



An
Bord
Pleanála

Inspector's Report ABP-317558-23

Development	Construction of 18 residential units.
Location	Silversprings Road and Davis Road Junction, Burgagery-Lands East, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2360148
Applicant(s)	Cooney Engineering & Construction Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Francis and Ella Farrell Joseph and Elaine Winston
Observer(s)	Springfield Residents Association
Date of Site Inspection	10 th of July 2024
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The application site (stated area 0.96ha) is located on lands Burgagery - Lands East, Clonmel Co. Tipperary. The site lies within the urban area to the east of Clonmel c.1.5kms from the town centre. It is an undeveloped greenfield site and is located to the north of the Davis Road and to the west of the Silversprings Road. There are individual residential properties/low density residential development located to the southwest and the application site is located to the rear, west of, individual detached residential properties, which front onto the Silversprings Road.
- 1.2. This greenfield site is bound to the north by a block wall which separates the site from the neighbouring Springfields estate, which is on a higher level. There is a locked gate in place on this boundary with the cul de sac. Nos. 28-29, 31 and 32 Springfields estate are located immediately to the north of the site. To the east, there is a low-lying fence which separates the site from an adjoining property. To the south, the site is bound by a low-lying wall with hedging set atop. Land levels on site rise from the Davis Road to the south in a northerly direction. There is a c. 6 metre difference between the road level and the finished floor level of the southernmost unit in the scheme. The southern part of the site steeply slopes downwards to the Davis Road. This area is proposed for public open space. There are trees and hedges along the road frontage to Davis Road. There is a Texaco petrol station located to the southwest on the opposite side of Davis Road (R707).
- 1.3. Access is to be taken to the north of the existing private entrance and driveway which adjoins the Silversprings Road. This is currently a narrow-recessed entrance and driveway located on the side of the hill. In view of sightlines, it is proposed to move the entrance so that it will be enlarged and sited further north. This will involve the removal of some mature trees along the site frontage and some trees within the site. The driveway to access the site is to be widened to serve this backland development site, which also has frontage to Davis Road.
- 1.4. Some ESB lines cross the site as shown on the Site Layout Plan a 10m exclusion zone is to be provided to the rear of the houses along the western site boundary. Other ESB lines that transverse further to the south are to be undergrounded.
- 1.5. There is a roundabout to the south at the junction with Davis Road (R707). The site is within the 50km/h speed limits. I noted that there is a bus stop to the south of the

proposed access on either side of Silversprings Road. There is a footpath on either side of the road, but no cycle lanes.

2.0 Proposed Development

2.1. Permission is sought for the construction of 18 No. residential bungalows designed for the elderly. The residential units will consist of;

House Type	Floor Area	Proportion of overall scheme
2 bed semi detached bungalows (Type A)	82.8sq.m	10 units - 56%
2 bed mid terrace bungalows (Type B)	82.8sq.m	2 units – 11%
2 bed detached bungalows (Type C)	82.8sq.m	2 units – 11%
2 bed end terrace bungalows (Type D)	82.8sq.m	2 units – 11%
2 bed end terrace bungalows (Type E)	82.8sq.m	2 units – 11%
		Total - 18 units

The proposed development is also to include new internal roadways and footpaths, pedestrian access off the existing Davis Road to the south of the site, proposed new vehicular access from the existing Silversprings Road to the east of the site, new boundary treatments, landscaping, surface and foul water drainage and associated attenuation tank together with all ancillary and associated site works.

Documentation submitted with the application includes the following:

- A Design Statement and Development Impact Assessment – Fewer Harrington & Partners
- Civil Engineering Report - Garland Concepts Realised
- A review of the pre-connection enquiry from Irish Water

- A letter from Cooney Engineering & Construction Ltd (signed by Des Cooney & Abbey Cooney), giving Fewer Harrington and Partners consent to make this application.
- A letter from Marcus and Michael Mangier, giving consent to make the application, as joint landowners of the site.

3.0 Planning Authority Decision

3.1. Decision

On the 21st of June 2024, Tipperary County Council granted permission for the proposed development subject to 24no. conditions. These are generally standard and include regard to Part V (social and affordable housing), boundary treatment, car parking spaces, submission of a detailed Construction and Environmental Management Plan, restriction on times of construction works, submission of a Resource and Waste Management Plan, a Construction Traffic Management Plan, details of footpath modifications, archaeology, Connection Agreement with Irish Water, drainage, Health and Safety, Public Lighting Scheme, surface water discharge, maintenance of services, undergrounding of cabling, site works, naming of the development, development contributions, insurance bond, Section 47 agreement, completion of services and taking in charge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy, to the reports received and to the submissions made. Their Assessment included the following:

- The site is zoned for residential land use. There is a long-established residential estate immediately north of the site, with lower density detached units to the east and southwest.
- They consider the principle of development acceptable, subject to normal planning considerations.

- They consider that taking the site context and the pattern of development in the area into account, the lower density is acceptable and in accordance with planning policy.
- Planning permission was previously granted on site for a smaller scheme (10 units) with access also taken from the Silversprings Road. The proposed layout is broadly similar to that previously permitted.
- In terms of the layout present there is an issue with passive surveillance of open space. Given the sloping nature of the site they consider the open space provision to be acceptable.
- In terms of connectivity, the provision of a dedicated pedestrian access onto the Davis road is a welcomed addition.
- The applicant to be advised to consider the possibility of providing a connection to the Silversprings estate to the north.
- They advise that F.I be submitted relative to boundary treatment fronting the Davis Road.
- In terms of overlooking and potential for overshadowing and overbearing impact, given the single storey form of the units proposed, this is not a concern.
- They note the District Engineer's concerns in respect of sightlines, the gradient of the access road and vehicular movements on site and provide that F.I is required.
- The proposed development has been screened as to the requirement for AA and it has been determined that an AA is not required (Appendix 1 refers).
- Having reviewed the most up to date flood risk mapping available for Clonmel they note that the subject site is not shown as an area at risk from flooding.

Further Information Request

The Planning Authority note some concerns relative to the proposed design and layout and recommend that F.I be submitted to include the following:

Design and Layout

- Revised plans to show the road width within the estate reduced to 5m.
- To amend unit 16 to improve passive surveillance of the large area of open space on the southern section of the site.
- Future adaptability in the design as regards the exclusion provided by the location of the overhead powerline along the western boundary of the site.
- Revisions to site boundaries and details are provided. This includes revised proposals for boundary treatment to the Davis Road.
- Detailed drawings regarding the vehicular and pedestrian entrances onto the Silversprings Road.
- To consider providing a pedestrian connection to the Silversprings estate to the north.

Access and Permeability

- To submit a revised Site Layout Plan/sightlines drawing demonstrating compliance with the standard for setback and sightlines included in the Clonmel Environs DP 2013 as varied.
- To submit a revised site layout including for a level section (a dwelling area) of at least 15m to be provided at the junction.
- To submit a revised swept path analysis which provides for a DB32 fire appliance.
- To prepare and design a lighting report to be undertaken in accordance with the Tipperary County Council Public Lighting Policy 2022.
- To provide construction details to include the proposed materials, for the roads and footpaths within the proposed development.

