of Mercy, Main Street, Carrick-on-Suir, Co.Tipperary E32 DX79		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class 10(b)(i) Class 10(b)(iv)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required (Form 2)	
Yes		Screening Determination required (Form 3)	

Inspector: _____ **Date:** _____

Form 2 – EIA Preliminary Examination

ABP Case Reference	ABP- 316040-23	
Proposed Development	Demolition of existing building and construction of two storey, 8 no. unit apartment building with associated services.	
Development Address	Land to the rear of St.Joseph's Convent of Mercy, Main Street, Carrick-on-Suir, Co.Tipperary E32 DX79	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The construction of 8 no. apartments on serviced zoned lands is not considered to be exceptional in the context of the existing environment with a density of 61.5dph.</p> <p>The development would involve demolition waste in the form of tarmac, blocks and concrete. Construction activities will require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be localised and temporary in nature and the implementation of a CEMP will satisfactorily mitigate potential impacts. Connection to the WWTP is feasible and capacity is available. Significant wastes, emissions or pollutants are therefore not anticipated</p>	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>The appeal site has a stated area of 0.14ha and consists of a detached single-storey building (418.7m²) and car park area/former garden to Bridgewater House. It is bounded to the north west by a three storey former convent building and north by a two storey commercial building. The P.A Ref: 18600038 has expired on Bridgewater House. The construction of a 2-storey building consisting of 8 no. apartments is proposed. This is not considered exceptional in this context nor do significant cumulative effects arise.</p> <p>Planning permission for Bridgewater House has lapsed.</p>	No

<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European sites are located c.8m to the south- Lower Suir SAC. The appeal site is hydrologically connected to this site. The appeal site is a brownfield site. Having regard to the scale of the proposal, intervening land uses and separation distance, and best practices during building works, there is no potential to significantly impact on the ecological sensitivities of this European site or other significant environmental sensitivities in the area.</p> <p>There is a concern regarding the relationship of the development on the setting and impact on Bridgewater House but this would not constitute a significant effect on the environment.</p>	<p>No</p>
<p style="text-align: center;">Conclusion</p> <p>The development is small scale in nature and the proposal would introduce a vulnerable use in an area subject to flooding but this is unlikely to have any significant effects elsewhere.</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2-

Appropriate Assessment: Stage 1 & 2

Appropriate Assessment Stage 1 Screening Determination
<p>Description of the project</p> <p>I have considered the proposed residential development in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.</p> <p><u>Subject Site:</u></p> <p>The subject site is located to the south of the Main Street in Carrick-on-Suir and on the western corner of barrack Lane and North Quays/Castle Lane. It has a site area of 0.13 ha., and is essentially a brownfield site occupied by a detached single storey building on its south eastern boundary and includes an area currently in use as a car park area/amenity space for the occupiers of Bridgewater House to the north west of the site. The River Suir is to the south of the site and the Lower River Suir SAC (site code: 002137) is approximately 8m to the south of the subject site.</p> <p><u>Project:</u></p> <p>The project comprises the demolition of the existing building on site and the construction of a two storey development comprising 8 no. self-contained apartments and all ancillary site development/construction works. Access to the site would be via the existing entrance into Bridgewater House along Castle Lane. The proposed development includes, car and bicycle parking spaces, bin storage facilities, communal open spaces, hard and soft landscaping. Foul and surface water would be connected to the existing public network. Surface water from hardstanding areas and roof areas would be discharged to the drainage network along Castle Lane. The NIS states the stormwater would be attenuated on site (tank storage volume 4.5m³). The material to be removed from the site would consist of the existing building to be demolished and approximately 500mm reduced levelling of the site.</p> <p><u>Submissions and Observations</u></p> <p>Department of Housing, Local Government and Heritage (Development Applications Unit) provides heritage related recommendations on archaeology. The issues raised are not of consequence to this appropriate assessment. The planning authority undertook an appropriate assessment of the project. The applicant's NIS was relied upon, and the conclusion was concurred with.</p> <p>The District engineer had no objections from a water services aspect, subject to connection agreements and compliance with Uisce Eireann.</p> <p>No comment on the planning file from Uisce Eireann.</p>

Potential Impact Mechanisms from the project

Site Surveys

A site survey was undertaken on 20th September 2022 and confirms the site is not under any wildlife or conservation designation. The development site is a brownfield site consisting of artificial surfaces and buildings, with little or no vegetation except recolonising species and ornamental/non-invasive shrub. No evidence of protected habitats or species of conservation value on the site and no invasive plant species. Whilst no sighting of otter, there was evidence recorded during the survey outside the boundary. The River Suir, 8m to the south of the site boundary is classified as depositing/lowland rivers habitat.

