



An
Bord
Pleanála

Inspector's Report

ABP-317411-23

Development

Road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths.

Location

The Quay, Quay Street, New Quay, Suir Island and Raheen Road, Clonmel town, Co. Tipperary.

Local Authority

Tipperary County Council

Type of Application

EIA Direction (Section 50 of the Roads Act, 1993, as amended)

Observer(s)

None

Date of Site Inspection

17th August 2023

Inspector

Liam Bowe

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1.0 Introduction

- 1.1. Under the provisions of section 50(1)(c) of the Roads Act, 1993, Tipperary County Council is seeking a direction from An Bord Pleanála, as to whether or not, the proposed road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths would be likely to give rise to significant effects on the environment and thereby require the preparation of an environmental impact assessment report. The County Council has itself concluded that the proposed development has the potential to have significant effects on the environment and that both an EIAR and NIS would be required.

2.0 Site Location and Description

- 2.1. The site of the proposed road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths is located at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, in Clonmel town centre, Co. Tipperary.
- 2.2. The site forms part of Suir Island in Clonmel town centre. The ruins of Suir Island House (RPS no.289; NIAH no.22121005) are located at the southwestern corner of the island and to the west of the proposed scheme. The site also includes part of the existing public car park that has been developed on the western part of the island.
- 2.3. There is an existing berm embankment running on a north-south axis in the centre of the island that acts as a flood defence. A pedestrian path or promenade will be provided along the top of this berm to connect the two bridges. At both its northern and southern ends, the proposed pedestrian bridges will commence at points where the site is urban in nature i.e., Quay Street / Sarsfield Road on the northern bank and Raheen Road on the southern bank of the River Suir.
- 2.4. The Quay, Quay Street and Sarsfield Road on the northern bank of the river are in close proximity and linked to the main street (O'Connell Street). Quay Street widens gradually towards its eastern end. There is a public footpath along both sides of Quay Street with a public car park provided at the eastern/wider end, adjacent to its junction with Sarsfield Road.

- 2.4.1. Raheen Road on the southern bank of the river is removed from the town centre and acts more as a distributor road facilitating access to/from the nearby residential area, schools, public amenities, hotel and the Comeragh mountains.

3.0 Proposed Development

- 3.1. The proposal is for road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, Clonmel town, Co. Tipperary. The development includes the following:

- Two 4-metre-wide pedestrian bridges, the first bridge linking the proposed North Plaza on The Quay/Quay St/Sarsfield St Junction to Suir Island, and the second bridge connecting Suir Island to Raheen Road.
- Provision of a new public open space called the North Plaza which will be aligned with Sarsfield Street.
- Provision of a bus stop on the western side of the North Plaza located on Quay Street with five benches providing comfortable facilities for public transport users.
- Upgrading of the existing 2-metre-wide sidewalk along Quay Street into a 4-metre-wide shared pedestrian/cycle path
- Provision of a sloping landscaped terrace with public seating, located inside the hairpin-shaped access ramp leading up to the northern bridge crossing.
- Provision of a pedestrian path or promenade along the existing berm embankment across Suir Island linking the two pedestrian bridges
- Construction of a pedestrian/bicycle ramp from the link promenade onto Suir Island Carpark.
- Provision of a mini public space within Suir Island Carpark at the entrance to the proposed Suir Island Gardens
- Road improvements for the safety of pedestrians/cyclists at the South Arrival Point.

- Installation of two uncontrolled pedestrian crossings positioned at either ends of the proposed access ramp and flight of steps to provide traffic calming at the South Arrival Point.
- Construction of a new foul pumping station to be located within Suir Island car park which will facilitate future Irish Water connections.
- Ancillary site development works to include, but not limited to, surface water drainage, lighting and associated electrical works, hard and soft landscaping, road works to include surfacing and line marking, landscaping and installation of street furniture.

4.0 Request for Direction and Submitted Documents

- 4.1. On 21st June 2023 the Board received a request for an EIAR Direction for the proposed development. The application is supported by a cover letter, drawings outlining the details of the proposed scheme, EIA Screening Forms and a Screening Report for Appropriate Assessment.