Drainage

- They note a lack of clarity in relation to the proposed storm water connection and are requested to clarify the location of the stormwater pipe and what works are required to connect to same. Such works should be within the redline boundary of the site.

Further Information Response

Fewer Harrington & Partners have submitted a response on behalf of the applicants to include the following:

- As shown on the revised plans the new residential road width has been reduced from 5.5m to 5m as recommended.
- The design of unit no.16 has been amended to include a new window to provide passive surveillance onto the proposed open space. They refer to revised drawings.
- They refer to revisions to allow for a potential for attic conversion of unit nos. 1-16 for future adaptability without the need for encroaching on the exclusion zone due to the overhead electricity cables.
- They refer to drawings showing revisions to boundary walls as requested.
- It is proposed that the existing entrance be utilised to provide connectivity and permeability onto the Davis Road. They refer to revised drawings.

Access and Permeability

- It is proposed that the existing entrance onto the Silversprings Road is demolished and a new stone wall to match the adjoining lands is constructed. Details are given and revised drawings have been submitted.
- There are no proposed pedestrian or vehicular access points to the adjoining residential development as these connections encourage unsocial behaviour in the adjacent open space and infringe on privacy.
- Having regard to sightlines and setback of the entrance to the Silversprings Road, to the gradient of the internal access road at the junction and to swept path analysis they refer to the F.I response and accompanying drawings by Garland Consulting Engineers.
- They refer to an F.I response by Lawlor Consulting outlining a lighting report and layout plan.
- The F.I response by Garland Consulting Engineers and accompanying drawings refers to construction details for roads and footpaths.

Drainage

- Having regard to queries about storm water drainage, they refer to the F.I response and accompanying drawings by Garland Consulting Engineers.

Planning Authority Response

They have regard to the F.I submitted, and their response includes the following:

- They have regard to the proposed boundary treatments and note that the Landscaping Plan will need to be amended to provide additional planting along the F-H boundary to serve to soften the visual impact of this boundary proposal.
- The applicant has submitted a contextual elevation for the new entrance onto the Silversprings Road.
- While the provision of a pedestrian connection from the Springfield estate to the north of the site to the Davis Road, maybe beneficial, given the nature of the scheme propose and the intended future occupants there is merit in not providing such a connection.
- They note that a specific engineering and technical response has been received in respect to the entrance, public lighting and the compositions of roads and footpaths.
- In relation to sightlines at the entrance, the applicant has provided 45m sightlines in both directions. These are in accordance with DMURS.
- They consider the design response to reduce vehicular speeds at the entrance to be satisfactory.
- Construction details in respect of footpaths and roads have been submitted in addition to an Outdoor Lighting Report.
- The applicant has modified the red line boundary for the application to include for the provision of a storm water connection between the site and existing network. They do not object to this.
- Having examined the plans and particulars submitted, the applicant has adequately addressed the points raised in the RFI issued by the Planning Authority. They recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

District Engineer

They requested F.I on sightlines to show they comply with standards, street lighting, reduction in carriageway width and gradient. They advise that the applicant be asked to submit a revised road layout incorporating a safe exit onto the Silversprings road in accordance with Guidelines. That a swept path analysis, details on the construction of the roads, footpaths and pedestrian crossings be submitted.

The Planner's Report in response to the F.I submission, notes email correspondence between the applicant and the District Engineer, indicated that they were satisfied with the details submitted and that standard engineering conditions attach.

Further Information response

Fewer Harrington & Partners response on behalf of the applicant to the F.I request includes the following:

Design and Layout

- The new residential estate road width has been reduced from 5.5m to 5m as recommended by the Department of Transport in the Traffic Management Guidelines and they refer to the revised drawings.
- Unit no. 16 has been amended and a new window has been included to provide for additional passive surveillance onto the proposed open space. Revised plans have been submitted.
- Drawings have been submitted to show the potential for attic conversions.
- Drawings showing revisions to boundary treatments as requested have been submitted.

Access and Permeability

- It is proposed that the existing entrance from the Silversprings Road is demolished and a new stone wall to match the adjoining lands be constructed. Details of the new vehicular entrance to include 900mm high stone piers and wing walls are to be provided.

- There are no proposed pedestrian or vehicular access points to the adjoining residential developments as these connections will encourage unsocial behaviour in the adjacent open space for the perspective elderly residents.
- They refer to the F.I response provided by Garland Consulting Engineers which include regard to the proposed set back of the entrance and sightlines.
- This also has regard to the issues with the gradient where a minor road is descending to the junction with the main road. Drawings have been included relative to Swept Path Analysis.
- An external lighting design report has been provided by Lawler Consulting.

Drainage

- They refer to details submitted by Garland Consulting Engineers relative to the proposed storm water connection.

Planner's response

They note the details of the F.I submitted and their response includes the following:

Design and Layout

- The road width for the internal estate roads has been reduced to the requested 5m.
- Unit 16 has been amended so that it has additional windows in the southern elevation to add to passive surveillance of the open space to the south.
- Future adaptability has been incorporated into the design of the units to allow sufficient space for attic conversion. This is not part of the current application.
- Revised boundary treatment details have been provided. The concerns of the third parties are noted.
- They note that amendments will be required to the Landscaping Plan to allow for additional planting.
- The boundary treatment from point E-F along the Davis Road has been clarified.

Access and Permeability

- The applicant has submitted a contextual elevation of the new entrance onto the Silversprings Road.
- The applicant has not provided a connection either vehicular or pedestrian to the Springfield estate to the north. They note the rationale provided.
- While they consider that in principle such a connection may be beneficial, given the nature of the scheme proposed and the intended future occupants of the scheme, there is merit in not providing such a connection.
- In relation to sightlines at the entrance the applicant has provided 45m sightlines in both directions, in accordance with DMURS.
- They refer to gradient and consider the proposed revisions offer a satisfactory design response so as to manage the speed of vehicles approaching the entrance.
- Details in respect of the swept path analysis have been provided and are acceptable.
- Construction details in respect of footpaths and roads have been submitted in addition to an Outdoor Lighting Report prepared by Lawlor Consulting.

Drainage

- They note that the applicant has modified the red line boundary for the application to include for the provision of a storm water connection between the site and existing network and do not object to same.

Conclusion

- Having examined the plans and particulars submitted they consider that concerns have been satisfactorily addressed by the F.I submission. They recommend that permission be granted subject to conditions.

3.4. Prescribed Bodies

The Planner's Report notes that there has been no response from Prescribed Bodies.

3.5. Third Party Observations

Submissions from local residents include the following:

- The proposed vehicular entrance should be from Springfield estate to the north rather than Silversprings Road within 30m of one of the busiest roundabouts in Clonmel.
- When Phase 1 was being developed (Springfield Estate) a permitted entrance was put in place to facilitate further development of this field for Phase 2 which is the current planning proposal. This original entrance allows exit on to the safe and slow Powerstown road where traffic calming measures exist.
- There is no traffic calming along the southern end of Silversprings Road. The footpaths are narrow.
- The proposed entrance from Silversprings Road is dangerous and the gradient of the driveway is too high, sightlines are not achieved at the entrance.
- Accessibility issues relative to the entrance and internal roads layout for service vehicles.
- The roadway of this proposed development, servicing an additional 18 houses will accentuate the level of danger already experienced by residents along the Silversprings Road.
- The proposed design and layout will impact adversely on the privacy and amenity of residents in Springfields estate to the north.
- Concerns about boundary treatment proposed and that existing boundary hedgerows should be retained for screening purposes.
- The current proposed density does not utilise the site in accordance with the Clonmel Environs Development Plan 2013.
- What assurance will be given/condition attached to the sale of these bungalows to be sold privately for the elderly/retired.
- Infrastructure capacity is inadequate and not capable of taking on these extra 18 houses.

- Irish Water feasibility does not include Fire Flow Requirements report.
- What is proposed to mitigate against overflow of surface water down the excessively sloped entrance onto Silversprings Road.
- Inadequacies and omissions in the drawings submitted.
- The Planning Notices were erected too high and not readable from the road.

4.0 Planning History

The relevant Planning History is detailed in the Planner's Report and this includes the following relevant to the subject site:

- Reg.Ref.05550119 – Permission granted subject to conditions for the construction of 10no. detached houses, new driveway, drainage, landscaping and associated site works.

These were to be constructed in a cul-de-sac type arrangement with access to be taken from the existing driveway from Silversprings Road. This development was never constructed.

5.0 Policy Context

5.1. Relevant Government Policy/Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (May 2021).
- Design Manual for Urban Roads and Streets, (2019)
- Traffic and Transport Assessment Guidelines (2014)

- Development Management, Guidelines for Planning Authorities (2007)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

Other Guidelines

- Housing Options for Our Ageing Population (DHPLG -2019) and The Age Friendly Principles Guidelines for Planning Authorities (Age Friendly Ireland, 2021).

5.2. **Tipperary County Development Plan 2022-2028**

Volume 1 - Written Statement

Section 4.2.1/Table 4.2 provides a Framework of Town Plans and Local Area Plans. In the Settlement Hierarchy Clonmel is described as a Key Town (Self-Sustaining Regional Driver). Then the current plan was the Clonmel and Environs Development Plan 2013 (as extended). It was noted, that preparation of the Local Area Plan was to commence in 2022. *As stated in the Core Strategy, the current Town Development Plans and LAPs will remain applicable until they are replaced with LAPs, in accordance with the framework and timeline as set out in Table 4.2.*

Section 4.3.1 notes the strategic location of Clonmel and that it is the largest town in County Tipperary and is addressed in Section 3.5 of the RSES, and the town boundary and compact growth area set out in the Town Profile Plan (Figure 4.2). That the relatively compact nature of the town and its suitability to support a '10 minute town concept' and active travel is evident. That, with excellent environmental and infrastructural capacity, Clonmel is a self-sustaining regional economic driver, and a key location for investment and choice, and will support the overall development of the southern region. Details are given of the Clonmel Strategy for Growth.

Section 5.4 supports Specialised Housing and Housing Mix. This includes regard to Age Friendly Housing.

New residential development shall consider 'Age Friendly Principles Guidelines for the Planning Authority', Age Friendly Ireland 2021. Where possible, homes in new residential developments are to be universally designed to the 'Lifetime Homes' standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007). Public realm works should have regard to and implement the principles of Age Friendly Ireland's 'Age Friendly Towns' and 'Being Age Friendly in the Public Realm', where feasible.

Planning Policies and Objectives are included in Section 5.8.

Policy 5-7: Ensure that new residential development accommodates housing for a range of specialised needs, including those of the elderly, and contain appropriate mix of housing types and sizes. New housing shall incorporate the principles of Lifetime Adaptable Homes and Universal Design to cater for groups with specific needs in the county, as informed by a 'Statement of Housing Mix' as part of a 'Sustainability Statement' where applicable.

Objective 5-C: Continue to develop and implement the 'Age Friendly Programme' and the actions of the Council, and to support and demonstrate the concept of independent living and assisted living for older people, as well as the provision of specific purpose-built, social housing options specifically designed for older people as follows: • Age-friendly schemes in association with approved authorities. • "Right-sizing" options. • Downsizing schemes (financial contribution schemes) etc.

5.3. Clonmel and Environs Local Area Plan 2024-2030

The Clonmel and Environs Local Area Plan 2024-2030 is now the pertinent plan. It sets out the local spatial planning framework for Clonmel to 2030. The Plan was made on 12th February 2024 and came into effect on 25th March 2024. This LAP replaces the Clonmel and Environs Development Plan 2013, as varied. This LAP outlines the local spatial planning framework for Clonmel with planning policies and objectives unique to the town.

The Southern Region RSES and Tipperary County Development Plan 2022-2028 designates Clonmel as a 'Key Town' and 'Self-Sustaining Regional Driver', with strong capacity for enterprise and employment growth building on its strengths and specialties.

Policy 1.1: Assess all new development proposals within the boundary of the Clonmel and Environs Local Area Plan 2024-2030 in accordance with the policies, objectives and requirements of the Tipperary County Development Plan 2022-2028 (and any review thereof), and this Plan. Where conflicts arise, the Tipperary County Development Plan 2022-2028 (and any review thereof) shall have primacy in decision-making.

Section 2.4.3 provides the Land Use Zoning Framework. Table 8: Land use zoning that can accommodate new residential growth within Clonmel & Environs.

Consolidation and infill development underpin the development strategy in this LAP in line with achieving Strategic Objective No. 1 (Compact Growth) of the NPF. National Policy Objective (NPO 3c) of NPF requires that at least 30% of all new housing units (532) must be delivered within the existing built-up footprint/compact growth area of the town.

Chapter 5 provides the Strategy for Sustainable Housing

This includes reference to 'Residential Neighbourhoods of Clonmel' (Figure 4 refers). The subject site is included in the 'Adjoining Town Centre Neighbourhood'. These are stated to be optimal parts of the town for a community to live sustainably with easy access to services, shopping and employment without being car-dependant. They can provide a valued service catering particularly for the daily or casual needs of nearby residents, those passing by, the less mobile (elderly and disabled etc) and those without access to a car.

The Council will actively seek to enhance the potential for connectivity in these areas in terms of active travel modes and in particular, will seek the consolidation of existing vacant or underused areas in these parts of town, where feasible. It is expected that more than 30% of new population growth will occur in this area (and the town centre) with a focus on higher density, well connected and high-quality urban housing.

As outlined in Section 5.5 Clonmel is an Age Friendly Town. This reflects Tipperary County Development Policy and Objectives.

Public realm projects in Clonmel will have regard to and implement the principles of Age Friendly Ireland's 'Age Friendly Towns'

and 'Being Age Friendly in the Public Realm', where feasible. The Council will also seek to ensure, where possible, that homes in new residential developments are universally designed to the Lifetime Homes standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007).

Policies and Objectives of note include:

Policy 5.1: Support new development and growth in the town and within the identified 'Neighbourhoods', in accordance with the principles for each 'Neighbourhood' as set out in Section 5.2.1, ensuring appropriate residential densities on central areas in accordance with the relevant Section 28 planning guidelines.

Policy 5.4: Require new development proposals relating to housing, public realm, amenity, accessibility and public transport etc. to be designed in accordance with 'Universal Design' and 'Age Friendly' principles, in particular in relation to the provision of rest and dwell spaces in the town centre.

Objective 5J: Work with Age-Friendly Ireland in implementing the strategies and objectives of Tipperary Age-Friendly Strategy.

Transport and Connectivity – Chapter 6

Policies and Objectives include:

Policy 6.1: Support new development that will improve accessibility and movement within Clonmel, reduce dependency on private car transport, increase permeability in the town, and encourage the use of energy efficient forms of transport through the promotion of walking, cycling and public transport.

Policy 6.3: Require that new developments are designed to comply with Design Manual for Urban Roads and Streets (DoT, 2019) and supplementary Advice Notes including making provision for pedestrian and cycle infrastructure, enhancing connectivity and accessibility to the town and providing universal access (in particular for persons with disabilities, reduced mobility and older people) where a whole journey approach is considered.

Recognising our Local Heritage – Chapter 9

Section 7.1.4 refers to Trees. The LAP will seek to protect existing trees where possible and to promote urban greening in town centre developments.

Section 7.3 refers to Policy and Objectives and this includes:

Policy 7.2 which in summary seeks to support the retention and protection of trees of significant amenity value and only permit their removal where it can be demonstrated that the loss of trees is outweighed by the wider public benefits of the proposal.

Infrastructure, Energy and Utilities – Chapter 8

Section 8.2 refers to Water and Wastewater. *Water services in towns are maintained and provided by Uisce Éireann and the Council will require new developments to be served by existing waste water treatment facilities and public water supplies, where possible.*

Details are given of Clonmel Public Water Supply and Wastewater system.

Based on the latest Uisce Éireann capacity registers, published in June 2023, it was found that there is wastewater treatment capacity available to support the 2030 projected population for Clonmel.

Section 8.3 refers to Sustainable Surface Water Management – Policy 8.4 relates.

The Council will require new development in Clonmel to provide separate foul and surface water drainage systems and to incorporate water sensitive urban design and nature-based SUDS.

Section 8.5 to Flood Risk Management. – Policy 8.5 relates.

Land Use Zoning Framework in Chapter 9

As outlined the purpose of the Strategic Reserve is to ensure the availability of “long-term strategic and sustainable development sites” for the future growth of Clonmel. The development of these areas in a piecemeal or discordant way would prejudice the sustainable future development of the town.

A general guidance is given of the Zoning Objectives. Table 17 provides the Zoning Matrix. As shown on the Land Use Zoning Map 1C the site is zoned ‘New Residential’. The Objective is: *To provide for new residential development.*

It is of note that the Objective for Existing Residential is: *To provide for residential development and protect and improve residential amenity.*

Existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development.

The Land to the north and east is zoned 'Existing Residential'. That adjoining to the west is also zoned 'New Residential' and 'Existing Residential'. The land to the south of the site i.e fronting Davis Road is within Flood Zone B. Flood Zone A adjoins further to the west. The land on the opposite side of Davis Road to the south is zoned for 'Open Space and Recreation'.

5.4. Natural Heritage Designations

The SAC for the Lower River Suir is c.263m to the south of the proposed development site.

5.5. EIA Screening

An Environmental Impact Assessment Screening report was not submitted with the application.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

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

The subject development is in summary for the construction of 18 houses and all ancillary works on a site of 0.96ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.

I have given consideration to the requirement for sub-threshold EIA. The site is located on land zoned for residential in the town of Clonmel, and it is also to connect to existing services (The Land Use Zoning Map in the Clonmel Local Area Plan 2024-2030 relates). The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed

development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Tipperary County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

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

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two separate Third Party Appeals have been submitted from local residents:

- Francis and Ella Farrell
- Joseph and Elaine Watson

Whilst they are not objecting to this development, they have serious concerns to the entrance being on Silversprings Road and they raise 9 points. As these raise similar issues, their concerns are summarised together as follows:

Proposed Entrance

- They provide details of the planning history and refer to phasing and query why the existing access to Springfields Estate is not being considered. They attach photos.
- The vehicular entrance should not be made on Silversprings Road within 30m of a busy roundabout where the through speed is excessive and dangerous.
- The NRA Guidelines re: proposed entrance in relation to adjacent roundabout is not achieved.

Sightlines

- Sightlines are not achieved and are not achievable at the proposed entrance, which is substandard.
- There are major safety issues for pedestrians, cyclists and traffic. They query that the proposed entrance/access road onto Silversprings Road should be approved. They attach photos.

Sub -Standard Gradient

- The gradient of the proposed entrance is greater than 10%. This problem is compounded by the straightness of the resulting in serious safety non-compliance- surface water, icy conditions etc.
- The vehicular light spillage/pollution will severely impact on their privacy and quality of life in their house as they live directly opposite this entrance.

Sub-Standard Road Width

- The new proposed residential estate road width has been reduced to 5m. They query how this has been allowed when the width of a road for an estate is 6m. They consider this is not in compliance.

Emergency Service Access

- Access to the site (5m in width) re emergency services is not adequate.

Sight Drainage

- There are no details of on-site drainage to access road as per BRE 365. On-site drainage cannot be achieved for the access road.
- They query how it is proposed to mitigate against overflow of surface water running down the excessively sloped entrance onto Silversprings Road and into their houses opposite entrance.

Infrastructure Capacity

- The Sewer and Water Supply at the location is not adequate. Currently water pressure is not consistent.

Irish Water

- They query whether the proposed development has an agreement with Irish Water.

Site Planning Notices

- They are concerned about the legibility of the Site Notices and as to why the Council did not ask Cooney Engineering & Construction Ltd to lower them so people could read them.

Conclusion

- The solution to preventing the possibility of serious injury or loss to life lies in the use of the original planning access road at Springfields Estate (North aspect of the site).
- They have major concerns about safety issues arising from this sub-standard entrance and a physical site visit is essential for observations.

6.2. Applicant Response

Peter Thompson Planning Solutions has submitted a response to the Third Party Appeals on behalf of the Applicant. This includes regard to the locational context, planning history and policy. Their Response notes each of the Grounds of Appeal and includes the following:

Density, Design and Layout

- A lower density is considered reasonable and justifiable in light of the 'existing residential' zoning objective towards preserving existing amenities, the large portion of the site over which the shared access is proposed the single storey nature of the housing to meet the needs of the elderly and the higher percentage of the site being dedicated to open space.
- They have regard to the permitted layout for 10 no. houses on the subject site (Reg.Ref. 05550119 refers).

Ground of Appeal 1 – Proposed Entrance

- There is no online mapped planning register record of the original planning permission for the Springfield housing estate to the north of the application site.
- The current application was never in the same ownership as the Springfield estate lands. The statement that the existing access between the application site and Springfield estate was to facilitate a Phase 2 development, is incorrect.
- The potential access option likely arose from a Planning Authority desire for the original owners of the Springfield estate not to hold onto a potential ransom strip at the end of the cul-de-sac.
- It is evident from the Planner's Report that the access off the Springfield Estate was considered.
- The applicant is contracted to purchase the application site subject to planning permission and in entering into this agreement was aware the site previously had the benefit of planning permission for a vehicular entrance.

- The access which was permitted under Reg.Ref. 05550119 involved upgrading the existing access road and retaining it in its existing position.
- They consider that the vehicular entrance now proposed will be a net improvement on the access arrangement previously permitted.
- Providing a pedestrian access link from the application site into the Springfields estate was also considered but discounted. It was considered this would be detrimental to the residential amenity of Springfields estate.
- They note the appellants concerns regarding safety about the location of the access close to a busy roundabout. The technical note from the applicants consulting engineers (Garland Concepts Realised – July 2023) demonstrates the roundabout has ample capacity.
- It has been designed to facilitate significant increases in traffic and details are given of permission for commercial developments in the area. The proposed housing will not materially impact on traffic flows.
- Had the vehicular access been taken through the Springfields estate rather than directly from Springfields Road, this would have led to more congestion.
- The technical note from the applicant's consulting engineers also addresses the geometry of this roundabout and concludes that the roundabout design fully meets the design criteria set-out by the TII Technical guidance document.

Grounds of Appeal 2 - Sightlines

- The sightlines for the proposed access road junction are based on those specified in DMURS guidance. They refer to the technical note from the applicant's consulting engineers for more details (Attachment 1).

Grounds of Appeal 3 - Sub-Standard Gradient

- They refer to the technical note from the applicant's consulting engineers for more details (Attachment 1).

Grounds of Appeal 4 - Sub-Standard Road Width

- The road width of the new proposed residential estate road is 5m based on guidance from DMURS. They refer to the technical note from the applicant's consulting engineers for more details (Attachment 1).

Grounds of Appeal 5 - Emergency Service Access

- A fire truck can safely access the site using the 5m access road. They refer to the technical note from the applicant's consulting engineers for more details (Attachment 1).

Grounds of Appeal 6 - Site Drainage

- They refer to the technical note from the applicant's consulting engineers for full details.

Grounds of Appeal 8 – Irish Water

- Confirmation from Irish Water that a connection to the public water and wastewater infrastructure is possible without upgrades was submitted with the application. Condition 11 of the Notification of Grant of Permission covers this.

Grounds of Appeal 9 – Site Planning Notices

- Site Notices were erected at the main entrances to the site. No additional site notices were requested by the Planning Authority.

Other Matters in support of dismissal of the appeals and a grant of permission

- They note that the planning authority have accepted a gross density of 18.75 dwellings per ha, having regard to the 'existing residential' zoning and the low density of development in the vicinity. They refer to NRUP 02/2021 – circular letter.
- The site context and character of the receiving environment should be noted.
- The proposed development will meet the needs of the local urban and Clonmel environs community who seek to downscale from larger family homes to single storey accommodation.
- They note the 10m exclusion zone to the power lines and the higher than required area of public open space.
- They consider the density is reasonable having regard to the single storey nature of the housing to meet the needs of the elderly and amenity.
- They conclude that the Third Party concerns can be fully addressed by suitably worded conditions.

Third Party Appeal withdrawn

The First Party also responds to an appeal by Anne and Cyril Darmody. It has been noted that subsequently this appeal has been withdrawn.

6.3. Planning Authority Response

That the Planning Authority fully considered all observations/submissions, reports and the plans and particulars on file and are satisfied the decision to grant permission was appropriate and in the interest of the proper planning and sustainable development of the area.

They also had regard to the Observation made and considered that there is no new information on file and no new issues have been raised in this appeal.

They are satisfied that the issues raised were fully considered and responded to in both the Planner's and Engineers Reports. They consider that the development was permitted having regard to the issues raised and the assessment of the proposal against all applicable guidance including the Clonmel and Environs Development Plan 2013.

They ask the Board to uphold the Council's decision and to grant permission.

6.4. Observations

An Observation has been submitted from Springfields Residents Association, and this includes the following:

- They note that a number of the Submissions made to the Council included reference to an existing entrance to the above property from the Springfields estate and how this should be used as an entrance to any new development.
- The gate in question was put in to allow agricultural vehicles access to the field once or twice a year. It was never intended to allow access to further development. The owners of the field promised that it would be closed up in any plans.
- Springfield is an open plan estate with a mix of older and younger residents, The road and green are a haven for the children of the estate to play safely.

- They are vehemently opposed to any development traffic entering their estate and they would not welcome an entrance into a new estate and beyond to the shopping centres of the Davis Road their roads as a drive through.
- The width of their roads would not allow two lanes of traffic as one of the objectors suggested especially in the cul-de-sac that culminates in the field gate.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the Third Party appeals and the First Party response, the reports of the local authority, and having regard to the relevant national/regional/local policies and guidelines, and having inspected the site, I consider the substantive issues in this appeal to be considered are as follows:

- Planning Policy Considerations
- Density, Design and Layout
- Impact on the Character and Amenities of the Area
- Access and Permeability
- Drainage issues
- Screening for Appropriate Assessment

7.2. Planning Policy Considerations

- 7.2.1. Project Ireland 2040: National Planning Framework (NPF) is concerned with securing compact and sustainable growth. Objective 4 seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 7.2.2. The Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES) notes the importance of Clonmel as a County Town and one of the Key

Towns in the Waterford Metropolitan Area. Such towns are described as strategically located urban centres with accessibility and significant influence in a sub-regional context, driving regional growth for the South-East, noting its connectivity including rail and strategic road network. Objective RPO17 seeks to support Clonmel as a self-sustaining regional economic driver and a key location for investment and choice in the Region.

- 7.2.3. Regard is had to the recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)', and to the amendments to the SPPRs therein as relevant to the subject application. These Guidelines replace the 'Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities' issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. This includes regard to higher densities in appropriate locations in key and larger towns.
- 7.2.4. The Tipperary County Development Plan 2022-2028 describes Clonmel in Section 4.3 as a Key Town in the southern region, defined as a large population scale urban core, functioning as a self-sustaining regional economic driver. Reference is had to Section 3.5 of the RSES, and the town boundary and compact growth is set out in its Town Profile Plan (Figure 4.2). A Strategy is provided to support the sustainable development of the town of Clonmel. This includes that the Council will support the further development of Clonmel as a strong and attractive residential centre.
- 7.2.5. Chapter 5 of the County Plan refers to housing: *The Council will seek to secure the provision of new homes in towns and villages, tailored to the needs of the existing, and projected population. In this way, supporting an all-community approach, with better quality of life, more efficient use of land, and greater integration of infrastructure and services.* Reference is had to support for housing mix and universal design. This includes regard to a range of housing including for older people. Policy 5-7 (quoted in the Policy Section above refers).
- 7.2.6. The Clonmel and Environs Local Area Plan 2024-2030 sets out the local spatial planning framework for Clonmel to 2030. The Plan was made on 12th February 2024

and came into effect on 25th March 2024 and is now the pertinent plan for the town. This LAP outlines the local spatial planning framework and includes policy and objectives for Clonmel and Environs.

- 7.2.7. The subject site is located within the 'New Residential' and adjoins the 'Existing Residential' land use zoning. The object being to provide for: *New residential areas/town extensions to ensure the provision of high quality and connected new residential environments. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.*

Section 5.5 of the LAP has regard to Clonmel being an Age Friendly Town.

- 7.2.8. Therefore, the principle of a residential development is acceptable on this site. Regard is had further to the issues raised including in the Third Party appeals in the consideration of this appeal 'de novo' in this Assessment below.

7.3. Density, Design and Layout

Density

- 7.3.1. Section 3.3.3 of the Compact Settlement Guidelines provides generally in the range of 30dph to 50dha, in Suburban areas of Key Town/Large Town. Also, that the density of development should respond in a positive way to the established context.

Section 3.3.6 provides Exceptions and includes: c) *In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this chapter.*

- 7.3.2. The proposal provides for 18 houses on a site of 0.96ha i.e. a gross density of 18.75 dwellings per ha. This is considerably lower than that recommended in the Guidelines. The First Party provides that the context of the development located in a low density area to the east of Clonmel town centre should be noted. Part of the site is steeply sloping and does not lend itself easily to residential development. They note that permission was previously granted for 10 houses on this site (Reg.Ref. 05550145 refers). This development was never constructed and the site remains greenfield.

- 7.3.3. It is noted that the Planner's Report provides: *Given the context, the character of the receiving environment, defined by low density residential development, the density of 18.75 units per hectare strikes an appropriate balance between the need to ensure the efficient use of available lands and the character of the receiving environment. The density proposed can therefore be considered in this instance.*
- 7.3.4. The First Party notes that the potential market for these two-bedroom single storey houses is aimed at the older age group, who wish to downscale. By removing the area around the shared access from the developable area and reflecting the higher than required open space provision (22% to be provided and 15% required) the developable site area is reduced. The First Party response provides that for the purposes of calculating density the site area can be reduced to 0.88ha, giving a density figure of 20.45 units/ha. They consider that this density is reasonable having regard to the single storey nature of the housing to meet the needs of the elderly and the amenity the applicant is seeking to offer residents with generous gardens for the size of the homes proposed.
- 7.3.5. I would also note that this site has some constraints. It appears as backland development accessed via a narrow driveway from Silversprings Road. The area proposed for public open space is steeply sloping to the Davis Road frontage which is on a level well below. It is also noted that there is a 10m buffer along the western site boundary required by the ESB, to provide for an exclusion zone for the overhead lines that cross the western section of the site. Other ESB lines that transverse further to the south are to be undergrounded. Having regard to these issues including the constraints, and to the pattern of development in the area, I would consider that the proposed lower density is acceptable on the subject site.

Design and Layout

- 7.3.6. A Design Statement and Development Impact Assessment has been submitted with the application. This has regard to the site location and context. It includes regard to the policies and objectives in the Clonmel and Environs DP 2103. As has been noted above this has now been replaced by the Clonmel & Environs LAP 2024-2030.
- 7.3.7. The proposed development involves the construction of 9 blocks, which will accommodate 18no. units, comprised of single storey 2 bedroomed bungalows designed for the elderly. The houses are a mix of detached, semi-detached and

terraced units. A description is given of the terraced and semi-detached blocks. These are shown as single storey with a pitched roof, c. 5.1m to ridge height. It is noted that the unit sizes are all to provide for two-bedroom houses and be of a similar floor area. Therefore, there is not much variety in the type of housing in the scheme. The revisions made in response to the Council's F.I have included a side window in Unit no.16 to provide for passive surveillance of the public open space. In addition, revised plans have been submitted showing the potential for attic conversions to provide unit nos. 1-16 with future adaptability without the need for encroaching on the exclusion zone of 10m due to the overhead electricity cables.

- 7.3.8. Where possible, homes in new residential developments are to be universally designed to the 'Lifetime Homes' standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007). This includes regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. The proposed dwellings would comply with the floor area and minimum room sizes as specified in the spatial standards in Section 5.3.2 and Table 5.1 of these Guidelines.
- 7.3.9. The proposed houses all have above the minimum rear garden areas (48sq.m for 1-2 bed houses as per the CDP). Those along the western boundary being greater due to the need to retain the 10m exclusion zone from overhead cables. It is of note that 2 of the houses proximate to the eastern site boundary have 84sq.m side gardens shown as private open space.
- 7.3.10. The associated site works include vehicular and pedestrian connections to public roads, installation of foul and surface water drains and watermain connecting to public mains on Silversprings Road, roadways, footpaths, green spaces, landscaping and boundary treatments, public lighting and bin storage areas.
- 7.3.11. It is of note that a revised Part V Agreement has also been included, indicating houses to be allocated to Social and Affordable Housing, in agreement with Tipperary County Council.
- 7.3.12. If the Board decides to permit, I would recommend, that it be conditioned that details of external finishes be submitted and that all bathroom windows be obscure glazed. Also, that a condition about phasing of the proposed development be included.

Public Open Space, Landscaping and Boundary Treatment

- 7.3.13. A total of 22% of the site area is to be developed as open space to serve the proposed housing. There will be a large area of landscaped parkland open space (shown as 1686sq.m on the Site Layout Plan) to the south with a pathway leading onto Davis Road. There are also to be a series of smaller pockets of landscaped open space around the housing. External communal areas are provided in the public open spaces throughout in the scheme. It is noted that the public open space is greater than the 15% referred to in the Development Plan. However, this is due to the topography and orientation i.e the steeply sloping nature of the subject site (particularly in the direction of the Davis Road).
- 7.3.14. In response to the Council's F.I regarding boundary treatment between points E and F (i.e along the Davis Road frontage of the site) the applicant provides that the existing stone wall is to be retained and any damage repaired to match the existing wall. The extent of landscaping is to be cut back and a new laurel hedging provided along this boundary line. Regard is had to the Site Plan 'Boundary Treatments & Landscaping' submitted Drwg. No. F1-04 (dated 19/05/2023) refers.
- 7.3.15. I would note that as shown on the drawings, some mature trees are to be removed along the Silversprings road frontage to facilitate the location of the proposed entrance. If the Board decides to permit, I would recommend that it be conditioned that a Landscaping Scheme be submitted. This should include for retention where possible for existing trees on site. A condition regarding boundary treatment should also be included.

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. The Design Statement and Development Impact Assessment Report submitted with the application provides that the proposed scheme has been designed as part of an infill project on a greenfield site that takes into consideration the construction of the proposed dwelling units whilst also considering the immediate context and existing residential units surrounding the scheme. That the scheme proposes to use quality external finishes and to integrate into its surroundings.
- 7.4.2. Sections showing the elevational context of the proposed single storey houses on this steeply sloping site have been submitted. Finished Floor Levels shown vary

between 26.65 in the northern part of the site to 24 in the southern part of the site. I would note that in view of the set back the proposed infill scheme will not be much visible from the Silversprings Road. Provided a quality landscaping scheme and boundary treatment is implemented it will not be much visible from the Davis Road.

- 7.4.3. It is provided that the site has an opportunity to create contemporary Aged Residential Area onto Silversprings Road completing the existing residential community, and that these houses have been designed for that purpose. As has been noted in the Policy Section above the Guidelines and Planning Policy support age friendly housing. Also, the locational context of the site, being appropriate as it is close to the town centre and transport links and various amenities for local residents.
- 7.4.4. The Development Strategy, and Site Layout Plan shows the context of the proposed development to the surrounding development. Regard is had in particular to the northern end of the proposed development scheme and I would consider that it will appear cramped. If the Board decides to permit, I would recommend, that the terrace of 3 at the north western corner of the site adjoining Springfields estate (shown as Block 5) be relocated to the southern end of the site layout and be replaced by a two storey semi-detached pair (shown as Block 1). That in the interests of permeability this revision be shown to allow for adequate space to facilitate a pedestrian link to the end of the cul de sac in Springfields estate to the north. That if the Board decides to permit, that it be conditioned that a revised Site Layout Plan be submitted showing this.

7.5. Access and Permeability issues

- 7.5.1. The Design Report has regard to the connectivity of the site to Clonmel Town Centre. The main access road to the site is the Silversprings Road which connects via a roundabout to the Davis Road, and then connects to the N24. Regard is had to the Civil Engineering Report submitted by Garland Consulting Engineers. The section on Road Design is of note and provides an overview of the key concepts for the development. Vehicular access to the site is to be from Springfields Road. The existing access serving the proposed development is to be repositioned, realigned and widened, with a spur proposed off this road to retain the existing house. It is proposed that the existing entrance from Silversprings Road be demolished and a

new stone wall to match the adjoining lands is constructed of a 900mm high stone piers and wing walls to form a new vehicular entrance. That the 900mm high piers and wing walls will not obscure the sightlines as proposed by the consulting engineers for the project.

- 7.5.2. The Council's District Engineer had concerns about sightlines and visibility, the carriageway width should be reduced to 5m, gradients of the access road, the need for a street lighting report and swept path analysis for refuse vehicles, and relative to construction details for roads, footpaths and pedestrian crossings. These issues were addressed at F.I stage and the applicant's response has been noted.
- 7.5.3. Information submitted in response to the Council's F.I request includes a report from Garland Consulting relative to Davis Road Planning RFI. They refer to revised drawings and provide that sightlines have been provided in accordance with DMURS. They note issues with gradients and provide that it was agreed with the Council's Engineering Section that an alternative approach would be to provide 'speed control bends' in accordance with diagram 7.4 of the DOT Traffic Management Guidelines. That this measure along with a narrower 5m road, would reduce the speed of traffic approaching the junction. They refer to drawings showing the narrower 5m road and speed control bends. Revised drawings have been submitted showing typical construction details for the road and footpaths with the proposed development.
- 7.5.4. A vehicle autotrack analysis has been carried out using the 5m access road, to confirm that the road network can be safely used by a standard vehicle and refuse vehicle. They provide that the internal road layout has been designed to ensure that the design is in accordance with the principles of DMURS.
- 7.5.5. It is noted that the Third Parties are concerned that the vehicular entrance should have been through Springfields estate to the north. That the vehicular entrance should not have been shown via Silversprings Road as this is a substandard entrance and sightlines are not achievable at the proposed entrance. They refer to the issue of traffic hazard relative to the proximity to the roundabout c. 30m to the south on the Davis Road (R107). The Technical Note by Garland submitted in response to the Third Party Appeals includes that the proposed access road junction

is located c.70m from the roundabout. It is noted that the site is within the urban speed limits.

- 7.5.6. I noted that there is a locked gated entrance at the end of the adjoining Springfields cul de sac to the north of the site. The Third Parties who are residents who live opposite the proposed entrance on Silversprings Road, submit that this entrance was to facilitate the development now proposed and should be considered as Phase 2 of Springfields.
- 7.5.7. The First Party refutes this and provides that in the current application the access has been moved northwards on Silversprings Road to a point where vehicles exiting the site will not be approaching directly in front of either of the houses opposite, but rather, they will approach opposite and between the houses. They consider that this will be a net improvement for the existing houses on the opposite side of the road. That the access road is sloping down onto Silversprings and therefore light for dipped beams will be focused downwards onto the road surface rather than at the houses opposite the entrance.
- 7.5.8. They also note that the Technical Note from the applicant's consulting engineers in response to the grounds of appeal, demonstrates that the roundabout has ample capacity. That it is designed to facilitate significant increases in traffic including from as yet undeveloped 'Commercial' zoned land on the Davis Road. That the design fully meets the criteria set-out by TII technical guidance documentation.
- 7.5.9. In addition, there is an Observation from the residents in Springfield estate concerned that there be no access from their estate to the subject site. They are opposed to any development traffic entering their estate and concerned that it would be used as a drive through. I would note that the layout of the proposed development has not been designed to facilitate such a vehicular access.
- 7.5.10. It is noted that as provided in the Planner's Report, the Council's District Engineer does not object to the details submitted and recommends conditions. I would consider in view of the documentation submitted, that the proposed vehicular entrance is acceptable.

Permeability and Parking

- 7.5.11. It is proposed that the existing entrance to the Davis Road be utilised to provide pedestrian connectivity and permeability onto the Davis Road. The Design Report provides that the proposed pedestrian access shown through the proposed area of public open space, will give additional access to the existing public footpaths on the Davis Road. There is a petrol station and a commercial centre nearby on the Davis supplying all local amenities and access to Clonmel Town Centre.
- 7.5.12. The First Party does not support the provision of a pedestrian entrance from the site to Springfields estate. They consider that this would have the potential to lead to antisocial behaviour. However, in the interests of permeability, which is encouraged by the guidelines and planning policy, I would also recommend that there be a pedestrian link between the site and the cul de sac in Springfields. As has been noted above this would involve some minor changes to the Design and Layout. If the Board decides to permit, I would recommend that this be conditioned.
- 7.5.13. As shown on the Site Layout Plan 26no. parking spaces, predominantly within the curtilages of the houses, but also some roadside parking are to be provided for the 18no. dwellings to include visitor parking. As per Policy DM 9 Parking Standards are to be provided in accordance with the Tipperary CDP 2022-2028 with reduced levels of parking sought in highly accessible locations with good access to services and public transport opportunities. In this case it is noted that there is a bus stop on either side of the Silversprings Road to the south of the subject site. Table 6.4 of the CDP provides Minimum Car Parking Standards and this includes 1 space per dwelling unit (up to 2 bedrooms). I note that Section 6.5.3 of the said Plan provides for a minimum of 1 EV charge point space per 5 car parking spaces (ducting for every parking space shall also be provided). If the Board decides to permit I would recommend that this be conditioned.

Lighting

In response to the Council's F.I request an Outdoor Lighting Report by Lawlor Consulting has been submitted. If the Board decides to permit I would recommend that a public lighting scheme be conditioned.

7.6. Drainage

- 7.6.1. Regard is had to the Civil Engineering Report submitted by Garland Consulting Engineers. This has been prepared to describe the proposed water and drainage services for the proposed development. This includes regard to the installation of foul and surface water drains and watermain connecting to public mains on Silversprings Road. Note is had of the Garland Consultant's Engineering Drawing package.
- 7.6.2. Details submitted with the application include that Irish Water completed a review of the pre-connection enquiry and advised that based on the details provided; Water Connection and Wastewater Connections are feasible without infrastructure upgrade by Irish Water.

Surface Water Drainage

- 7.6.3. Note is had in the Engineering Report to Surface Water Drainage and the implementation of SuDS. The appropriate SUDS features included in this proposal include the following: Rainwater harvesting butts, Permeable paving, Porous asphalt, Tree pits, Catchpit manhole, Bypass interceptor, Attenuation tank, Hydrobrake limiting flow to Qbar greenfield rate. A table is provided relative to each of these features and details are given of the design and SuDS features to be implemented. The proposed development is to contain 2no. 1/1000 year Attenuation tanks located to the south-east of the development within the large public open space and to the east within the grass area adjacent to the new vehicular entrance.
- 7.6.4. It includes that the attenuation volume required was calculated based on the critical storm duration for the 100 year return period storm event inclusive of a 20% climate change allowance. That regional control comprises of treatment facilities to reduce pollutants from runoff and control the surface water runoff rate to greenfield runoff rate. The stormwater and attenuation system has been designed to cater for flows which would be generated by the proposed residential development and to take into account the steeply sloping nature of the site. Appendix A provides Storm Network Calculations, Attenuation Calculations and Storm Simulation Calculations.
- 7.6.5. It is provided that a number of water quality protection measures are proposed on the road drainage system. These include road gullies on the road network, a bypass interceptor upstream of each attenuation tank for the removal of any petrol/oil

contaminants and a Catchpit manhole. Regard is had to the drainage drawing showing the location of these.

- 7.6.6. The applicant was advised as to clarity issues in relation to storm water connection. The F.I submission refers to the location of storm water pipe and works required to connect to same. They refer to revised drawings and note that the redline boundary has been extended to encompass the proposed works.

Foul Drainage

- 7.6.7. It is proposed to provide a single gravity foul sewer to serve the current proposed development. The foul sewerage from the overall development is planned to discharge to the existing foul network below Silversprings Road to the east of the development. Reference is had to the Foul Sewer layout drawings submitted and it is provided that the design will be in accordance with current Irish Water Code of Practice standards. Foul Sewer Design Calculations are included in Appendix B of the Engineering Report. As noted above, a confirmation of feasibility was issued by Irish Water, Appendix B refers.

Water

- 7.6.8. It is noted that a confirmation of feasibility was issued by Irish Water and that further details will be agreed with Irish Water during the connection application process. Regard is had to the proposed internal supply network as shown on the drawings submitted. It is proposed to connect the development to the existing main that runs along Silversprings Road east of the development.

Flood Risk

- 7.6.9. The Engineering Report provides that based on the OPW CFRAMS Map (Appendix D refers), the site is located outside Flood Risk Zones A and B, therefore located in Flood Risk Zone C. Existing site levels within the development lands are between 19.5m and 26.5m A.O.D. Therefore, they provide that due to its location in Flood Risk Zone C and its elevation, the site is suitable for the development of housing in accordance with the Flood Risk Management Guidelines. A site-specific flood risk assessment is therefore not necessary for this development.
- 7.6.10. They note that Clonmel has benefitted from a flood relief scheme which was completed in 2010. That previous flooding events extended up Davis Road, but not

onto this site. That the extent of flooding following completion of the flood relief scheme has been substantially reduced.

- 7.6.11. The Technical Note submitted on behalf of the applicant in response to the Third Party grounds of appeal provides that the roadway drainage system has been sufficiently designed to prevent the overflow of surface water running down and into the houses opposite the entrance.

7.7. Screening for Appropriate Assessment

- 7.7.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

- 7.7.2. The Lower River Suir SAC (site code: 002137) is c.263m to the south.

- 7.7.3. The proposed development comprises the construction of 18no. dwellings together with all ancillary works, located on serviced lands within the Clonmel and Environs Local Area Plan 2024-2030 boundaries.

- 7.7.4. No nature conservation concerns were raised in the planning appeal.

- 7.7.5. No streams/watercourses are identified on site.

- 7.7.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The nature of the works proposed which are located on serviced lands.
- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

8.0 Recommendation

I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the provisions of the Tipperary County Development Plan 2022-2028, to the locational context of the site within residentially zoned and serviced lands within the boundaries of the Clonmel and Environs Local Area Plan 2024-2030, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 19th and 25th of May 2023 and by the further plans and particulars received by An Bord Pleanála on the 28th of July 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Prior to the commencement of development, the developer shall submit revisions to include the following for the written agreement of the planning authority:

- (a) A revised Site Layout Plan to allow for the provision of a pedestrian connection from the northern part of the development site to the adjoining cul de sac in Springfields estate.
- (b) Revisions to show Block 5 (terrace of 3 houses) relocated to the southern end of the scheme and replaced by the semi-detached pair i.e. Block 1.
- (c) A redesign of the end of terrace unit to include a side window to allow for surveillance of the public open space.
- (b) Details of the materials, colours and textures of all the external finishes to the proposed development.
- (c) All bathroom windows shall be obscure glazed.

Reason: In the interests of residential amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) details of the landscaping and maintenance of all areas of public open space;
 - (c) details of tree protection measures during construction and the proposed locations of trees and other landscape planting in the development, including of proposed species and settings;
 - (d) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (e) details of all proposed site boundary treatments including any retaining walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season

thereafter. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In order to ensure the satisfactory development of the open space areas, and in the interests of visual amenity.

4. The access from the public road, and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, signage and traffic calming measures, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.

Reason: In the interest of public health.

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

Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

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

11. A management plan for the control of alien invasive species, including a monitoring programme, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to prevent the spread of alien plant species.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and

agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

13. The construction of the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.

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

14. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and

resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

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

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

19. (a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.

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

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

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Angela Brereton
Planning Inspector

16th of August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317588-23		
Proposed Development Summary	Construction of 18no. residential bungalows designed for the elderly, access and all ancillary works.		
Development Address	Lands at Silversprings Road and Davis Road Junction, Burgagery-Lands East, Clonmel, Co. Tipperary.		
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	✓
		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	✓		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	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317588 -23	
Proposed Development Summary	Construction of 18no. residential bungalows designed for the elderly, access and all ancillary works.	
Development Address	Lands at Silversprings Road and Davis Road Junction, Burgagery-Lands East, Clonmel, Co. Tipperary.	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development to include 18 units (stated area 0.96ha) is within the Clonmel and Environs Local Area Plan 2024-2030 boundaries and is zoned 'New Residential and the site is adjoining 'Existing Residential' development.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction Management it will not result in significant emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>This proposal is for the construction of 18 units (stated area 0.96ha) and is well below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p>	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in,</p>	<p>Residential Development on serviced site on zoned lands within the Clonmel and Environs Local Area Plan 2024-2030 boundaries and the proposal includes regard to surface water drainage and the incorporation</p>	No

<p>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>of SuDS. A Justification Test is not required as the site is not with Flood Risk zones A and B.</p> <p>The proposal includes the implementation of SuDS in surface water drainage. This has been assessed in the documentation and shown on the drawings submitted, and it is concluded that it will not have a significant effect.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)