European Sites

The NIS identifies 3 European site within the zone of influence of the project (Section 5-Table 5.1). These are the Lower River Suir SAC (site code: 002137), 8m to the south of the subject site, Comeragh Mountains SAC (site code: 001952), 19.9km to the south of the subject site, and Hugginstown Fen SAC (site code: 00004), 14.9km to the north east of the site. Having regard to the source-pathway-receptor model, and given the separation distance, associated habitats and distance from the subject site to Comeragh Mountains SAC and Hugginstown Bog SAC, both sites were screened out. I consider that the likelihood of any significant effect of the project on these sites can be reasonably excluded at this preliminary examination stage.

According to the site synopsis for the Lower Suir SAC, the alluvial wet woodland is a declining habitat type as a result of drainage and reclamation, and the best examples of this type of woodland in the site are found just below Carrick-on-Suir at Fiddown Island (Map 5 of site synopsis). The Clodaigh catchment down stream from Carrick-on-Suir contains Pearl Mussell & White Clawed Crayfish (Maps 6 & 7 of site synopsis). Water quality objectives have been set for White-clawed Crayfish, Atlantic Salmon, Twaite Shad and floating river vegetation. This site contains the aforementioned habitats as QIs.

Due to the hydrological connection and distance from the subject site, the Lower River Suir SAC was screened in.

Effect Mechanisms

The subject site is located within the Suir Catchment, and therefore the development would be hydrologically linked to the Lower River Suir SAC. Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on the Lower River Suir SAC (site code: 002137): This site

A) Deterioration of water quality as a result of sediment, pollution during construction phase.

- B) Deterioration of water quality as a result of sediment, flooding, oil/hydrocarbon, hard surface flood/run off etc., during operation phase.
- C) Habitat loss/fragmentation as a result in deterioration in water quality.

European Sites at Risk

Table 1: European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/ zone of influence	European Site(s)	Qualifying/Conservation features at risk
<p>A)Deterioration of water quality during construction phase including risk of flooding.</p> <p>B) Deterioration of water quality during operation phase.</p> <p>C)Habitat loss/fragmentation as a result in deterioration in water quality</p>	Impact via a hydrological pathway	Lower River Suir SAC (site code: 002137)	Water habitats & species

Identification of likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objectives:	Could the conservation objectives undermined (Y/N)?
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	To maintain favourable conservation condition (M) and to restore favourable conservation condition (R)	Effect A – Surface Water Run off during construction	Effect B – Surface water run off during operation phase	Effect C Habitat Loss/Fragmentation	
Lower River Suir SAC (site Code: 002137)					
Atlantic salt meadows [1330]	To <i>restore</i> favourable conservation objectives	N	N	N	
Mediterranean Salt Meadows	To <i>restore</i> favourable conservation objectives	N	N	N	
Water courses of plain to montane levels [3260]	To <i>maintain</i> favourable conservation objectives	Y	Y	Y	
Hydrophilous tall herb fringe communities [6430]	To <i>maintain</i> favourable conservation objectives	N	N	N	
Old Oak woodlands [91A0]	To <i>restore</i> favourable conservation objectives	N	N	N	
Alluvial forests [91E0]	To <i>restore</i> favourable conservation objectives	Y	Y	N	