5.0 Policy and Context

5.1. Tipperary County Development Plan 2022-2028

- 5.1.1. Clonmel is the largest town in County Tipperary and is a relatively compact town. The town has a population of 17,140 (Census 2016) and is a strategic employment location situated on the River Suir close to County Waterford to the south. Clonmel is strategically located on the Waterford-Limerick N24 and rail corridor with onward linkages to the mid-west and south-west. Clonmel is the main centre in a linear network of towns in South Tipperary (Carrick On Suir, Clonmel, Cahir, and Tipperary Town) that form part of the strategic inter-regional transport and economic corridor between Waterford and Limerick and with excellent access to Cork, Dublin, Shannon and Waterford airports and connectivity to the ports of Waterford, Rosslare, Limerick-Foynes and Cork.

- 5.1.2. Clonmel Strategy for Growth:

“The Council will seek to maximise support under the ‘Town Centre First’ policy to develop Kickham Barracks and town centre areas, implement the Masterplan for Suir Island and the tourism product plan under ‘Flights of Discovery’.”

5.2. Clonmel & Environs Development Plan 2013 (as extended)

- 5.2.1. The site has a land use zoning of ‘Amenity’ per Map 1: Plan area land use zoning.
- 5.2.2. Map 6: Special Objectives provides details of Specific Objectives for new bridges on the north and south sides of Suir Island. Suir Island also has a Specific Objective as an ‘Opportunity Site’.
- 5.2.3. “The implementation of the Flood Relief and Defence works in Clonmel have curtailed flooding events and will enable the River Suir to fulfil its role as an amenity and integral part of the character of the town. It is therefore a policy of this Plan to actively encourage proposals that seek to improve connectivity between the river and the other elements of the public realm. This could be achieved by a range of measures including improved signage and pedestrian linkages from other locations, the use of boardwalks/plazas at appropriate heights and locations (in particular having regard to the need to maintain the 1:100 yr flood level and remove flow restrictions) as part of development and the use of picture windows, architectural framing and balconies to take advantage of and address the River Suir as part of the future development of Clonmel.”

5.3. Natural Heritage Designations

- 5.3.1. The nearest natural heritage designation is:
- Lower River Suir SAC (Site Code: 002137). The proposed scheme would be located within/over the European site.

6.0 Legislation

- 6.1. Section 50(1)(a) of the Roads Act 1993, as amended, places a mandatory requirement on a roads authority to prepare an environmental impact assessment report in respect of any proposed road development comprising the construction of a

motorway, busway, service station or any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road as is presently defined in Article 8(b) of the Roads Regulations, 1994:

- a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in an urban area;
- b) the construction of a new bridge or tunnel which would be 100m or more in length.

- 6.2. The proposed development, which is for a public realm and active travel improvements works within the town centre, includes proposals for pedestrian bridges that have a combined total length of 135 metres. I am satisfied that these pedestrian bridges do not fall within category b above and the proposal is therefore not subject to mandatory EIA.
- 6.3. With regard to sub-threshold development, section 50(1)(c) of the Roads Act 1993, as amended, states that where the roads authority considers that any proposed road development (other than those described above), which consists of a proposed public road or the improvement of any existing public road, would be likely to have significant effects on the environment it shall inform the Board in writing and where the Board concurs with the roads authority it is required to give a direction to the authority pursuant to section 50(1)(b) of the Act to prepare an environmental impact assessment report in respect of the proposed road development and the authority is obliged to comply with any such direction.
- 6.4. Section 50(1)(d) states that where a proposed road development (other than development to which paragraph (a) applies) is located in a European site, the roads authority shall decide whether the proposed development would be likely to have significant effects on the environment. The Proposed Scheme is not located within or linked to the sites identified under section 50(1)(d).
- 6.5. Section 50 (1)(e) states that An Bord Pleanála or the road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive in making its EIA Screening determination.

6.6. Tipperary County Council has carried out an EIA Screening determination under the provisions of section 50(1)(d) of the Roads Act 1993, as amended and concluded that the proposed development is likely to have significant effects on the environment.

7.0 Tipperary County Council EIAR Screening

7.1. The request for a direction from the Board as to whether or not the proposed road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths would be likely to have significant effects on the environment, necessitating the preparation of an environmental impact assessment report, is accompanied by 'EIA Screening Forms' prepared by Tipperary County Council. EIA Screening Form 2 – Preliminary Examination takes into account three relevant criteria, which are as follows:

1. Nature of the development.
2. Size of the development.
3. Location of the development.

7.2. Nature of the development

7.2.1. Is the nature of the proposed development exceptional in the context of the existing environment?

The development is not considered to be exceptional in the context of the existing environment.

7.2.2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?

It is predicted that the development will generate waste during the construction phase that will be typical of an infrastructure project, which will have the potential to result in the emission of pollutants to the receiving aquatic environment comprised by the River Suir. The development site is surrounded by the River Suir which is designated as a Special Area of Conservation – Lower River Suir SAC (Site Code: 002137).

7.3. Size of the development

7.3.1. Is the size of the proposed development exceptional in the context of the existing environment?

The size of the development is not considered to be exceptional in the context of the existing environment.

7.3.2. Are there cumulative considerations having regard to other existing and/or permitted projects?

Cumulative considerations exist with regard to other existing and/or permitted projects. These cumulative considerations require examination.

7.4. **Location of the development**

7.4.1. Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?

The proposed development site is located within and adjoining an ecologically sensitive site which is the Lower River Suir SAC.

7.4.2. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?

The location of the proposed development triggers Section 50(1)(d)(i) of the Roads Act 1993 (as amended).

7.5. **Preliminary Examination Conclusion**

- 7.5.1. The conclusion reached in the report is that the proposed development is likely to result in significant impacts on the environment. It was determined that the Proposed Scheme would be likely to have significant effects on the environment, in the absence of mitigation measures and the preparation of an EIAR is recommended.

8.0 **Assessment**

8.1. **Introduction**

Annex III of the Directive as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended), lists 3 no criteria to determine whether a project should be subject to environmental impacts assessment. These area as follows:

1. Characteristics of the proposed development

2. Location of proposed development
3. Types and characteristics of potential impacts

Schedule 7 lists matters that require consideration under each of the criteria which are addressed below.

8.2. Characteristics of the proposed development

Size and design of whole project

The proposal is to construct two pedestrian bridges providing a link between the north side and south side of River Suir via Suir Island in Clonmel town. It also includes enhancement of the public realm on the north side of the river, on Suir Island and on the south side of the river, as well as the construction of a sewage pumping station within the existing Suir Island car park. No details are provided of the design of the bridges.

The project is small-scale public realm project within a larger site area of circa 2.85 ha in an urban area. It would provide a pedestrian/cycle link from the town centre to Denis Burke Park to the south of the River Suir. The proposal would provide a more direct route and create a safer means of access to the public park from the town centre as well as providing public realm infrastructure for the residents of Clonmel to view the River Suir.

I note the conclusion of Tipperary County Council as the roads authority referring to section 8(b) of the Roads Regulations, 1994 whereby the prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Roads Act, 1993 states that the construction of a new bridge or tunnel which would be 100 metres or more in length. The Council state that the combined length of both pedestrian bridges is 135.1 metres, and, on this basis, they consider that the proposed development requires a mandatory EIA.

I am satisfied that the Act and associated Regulations and are sufficiently clear in that they refer to new road developments (four or more lanes) and a new bridge or tunnel (100 metres or more in length) to be constructed alone or in association with or as a road development. I do not consider the construction of a pedestrian / cycling bridge(s) falls under this category of development that requires mandatory EIA. I am also satisfied that the area of the site is substantially less than the 10 hectare

threshold for urban development in part of a built-up area and 20 hectares elsewhere.¹ Therefore, I am satisfied that the requirement for a mandatory EIA does not apply in this instance.

Having regard to the limited scale of the development, which is significantly below thresholds for mandatory EIA, I do not consider that the impacts would be of a magnitude that warrants EIA.

Cumulation with other existing and/or approved projects

The EIAR Screening Form – Preliminary Examination prepared by Tipperary County Council has not identified any significant existing/proposed developments in the immediate vicinity of the proposed development but states that cumulative considerations exist and require examination.

I note from Tipperary County Council's website that there is a Part 8 proposal on the south-western portion of the site under consideration herein for the development of a public garden and public landscaped areas. The nature of the works proposed under that scheme includes the renovation of existing gardens; provision of lawns and landscape planting to include the provision of trees, hedges and shrubs; seating and picnic areas; hard and soft pathways; new entrance gate with adjoining wall cladding; children's play areas with associated equipment; securing of Suir Island House (A Protected Structure) with decorative steel plates at ground floor level; feature lighting to include internal and external lighting at Suir Island House (A Protected Structure); signage, ancillary site development works that shall include site drainage, provision of water supply for the play area and for wash down purposes, provision of electrical supply for the feature lighting, and removal and reconstruction of approximately 19 metres of boundary wall; and all associated site and landscaping work.

I note that this Part 8 development proposal was subject to Appropriate Assessment Screening and EIA Screening, and it was determined that the proposed development would not be likely to give rise to significant or indeterminate impacts on any Natura 2000 site and that there is no real likelihood of significant effects on the environment arising from the proposed development.

¹ 10.(b)(iv) Infrastructure Projects, Part 2, Schedule 5, Planning & Development Regulations, 2001 (as amended)

This development has not progressed on the ground to date. In any event, there is some potential for cumulative impacts associated with impacts on water quality and on the adjoining SAC but, given the nature and limited scale of the project, I do not consider these would be significant.

The nature of demolition works, use of natural resources, production of waste, pollution and nuisances, risk of major accidents/disasters including those caused by climate change

As noted, the proposal would not involve the demolition of any buildings. Some surfaces will be regraded at tie-in locations. Having regard to the nature and limited scale of the proposal there will not be a significant use of natural resources.

I accept that the nature of the proposed development and its limited scale is such that it will not result in significant use of natural resources either during construction or associated with its on-going use as a pedestrian / cycling bridge.

Having regard to the routine best practice methodologies proposed during the construction phase, significant effects are not likely to occur. While the proposed development is located in any area which has been identified as susceptible to flooding, it is accepted that Flood Risk Assessment will be required.

As stated, no details are provided on the design of the bridges, but there would be a requirement that they are designed to make allowance for climate change. The nature and scale of the development is not likely to lead to an adverse impact on human health arising from water contamination, air pollution etc.

Having considered the characteristics of the proposed development, I accept that the potential for significant effects on the environment is low and would not generate the requirement for environmental impact assessment.

8.3. Location of proposed development

Existing and approved land use

The new pedestrian bridges would cross over the River Suir onto a partially undeveloped island and form a link between the two sides of the river. The public realm aspects of the development would be primarily located on existing urban streets. The foul pumping station would be located within an area used as a public

car park. These impacts would be small scale and insignificant in terms of the land use of the area.

Abundance, availability, quality and regenerative capacity of natural resources in the area and its underground

No instream works are proposed which removes the potential for interference with riverbeds, underlying geology, flow rates or velocities within the river system and their natural resources. The pedestrian bridges would cross the River Suir and will result in no loss of land.

Absorption capacity of the existing environment

The River Suir is part of the Lower River Suir SAC designated for a range of habitats and species. There will be no direct impacts on the SAC as no in-stream structures are proposed. There is potential for the release of contaminants into the river system during construction with indirect impacts on the European site. The Appropriate Assessment Screening Report submitted by Tipperary County Council concludes that the preparation of a Natura Impact Statement would be required.

While the proposed development will also alter the landscape character in this location, I do consider this is overly significant in the context of its urban setting.

The area is also sensitive in terms its architectural, archaeological and cultural heritage, which includes national Monuments, archaeological monuments, protected structures and structures included in the National Inventory of Architectural Heritage. I accept that the proposed pedestrian bridges and public realm enhancements have the potential to impact on the character and setting of some these monuments/buildings.

The significance of the impact will be influenced by the level of and the detailed design the bridges, its width and materials used. I consider that these impacts can be addressed at detailed design stage and are not so significant to require full environmental impact assessment of the entire project. Potential impacts on the archaeological resource would be mitigated by an archaeological appraisal of the site in accordance with the requirements of the Department of Housing, Local Government and Heritage (DHLGH).

I also accept that Stage II AA will be required in respect of the proposed development. Under the provisions of section 177AE of the Planning and

Development Act, 2000, Tipperary County Council will be required to submit an application for approval for the development. In addition to the likely significant effects on the nearby European site, the likely consequences for the proper planning and sustainable development of the area would be considered and assessed, including those relating to impacts on the landscape, visual amenities and archaeological, architectural and cultural heritage.

8.4. Types and characteristics of the potential impact

Nature, magnitude and extent of the impact

The extent of the impact in terms of geographical area impacted and the size of the population likely to be affected is limited. There will be construction related impacts but these will be localised, of short duration and capable of effective mitigation by good construction practices and effective traffic management.

There will be visual impacts associated with the provision of two new bridges and enhancement of the public realm, although these should be mainly positive. The visual impacts from the pedestrian bridges will be localised, confined largely to the Quays / riverside. Whilst it will not be possible to fully mitigate the visual impact of the development, landscaping, appropriate bridge design and the use of sympathetic materials will reduce the effect.

The works will be proximate, but not within the SAC. The bridges will span the river but no instream works are proposed. There will, therefore, be no direct impacts on the SAC, but the potential exists for indirect impacts arising from a deterioration in water quality during construction. It is considered that these measures can be adequately dealt with under the Habitat's Directive (Appropriate Assessment).

There is potential for impacts on air/climate and for noise/vibration impacts to occur during construction with the potential to impact on the amenity of local residents and on the school at Raheen Road. These impacts will be temporary and short lived.

There is potential for impacts on cultural heritage, but the overall design of the pedestrian bridges would be critical in minimising effects.

There is also potential for significant effects on the archaeological resource and the discovery of previously undisturbed material during construction. Adherence to

standard mitigation measures in accordance with the requirements of the DHLGH would be sufficient to mitigate impacts.

Due to the nature and limited scale of the development, it is not considered that the proposed development would result in significant negative impacts on materials assets in the area.

There is potential for interaction between environmental factors, notable between water, biodiversity and landscape/visual impacts and cultural heritage. Subject to mitigation, significant interactions are not considered likely, or such that would give rise to significant environmental effects.

Probability, intensity and complexity of impacts

This is a small-scale urban development, and the nature of the environmental impacts is not considered complex or intense.

Expected onset, duration, frequency and reversibility of the impact

The impacts will be long-term, on-going and only reversible if the bridges are removed.

Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

Cumulative impacts

There is a Part 8 development proposal on the western portion the site that would act in combination with the proposed development to give rise to cumulative effects. However, given the limited scale of the works within the development proposal on the western portion of the site edged red, it is unlikely that any cumulative effects would be significant.

9.0 Conclusion and Recommendation

Having regard to the location of the proposed development, the characteristics of the proposed project and the type and characteristics of potential impacts, I consider that the proposed pedestrian bridges, provision of a bus stop, and upgrading of footpaths

would not be likely to have significant effects on the environment. I recommend that Tipperary County Council be advised that the preparation and submission of an environmental impact assessment report is not therefore required.

Having regard to the nature and scale of the proposed development, I accept that the issues arising from connectivity to a European site, can be adequately dealt with under the Habitat's Directive (Appropriate Assessment).

I consider that the likely consequences for the proper planning and sustainable development of the area arising from potential impacts on landscape, visual amenity, archaeological, architectural and cultural heritage can be addressed in a section 177AE application to the Board.

10.0 Reasons and Considerations

Having regard to the following:

- a) The criteria set out in Schedule 7 of the Planning and Regulations 2001, as amended,
- b) The nature and limited scale of the development which is not considered to fall within the category of development prescribed road development set out in article 8(b) of the Roads Regulations, 1994, as amended,
- c) The location of the proposed development, the characteristics of the proposed development and the characteristics of potential impacts,
- d) The limited potential for significant effects on the environment,
- e) The submission of the planning authority,

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

It is also considered that the impacts likely to arise including potential impacts on a European site and the likely consequences for the proper planning and sustainable development of the area arising from impacts on the landscape, visual amenities, archaeological, architectural and cultural heritage can be addressed in a section 177AE application to the Board.

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.

Liam Bowe
Senior Planning Inspector

21st August 2023