Yew woodlands [91J0]	To <i>restore</i> favourable conservation objectives	N	N	N	
Freshwater Pearl Mussel [1029]	To <i>restore</i> favourable conservation objectives	Y	Y	N	
White-clawed Crayfish [1092]	To <i>maintain</i> favourable conservation objectives	Y	Y	N	
Sea Lamprey [1095]	To <i>restore</i> favourable conservation objectives	Y	Y	N	
Brook Lamprey [1096]	To <i>restore</i> favourable conservation objectives	N	N	N	
River Lamprey [1099]	To <i>restore</i> favourable conservation objectives	Y	Y	N	
Twaite Shad [1103]	To <i>restore</i> favourable conservation objectives	Y	Y	N	
Salmon [1106]	To <i>restore</i> favourable conservation objectives	Y	Y	N	
Otter [1355]	To <i>maintain</i> favourable conservation objectives	Y	Y	N	

Appropriate Assessment: Stage 1: Conclusion- Screening Determination

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on Lower River Suir SAC (site code: 002137) in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the Lower Suir SAC in light of its conservation objectives. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites, Comeragh Mountains SAC (site code: 001952) and Hugginstown Fen SAC (site code: 000404). No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

Appropriate Assessment**Stage 2****Aspects of the Proposed Development**

The subject site lies within the Suir sub-catchment and the closest watercourse to the appeal site is the River Suir, 8m to the south. The subject site is located to the north of the Upper Suir Estuary which is a transitional waterbody and is identified as being at risk in the WFD. The River Suir continues south east towards Waterford Harbour. Other water courses close to the site is the Glen River which is approximately 600m upstream of the River Suir from the development.

Construction phase:

There is the potential during construction and demolition works for water quality deterioration through suspended solids, hydrocarbons, uncured concrete in surface water run-off which could affect aquatic QIs/SCI through deposition in the Lower Suir SAC.

Operational phase

Foul waste from the proposed development would discharge to the public sewer via an existing connection with additional manhole access points. Surface water from hardstanding areas and roof areas will be discharged the existing drainage network along Castle Lane. Stormwater would be attenuated on site (tank storage volume 14.5m²). No blue/green SuDs measures are proposed for the development. Hardstanding areas are not indicated as being permeable, but there would be no increase in hardstanding areas.

Uisce Eireann's Annual Environmental Report (AER) for 2023 notes that Clonmel WWTP

was complaint with the Emission Limit Values (ELVs) in the Wastewater Discharge Licence. The existing WWTP has a capacity of 11,000 P.E and the annual mean hydraulic loading is less than the peak capacity. The WWTP is compliant with the ELV's set in the Wastewater Discharge Licence. The discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status.

Mitigation Measures:

The mitigation measures are outlined in Section 8.0 of the NIS and include the following:

- Water quality management
- Waste management
- Demolition works
- Dust Management

Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

Table 3: Plans and projects that could act in combination with effect mechanisms of the proposed project (e.g. approved but uncompleted, or proposed)

Plan/Project	Effect Mechanism
Listed in Section 9.0 of the NIS.	A, B & C, as per Table 1 above

I have had regard to the information included in the NIS, relevant to a consideration of in-combination impacts (including the WFD). I have also had regard to planning applications (proposed/ decided) in proximity to the subject site, which have been accompanied by NISs and (as relevant) subject to AAs. I do not identify any significant in-combination effect from same. In respect of relevant plans, I identify that the SEA was undertaken by the planning authority in respect of the COSDP 2013 and Tipperary County Development Plan 2022-2028. The CDP includes policies and objectives seeking environmental protection and pollution prevention and requiring projects to be constructed to/ operate within industry standards with connection to/ servicing by public water services infrastructure.

Table 4: Could the project undermine the Conservation Objectives in combination other projects?

European Site and qualifying feature	Conservation objectives:	Could the conservation objectives be undermined (Y/N)?		
		Effect A – Surface Water Run off	Effect B – Surface water run off during operation phase	Effect C Habitat Loss/Fragmentation

Lower River Suir SAC (site Code: 002137)	To maintain favourable conservation condition (M) and to restore favourable conservation condition (R)	N	N	N	
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Appropriate Assessment: Stage 2 Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the Lower River Suir SAC in view of the sites' conservation objectives. I have had regard to the applicant's NIS and all other relevant documentation and submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the Lower River Suir SAC (site code:002137) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

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

Inspector: Catherine Dillon

Date: