



An  
Bord  
Pleanála

# Inspector's Report

## ABP-318093-23

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<b>Development</b>	Proposed road development at The Quay, Quay Street, Suir Island and Raheen Road
<b>Location</b>	The Quay, Quay Street, Suir Island and Raheen Road, Clonmel, County Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Applicant(s)</b>	Tipperary County Council
<b>Type of Application</b>	Section 51 of the Roads Act 1993, as amended
<b>Observer(s)</b>	Department of Housing, Local Government and Heritage Transport Infrastructure Ireland Myriam Madigan William Corby Ciaran Walsh
<b>Date of Site Inspection</b>	20th June 2024
<b>Inspector</b>	David Ryan

# Contents

1.0 Introduction.....	3
2.0 Site Location and Description .....	4
3.0 Proposed Development .....	5
4.0 Planning History.....	10
5.0 Legislative Context .....	10
6.0 Policy Context.....	13
7.0 Submissions .....	22
8.0 Further Information and Response .....	33
9.0 Further Submissions.....	42
10.0 Planning Assessment.....	43
11.0 Environmental Impact Assessment .....	51
12.0 Appropriate Assessment .....	127
13.0 Recommendation .....	165
14.0 Reasons and Considerations.....	165

## **1.0 Introduction**

1.1. This report relates to an application to An Bord Pleanála by Tipperary County Council in which approval is sought for development under the provisions of Section 51 of the Roads Act 1993, as amended. The development referred to as the 'Suir Island Infrastructure Links' relates to a proposed road development including for two pedestrian bridges with an overall length of 135.1 metres, the first bridge linking The Quay/Quay Street/Sarsfield Street in Clonmel Town to Suir Island with a second bridge connecting Suir Island to Raheen Road. The proposed development will also include a new public plaza, modifications of traffic direction and carriageway widths, a bus stop, upgrading of footpaths, new paths, and a new foul pumping station. Following a request from Tipperary County Council under Section 50(1)(b) of the Roads Act, 1993, as amended, the Board directed the Roads Authority (File Reference ABP-317411-23) to prepare an environmental impact assessment report in respect of proposed road infrastructure works. The application now before the Board is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

## **1.2. Further Information**

1.2.1. The Board sought further information on 09/07/24, a response to which was received on 30/09/24. Following correspondence from the Board the applicant published notices advising of the submission of the further information and the date by which submissions were to be made to the Board. Submissions were received from 1 no. prescribed body which is summarised in section 9.0 of this report. 2 no. observations were received and these are summarised in section 9.0. No submissions from the planning authorities were received.

## **1.3. Oral Hearing**

1.3.1. Having regard to the details on file, my site inspection and the nature of the submissions, I do not consider that an oral hearing is necessary.

## 2.0 Site Location and Description

- 2.1. The site of the proposed road development is located at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, in Clonmel town centre, Co. Tipperary.
- 2.2. The Quay, Quay Street and Sarsfield Road on the northern bank of the river are in close proximity and linked to the main street (O'Connell Street) to the north. Quay Street widens gradually towards its eastern end. There is a public footpath along both sides of Quay Street with a public car park provided at the eastern end, adjacent to its junction with Sarsfield Road. The riverside area of the site includes flood protection walls. The northern bridge crossing will span the River Suir linking The Quay, Quay Street and Sarsfield Road to Suir Island to the south.
- 2.3. The site includes part of Suir Island, Clonmel town centre, which is accessed from the town centre via Old Bridge Road located to the west of the island. This area of the proposed site includes the eastern area of an existing public car park which is sited on the western part of the Island. An existing flood protection berm runs from north-south in the centre of the island. The ruins of Suir Island House (RPS no.289; NIAH 22121005) are located to the southwestern area of the site on Suir Island.
- 2.4. The Southern Bridge crossing will connect Suir Island to Raheen Road and Denis Burke Park. Raheen Road on the southern bank of the river currently consists of a carriageway road with one lane in each direction located between Old Bridge Road (west) and R678 Old Waterford Road (east), and is removed from the town centre and acts more as a distributor road facilitating access to/from the nearby residential area, schools, public amenities, hotel and the Comeragh mountains. This area of the site also includes the southern and northern banks of the southern channel of the River Suir and a flood protection wall.
- 2.5. The proposed development is located within part of the designated European site, Lower River Suir Special Area of Conservation (SAC), Site Code 002137. The site is also located within a Zone of Archaeological Potential (TS083-019) for the town of Clonmel and is proximal to recorded monuments including a weir (TS083-01916) and bridge (TS083-019002). The existing Suir Blueway is located to the east of New Quay street and Suir Island, with the Greenane Blueway located to the west of Suir Island.

### 3.0 Proposed Development

3.1. The application was lodged with the Board on the 25/09/2023 with further plans and particulars received 30/9/24 following a request for further information dated 9/7/24.

3.2. The proposal is for a road development at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, in Clonmel town, Co. Tipperary.

3.3. Chapter 2 of the EIAR (Main Report) provides a detailed description of the proposed development. As set out in the EIAR, the development comprises the following:

- Two pedestrian bridges, the first bridge linking the proposed North Plaza on The Quay/Quay St/Sarsfield St Junction to Suir Island, and the second bridge connecting Suir Island to Raheen Road.
- The pedestrian bridges will be 4-metre-wide consisting of a double curvature alignment, which allow users to discover Suir Island 'from up high' by walking seamlessly between the trees while linking the project elements (North Plaza, the berm embankment, and the south riverbank) along one sinuous route. The first bridge follows the geometry of Sarsfield Street and arrives on the island following the line of the berm embankment, which then links onto the second bridge facilitating a link to Denis Burke Park on Raheen Road, creating a direct connection for pedestrians/cyclists between the park and the Town Centre.
- Provision of a new public open space called the North Plaza which will be aligned with Sarsfield Street. The steps and ramp will be visible from O'Connell Street creating a new landmark in the town of Clonmel and will encourage pedestrian movement towards the River Suir. The bicycle access ramp is designed to be as transparent as possible so as not to block the view of Suir Island from Sarsfield Street.
- Modification of traffic direction and carriageway widths in The Quay and Quay Street around the proposed North Plaza. Provision of a bus stop on the western side of the North Plaza located on Quay Street with five benches providing comfortable facilities for public transport users.

- Upgrading of the existing 2-metre-wide sidewalk along Quay Street into a 4-metre-wide shared pedestrian/cycle path which will provide unencumbered access to the proposed plaza area underneath the elevated access ramp.
- Provision of a sloping landscaped terrace with public seating, located inside the hairpin-shaped access ramp leading up to the northern bridge crossing.
- Provision of three benches and a 9-metre-long stepped promenade seating area integrated into the circular-shaped plaza.
- Planting of various native tree species around the North Plaza to integrate the proposed development with the existing scenery of Suir Island and complement the visual experience of users.
- Provision of a pedestrian path or promenade along the existing berm embankment across Suir Island linking the two pedestrian bridges, to facilitate access between Denis Burke Park on Raheen Road and the proposed North Plaza on The Quay.
- Construction of a pedestrian/bicycle ramp from the link promenade onto Suir Island Carpark. The ramp is fully integrated into the landscape by using the existing slope of the berm.
- Construction of three sets of steps connecting the link promenade to Suir Island carpark and the eastern end of Suir Island.
- Provision of a mini public space within Suir Island Carpark at the entrance to the proposed Suir Island Gardens.
- Provision of a south arrival point for the second bridge connecting Suir Island to the Raheen Road. The South Arrival Point will consist of one access ramp to the east and one set of steps to the west, integrated with the bridge landing level and running parallel to the footpath. These elements will be located outside the existing flood barrier.
- Road improvements for the safety of pedestrians/cyclists at the South Arrival Point, including the footpaths being widened and the road narrowed to accommodate 3.0-metre-wide lanes. Removal of three

carparking spaces from the southern edge of the road to allow for wider footpaths.

- Installation of two uncontrolled pedestrian crossings positioned at either ends of the proposed access ramp and flight of steps to provide traffic calming at the South Arrival Point. This bridge arrival point will be located close to the school entrance of Raheen College, providing safe and convenient access for the schoolchildren.
- Access ramps and steps are located behind the flood barriers to allow access even during flood events.
- Construction of a new foul pumping station to be located within Suir Island car park which will facilitate future Irish Water connections. Wastewater will be pumped 0.1km approx. via rising main along the proposed bridge linking Suir Island to the proposed North Plaza where it will connect into the existing public network along The Quay.
- Ancillary site development works to include, but not limited to, surface water drainage, lighting and associated electrical works, hard and soft landscaping, road works to include surfacing and line marking, landscaping and installation of street furniture.
- All associated site works.

3.4. The bridge foundations will consist of concrete encased piled foundations, with the piers and abutment structures constructed on reinforced concrete pile caps. The proposed bridge decks will consist of prefabricated steel sections. The proposed Northern Bridge crossing will span over the Suir River for a total distance of 60m. The northern bridge abutment, access ramp and steps will be constructed behind the existing flood protection wall. A minimum clearance of 300mm is proposed above the demountable flood protection barriers and the soffit level of bridge superstructure. Bridge deck to river channel invert will range from 5.93m (max) and 3.14m (min).

3.5. The existing flood defence berm located on Suir Island will be utilised as a link between the northern and southern bridges, with the Suir Island abutment to be constructed on top of the flood protection berm. Access ramps and steps are proposed to the existing car park.

- 3.6. The Southern Bridge crossing will span the Suir River Slalom Course and Millrace for a total distance of 75m. The Raheen Road abutment will be integrated into the existing concrete flood protection wall and the 2 No. support piers will be located on both banks of the Slalom Course. The Bridge soffit and deck level are to span over permanent flood protection wall. Bridge deck to river channel invert will range from 6.97m (max) and 3.01m (min).
- 3.7. The bridges on the north side and the south side of the river will be constructed on piled foundations in six locations inserted on the banks of the river in the floodplain area, with the construction of bridge supports to occur during low-flow periods in the summer. Localised sheet piling (circa 32 m<sup>2</sup> area per pier) will be utilised around pier locations to prevent the inundation of the works area and minimise groundwater ingress to the works area. This will provide protection for up to the 50% Annual Exceedance Probability or 1-in-2-year recurrence interval summer flood events plus an additional 300mm dry-freeboard.
- 3.8. Bridge construction will include for the provision of haul roads on the island for accessibility of machinery for pile construction and installation of bridges. Construction will also include a temporary access ramp and associated pre-cast temporary box culvert to Pier 01 being built within the Lower River Suir SAC.
- 3.9. The superstructures for the bridges will consist of prefabricated steel sections, which will be transported to site by exceptional road convoys which will require appropriate licensing and approval.
- 3.10. The prefabricated steel sections will be assembled at 3 No. locations, namely the North Plaza, Suir Island Carpark site compound and a temporary assembly platform within Denis Burke Park.
- 3.11. The bridge sections shall be installed by heavy-duty cranes in approx. 30m length sections which will place the sections on top of the completed abutment and pier structures.
- 3.12. For the northern bridge, a crane will lift half of the footbridge from the North Plaza along the northern river bank while another crane will lift the other half of the footbridge from the Suir Island Carpark.

- 3.13. New Quay is a one-way regional road accommodating westbound traffic. Sarsfield Street is also a one-way regional road accommodating northbound movement. The proposed realignment of the traffic around the North Plaza will alter the traffic direction solely westbound via New Quay Road, Quay Street and The Quay Road or northbound via Sarsfield Street. At present, The Quay and The Quay Street both currently accommodate eastbound traffic moving towards Sarsfield Street.
- 3.14. The proposed North Plaza public open space and access ramps will be located in the existing car park area. A bus-stop and 6 no. parking bays and a loading bay will be located west of the North Plaza in Quay Street.
- 3.15. Proposed works on Raheen Road will include narrowing of existing lane widths, road boundary lines and removal the of the school entrance right turning lane to allow for a widening of pedestrian walkway and construction of access ramp and steps.
- 3.16. New surface drainage systems are proposed throughout the site which will include for new gullies, slotted drains and surface water pipelines which will connect to the existing network. A foul pumping station and emergency storage tank are to be provided to allow Irish Water connect the dwellings/apartment building in Suir Island to a formalised network in the future.
- 3.17. Lighting proposals for bridges, access ramps and steps will be illuminated by a bespoke balustrade LED handrail.
- 3.18. The construction phase of the proposed development is expected to take approximately 18 months. Three potential site compound locations are outlined in the EIAR including the existing Suir Island Parking area to act as the main construction compound, The Quays carpark and at Denis Burke Park, with mapping also indicating a works area to southwestern area of the Suir Island site.
- 3.19. The proposed development, by way of further information received has amended chapters within the EIAR, includes for an addendum to the NIS, and amended the site layout. The amended plans include for revised base flow water levels on drawings, revised habitats mapping, with site plans also revised to omit paths to the area of Suir Island to the east of the project site. Details have also been received in relation to public participation. The amendments to the documentation and site plans are addressed in the assessment sections of this report.

## 4.0 Planning History

- ABP-317411-23 Following a request from Tipperary County Council under Section 50(1)(b) of the Roads Act, 1993, as amended, the Board directed the Roads Authority to prepare an environmental impact assessment report in respect of proposed road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, Clonmel town, Co. Tipperary

### 4.1. Relevant consented developments in the immediate vicinity include:

- Approved Part VIII - Suir Island Gardens which included the renovation of existing gardens at Suir Island House (in ruin), proposed water mains connection, proposed play area, picnic areas, lawns and planting.
- Approved Part VIII - Clonmel Urban Realm project (Ref. No. MGT0491). This development to create a new public realm environment includes for Sarsfield Street, Blue Anchor Lane, Bridge Street and will connect directly to the proposed Suir Island Scheme.
- Reg. Ref. 18601355 Permission granted for new hotel at Sarsfield Street, O'Connell Street, Blue Anchor Lane and Quay Street, Clonmel, Co. Tipperary.
- Reg. ref. No. 05550169 Permission granted to construct a car park Suir Island, Old Bridge, Clonmel.
- ABP 312611 - Construction of 20 bungalows granted at Celeville Road, Clonmel
- ABP 311290 - Strategic Housing Development granted for 115 no. residential units (68 no. houses and 47 no. apartments), creche and associated site works at Townland of Croan Lower, Coleville Road (R680), Clonmel

## 5.0 Legislative Context

### 5.1. EIA Directive 2014/52/EU

- 5.1.1. Article 2 (1) of Directive 2014/52/EU amending Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment,

requires Member States to adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.

## 5.2. **The EU Habitats Directive (92/43/EEC):**

5.2.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

## 5.3. **European Communities (Birds and Natural Habitats) Regulations 2011:**

5.3.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

## 5.4. **Roads Act 1993, as amended:**

5.4.1. **Section 68(1) of the Roads Act** references a cycleway and states that a 'cycleway' means "a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians". As outlined the scheme will entail a pedestrian and cycling facility.

5.4.2. **Section 50(1)(a) of the Roads Act, 1993 (as amended)**, lists road developments in respect of which there is a mandatory requirement to carry out Environmental Impact Assessment (EIA) as follows-

- (i) the construction of a motorway,
- (ii) the construction of a busway,
- (iii) the construction of a service area, or
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that: “The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be –

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

## 5.5. **Planning and Development Act 2000, as amended**

5.5.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for ‘sub threshold’ development, namely those which are of a Class specified in Part 2 of Schedule 5 of the PDR, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

5.5.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

5.5.3. **Part XAB** of the Planning and Development Act 2000, as amended sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.

- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.

- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.

- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for

approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 5.6. Natural Heritage and European Site Designations

- 5.6.1. Three main types of designation include Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to, and partially within the subject site include:

- Lower River Suir SAC (Site Code: 002137)

## 6.0 Policy Context

### 6.1. Climate Action Plan 2024

- 6.1.1. The Climate Action Plan 2024 (CAP 24) follows the commitment in the Climate Act 2015, as amended, and sets out the range of emissions reductions required for each sector to achieve the committed to targets. The document sets out Ireland's plan to achieve a 51% reduction in greenhouse gas emissions from 2021-2030 and being carbon neutral by 2050. Section 15 of the Plan deals with transport and table 15.5 sets out the key actions to deliver abatement in transport for the period 2024-2025. Under the Active travel Infrastructure Programme for the cited 2 years, the advance roll-out of walking/cycling infrastructure are included for each year. The principle of

the proposed works is considered to be in compliance with the principles and provisions of the Climate Action Plan 2024.

## **6.2. National Planning Framework – Project Ireland 2040, DoHP&LG 2018**

- 6.2.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework are to ensure the promotion of compact urban development, sustainable mobility and transition to a low carbon and climate resilient society. Embedded in these objectives is the promotion of recreational infrastructure, and the promotion of more sustainable modes of transport, including walking and cycling.
- 6.2.2. National Policy Objective 22 seeks to facilitate tourism development and specifically refers to Blueways and NPO 27, as it relates to Healthy Communities, seeking to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments.
- 6.2.3. In relation to community, NPO 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. In relation to rural towns, NPO 18a seeks to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

## **6.3. National Biodiversity Action Plan 2023-2030**

- 6.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy

Framework Directive, and other relevant legislation, strategy and policy where applicable.

#### **6.4. Regional Spatial & Economic Strategy – Southern Region**

- 6.4.1. The RSES for the southern region was adopted in January 2020 and provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region. The strategy seeks to achieve balanced regional development and the full implementation of the NPF. It is a 12-year strategic regional development framework and establishes a broad framework for the way in which our society, environment, economy and the use of land should evolve. The RSES follows on from the NPF in terms of the overall strategy of achieving sustainable modes of transport which will in turn support active health initiatives and healthy communities, as well as promoting tourism and assisting to a transition to a lower carbon society.
- 6.4.2. Section 6.3.6.10 of the RSES deals with Walking and Cycling and states that active walking and cycle infrastructure will support active health initiatives and healthy communities, encourage transition to sustainable modes of travel, promote sustainable mobility and significantly assist our transition to a lower carbon society. RPO 174 sets out walking and cycling objectives and includes for safe walking and cycle routes and enhancing pedestrian facilities in urban areas.
- 6.4.3. Clonmel is outlined as a Key Town in the Region and key infrastructural requirement includes 'Transport measures through a Local Transport Plan including continued investment enhancing sustainable transport modes, particularly walking and cycling in the town'. RPO17 seeks to support the delivery of the infrastructural requirements identified for Clonmel subject to the outcome of the planning process and environmental assessments.

#### **6.5. County Development Plans**

##### **6.5.1. Tipperary County Development Plan 2022 – 2028**

- 6.5.2. The Tipperary County Development Plan 2022 – 2028 is the relevant policy document pertaining to the subject site. The Plan came into effect on 22nd August 2022.

- 6.5.3. Chapter 4 Settlement Strategy outlines Clonmel as a Key Town (Self Sustaining Regional Driver). It is described as ‘a vibrant and thriving town, a key regional centre for education, health services and social and cultural activities’. In its strategy for growth, in its role it is targeted to grow by at least 30% in terms of population, and to attract a range of large employers and regional services, amenities and infrastructure. The strategy outlines the ‘Council will work with the community to support more sustainable transport patterns, active travel and modal shift’...and ‘seek to maximise support under the ‘Town Centre First’ policy to develop Kickham Barracks and town centre areas, implement the Masterplan for Suir Island’.
- 6.5.4. The strategy outlines ‘The Clonmel Town and Environs Development Plan 2013 will remain applicable to its Plan area, until a detailed assessment and review of land zoning for residential development will be carried out in line with the NPF ‘Methodology for a Tiered Approach to Land-zoning’ to inform the preparation of a new Clonmel and Environs LAP’.
- 6.5.5. Strategic Objective SO-9 seeks ‘To enhance connectivity and promote sustainable transport, through the integration of land-use and transport planning and promotion of and prioritisation of public transport and walking and cycling’.
- 6.5.6. Chapter 12.0 Sustainable Transport sets out the following objectives:
- Planning Objective 12-G - Through Council own development, such as public realm upgrading and regeneration programmes, seek to encourage the following principles;
    - (a) Implement improvements to facilitate pedestrians and cyclists and to improve access for people with mobility needs.
    - (b) Support the ‘10-minute towns’ concept and active travel projects.
  - Planning Objective 12-H - Integrate the county transport and blueway and greenway strategies to ensure that potential blueways and greenways are exploited for their commuting potential, as well as their amenity and tourism value.
- 6.5.7. Chapter 14.0 Green and Blue Infrastructure sets out the following objective:
- Planning Objective 14-B - Consider all opportunities as they arise to seek maximum connectivity between existing and new walking and cycling routes.

The potentials for better inter-connectivity will be detailed in the proposed LTPs and Active Travel Plans to be prepared for the towns as part of the review of existing town plans and LAPs

Chapter 11 Environment and Natural Assets sets out the following objective:

- Planning Policy 11-1 - In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

6.5.8. Appendix 3 Landscape Character Assessment and Schedule of Views and Routes outlines the site is located within the Landscape Character Unit 'Plains – urban and fringe area' which has a Landscape Sensitivity Rating of low.

#### 6.5.9. **Waterford County Development Plan 2022 – 2028**

6.5.10. The Waterford City and County Development Plan 2022 – 2028 came into effect on 19th July 2022.

6.5.11. Clonmel Environs is identified as a Key Town in the settlement strategy of the development plan.

6.5.12. Appendix 8 Landscape and Seascape Character Assessment Scenic Routes and Protected Views outlines the Landscape Character Area Suir River Corridor has a Landscape Sensitivity of Most Sensitive.

### 6.6. **Local Plans**

#### 6.6.1. **The Clonmel and Environs Local Area Plan 2024-2030**

6.6.2. The LAP sets out the local spatial planning framework for Clonmel to 2030 and came into effect on 25th March 2024. The LAP replaces the Clonmel and Environs Development Plan 2013 (as extended). The site is zoned 'urban core' and 'amenity'

in the plan. The site is within a Zone of Archaeological Potential and adjacent an ACA.

6.6.3. **Chapter 3.0 Town Centre Strategy** Section 3.1 Town Centre First supports the Suir Island Cycle and Pedestrian Bridge and Plaza and the Suir Island Amenity Park projects which fall under the vision of the Clonmel 2030 – Transformational Regeneration. Suir Island is within the vision pillar of Clonmel Flights of Discovery.

6.6.4. The proposed development site is partially within Regeneration Site 3 (includes Former Clonmel Arms Hotel) and the zoned ‘Regeneration’ use site 11 of ‘Land on Suir Island / Stretches Island’.

6.6.5. Chapter 3 sets out the following policies/objectives:

- Policy 3.2 - Support new development proposals for regeneration sites which accord with the Key Planning Criteria for these sites set out in Appendix 3.
- Policy 3.5 - Support new town centre development and regeneration proposals which align with the vision of “Clonmel 2030 – Transformational Regeneration”, with continued emphasis and support for...Clonmel Flights of Discovery.
- Policy 3.8 - Support the regeneration and development of Suir Island for town centre and amenity uses
- Objective 3F - Support the development of a Suir Island Pedestrian & Cycling Bridge, to provide a safe connection for communities both sides of the River Suir, and through the proposed Suir Island Amenity Park.
- Objective 3J - Promote the delivery of the Suir Island Amenity Park project as outlined in the Suir Island Masterplan.

6.6.6. **Chapter 4.0 Economic Development Strategy** sets out the following objective:

- Objective 4J - Support the redevelopment of the historic West Gate as part of the immersive Interpretative Experience linked in with the Museum of Hidden Histories, Dowd’s Lane Visitor Experience and Suir Island activity elements, and increase footfall and experiences in the town centre, in accordance with the “Flights of Discovery” tourism proposition.

- 6.6.7. **Chapter 5.0 Sustainable Communities**, outlines for 3. South of River Suir (south of the town centre), the LAP supports the implementation of the Masterplan for Suir Island and the provision of a pedestrian and cycle bridge connecting the main retail area on the north side of the river through Suir Island and onto the south side of the river, a project which would significantly improve modal share of trips north – south in favour of walking and cycling.
- 6.6.8. **Chapter 6.0 Transport and Connectivity** sets out the following objective:
- Policy 6.2 - Support the implementation of the active travel measures identified in Figure 5 and the Local Transport Plan (Appendix 2) and require proposals for new development to compliment and demonstrate how they will integrate with the provisions of the Local Transport Plan.
- 6.6.9. **Chapter 8.0 Infrastructure, Energy and Utilities** sets out the following objective:
- Objective 8F - Facilitate and work with Uisce Éireann to progress a wastewater connection to Suir Island
- 6.6.10. **Appendix 2 Local Transport Plan** includes key active travel interventions contained in the Emerging Preferred Strategy and these are set out in *Table 6-2: Summary of Active Travel Measures*. This sets out the following measures:
- Option AT5 - Suir Island - Bridge Construction of a Pedestrian and Cycle overbridge from The New Quay to Suir Island and on to Raheen Road, bridging both the North and South channels of the River Suir at the crossing point
  - Option - AT49 - The Quay & New Quay - Greenway from western extent of existing Suir Blueway to the proposed Suir Island Bridge AT5, past Sarsfield Street and along The Quay to Joyces Lane
- 6.6.11. The key road network measures contained in the Emerging Preferred Strategy are summarised in Table 6-5. This sets out the following measure:
- Option R32 - Quay Street - Alteration of traffic on Quay Street to be one way westbound
- 6.6.12. **Appendix 3 Regeneration Sites** includes details on two sites which form part of the proposal site.

6.6.13. **3. Quay Street / Sarsfield Street** - Location and Description - A town centre brownfield site, covering an area of approx. 0.53 hectares, comprising the former Clonmel Arms Hotel, a former bakery premises on the west side of Blue Anchor Lane, and the existing Quay Street car park to the south interfacing with the River Suir. The site comprises a Protected Structure (RPS Ref. 284 - Terraced three-bay single storey early Victorian former bank), with further protected structures in the immediate vicinity. Part of the site is contained within the O'Connell Street Architectural Conservation Area (ACA). The site is located within the Zone of Notification for the purposes of Section 12 of the National Monuments Acts 1930 to 2004. The site is zoned 'Urban Core' in the Clonmel Local Area Plan.

6.6.14. Key Planning Criteria

- The site shall be redeveloped as a mixed-use town centre scheme, with a high-quality retail anchor unit with office and/or residential uses over.
- High standard of urban design for this prominent site on the junction of Sarsfield Street and The Quay, and interfacing with the River Suir.
- An Architectural Impact Statement should be prepared and should inform development proposals, having regard to the built heritage sensitivities associated with the ACA and Protected Structures both on and adjacent to the site.
- Any development proposal should have due regard to the planned pedestrian and cycle bridge connecting Quay Street across to Raheen Road via Suir Island.

6.6.15. **11. Suir Island Gardens, Suir Island** - Site Location and Description - Located on the east side of Old Bridge Street, south of the town centre, the site has an area of approx. 2.9 hectares. Suir Island is set in the River Suir, with an attractive backdrop of the Comeragh Mountains and within walking distance from Clonmel town centre. The eastern end of the island experiences regular flooding and under more extreme conditions the Suir Island Gardens site can be submerged. A Part 8 for the Suir Island Gardens was passed by the Elected Members of the Clonmel Borough District in October 2022. The north-eastern part of the site, being the part of the site that fronts Old Bridge Street to the west and the public car park to the north, comprises a number of land parcels in separate private ownership. The ruins of Suir Island House (a protected structure, RPS. Ref. 289 – three storey 18th century house) is located at the southwestern corner of the island. The site is not located within or directly

adjoining an Architectural Conservation Area (ACA). The eastern half of the site is contained within the Lower River Suir SAC. The site is partially located within the Zone of Notification for the purposes of Section 12 of the National Monuments Acts 1930 to 2004. The western half of the site is zoned 'Urban Core', and the eastern half is zoned 'Amenity' in the Clonmel Local Area Plan.

#### 6.6.16. Key Planning Criteria

- The part of the site known as 'Suir Island Gardens' located towards the centre of the site, in addition to the eastern half of the site, is suitable for the development of a public garden and public landscaped areas for public amenity use.
- The north-western part of the site would be suitable for a mixed-use development, with a focus on residential use.
- Any development should preserve and enhance views towards the Comeragh Mountains.
- Any development should provide an active interface with Old Bridge Road to the west and public amenity land to the south and east.
- A Site-Specific Flood Risk Assessment will be required for any development proposal.
- The provision of a connection to sewerage mains is a prerequisite for development of this site.
- Applications for developments in flood vulnerable zones shall provide details on Emergency Response Planning in accordance with Section 2.2.5 'Emergency Response Planning' in Volume 3 (Development Management Standards) of the Tipperary County Development Plan 2022-2028.

#### 6.6.17. **The Clonmel Town and Environs Development Plan 2013**

6.6.18. The Clonmel & Environs Development Plan 2013 set out the policies and objectives for development in the Town of Clonmel and Environs. The site is zoned as 'Town Centre' and 'Amenity' in the plan. This plan has been replaced by **The Clonmel and Environs Local Area Plan 2024-2030**.

6.6.19. **Appendix 1** includes for opportunity sites in Clonmel town. Suir Island and former Clonmel Arms located at Sarsfield Street are outlined in Opportunity Site No. 1.

Appendix 1 outlines any proposal to develop Opportunity Site number 1 shall illustrate how it is compatible with and can contribute to the delivery of Development Objectives, which included the following:

- It will be a key requirement of any proposal to demonstrate that road width along the Quays remains suitable to accommodate two-way traffic flows with footpath, and that the flood defences along the Quays are not undermined.
- The development of the site shall incorporate car-parking especially at ground floor level with potential for access underneath raised footpath/plaza area.

## 6.7. **Suir Island Masterplan 2019**

- 6.7.1. A key objective of the development of the masterplan is to explore the potential opportunities for the development of Suir Island. Key elements proposed included two new pedestrian links via bridges on the north and south side of island, an adjoining public plaza, raised walk on the existing flood berm, Suir Island Garden, re-instatement of the millrace and wildwood clearings, facilities building, and pumping station.

Following the further information request, a new project website has been developed by TCC which includes the Suir Island Masterplan.

- 6.8. **The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)** - The Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test

## 7.0 **Submissions**

### 7.1. **Department of Housing, Local Government and Heritage (Development Applications Unit)**

- 7.1.1. The submitted report sets out heritage related observations/recommendations under the headings of Archaeology and Underwater Archaeology. The report is summarised as follows:

#### Archaeology

Having reviewed the EIAR the Department is broadly in agreement with the findings in relation to Archaeology and Cultural Heritage as set out. Recommends conditions to include:

- Mitigation measures set out in EIAR shall be implemented in full
- The Construction and Environment Management Plan (CEMP) shall include the location of archaeological and cultural heritage constraints, describe all identified likely archaeological impacts and mitigation to be employed
- Submission of archaeological report

#### Underwater Archaeology

The Department outlines the EIAR has been reviewed and it is further noted the proposed development area is located within the designated Zone of Archaeological Potential (ZAP) (TS083-019) for the town of Clonmel and is proximal to recorded monuments including a weir TS083-01916 and bridge TS083-019002.

Notwithstanding that extensive works have previously been carried out along the River Suir as part of the Clonmel Flood Relief Scheme (2009-2011), these were preceded by Archaeological investigations and recording, the subject site can still be considered to include areas of high underwater cultural heritage potential.

It is noted the EIAR states 'The pedestrian bridges on the north side and the south side of the river will be constructed on piled foundations in six locations inserted on the banks of the river in the floodplain area. The construction of bridge supports will occur during low-flow periods in the summer. Localised sheet piling (circa 32 m<sup>2</sup> area per pier) will be utilised around the pier locations to prevent the inundation of the works area and minimise groundwater ingress to the works area. There is a potential that deeply buried archaeological remains may be identified in the riverine silts excavated in the pier locations'. The EIAR proposes the following mitigation in relation to construction of bridge supports: 'As part of the River Suir Flood Relief Scheme extensive works were carried out within and along the banks of the river Suir which was subject to underwater archaeological assessment and subsequent

monitoring. Nothing of archaeological significance was identified. An underwater archaeological assessment is therefore not considered necessary as there will be no in-stream works proposed. It is recommended however that the enabling works for the piers in the floodplain be archaeologically monitored, as the riverine silts may have deeply buried deposits of archaeological potential'.

In light of potential effects on underwater cultural heritage, the Department recommend a programme of pre-development underwater archaeological assessment should be undertaken, to include underwater archaeological impact assessment of instream works, including North Bridge Pier (P01), enabling works, coffer dams and machinery movements that may effect the river channel and /or river banks. Recommends condition to include:

1.Commissioning of Underwater Archaeological Impact Assessment (UAIA) to include:

- a) a desktop assessment that addresses underwater cultural heritage of the proposed development area
- b) The UAIA shall include a licenced dive/wade assessment undertaken by licenced underwater archaeologist
- c) Having completed above, the archaeologist may, following consultation undertake targeted in river predevelopment archaeologist test excavations
- d) submission of report to include results of UAIA and an Archaeological Impact Statement

## 7.2. Observers

### 7.2.1. Myriam Madigan

- Concerns are raised in relation to impact of proposed development on character of area and people due to generic design
- **Environmental Impact** - Concerns raised in relation to environmental impacts of removal of waste to unknown site 30km/location removed from

proposal. Question on details on identification of site and publication of same, and the re-usability/re-purposing of waste materials. Concerns raised on extent of concrete used and heat output can be reduced by additional planting, in particular to ramp area at northern area of site

- **Visual Impact** - Concerns in relation to visual impacts of concrete/concrete benches, redesign sought for slated wood surface components/sustainable and movable metal framed benches with wood seating
- **Design, Layout** – Concern in relation to generic curved bridge design, inappropriate naming of area known as The Quays Car Park to ‘North Plaza’, and naming could entail historical context to town. Additional well designed public seating sought from that proposed. Recommends use of materials such as local and cobbled stone, frescos, outlines the use of public art/labyrinth to introduce interest to public space, the siting of fountain in public space, yellowish lighting over bright white
- **Facilities** - requests water drinking fountains, public toilet facilities to serve area and tourists and to be sited under steps, installation for future electrics and plumbing and facilities

7.2.2. William Corby

7.2.3. The submissions includes for sections and appendices. There is some overlap in comments in sections. The submission is summarised as follows:

#### Clonmel and Environs Development Plan 2013

- Outlined Clonmel and Environs Development Plan 2013 remains in place until new LAP adopted. Plan includes Key Theme to consolidate the town centre as “Primary Retail Area” and outlines improved car-parking essential to maintaining town centre vitality.
- Town centre walking survey undertaken by observer 29<sup>th</sup> November 2023 with 104 vacant units identified (58 in PRA)
- Suir Island identified as No.1 on list of “opportunity sites” in Plan. Appendix 1 outlines *‘Any proposal to develop Opportunity Site number 1 shall illustrate how it is compatible with and can contribute to the delivery of the following Development Objectives: It will be a key requirement of any proposal to*

*demonstrate that road width along the Quays remains suitable to accommodate two-way traffic flows with footpath. The development of the site shall incorporate car-parking especially at ground floor level with potential for access underneath raised footpath/plaza area’.* It is outlined that the North Plaza proposals with no parking retained and with a proposed 1 way traffic system are in contravention of the Town Development Plan.

- Apparent Consultants brief for Suir Island footbridge project would have emanated from 2013 Plan and is not included in EIAR to confirm how consultants were instructed to interpret Appendix 1 and to check if any amendments to agreed policy were proposed by Tipperary Co Co.
- Outlined effort must be made to preserve retail units and reduce vacancy rate and preferable to not have footbridge if it will destabilize PRA with parking changes and 1 way traffic system.
- Recently introduced Town bus service and construction of town centre development has removed car parking spaces.
- Suir Island Masterplan referenced in EIAR is not available on Council website.
- Appears from EIAR consultants have introduced changes to C&EDP 2013, and have not considered that the plan would have to be formally amended by Elected Members.

#### General Comments

- Footbridge project with traffic and parking changes remains essentially a roads proposal under roads legislation which requires consideration by community in similar manner as if it were a Part 8 project. Payment of fee may have deterred locals from making submission
- Initial site notice was deficient with no reference to proposed traffic changes
- There is no link from Tipperary Co Co website to the online portal for the project. Is mandatory requirement to have website for public consultation on EIA.
- There is no justification for scale of North Plaza at the Quays

- New performance space in Northern Plaza does not make sense given number of performance areas in town and its impact on parking and traffic. Future 'gig-rigs' may screen its location when viewed from town centre
- Project does not represent value for money
- Is C&EDP policy to protect and enhance PRA. Traffic proposal to one-way traffic on quays will effect residents and businesses. Retention of off street car parking which do not interfere with new public transport proposals need to be retained
- From Clonmel Arms Hotel planning file (PA1860 1355) is evident 1-way traffic flow on quays between Sarsfield St and Oldbridge/Bridge Street Junction was not part of proposals discussed with Elected members and public in 2018-2019
- Limited external consultant experience and limited time given to Clonmel Borough District staff to enable proposal to be assessed.
- Proposal will be road safety hazard for vehicles along the Quays with new 90 degree bend proposed, measures are required and this potential hazard has not been assessed
- Proposal to remove 34 car parking spaces has been poorly evaluated with lack of adequate surveying of traffic and parking in submitted Traffic Impact Assessment. Town centre dependant on surface car parking.
- Suir Island car park count indicates 214 spaces, 50 less than EIAR stated figure of 264 spaces which includes private and camper spaces.
- Limit to capacity of Suir Island Car park, with parking shortfall in Clonmel Arms Hotel Planning (62 spaces), proposed removal of 34 spaces, daily parking of 48-50 spaces discounting 26 private spaces.
- Analysis of permitted car park developments in town centre required to ensure Suir Island and other car parks have capacity and with regard to future removal of on street parking as part of public realm proposals.
- Consideration required of temporary construction compound in Suir Island car park which will reduce capacity in half to 100 spaces for 2 years, impact on

camper van parking spaces and parking for users of slalom course on River Suir

- Noted new 2 way bus traffic route on O’Connell Street appears to reverse earlier “public realm proposal” to make O’Connell Street one way west to east. If two way traffic is to be retained on O’Connell Street to facilitate bus routes, should quays remain 2 way for driver options as at present. Retaining 2 way traffic on quays benefits town centre and bus services.
- Updated Traffic Impact Assessment of town centre and new town bus service could be prepared before decision on changing traffic direction on quays. Computer simulation such as “S-Paramics” would facilitate review of proposals.
- Auto track analysis sought in PA1860 1355. Auto track analysis for slimmed down North Plaza should be outlined for kerb lines and parking.
- Traffic study makes no reference to flood barriers being installed in Oldbridge closing it to through traffic with Suir Island only accessible from north
- Chapter 4 does not reference County Development Plan adopted in July 2022 in section 4.10, which is flaw of this part of EIAR. Inconsistency in EIAR with CDP referenced in Chapter 2
- Legal obligation to assess all alternatives and one of alternatives should be to retain existing traffic arrangements and create smaller and safer plaza on North Quays. Thorough assessment of alternative design is part of EIA. All 3 options presented are same footprint with variations to steps and ramps.
- Public transport initiatives, parking, town centre should have been assessed under ‘material assets’ in EIAR. Material assets affected are proposed traffic changes and loss of parking will impact town centre business in contravention of 2013 C&EDP.

#### EPA Guidelines on EIAR (May 2022)

- Outlines EIAR demonstrates lack of objectivity with no consideration given to less ambitious layout of trying to retain present traffic and parking arrangements

- Outlines all likely significant effects were not considered nor communicated, in particular proposal to remove 2 way traffic and switch to 1 way system
- EIAR incomplete with lack of consideration of effects on local environment in terms of material assets and traffic/business
- Outlines lack of consultation held on proposals with no back up documentation provided from preliminary consultation in mid 2021. No link provided from Councils website to new project website
- Tipperary County Council Consultation website has no electronic copy of 'Non-Technical Summery' and does not comply with Paragraph 2.4.5 of EPA Guidance.
- Non-Technical Summery is deficient in terms of presentation and proper synopsis of conclusions on development and lacks compliance with EPA Guidelines

#### ABP Decision to Seek EIAR

- In ABP-317411-23 ABP made a decision that an EIAR be submitted following referral by Tipperary Co Co.
- The observer outlines that there will be significant negative impacts on material assets caused by the proposed 1 way system, loss of parking, loading facilities. Appears from paragraph 3.0 of Inspectors Report the Local Authority did not refer to these issues in project description and did not form part of subsequent site notice submitted to ABP in September. It is outlined it was only after the observer contacted the Local Authority in early Oct 2023 that revised site notice issued and the consultation period was extended to 18 Dec 2023. Hence there has been a lack of coherence on the proposed changes.

#### Review of Roads Act 1993 Section 50 (as amended)

- Details are set out on the Roads Act.

#### EIAR review with comments

#### Chapter 1

- Questions has air quality assessment addressed that additional traffic will pass schools
- Outlines a full evaluation of proposed traffic changes on the town centre has not been undertaken
- Significant data gaps in traffic assessment and parking analysis acknowledged by consultant - alternative data needed more validation and should have included up to date traffic counts, single day samples used and there is poor confidence on data submitted
- Removal of Quay St links is contrary to Public Realm Design objectives
- Questions as to whether Clonmel and OPW have confirmed proposed scheme would have no interference with Clonmel Flood Defence Scheme
- Effect on town centre traffic when flood causes closure of Oldbridge not assessed
- EIAR Consultations incomplete
- Concerns on experience of traffic engineer
- EIA not required for Suir Island Gardens project. As EIA now required clarity needed on whether Suir Island Garden project can proceed when it is included in the red line boundary
- Questions whether there will be consultation and Appropriate Assessment for proposed footpaths to the east of Suir Island on plans which are not within red line. Preferable to have one overall 'Suir Island project' and appears to be case of project splitting.

### Chapter 3 EIAR Alternatives Considered

- A slimmed down version of Option 3 would retain 2 way traffic and parking is preferable and would accord with 2013 Clonmel and Environs Development Plan. Smaller Plaza is not considered
- Benefits to various sectors of society in Multi Criteria Analysis is considered dubious with longer journey times, more pollution, low volume of cyclists in Clonmel

- EIAR view vehicle speeds will reduce on Quay Street is not accepted and new 90 degree turn for west bound traffic on quays at Sarsfield St will require advance warning
- No surveys taken to justify statement proposal will encourage people to take less vehicular trips
- View that proposed scheme would reduce gender disparity and increase social inclusion not accepted
- In relation to integration and enhanced access to public transport, existing services make it difficult for public transport users
- Outlines proposed development will have no impact on human health. Connectivity with the nearby Suir Blueway should have been stated in Health and Recreation section and is lack of co-ordination in EIAR chapters
- Aside from details on consultation undertaken 28<sup>th</sup> July and 27<sup>th</sup> August 2021, there is no background report on earlier consultation

#### Chapter 4 Population and Human Health

- Comparison tables between 2011-2016 of people travelling by car, bike, train when comparing Clonmel to rest of county and state, show mode shift toward public transport and bicycle is challenging

#### Chapter 11 Material Assets Built Services

- Chapter indicates proposed development will have no effect on existing services. It is noted there are underground services underneath and near proposed scheme and service diversion should be considered beforehand
- Outline Planning Engineering Report cited in EIAR which includes details on consultation with Uisce Eireann, is not within EIAR to check views
- An inconsistency in foul sewer diameter plan/Uisce Eireann records is outlined.

#### Chapter 12 Material Assets – Traffic and Transportation

- Section 12.4 Elimination of 2 way traffic flow and car parking which are material assets is unacceptable and contravenes objectives of 2013 C&EDP

- 12.5 EIAR seeks to play down effect of elimination by suggesting anticipated “Parking redistribution and parking impacts”. Observer outlines other impacts should have been considered in EIAR and are required by legislation including: -possible impact of causing closing down of businesses in town centre with people deterred from entering town due to congestion, access, - impact of relocating 34 car parking spaces onto Suir Island not properly assessed
- Section 12.6.3 Historic data from single day 14<sup>th</sup> June 2019 used for car parking accumulations is very deficient for assessment of relocation of car parking spaces to Suir Island, no data available from some locations
- Fig.12.9 graph of Suir Island occupancy levels taken over 1 day highlights unattractive location for town centre parking. Under utilised and anti social behaviour deters use for parking
- Observers survey of Suir Island outlines 240 spaces, and not 280 as indicated. Observers survey undertaken 29/11/23 with approx.50 spaces occupied on average suggests 25% occupancy rate compared to data submitted (48 spaces)
- Section 12.6.4 Use of older data and modelling of same and trying to validate models is not substitute for undertaking detailed study. Traffic and parking assessment based on single historic days of data cannot be relied upon in assessment of effects of proposed development and considered open to legal challenge
- “Linsig” Analysis and software is generally used to model traffic signalised junctions. “Picady” software is generally used to analyse “priority controlled junctions” i.e those with a stop and give way arrangement that exists at 5 junctions assessed in EIAR. Outlines does not accept at Section 12.11 that “Linsig” analysis can replace “Picady” assessment of junctions and competency of traffic consultant is questionable.
- EIAR does not take into account Traffic and Transport Assessment of Clonmel Arms Hotel development (PA1860 1355) and use of TRICs database

system to analyse traffic, which did not refer to making the quays 1 way as part of Masterplan proposals for the footbridge.

- Traffic Impact Assessment Document is replica of Chapter 12 other than it has “Linsig” analysis of junctions which are meaningless

#### Chapter 16 Identification of Significant Impacts and Interactions

- EIAR view that there are no potentially significant interactions between population and human health and built services and utilities at operation stage not accepted, given significant permanent disruption to town centre traffic by changing to one way system on North Quays and transfer of parking spaces to Suir Island
- Appendices include for observer details and a survey of vacant units in Clonmel town centre as of 29<sup>th</sup> November 2023

## 8.0 Further Information and Response

Further information was sought from the applicant on the 9<sup>th</sup> July 2024. A response to same was received on 30<sup>th</sup> September 2024, with copies of revised public notices received 14<sup>th</sup> November 2024. The response is accompanied by documents and drawings pertaining to the matters arising with the applicant addressing issues raised. In summary:

### **FI Point 1 – Public Participation**

- a) Details of the proposed development are available on a public website as advertised, with the public website link amended
- b) Electronic copies of EIAR documentation are available in the advertised public website link
- c) A new project website has been developed to collate all of the Suir Island Infrastructure projects planning documentation including the further information documentation response. The Town Centre Enhancement Scheme and Clonmel Urban Design Project refer to the same scheme.

### **FI Point 2 – The Clonmel and Environs Local Area Plan 2024-2030**

- a) An Addendum to EIAR Chapter 2 Project Description and Planning Policy Context is submitted, with the local policy context updated to take account the C&ELAP 2024-2030. Compliance with planning criteria is set out for the two regeneration sites identified in Appendix 3 of the LAP.
- It is outlined the proposed development will benefit the policies in the plan by enhancing connectivity and accessibility, improving access to the town centre, and promoting quality of life. Enhanced linkages will reduce the need for car ownership, and carries over to the Local Transport Plan and actions routed in the '10-minute' town concept and shifting of transport trips to active travel.
- It is outlined the proposed developments provision of direct connectivity to the town centre from Suir Island car park can help reduce town centre traffic, with its location shown in relation to LAP active travel measures in Figure 6-18.
- It is outlined the proposal complies with the key planning criteria for Site 3 – Quay Street, Sarsfield Street, and for Site 11 – Suir Island Gardens.

### **FI Point 3 – EIAR a) Population and Human Health**

- (i) An addendum to EIAR Chapter 4 includes for a cumulative assessment with other permitted development. A cumulative assessment has been carried out for Human Health with Air Quality (Dust), Noise and Vibration, Traffic and Transportation, Landscape, Amenity, Tourism, for both the construction and operational phases. While there is a potential for cumulative impacts during a simultaneous construction phase, any development will be required to incorporate mitigation measures.
- (ii) Consideration has been given to the potential noise impacts arising at construction stage, with the assessment taking into account the potential for permitted projects to have a cumulative impact. Impacts will be negative, moderate and temporary.

### **FI Point 3 – EIAR b) Noise and Vibration**

- (i) Noise contour mapping is outlined which depicts the worst-case construction stage scenarios with mitigation. Calculated noise contours are presented. It is outlined for the vast majority of the construction phases, the duration of the works at any NSL will be limited and will not exceed the

temporal durations from *Design Manual for Roads and Bridges, 2020*, and residual impacts are not significant. Monitoring will be undertaken in accordance with documentation submitted.

- (ii) It is stated there is no statutory Irish guidance relating to the maximum permissible noise level that may be generated during construction. Construction noise levels in *TII Guidelines for the Treatment of Noise and Vibration (2004)* are proposed in setting construction noise limits for the purpose of noise monitoring. Monitoring will be undertaken at the nearest NSL's to works to check compliance with construction noise criterion. A noise and Vibration Management Plan will be prepared.
- (iii) 3 projects are identified to have the potential to result in cumulative noise impacts. With Suir Island Gardens Part 8 programmed to be completed before the proposed development commences, no cumulative noise and vibration impacts are predicted.
- A worst case scenario is considered where the proposed development and 18601355 Clonmel Arms Hotel Extension are constructed in tandem. Under this scenario, residential receptors at the corner of Sarsfield Street and the Quays have a calculated potential cumulative noise level of 80 dB LAeq without mitigation, which is above the Construction Noise Threshold for receptors. Mitigation is to be implemented.
- The timing of the Clonmel urban realm/town centre enhancement scheme is not yet known. It is stated the appropriate delivery of phased works will eliminate any possible cumulative effect.

### **FI Point 3 – EIAR c) Biodiversity**

- (i) The response includes for an impact assessment of the installation of the pre-cast box culvert in the floodplain channel, and of works at piers and abutments located within the floodplain. It is outlined the water levels on drawings no.2460 and 2260 do not represent base flow levels, and approx. baseflow and long sections are shown in updated drawings. It is outlined the culvert will facilitate the flow of water through the floodplain channel during a

flood event, and does not convey flowing water during normal river flow conditions. In the event that works coincide with a flood there is a potential for mobilisation of silt/suspended solids to impact on the river habitat and species. A range of mitigation measures are set.

- In relation to works at piers and abutments located within the floodplain, elements of the project within the flood barriers below the Annual Exceedance Probability are outlined, and release of excess sediment from these areas has the potential to impact on habitats and species in the event of a flood. A range of mitigation measures are set out.
- (ii) The response includes an impact assessment for enabling instream works and any machinery movements that may affect the river channels and/or riverbanks. It is outlined no work proposed will be undertaken instream, with all machinery used confined to the construction footprint. Mitigation measures are set out.
- (iii) The response includes for an impact assessment of lighting on otter species at construction and operational stages. A range of mitigation measures are set out for the construction and operational stages.

### **FI Point 3 – EIAR d) Land, Soils, Geology and Hydrology (Chapter 6), Hydrology (Chapter 7)**

- (i)The response outlines there are no planned works within the main river channel, and during construction there will be a disturbance to the muddy substrate of the floodplain. In the event that works coincide with a flood event, a potential will exist for the mobilisation of suspended solids. A range of mitigation measures are set out.
- (ii)The response outlines there is no requirement for demolition or removal of buildings. There is the removal of hard stand (footpaths, concrete, tarmacadam), totalling c.72 tonnes of material.

### **FI Point 3 – EIAR e) Traffic and Transportation**

- The response includes for a cumulative assessment for traffic and transportation. At construction stage, the likely coinciding of the construction of the Clonmel Arms Hotel development and the proposed development has

the potential for impacts to arise on the road network. An Outline CEMP has been prepared to minimise traffic disruption, with a TMP to be compiled.

- There is the potential for the proposal to coincide with the construction of permitted housing/mixed use schemes located along the Colville Road, and west of the town centre. With mitigation, cumulative impacts are considered to range from negative-imperceptible, slight, short term, and no significant residual cumulative effects are anticipated.
- At operational stage, the cumulative traffic impact is considered to be long term, neutral and imperceptible.

### **FI Point 3 – EIAR f) Air Quality**

- (i)The response outlines the locations of Mary Street and Raheen Road Schools were reviewed. It is outlined Raheen Road school is not within 200m of impacted road links and therefore it did not need inclusion in the air quality assessment. It is outlined Mary Street school is within 140m of O’Connell Street West, however, the receptor chosen on Connell Street West (Receptor 4) is in closer proximity to the impacted road (within 5m), and would experience worst case impacts, and impacts at Mary Street School would be similar or lesser than are at modelled receptor 4. It is stated the change in pollutant concentrations at all modelled sensitive receptors due to changes from the proposed development were considered neutral.

### **FI Point 3 – EIAR g) Interactions**

- (i)It is outlined that the updated assessments for their potential interactions between environmental factors in the EIAR have been reviewed, and no new/significant impacts have been identified to warrant the preparation of an addendum to Chapter 16.

### **FI Point 4 – Appropriate Assessment a)**

- a)The response includes Lower River Suir (002137) habitats mapping at a scale of 1/250 in the NIS addendum, with the reference to Figure 5-6 in the NIS outlined as a typographic error and the correct figure is Figure 3.3. The map sheets provide layers for habitats, the project site, areas of permanent

and temporary habitat loss, and the extent of the Lower River Suir SAC boundary. The total area of habitat to be permanently lost to the project footprint occurring within the SAC amounts to 13.7m<sup>2</sup>, which amounts to 0.0002% of the area of the Lower River Suir SAC. The total area of habitat temporarily lost to the project footprint occurring within the SAC amounts to 440.6m<sup>2</sup>, which amounts to 0.0057% of the area of the Lower River Suir SAC. It is outlined that none of the habitats to be lost to the project footprint are representative of Annex 1 habitats of the Lower River Suir SAC.

#### **FI Point 4 – Appropriate Assessment b)**

- The response includes for an evaluation of the importance/biodiversity richness of the habitats areas to be permanently and temporary removed, their functions and importance for QI habitats and species.
- Mixed broad-leaved woodland habitat is assigned local importance (higher value) and entails areas where habitat will be permanently (2.7 sq m) and temporarily (46 sq m) lost. The habitat is not representative of a qualifying habitat of the SAC.
- It is outlined the habitat area is not relied upon as a breeding or resting site by otters and the loss of the habitat will not have the potential to result in a decline in the distribution of otters within the SAC.
- It is outlined permanent habitat loss of 2.7m<sup>2</sup> and temporary habitats loss of 46m<sup>2</sup> represents c. 0.00004% and 0.00006% of the mapped area of otter terrestrial habitat in the SAC, and is representative of an imperceptible effect that will not undermine the target of the terrestrial habitat attribute set out for otter conservation objectives.
- Dry meadows and grassy verges are assigned a local importance (higher value). It is outlined the habitat that will be lost is not representative of a qualifying habitat of the SAC.
- This habitat to be lost is predominantly outside of the 10m buffer to the river channel, and the habitat is not considered to represent an important habitat for otters, or qualifying species.

- Riparian Woodland/Broad Leaved woodland mosaic is assigned a local importance (lower to higher value) and it is outlined the habitat that will be lost is not representative of a qualifying habitat of the SAC. It is concluded the loss of the habitat in terms of the extent of the terrestrial habitat available for otters will not be significant.
- Reed and large sedge swamp is assigned a local importance (higher value) and it is outlined the habitat that will be lost is not representative of a qualifying habitat of the SAC. The temporary removal/loss of habitat area in terms of the extent of the terrestrial habitat available for otters will not be significant.
- Permanent habitat removed from habitat types occurring within the 10m otter buffer of the SAC, amounts to 2.7m<sup>2</sup> and represents c 0.00004% of the otter terrestrial habitat within the SAC. Temporary habitat removed from habitat types occurring within the 10m buffer of the SAC amounts to 89.3m<sup>2</sup>, and combined area of temporary habitat lost within 10m of the River Suir and within the otter terrestrial habitat of the SAC amounts to 0.001% of this area, and is representative of a not significant effect.
- The response gives consideration to the conservation objective and qualifying interest 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation. In relation to the Fringing habitat attribute, it is outlined the project will not result in the loss of significant examples of natural/semi-natural woodland or wetland habitats, with a minor and temporary loss of riparian/mixed woodland mosaic habitat, and temporary removal of an area of reed and large sedge swamp. Recolonisation of this habitat will be undertaken with native species. The temporary loss of these habitats will not be significant.
- It is outlined potential impacts to qualifying habitat relate to water quality impacts during construction. With mitigation the project will not have the potential to undermine the conservation objectives attributes and targets for the qualifying habitat.

#### FI Point 4 – Appropriate Assessment c)

- The response outlines a temporary pre-cast culvert will be installed in the flood channel to the south of Pier 1 to provide access during the construction phase, with the culvert facilitating the flow of water through the floodplain channel during a flood. The floodplain channel does not convey flowing water during normal river flow conditions. In the event that work coincide with a flood there is a potential for the mobilisation of silt/suspended solids, which has a potential to impact on river habitat and species. A range of mitigation measures are set out.
- In response to works at piers and abutments within the floodplain, the project elements within the flood barriers below/immediately adjacent to the Annual Exceedance Probability (AEP) are outlined. It is outlined the release of excess sediment from these areas has the potential to impact on habitats and species in the event of a flood. A range of mitigation measures are set out.

#### **FI Point 4 – Appropriate Assessment d)**

- The response includes for a consideration of impacts arising from enabling instream works and machinery movements that may affect the river channels and/or river banks. It is outlined no works will be undertaken instream, with the closest point of construction to the river banks outlined. All machinery will be confined to the construction footprint.
- Site investigations to establish the susceptibility of ground conditions at the pier and abutment locations to destabilisation and collapse has been completed. Machinery movements and rotary piling operations could present a risk to ground stability and bankside collapse at and in the vicinity of Pier 1. Mitigation measures are set out.

#### **FI Point 4 – Appropriate Assessment e)**

- The response includes for an assessment for the potential of works to result in implications for QI otter. It is outlined artificial nighttime lighting can effect otters, and a range of mitigation measures are set out for construction stage lighting and noise effects, and operational stage lighting. With mitigation lighting will not have the potential to undermine the SAC conservation objective attributes and targets for maintaining the favourable conservation condition of the otter population of the SAC.

#### **FI Point 4 – Appropriate Assessment f)**

- The response outlines that no paths to the area of Suir Island to the east of the project site are proposed as part of the project, and there are no proposals by Tipperary County Council to provide paths on Suir Island to the east of the project site. The site layout plans have been updated with no paths detailed to the east of the project site on Suir Island.

#### **FI Point 4 – Appropriate Assessment g)**

- The response outlines the Councils website has been updated to detail the Part 8 Schemes referenced in the NIS. Table 7.1 provides an update of the in-combination effects examination between the proposal and other projects set out in the NIS.
- Table 7.1 outlines the works associated with the Suir Island Gardens Part 8 will not overlap with the proposal, the Gardens works are minor in scale, will not have the potential to pose a risk to water quality and the site does not support breeding sites for otters. It is outlined there is no potential for both projects to combine to result in cumulative adverse effects to the SAC and its features of interest.
- Clonmel Urban Realm/Town Centre Enhancement Scheme, 19600729 (redevelopment work to an existing service station and oil depot), and 19600102 (development of a the former Clonmel Meat Factory), were screened out for the purposes of AA. 18601355 Clonmel Arms, 311290 SHD, 312611 for 20 units were subject to AA, where it was determined the projects, by itself or in combination with other plans and projects, would not adversely affect the integrity of European Sites. On the basis of the determinations there is no potential for the proposal to combine with these projects to result in cumulative adverse effects to the Lower River Suir SAC.

#### **FI Point 5 – Documentation a)**

- Further information responses are addressed in addendum format, and where not warranted are set forth. The Outline CEMP has been updated and the Non-Technical Summary has been revised.

- It is outlined all drawings which erroneously showed footpaths outside of the red line boundary have been updated by removing footpaths. Drawing no.2460 has been updated to show only the access routes to bridge piers located within the floodplain, with new drawing no.2461 showing sections through the temporary works areas.

## 9.0 Further Submissions

### 9.1.1. Prescribed Bodies

Transport Infrastructure Ireland has no observations.

### 9.1.2. Observers

2 no. submissions were received on foot of the further information.

### 9.1.3. William Corby:

### 9.1.4. Issues raised in the original submissions (summarised in section 7) and which are reiterated are noted. In addition:

- Concerns are outlined on effect on the primary retail area with the 1-way system on Quays from Sarsfield St to Bridge St junctions not proposed at Masterplan stage in 2018
- Concerns on schemes need for new public open space with town already including several public performance areas with new one just completed at Abbey St car park.
- Concerns on deficiencies in traffic assessments which relied on 1 day traffic counts and data collected from other projects
- Concerns on sufficiency of information available to adequately assess the impact of a proposed 1 way system in vicinity of Northern Plaza
- Concerns as to whether there has been sufficient correlation with the Traffic Assessment undertaken for the proposed Clonmel Arms Hotel Development assuming a similar development to that granted in PA 1860 1355

- Concerns traffic management changes and alternative parking arrangements at Quays known in mid 2023 were not referenced/incorporated into new Clonmel Local Area Plan 2024-2030 which indicates lack of coherence in planning policy

#### 9.1.5. Ciaran Walsh

- Concerns with proposed development negative impacts on existing residents and businesses in the area by limiting car parking facilities and traffic flow to a town centre that has already been compromised by recent Clonmel Arms and Friary Car Park sites developments
- Focus of any such development should be how to retain and renew permanent retail and residential life in town centre, with proper planning for living, access and parking at core alongside plan to incentivise retail reinvestment, with plan to renew unused sites in core for residential opportunities to cater for young and old. Queries difference project spend could make with these in mind
- Concerns Plaza type developments prioritise festivals/events, which do not support and sustain retail and residential town centre, with focus on yet another plaza type development (2 no. recently developed) while removing town centre car space and traffic access a poorly advised plan

## 10.0 Planning Assessment

### 10.1. Background

10.1.1. The Board will note that, following a request from Tipperary County Council under Section 50(1)(b) of the Roads Act, 1993, as amended, the Board directed the Roads Authority (File Reference ABP-317411-23) to prepare an environmental impact assessment report in respect of proposed road infrastructure works including construction of pedestrian bridges, provision of a bus stop, and upgrading of footpaths at The Quay, Quay Street, New Quay, Suir Island and Raheen Road, Clonmel town, Co. Tipperary. The current subject proposal now also includes for the introduction of the modification of traffic direction and carriageway widths in The Quay and Quay Street around the proposed North Plaza from the initial proposal

outlined in ABP-317411-23. These additional developments are addressed in the public notices. The application now before the Board is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

## 10.2. Introduction

10.2.1. The majority of the assessment in relation to the application now before the Board focuses around environmental matters and I have dealt with these under the headings of Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). The planning assessment therefore considers policy, the need/justification in respect of the proposal and proper planning and sustainable development.

### **The implications of the proposed development for proper planning and sustainable development of the area:**

## 10.3. Principle of Development and Policy considerations

10.3.1. In terms of national policy, the proposed development is supported by national strategic outcomes in the NPF including sustainable mobility and enhanced amenities. The proposed development supports the promotion of sustainable modes of transport, including walking and cycling, and accords with the objectives of the NPOs relating to high quality urban places, tourism development, healthy communities and regeneration and renewal.

10.3.2. At a regional level, the Regional Spatial and Economic Strategy (RSES) for the Southern Region includes walking and cycling objectives and includes for safe walking and cycle routes and enhancing pedestrian facilities in urban areas - RPO 174 refers. In addition, Clonmel is outlined as a Key Town in the Region and a key infrastructural requirement includes 'Transport measures through a Local Transport Plan including continued investment enhancing sustainable transport modes, particularly walking and cycling in the town', with RPO17 supporting the delivery of the infrastructural requirements identified for Clonmel.

10.3.3. At a local level, the **Tipperary County Development Plan 2022 – 2028** in Strategic Objective SO-9 states it is an objective to enhance connectivity and promote sustainable transport, through the integration of land-use and transport planning and promotion of and prioritisation of public transport and walking and cycling. Policy

objective 12-G (a) seeks to implement improvements to facilitate pedestrians and cyclists and to improve access for people with mobility needs through council development such as public realm upgrading programmes. In relation to green and blue infrastructure, Planning Objective 14-B seeks to consider all opportunities as they arise to seek maximum connectivity between existing and new walking and cycling routes. The proposed development would accord with the outlined objectives and is supported by local policy.

- 10.3.4. **The Clonmel and Environs Local Area Plan 2024-2030** sets out the local spatial planning framework for Clonmel and came into effect on 25th March 2024, following the submission of the subject application before the Board. The site is zoned 'urban core' and 'amenity' in the plan and is partially within a regeneration site and site zoned regeneration use. The Town Centre Strategy supports the Suir Island Cycle and Pedestrian Bridge and Plaza project with Policy 3.2 seeking to support new development proposals for regeneration sites and Policy 3.8 supporting the regeneration and development of Suir Island for town centre and amenity uses. Objective 3F outlines it is a stated objective to support the development of a Suir Island Pedestrian & Cycling Bridge, to provide a safe connection for communities both sides of the River Suir.
- 10.3.5. In relation to transport and connectivity, Policy 6.2 supports the implementation of the active travel measures identified in Figure 5 and the Local Transport Plan. The Local Transport Plan includes key active travel interventions in the Emerging Preferred Strategy and these are set out in Table 6-2 and includes 'Option AT5 - Suir Island - Bridge Construction of a Pedestrian and Cycle overbridge from The New Quay to Suir Island and on to Raheen Road, bridging both the North and South channels of the River Suir at the crossing point', and 'Option - AT49 - The Quay & New Quay - Greenway from western extent of existing Suir Blueway to the proposed Suir Island Bridge AT5, past Sarsfield Street and along The Quay to Joyces Lane'. The key road network measures contained in the Emerging Preferred Strategy are summarised in Table 6-5 and this includes 'Option R32 - Quay Street - Alteration of traffic on Quay Street to be one way westbound'.
- 10.3.6. **Appendix 3 Regeneration Sites** includes details on two sites which form part of the proposal site. Part of **Site 3. Quay Street / Sarsfield Street** includes for the existing Quay Street car park to the south interfacing with the River Suir, and key planning

criteria for this site include that any development proposal should have due regard to the planned pedestrian and cycle bridge connecting Quay Street across to Raheen Road via Suir Island. Part of the site also entails **Site 11. Suir Island Gardens, Suir Island.**

10.3.7. By way of further information, the EIAR local policy context has been updated to take into account the provisions of the new LAP. This highlights the proposed development will benefit policies in the plan by enhancing connectivity and accessibility, with enhanced linkages reducing the need for car ownership and carries over to the Local Transport Plan and its actions and the shifting of transport trips to active travel. It is outlined direct connectivity to the town centre from Suir Island car park can help reduce town centre traffic, with the proposal's location relative to active travel measures outlined in Figure 6-18. It is also outlined the proposal complies with the key planning criteria for Site 3 by providing a high quality, safe, sustainable urban design environment which interfaces with the site, providing amenity benefits and improving accessibility, and complies with planning criteria for Site 11 by providing a high quality safe and attractive route to the gardens, creates viewpoints of the Comeragh Mountains, provides linkages and was subject to a site-specific flood risk assessment.

10.3.8. I consider that the proposed development is acceptable in principle at this location. I also consider the proposed development would allow for the realisation of the aforementioned policies and objectives, active travel measures and regeneration uses and is supported by local policy.

10.3.9. A range of concerns have been raised in a submission in relation to the proposed developments compatibility with the **Clonmel and Environs Development Plan 2013**. It is stated a key theme of the plan is to consolidate the town centre as "Primary Retail Area" and outlines improved car-parking is essential to maintaining town centre vitality. It is also outlined that Suir Island opportunity site no.1, which includes the site of the proposed development, includes development objectives which are highlighted and which require any proposal to demonstrate that road width along the Quays remains suitable to accommodate two-way traffic flows with footpath, and the development of the site shall incorporate car-parking especially at ground floor level with potential for access underneath raised footpath/plaza area. Concerns are raised in relation to the impacts of car parking loss and traffic

redirection on the town centre which entails a high vacancy rate, with the absence of a consultants brief highlighted in relation to the proposed scheme. It is contended by the observer that the North Plaza proposals with no parking retained and with a proposed 1 way traffic system are in contravention of the Town Development Plan, with changes sought requiring a formal amendment of the plan. It is outlined off-street car parking not interfering with new public transport proposal be retained.

- 10.3.10. I note the timelines of the submission of the subject application and the coming into effect of the The Clonmel and Environs Local Area Plan 2024-2030 on 25th March 2024. I also note the EIAR in referencing the local policy context references the Clonmel and Environs Development Plan 2013 (as extended), and that the further information submitted has addressed the updated local policy context. While I acknowledge the content of the submission in relation to the applicable development objectives in the Clonmel and Environs Development Plan 2013, the new Clonmel and Environs Local Area Plan 2024-2030 has now superseded this plan and is in effect.
- 10.3.11. I further note a submission received on foot of further information outlines that the proposals traffic management changes and alternative parking arrangements at the Quays which were known in mid 2023 were not referenced/incorporated into new Local Area Plan 2024-2030. I note the content of the new LAP, and I consider the proposed development generally aligns with the policies and objectives of the new plan as set out. Effects on the environment of the proposed development are dealt with in this report.
- 10.3.12. The proposed development aligns with a number of the key elements proposed within the **Suir Island Masterplan**. As outlined, following the further information request, a new project website has been developed by TCC which includes the Suir Island Masterplan. I note a submission received on foot of the further information outlines the 1 way system on Quays from Sarsfield St to Bridge St junctions was not proposed at Masterplan stage in 2018. While I note the Masterplan references the merging of roads into a single two-way road north of the proposed plaza, I also note a key objective of the development of the Masterplan was to explore the potential opportunities for the development of Suir Island. I note the new LAP sets out the policies and objectives for this location.

#### **10.4. Need/Justification for the Proposed Development**

10.4.1. The need for the scheme is set out in Chapter 2 of the EIAR. The applicant has set out that Clonmel town centre is in need of public realm and traffic management improvements, together with enhancements and increases in the provision of amenity, recreation, leisure and cultural space. Existing access linkages from the northern bank of the River Suir (town centre) and Raheen Road to Suir Island is via Old Bridge Road to the west of Suir Island, with Old Bridge a 14<sup>th</sup> Century protected structure. It is outlined the existing footpaths on either side of the single carriage road vary between 1-1.8 metres wide with a number of hazards for pedestrians and cyclists including vehicular entrances, lighting poles, insufficient sight distances and blind corners. It is stated that there is currently no safe and universally accessible facility available to cross the River Suir from the Suir Blueway to the Greenane Blueway, with options limited to Old Bridge or the Old Waterford Road Gashouse Bridge. It is outlined the proposed development providing a safe, high quality and universally accessible facility would enable pedestrians and cyclists overcome the physical barriers of the River Suir and existing space constrained heritage bridges and increase connectivity between various residential, business, education institutions and amenity facilities including the existing Suir and Greenane Blueways, the approved Clonmel Urban Design Project Development and Suir Island Gardens. It is outlined the scheme would also seek to enhance the public realm, encourage cycling and walking, and encourage tourism. Having travelled the existing road and pedestrian network in the vicinity of the site I would agree that there are deficiencies in the network in terms of pedestrian and cycling safety. I consider that the scheme would enable for increased safety for both pedestrians and cyclists in traversing through and within the town centre while also enabling for greater connectivity between the town centre and various amenities and facilities in the vicinity. While I note submissions have raised concerns in relation to the North Plaza requirement given the number of performance areas in the town and its impacts on parking, traffic and the town centre, and surveys undertaken, I consider the proposal would also give rise to improvements within the public realm at a scale which aligns with that set out in the LAP.

#### **10.5. Impact on Residential Amenity**

10.5.1. The main potential impacts to arise on residences and businesses relate to air quality, noise, visual impact, and traffic disruption and inconvenience at the construction stage. I note construction works will be temporary and will be managed in accordance with mitigation measures, which will include for the implementation of a Construction Environmental Management Plan and a Traffic Management Plan. The impacts of the construction phase and traffic generation are addressed in the EIA section of this report.

#### 10.6. **Biodiversity**

10.6.1. The proposal includes for the permanent and temporary removal of habitat to facilitate the development, with permanent small-scale loss of habitat, and temporary loss of habitat within the Lower River Suir SAC. There is a potential for impacts on biodiversity, including birds, bats, otters, aquatic species and I note these potential impacts would be mitigated by measures outlined in the EIAR and NIS. I also note the sites location relative to Natura 2000 sites. The above issues are addressed in the EIA and AA sections of this report.

#### 10.7. **Water**

10.7.1. The proposed development has the potential to impact on the water quality of the watercourses onsite and adjacent, with concerns raised in a submission as to whether the proposed scheme would interfere with Clonmel Flood Defence Scheme. I am of the view that significant adverse impacts on water would not arise, with the implementation of mitigation measures. Consultations were held with the OPW who have confirmed the consent of the Commissioners of Public Works under Section 50 of the Arterial Drainage Act, 1945 is given to the proposed bridge works. These above issues are addressed in the EIA section of this report.

#### 10.8. **Cultural Heritage**

10.8.1. The proposed development is located within a designated Zone of Archaeological Potential, with an ACA adjacent to the site. The Department of Housing, Local Government and Heritage has recommended conditions be included in a grant of permission, to include mitigation measures, an Underwater Archaeological Impact Assessment (UAIA), and predevelopment archaeologist test excavations where applicable. I consider there would be no adverse impacts on views into and out of the ACA arising from the scheme. I am of the view that significant adverse impacts

would not arise on cultural heritage, subject to the implementation of mitigation measures. These matters are further addressed in the EIA section of this report.

## **10.9. Landscape and Visual Impact**

10.9.1. Concerns are raised in a submission in relation to the generic curved bridge design and the proposals impact on the character of area. The proposed development is sited within an 'Urban and Fringe Areas' landscape character area in the Tipperary CDP, with the Waterford CDP outlining the Landscape Character Area Suir River Corridor has a Landscape Sensitivity of Most Sensitive. The proposed scheme would result in the introduction of a prominent new urban infrastructural feature which would be highly visible from locations within the immediate and surrounding urban area. Having regard to the scale and nature of the scheme, site and landscape context, and the demonstration of the visual and landscape effects in the LVIA, I consider the proposed development would not likely result in an adverse visual impact on receptors or on visual amenities of the area, and would not adversely impact on the Landscape Character Areas or the sites landscape setting, subject to the implementation of mitigation measures. These above issues are addressed in the EIA section of this report.

## **10.10. Traffic and Roads**

10.10.1. A large range of concerns have been raised in submissions in relation to the traffic and car parking implications associated with the proposal, including impacts on Clonmel town centre, businesses and residents. This includes for the effects arising from re-direction of traffic, limiting traffic flows and removal of car parking. Concerns are also expressed in relation to the traffic impact assessments carried out, surveys and modelling undertaken, the traffic hazards arising from the scheme, and alternatives set out. I am satisfied that impacts on roads and traffic are appropriately addressed in terms of the application. Subject to the implementation of mitigation measures and conditions including for an CEMP and a TMP, I am satisfied that the impact of traffic arising on the existing network would not be significant adverse at the construction stage. While I acknowledge the importance of retaining and renewing retail and residential life and incentivising retail reinvestment in the town centre, and note the schemes project costs, as highlighted in submissions, I am also satisfied that the proposal would not give rise to significant negative impacts on town

centre businesses or development by way of congestion, access, and that no significant effect is likely to arise at the operational stage. I consider there is also sufficient car parking capacity within Suir Island car park and the town centre to accommodate car parking requirements. These above issues are addressed in the EIA section of this report.

#### **10.11. Conclusion on proper planning and sustainable development**

The proposed development is consistent with strategic policy objectives which seek to promote walking and cycling, high quality urban places, tourism development, healthy communities and regeneration and renewal. I consider the need for the proposal has been justified with the scheme entailing the provision of a safe, high quality and universally accessible facility for pedestrians and cyclists. Having regard to the foregoing, I consider that the proposed development would be consistent with national, regional and local planning policy and the consequences on the proper planning and sustainable development of the area would be largely positive. This is contingent on ensuring that the effects on the environment of the proposed development would be acceptable and that the integrity of European Sites would not be adversely affected, in view of the relevant sites conservation objectives. These matters are dealt with under the following sections.

### **11.0 Environmental Impact Assessment**

#### **11.1. Statutory Provisions**

- 11.1.1. The proposed development comprises a road development. Schedule 5, Part 2, Class 10, set out the requirements for infrastructure projects. The Board directed the Roads Authority (File Reference ABP-317411-23) to prepare an environmental impact assessment report in respect of proposed road infrastructure works, having regard to Schedule 7 criteria. The proposed development therefore requires EIA.

#### **11.2. EIA Structure**

- 11.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European

directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

- a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
- b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

11.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

11.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

11.2.4. Where applicable headings used in the EIAR are different from the above headings these are outlined in brackets, presented for ease of reference.

11.2.5. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

**11.3. Issues Raised in Respect of EIA**

11.4. Issues raised in respect of EIA by parties to the application are:

- Access to EIAR, methodologies and survey data, scope of air quality assessment, policy, consideration of alternatives, environmental impacts, design, visual impacts, cultural heritage, impact on material assets, impacts on town centre, business, residents, another projects EIAR requirements. Issues are elaborated on in the assessment below.

**11.5. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**

11.5.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

<b>Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
<i>A description of the proposed development is contained in Chapter 2 of the EIAR including details on the location, site, design and size of the development, arrangements for access and construction methodology. In each technical chapter the EIAR details are provided on use of natural resources and the production of emissions and/or waste, where relevant. It is noted that the proposal does not involve demolition works.</i>
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
<i>An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.</i>
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
<i>The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 17 (Schedule of Mitigation Measures and Monitoring), Chapter 7 (Hydrology and Outline CEMP). Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR.</i>
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the

proposed development on the environment (including the additional information referred to under section 94(b)).
<i>A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include, Do Nothing Alternative, Alternative locations; Alternative Access Routes to Suir Island, Alternative Layouts and Designs, Alternative Mitigation and Construction delivery alternatives. The main reasons for opting for the current proposal were based on policy /project considerations, environmental feasibility. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment. Details on alternatives are set out below.</i>
<b>Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).</b>
A description of the baseline environment and likely evolution in the absence of the development.
<i>A description of the baseline environment and likely evolution are included.</i>
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties encountered compiling the required information, and the main uncertainties involved
<i>The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated no exceptional difficulties were experienced in compiling the necessary information for the proposed development. I am satisfied that forecasting methods are adequate.</i>
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
<i>This issue is specifically dealt with in Population and Human Health, Water Sections in the EIAR. Specific risks have been identified in relation to the project's vulnerability of the project to flooding. These risks are reasonable and are assessed in my report.</i>
Article 94 (c) A summary of the information in non-technical language.
<i>This information has been submitted as a separate standalone document and is also addressed in the response to further information. I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</i>
Article 94 (d) Sources used for the description and the assessments used in the report
<i>The sources used to inform the description, and the assessment of the potential environmental impact are set out in each chapter. I consider the sources relied upon are generally appropriate and sufficient.</i>
Article 94 (e) A list of the experts who contributed to the preparation of the report
<i>A list of the various experts who contributed to the report are set out in Table 1-5 in Chapter 1 of the Report. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.</i>

## Consultations

11.5.2. Notices for the proposed development were published on 28<sup>th</sup> September 2023, with a further notice including additional particulars of the proposed development being

published 19<sup>th</sup> October 2023, which extended the period for submissions /observations until 18<sup>th</sup> December 2023.

11.5.3. Further information was sought from the applicant on the 9<sup>th</sup> July 2024. A response to same was received on 30<sup>th</sup> September 2024, with copies of revised public notices received 14<sup>th</sup> November 2024. The response is accompanied by documents and drawings pertaining to the matters arising with the applicant addressing issues raised. The further information received includes for details on public participation, addendums to chapters within the EIAR, an updated non-technical summery, an addendum to the NIS, and amended the site layout. The amended EIAR chapters include for Population and Human Health, Noise and Vibration, Biodiversity, Hydrology, Material Assets Traffic and Transportation. The amended plans include for revised base flow water levels on drawings, revised habitats mapping, with site plans also revised to omit paths to the area of Suir Island to the east of the project site. The amendments to documentation and site plans are addressed in the assessment sections of this report.

11.5.4. In relation to electronic data, in the initial submission period an observer outlined that there was no link from the Tipperary County Council Website to the online portal for the project, and I noted that details of the proposed development were not available on the website as advertised. Furthermore, as raised by the observer, I noted the consultation website did not include for an electronic copy of the EIAR Non-Technical Summery. I also noted the Suir Island Masterplan and approved Part 8 developments onsite/adjacent the site and referenced in the EIAR were not identified on the Council website.

11.5.5. The further information submitted includes for details of the proposed development which are available on a public website as advertised, with the public website link amended. Electronic copies of EIAR documentation are available in the advertised public website link. A new project website has also been developed to collate all of the Suir Island Infrastructure projects planning documentation including the further information documentation response. This website also includes details of the Suir Island Masterplan and approved Part 8 developments onsite/adjacent the site and which are referenced in the EIAR.

- 11.5.6. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices.
- 11.5.7. A submission has outlined aside from details on consultation undertaken in 2021, there is no background report on earlier consultation in 2021. I note Chapter 3 Alternative Considerations of the EIAR outlines that a non-statutory public consultation was undertaken in 2021 enabling the public to provide feedback on the different design options presented within the EIAR. I also note results obtained from the public consultation are included in the EIAR.
- 11.5.8. The submission outlines EIAR consultations are incomplete. I note this relates to requests for EIAR scoping inputs and it is outlined in the EIAR it is awaiting formal responses from Statutory Authority's in relation to same. I consider this approach is standard practice.
- 11.5.9. On the basis of the above, I am satisfied that the participation of the public has been adequate, with the application being made accessible through the re-advertised consultation website, and that electronic data on the consultation website is complete. I also consider material referenced in the EIAR has been made publicly available.
- 11.5.10. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.
- 11.5.11. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

#### Compliance

- 11.5.12. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

#### **11.6. Consideration of Reasonable Alternatives**

- 11.6.1. Chapter 3 deals with the site selection and consideration of alternatives. The applicant provided 6 alternatives to the proposal, including Do Nothing Alternative,

Alternative locations; Alternative Access Routes to Suir Island, Alternative Layouts and Designs, Alternative Mitigation and Construction delivery alternatives.

#### Do Nothing Alternative

- 11.6.2. The EIAR outlines without the scheme the island would remain secluded, unattractive and remain derelict, remaining accessible via Old Bridge Road. If not carried out, the potential to provide a high quality, safe and universally accessible pedestrian and cyclist route from the town centre and Raheen Road to Suir Island to enhance the amenity potential will not be realised. The need for the development would remain and it would be necessary to construct a similar development at another location.

#### Alternative locations

- 11.6.3. Details outline the specific location (i.e Suir Island and town centre) was considered appropriate for a development of this nature and scale and alternate locations were considered not to align with the agreed project objectives. In Section 3.2 Consideration of Other Assessments, it is outlined the Clonmel and Environs Development Plan 2013 identified Suir Island as an ideal location to serve as an amenity hub to be developed including the development of a new pedestrian bridge to improve linkages between Sarsfield Street and Suir Island.

#### Alternative Access Routes to Suir Island

- 11.6.4. The only feasible alternative location to access the island is via the existing Old Bridge Road. Alternative bridge locations were considered not feasible due to flood risk arising from the River Suir, which inundates the eastern section of the island.
- 11.6.5. Due to spatial and architectural heritage constraints limiting modification of existing bridges it was considered unfeasible to provide a 4 metre wide, high quality shared surface which is safe and universally accessible for pedestrian and cyclists, thus resulting in further assessment of new pedestrian bridge options as highlighted in the 2013 Plan.

#### Alternative Layouts and Designs

- 11.6.6. 3 bridge options have been considered and assessed:

- Bridge Option 1 included a curved bridge consisting of a hollow steel bridge superstructure on reinforced concrete pillars, a north plaza layout, access to Suir island car park layout, south arrival point layout.
- Bridge option 2 included a curved bridge with same design as option 1 with alternative North Plaza and Suir Island promenade designs.
- Bridge option 3 included a straight bridge consisting of a hollow steel bridge superstructure on reinforced concrete piers and piled foundations and alternative North Plaza, Suir Island promenade and Raheen Road designs.

#### Alternative Mitigation

11.6.7. Details outline by considering a range of mitigation measures and strategies, the environmental assessment team has sought to ensure that the proposed development is environmentally sustainable and responsible as possible.

#### Construction delivery alternatives

11.6.8. Details are outlined in relation to construction timeframe and commencement period, construction compounds, alternative transport route and site access, alternative construction processes and equipment.

11.6.9. An observer has raised concerns in relation to the benefits to society outlined in the Multi Criteria Analysis undertaken to evaluate the three bridge design options, outlining the proposed development will have no impact on human health. I consider that the findings and scoring in relation to the bridge design options under the six key criteria identified including economy, safety, integration, physical activity, environment and accessibility are reasonable for the most part. The EIAR outlines the bridge options will enhance access from recreational amenities such as Denis Burke Park, Suir Blueway and Greenane Blueway. However, the EIA view that the scheme would reduce gender disparity and increase social inclusion are plausible but without specific evidence outlined. The view that the scheme will provide for reduced vehicular trips again while plausible is not evidenced. An observer does not accept the EIAR view that the proposal will reduce vehicle speeds on Quay Street and has raised concerns in relation to road safety arising from the scheme. This issue is further addressed under traffic considerations in this report. While the

submission outlines existing services make it difficult for public transport users, I note the proposal aims to improve access to services by way of a new bus stop.

#### 11.6.10. Alternatives Conclusion

11.6.11. The EIAR concludes that all bridge options are relatively similar, with the proposed development representing the optimum solution taking into account cost and environmental effects. While I note limited details are submitted in relation to alternate mitigation measures, I note design and layout options were constrained by virtue of the policies and objectives of the 2013 Clonmel and Environs Development Plan and are constrained by virtue of the policies and objectives of the new 2024 LAP which is now in effect. While a submission outlines the project does not represent value for money, I consider costings are a matter for the local authority and note Bridge Option No. 1 construction costs would be the lowest of all the bridge options. Having examined the alternatives and the options proposed I am satisfied the applicant has considered sufficient alternatives and concur with the proposal as the optimum route.

11.6.12. A submission outlines there is a legal obligation to assess all alternatives and one of the alternatives should be to retain existing 2-way traffic and parking arrangements and create a smaller and safer plaza on the North Quays, which would accord with the 2013 Clonmel and Environs Development Plan, with a smaller plaza not considered. The submission outlines all 3 options presented are the same footprint with variations to steps and ramps. I note the EIAR has considered alternative layouts. I also note that the 2013 Plan has been replaced by the 2024 LAP and it is considered that the proposed scheme aligns with the policies and objectives of the new plan which is now in effect. On the basis of the above, the 2013 Plan, the submission date of the scheme and the coming into effect of the 2024 plan, I consider that the alternatives considered by the applicant are reasonable and sufficient.

#### 11.7. Description of Project

11.7.1. The proposed development has been detailed in Section 3.0 above and comprises the following:

- Two pedestrian bridges, the first bridge linking the proposed North Plaza on The Quay/Quay St/Sarsfield St Junction to Suir Island, and the second bridge connecting Suir Island to Raheen Road.
- The pedestrian bridges will be 4-metre-wide consisting of a double curvature alignment, which allow users to discover Suir Island 'from up high' by walking seamlessly between the trees while linking the project elements (North Plaza, the berm embankment, and the south riverbank) along one sinuous route. The first bridge follows the geometry of Sarsfield Street and arrives on the island following the line of the berm embankment, which then links onto the second bridge facilitating a link to Denis Burke Park on Raheen Road, creating a direct connection for pedestrians/cyclists between the park and the Town Centre.
- Provision of a new public open space called the North Plaza which will be aligned with Sarsfield Street. The steps and ramp will be visible from O'Connell Street creating a new landmark in the town of Clonmel and will encourage pedestrian movement towards the River Suir. The bicycle access ramp is designed to be as transparent as possible so as not to block the view of Suir Island from Sarsfield Street.
- Modification of traffic direction and carriageway widths in The Quay and Quay Street around the proposed North Plaza. Provision of a bus stop on the western side of the North Plaza located on Quay Street with five benches providing comfortable facilities for public transport users.
- Upgrading of the existing 2-metre-wide sidewalk along Quay Street into a 4-metre-wide shared pedestrian/cycle path which will provide unencumbered access to the proposed plaza area underneath the elevated access ramp.
- Provision of a sloping landscaped terrace with public seating, located inside the hairpin-shaped access ramp leading up to the northern bridge crossing.

- Provision of three benches and a 9-metre-long stepped promenade seating area integrated into the circular-shaped plaza.
- Planting of various native tree species around the North Plaza to integrate the proposed development with the existing scenery of Suir Island and complement the visual experience of users.
- Provision of a pedestrian path or promenade along the existing berm embankment across Suir Island linking the two pedestrian bridges, to facilitate access between Denis Burke Park on Raheen Road and the proposed North Plaza on The Quay.
- Construction of a pedestrian/bicycle ramp from the link promenade onto Suir Island Carpark. The ramp is fully integrated into the landscape by using the existing slope of the berm.
- Construction of three sets of steps connecting the link promenade to Suir Island carpark and the eastern end of Suir Island.
- Provision of a mini public space within Suir Island Carpark at the entrance to the proposed Suir Island Gardens.
- Provision of a south arrival point for the second bridge connecting Suir Island to the Raheen Road. The South Arrival Point will consist of one access ramp to the east and one set of steps to the west, integrated with the bridge landing level and running parallel to the footpath. These elements will be located outside the existing flood barrier.
- Road improvements for the safety of pedestrians/cyclists at the South Arrival Point, including the footpaths being widened and the road narrowed to accommodate 3.0-metre-wide lanes. Removal of three carparking spaces from the southern edge of the road to allow for wider footpaths.
- Installation of two uncontrolled pedestrian crossings positioned at either ends of the proposed access ramp and flight of steps to provide traffic calming at the South Arrival Point. This bridge arrival point will be located close to the school entrance of Raheen College, providing safe and convenient access for the schoolchildren.

- Access ramps and steps are located behind the flood barriers to allow access even during flood events.
- Construction of a new foul pumping station to be located within Suir Island car park which will facilitate future Irish Water connections. Wastewater will be pumped 0.1km approx. via rising main along the proposed bridge linking Suir Island to the proposed North Plaza where it will connect into the existing public network along The Quay.
- Ancillary site development works to include, but not limited to, surface water drainage, lighting and associated electrical works, hard and soft landscaping, road works to include surfacing and line marking, landscaping and installation of street furniture.
- All associated site works.

11.7.2. The proposed development, by way of further information received has amended the site layout. Amended plans include for revised base flow water levels on drawings, revised habitats mapping, with site plans also revised to omit paths to the area of Suir Island to the east of the project site.

11.7.3. It is outlined construction procedures will include for the following: demolition and removal of buildings, services, pipelines; diversion of services; excavation; piling; construction of pipelines; temporary hoarding and lighting; temporary works including sheet piling and construction of access roads; disposal of surplus geological material; earthworks material improvement; and protection of watercourses from contamination and silting during construction. The further information response has clarified that there is no requirement for demolition or removal of buildings proposed, and that there will be the removal of hard stands.

## 11.8. **Assessment of Likely Significant Effects**

11.8.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out in Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.

- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

11.8.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these.

### 11.9. Population & Human Health

11.9.1. Population and human health impacts are examined in Chapter 4 of the EIAR. The proposed development is located within the Electoral Division (ED) of Clonmel Urban East. Population trends of the state and local area have been provided to 2016 with the EIAR stating the full report on 2022 data is not yet available. The study area of Clonmel Urban East experienced a 1% population increase from 2011-2016 to 3,963. I note 2022 census figures outline Clonmel East Urban has a population of 4,155 and within the ED driving a car is the most popular mode of transport. The closest dwellings are located to the north and east adjacent the northern area of the site, on The Quay and at the corner of Sarsfield Street and New Quay. Other receptors include apartments to the west of the site at The Mill, with dwellings and a college south of the site on Raheen Road.

11.9.2. Submissions

11.9.3. Concerns are raised in relation to traffic modifications, removal of car parking and possible impacts of causing closing down of businesses in town centre with people deterred from entering town due to congestion, access, impacts on residential life in town centre. It is set out commuting tables between 2011-2016 details the mode shift toward public transport and bicycle is challenging, and it is highlighted the Tipperary County Development Plan 2022-2028 is not referenced in Chapter 4.

#### 11.9.4. Potential Impacts – Construction Stage

11.9.5. The main potential impacts on nearby residences and business will relate to air quality, noise, visual impact, traffic. It is stated there would be a potential for dust emissions to impact on human health, greenhouse gas emissions to atmosphere, impact from construction noise at nearby noise sensitive receptors, traffic disruption by way of road closures, rerouting, higher traffic volumes, impact on health and safety of workers, limited access to current amenity assets of the Island, negative visual impact of construction equipment and activity, generation of wastes, and contamination of groundwater. Positive impacts include an increase in working population by way of need for specialist works, and the creation of direct employment and indirect business.

#### 11.9.6. Assessment and Mitigation Measures

11.9.7. Mitigation measures to manage the construction phase include for an Outline Construction Environmental Management Plan (OCEMP), binding hours of construction, erection of site hoarding, draft dust minimisation plan, limitation on high noise activities close to properties, employment of best practice noise and vibration control measures, traffic management plan, and health and safety measures for site personnel.

11.9.8. Detailed assessments for air quality, climate, noise and vibration, traffic and transportation, land, soil, geology, hydrogeology and hydrology, landscape and visual are set out in the specialist Chapters in the EIAR, with additional details set out in the EIAR addendums received by way of further information, and these highlight mitigation measures to address impacts on population and human health during construction.

11.9.9. Given the proposed sites urban location in a built up area in close proximity to residential properties, the local population would experience disturbance impacts relating to traffic, with a potential for impacts on human health to arise by way of noise, vibration, air quality, water, soils, visual impacts. In relation to noise and vibration, it is predicted the likelihood of a significant impact at properties would be reduced sufficiently by the employment of best practice control measures. I consider there is a potential for significant impacts on population and human health to arise from the proposed development at construction stage by way of noise. However, I

note this would be for a limited duration, and noise mitigation will also be applied to the construction phases by way of measures in the EIAR and OCEMP, with noise limits to be set within TII Guideline limits, and monitoring of these limits proposed. Having regard to the nature of the receiving environment, the nature of the works, their limited duration and the mitigation as set out, I am of the opinion that the proposed development would not give rise to negative or significant impacts on population and human health to an extent that it would warrant a recommendation of refusal on population and human health grounds. To ensure any potential significant noise effects are minimised, the issue of noise mitigation can be addressed by way of condition should the Board be minded to grant permission. Matters in relation to noise and vibration are further addressed in Section 11.12.

#### 11.9.10. Potential Impacts – Operational Stage

11.9.11. The proposed development is predicted to have a positive impact on residences and businesses at operational stage, as it will provide increased access between the north and south of the town by providing another link across the River Suir, access to Suir Island, and the North Plaza will form an asset as an outdoor public space. The scheme also promotes the use of active modes of transport. i.e walking and cycling. The new link and plaza are also predicted to have a positive impact on local tourism and amenity. It is outlined the landscape impact on river and island are perceived as significant as it will alter the overall character of the landscape. It is outlined this impact will be moderate as the scheme is set within an urban context and therefore compatible with the existing environment. In relation to air quality and climate, it is outlined the proposed development will not cause a >1% change in traffic emissions from the baseline and therefore the climate impact is considered negative, long-term and imperceptible. Emissions of air pollutants are predicted to be significantly below the ambient air quality standards, and impacts to human health are outlined to be long-term, direct, neutral, imperceptible and non-significant. In relation to noise, with a redistribution of traffic the effect will vary from negative, imperceptible and long-term to positive, imperceptible and long-term.

#### 11.9.12. Assessment and Mitigation Measures

11.9.13. As impacts associated with the proposed development are either insignificant or positive, the EIAR outlines no further mitigation measures are required for the operational stage.

11.9.14. Having regard to the nature and scale of the proposed development and details submitted, I consider that the operational phase will have no significant negative impacts on population and human health. In the absence of the proposal, there would be no alterations to the existing environment.

11.9.15. Residual Effects

11.9.16. There will be an increase in noise, vibration and dust emissions, visual impacts, impacts on human beings during the construction stage, with a slight-imperceptible potential impact to hydrology at operational stage. The further information received outlines residual noise impacts at construction stage are not significant and mitigation and monitoring measures will apply. Residual impacts at operational stage for businesses and residences are outlined as moderate, long term and positive, with impacts on amenity and tourism being positive, significant and long-term. It is outlined operational noise effects associated with routine maintenance is considered to be negative, not significant and long-term.

11.9.17. Cumulative Effects

11.9.18. The addendum to EIAR Chapter 4 received by way of further information includes for a cumulative assessment with other permitted developments for Human Health with Air Quality (Dust), Noise and Vibration, Traffic and Transportation, Landscape, Amenity, Tourism, for construction and operational phases. Consideration is given to potential cumulative noise impacts arising at construction stage with permitted projects in Clonmel town centre. While vibration is not considered to have the potential for in combination effects, for project works in isolation or from cumulative effects, it is outlined the predicted noise levels are below those where impacts on hearing are likely to occur. It is submitted the highest noise levels produced will not be continuous, will be brief in duration, will occur in normal working hours, with health outcomes likely to be annoyance and temporary stress in reaction to noise. It is stated that predicted noise effects are unlikely to be attributable to a change in health status for the general resident population, with impacts being negative, moderate and temporary.

- 11.9.19. It is outlined while there is a potential for cumulative noise impacts between the proposed development and other existing/permitted developments during a simultaneous construction phase, any developments will be required to incorporate appropriate mitigation measures including noise, dust and traffic management, and with the proposal's mitigation measures including an OCEMP and a Traffic Management Plan, the likely cumulative impact is considered negative, slight and temporary.
- 11.9.20. It is outlined during the operational phase the only cumulative impact is traffic, with analysis showing there is adequate capacity on roadways resulting in a long term imperceptible impact on air quality and human health.
- 11.9.21. I consider there is a potential for significant cumulative noise effects to arise on a limited number of noise sensitive receptors during the construction stage of the proposal with the Clonmel Arms Hotel extension. Having regard to the nature of the proposed works, their limited duration, that noisy works at the hotel extension site are completed, that liaison will occur between sites and mitigation measures will serve to reduce potential significant noise effects arising, I consider the above effects would not warrant a refusal based on temporary noise impacts. To ensure any potential significant cumulative noise effects are minimised, as highlighted, a condition requiring mitigation can be applied to any grant. Matters in relation to noise and vibration are further addressed in Section 11.12. Cumulative impacts are addressed for individual environmental factors below.
- 11.9.22. Submissions contend there would be a negative impact on town centre businesses and residents. The EIAR has demonstrated that the road network in the vicinity of the site can accommodate additional traffic arising from the proposal. In addition, the loss of parking onsite will be accommodated within the Suir Island Car Park. I note the Suir Island Car park is located to the south of the existing Quays car park within a zoned 'urban core' in the 2024 LAP, with provision for direct pedestrian access to this car park being met within the scheme. The proposed development aligns with the policies in the 2024 LAP which has been subject of a Strategic Environmental Assessment. The EIAR outlines there are no potential likely significant impacts on businesses and residents and I agree with this view. Issues in relation to Traffic and Transportation are addressed in Section 11.19.

11.9.23. I acknowledge the submission view that the mode shift toward public transport and bicycle is challenging, as indicated in figures outlined in the EIAR. While I note that the Tipperary County Development Plan 2022-2028 is not referenced in Chapter 4, I note it is referenced in the EIAR.

11.9.24. Conclusion

11.9.25. I have considered the written submissions in relation population and human health. Having regard to the foregoing and details submitted, I am satisfied that impacts identified in this section of the report have been appropriately addressed in terms of the application. There is a potential for significant direct and cumulative effects to arise on noise sensitive receptors during the construction stage. Having regard to the nature of the works, their limited duration and the mitigation set out which will serve to reduce potential significant noise effects arising, I consider the above effects would not warrant a refusal based on temporary noise impacts. To ensure any potential significant noise effects are minimised, as highlighted, a condition requiring mitigation can be applied to any grant. The operational phase will have no significant negative impacts on population and human health.

#### **11.10. Air (Air Quality)**

11.10.1. Chapter 8 deals with Air Quality. The site is located within Clonmel town, with the site located adjacent to residential properties and commercial premises, with an SAC and amenity park forming part of the site. The site is located within air quality Zone C. EPA reports outline the air quality in this zone is generally good, with concentrations of the key pollutants nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>2.5</sub>, PM<sub>10</sub>) generally well below the relevant limit values. High sensitivity receptors identified in the EIAR include residential properties and the Lower River Suir SAC.

11.10.2. Submissions

11.10.3. Concerns have been raised as to whether the air quality assessment - mitigation of air pollution, has addressed that additional traffic will be obliged to pass schools (Mary Street, Raheen Road) if proposed traffic changes are implemented.

11.10.4. Potential Impacts – Construction Stage

11.10.5. The EIAR outlines the greatest potential impact on air quality during the construction stage is from construction dust and the potential for dust nuisance. Dust generation activities will arise from earthworks, construction and track out (movement of heavy vehicles), with c. 2,000 m<sup>3</sup> (3,400 tonnes) of material being excavated to facilitate construction and up to 20 HGV movements at peak hours and this will result in potential risk of dust soiling impacts, risk of human health and ecology impacts.

11.10.6. In relation to air quality and traffic emissions, it is concluded in the EIAR emissions will be non-significant. For air quality and human health, it is outlined there is the potential for imperceptible, direct, negative, temporary effects to human health. It is also outlined there is a potential for NO<sub>x</sub> and NO<sub>2</sub> emissions to impact vegetation.

11.10.7. Assessment and Mitigation Measures

11.10.8. There is a potential negative, short-term impact on air quality from construction activity including excavations and construction traffic. The construction phase of the proposed development is expected to take approximately 18 months.

11.10.9. Mitigation measures include for the implementation of a Dust Minimisation Plan as set out in Appendix 8.1, which will include for site management, preparing and maintaining the site, road sweeping, watering of roads, speed restrictions, material handling and covering. Dust emissions will be controlled through best practice construction methods. It is also stated the SAC is not considered sensitive in relation to nitrogen deposition as it is a watercourse.

11.10.10. Given the proposed sites urban location in a built-up area in close proximity to residential properties and within and adjacent an SAC, I consider there is a potential for impacts by way of air quality. Subject to the implementation of the mitigation measures outlined, I consider that no adverse impacts on air quality would arise from the proposed development at construction stage. These measures are standard and well tested.

11.10.11. Potential Impacts – Operational Stage

11.10.12. In relation to air quality and traffic emissions, the EIAR outlines the assessment of modelling emissions for NO<sub>2</sub> in the opening year (2025) and design year (2040) of the proposed development show the annual average concentrations is at most 42% and 38% which is in compliance with limit values at worst case receptors.

Results outline the annual average concentration for PM<sub>10</sub> is also in compliance with the limit value at the worst case receptors in 2025 and 2040, being at most 42%.

11.10.13. NO<sub>2</sub> concentrations will increase by 2.4% at receptor 3 (The Quay/Joyces Lane) from baseline conditions, with positive effects predicted at Receptors R1 and R2 as a result of redistributing traffic on Quay Street and Sarsfield Street. PM<sub>10</sub> concentrations will increase by up to 1.6% at Receptor R3 from baseline conditions as a result of the proposed development, with a decrease predicted at R1 and R2. The EIAR outlines as per TII significance criteria (2022a Air Quality Assessment of Specified Infrastructure Projects PE-ENV-01-106), the impact of the proposed development on NO<sub>2</sub> and PM<sub>10</sub> concentrations is neutral, and that overall the impact of the proposed development on ambient air quality is considered long term, localised, neutral, imperceptible and non significant.

11.10.14. In relation to air quality and human health, the EIAR outlines emissions of air pollutants are predicted to be significantly below the ambient air quality standard, with impacts to human health imperceptible.

11.10.15. Assessment and Mitigation Measures

11.10.16. As impacts are predicted to be imperceptible and neutral, the EIAR outlines no mitigation measures are required

11.10.17. Having regard to the nature and scale of the proposed development and on the basis of the information submitted, the operational phase will have no significant negative impacts on air quality. Clarity has been provided on the scope of the air quality assessment in relation to school receptors within the site vicinity by way of further information. This is further dealt with below in the submissions section. In the absence of the proposal, there would be no alterations to the existing environment.

11.10.18. Residual Effects

11.10.19. Subject to mitigation, predicted residual air quality impacts during construction is stated to be temporary, direct, negative, localised and imperceptible at nearby receptors, with predicted residual impacts stated to be direct, negative, temporary, localised and imperceptible with respect to human health. Operational phase

impacts on air quality and human health are stated to include for long term, neutral, and imperceptible impacts.

#### 11.10.20. Cumulative Effects

11.10.21. The EIAR outlines there is the potential for cumulative dust impacts should the construction phase of the proposal overlap with that of the Suir Island Gardens Part 8 development. The further information submitted has however outlined that construction of this Part 8 development will be completed prior to the construction of the proposed development and therefore, there is no potential for cumulative impacts. It is stated with mitigation in place, predicted cumulative impacts on air quality associated with the construction phase of proposed development are deemed temporary, direct, localised, negative and slight. Cumulative operational phase stage impacts with other developments in Clonmel is slated to be long term, localised, direct, neutral, imperceptible and non-significant.

11.10.22. Subject to the implementation of mitigation measures, I consider significant cumulative impacts would not arise.

11.10.23. I have considered the written submissions with concerns raised in relation to the extent of the air quality assessment. I note the air quality modelling assessment includes for an assessment of representative receptors within 200m of impacted road links, which accords with TII guidance (2022a Air Quality Assessment of Specified Infrastructure Projects PE-ENV-01-106). These include 4 no. high to medium sensitivity receptors (residential properties and commercial premises). The guidelines outline in practice, it should not be necessary to include any road more than 200 metres away from a sensitive receptor. With Mary Street and Raheen Road Schools within and close to the outer limit of the set guideline distance from where traffic changes are proposed, clarity was sought as to whether the schools fell within the guidelines for assessment. Further information received outlines the school locations were reviewed with respect to impacted road links to determine whether they fall within the guidance distance for air modelling, which is within 200m of roads with a greater than 1000 AADT change in traffic. It is outlined 4 no. representative receptors to experience worst case impacts were chosen in the EIAR, and that that Raheen Road school is not within 200m of impacted road links and therefore it did not need inclusion in the assessment. It is submitted Mary

Street school is within 140m of O'Connell Street West, however, the receptor chosen on Connell Street West (Receptor 4) is in closer proximity to the impacted road (within 5m), and would experience worst case impacts, and impacts at Mary Street School would be similar or lesser than are at modelled receptor 4. It is stated the change in pollutant concentrations at all modelled sensitive receptors due to changes from the proposed development were considered neutral, and the air quality assessment does not require revision and remains appropriate for the assessment of air quality impacts.

11.10.24. Having regard to the details submitted, receptors chosen and the relevant guidelines, I consider that the scope of the modelling assessment carried out is appropriate.

11.10.25. Conclusion

11.10.26. I have considered the written submissions in relation Air. Having regard to the foregoing and details submitted, I am satisfied that impacts identified in this section of the report have been appropriately addressed in terms of the application and that potential significant effects on air will not arise, with the implementation of mitigation measures.

### 11.11. **Climate**

11.11.1. Climate impacts are examined in Chapter 9 of the EIAR. This chapter includes for details on assessment methodology, legislation, policy and guidance. The chapter references the Climate Action Plan 2024. I note this aims to reduce the States greenhouse gas emissions by 51% by 2030. The climate assessment is split into two sections, a greenhouse gas assessment, and a climate change risk assessment.

11.11.2. Submissions

11.11.3. Concerns are raised in relation to the environmental impacts of removal of waste to an unknown site 30km/location removed from proposal, details on identification of the site and publication of same, and the re-usability of waste materials. Concerns are also raised on the extent of concrete used and it is outlined heat output can be reduced by additional planting, in particular to the ramp area at northern area of site.

11.11.4. Potential Impacts – Construction Stage

11.11.5. The EIAR outlines the construction phase of the proposed development will result in green house gas (GHG) emissions through the manufacture, transport and construction of building material together with site activities. Table 9-6 outlines construction activity will account of 84% of GHG emissions, which is stated to be primarily due to electricity usage onsite. Embodied carbon of materials will make up 11% of GHG emissions with ongoing maintenance over the project lifetime accounting for 4%. Details state the exact location of facilities to be used for waste facilities is not known at this stage, and it is assumed for the assessment it would be within 30km of the site. Transport GHG emissions associated with removal of waste materials off site have been factored into the calculation assessment. It is stated the projects GHG emissions would equate to 0.013% of Ireland 2021 GHG emissions.

11.11.6. Assessment and Mitigation Measures

11.11.7. Best practice measures will be implemented at the construction phase to prevent significant GHG emissions and reduce impacts to climate. These will include sourcing of local materials, minimising waste and maintenance of plant and machinery.

11.11.8. I consider the proposed development would give rise to impacts to climate by way of GHG emissions at construction stage. This impact would be reduced by way of best practise measures outlined. These measures are standard.

11.11.9. The removal of wastes will be limited to sites within a distance of c.30km of the site, and I consider this distance reasonable for waste outputs for a development of this type. I note the hazardous and non-hazardous wastes will be facilitated in the Southern Region and this is further discussed in Chapter 13. I also note 500m<sup>3</sup> of 2,000m<sup>3</sup> of soil to be excavated onsite will re-used as backfilling. While the extent of emissions arising from embodied carbon of materials and volume of concrete utilised are acknowledged, additional planting has been proposed as part of the scheme.

11.11.10. Potential Impacts – Operational Stage

11.11.11. In relation to the proposed schemes vulnerability to climate change, it is outlined the sensitivity and exposure of the development to various climate hazards was determined. The scheme is stated to have a worst-case medium vulnerability to flooding, extreme heat, extreme cold. It is outlined the locations of the proposed

north and south bridge landings have the potential to flood in 1% Fluvial AEP flood events.

#### 11.11.12. Assessment and Mitigation Measures

11.11.13. It is stated flood defence infrastructure is existing in place along the River Suir to prevent flooding within the area which provides protection for 1% fluvial AEP flood events plus 20% Climate change scenario. Chapter 7 Hydrology outlines flood risk impacts are not predicted as a result of the proposed scheme and attenuation and drainage design will ensure flood risk is minimised by allowing for additional capacity to deal with increased rainfall events. In relation to extreme temperatures, it is stated high quality durable building material will be utilised and these hazards are not considered a significant risk.

11.11.14. I consider that the measures employed in the design of the scheme will enable for climate resilience and mitigate against the impacts of climate change.

#### 11.11.15. Residual Effects

11.11.16. The stated predicted effect on climate as a result of GHG emissions is short term, minor adverse and not significant. It is outlined there are no significant risks to the proposed development as a result of climate change.

#### 11.11.17. Conclusion

11.11.18. I have considered the submissions made in relation to climate. The proposed development will give rise to impacts to climate by way of GHG emissions at construction and operational stage. However, these are not significant in a national emissions context and I consider that any impacts would be reduced by way of the mitigation measures outlined for the construction stage. I also consider that any impacts would also have to be weighed against the proposed developments promotion of sustainable forms of transport, which aligns with the aims of national policy which seeks to reduce the States greenhouse gas emissions by 51% by 2030.

### 11.12. Population and Human Health (Noise and Vibration)

11.12.1. Noise and vibration impacts are examined in Chapter 10 of the EIAR. A baseline noise survey was undertaken. 4 noise survey locations were used, adjacent to noise sensitive locations (NSL) at Raheen Road, Off Raheen Road in proximity to Raheen

College, Suir Island Car Park adjacent to Mill House, and Quay Street adjacent to nearby NSLs. The site is in an urban location with sensitive receptors including dwellings, commercial premises, a school and community facility. Average baseline noise levels ranged from 47-72 dB LAeq.

- 11.12.2. Construction noise thresholds are derived from Design Manual for Roads and Bridges – LA 111 Noise and Vibration (UK HA, 2020). Noise level prediction is based on typical plant used, with construction activities separated into two groups, bridge construction including foundation work, pier construction and superstructure, with general construction entailing site preparation, paving and landscaping. Predicted plant emissions will range from 61 LAeq - 83 LAeq at 10 metres. Calculations assume equipment will operate for 66% of a 12 hour working day (i.e 8 hours). Bridge construction is anticipated at two locations some 20 metres and further from nearby NSLs, with general construction and upgrade works taking place some 10 metres and further from NSLs.
- 11.12.3. Potential Impacts – Construction Stage
- 11.12.4. In relation to noise, it is predicted noise levels at the nearest NSLs at Old Quay some 20 metres from **bridge construction** will be marginally above construction noise criterion (70 dB LAeq, T) with effects considered to be negative, moderate to significant and temporary at these NSLs. Activities generating construction noise include for piling, dump trucks, excavators, telescopic handler. The same effects are also predicted at NSLs 50 metres from the bridge construction, which are predicted to be below the construction noise criteria.
- 11.12.5. For **general construction works**, in a worst case scenario noise levels at NSLs 10-20m from the site along Raheen Road and the Quays are predicted to be above the applicable noise criterion (70 dB LAeq, T), with predicted effect being negative, moderate to very significant, and temporary. This will arise from dump truck, asphalt paver and tipping lorry, vibratory roller and telescopic handler. Noise levels at NSLs on Suir Island 25m from the site are predicted to be above noise criteria (70 dB LAeq, T), with predicted effect being negative, moderate to significant, and temporary.
- 11.12.6. In relation to vibrations arising from excavations and piling, these are not expected to pose any significance to occupants or sensitive buildings in proximity to works. It

is stated vibration levels associated with piling are below the thresholds recommended for protected structures.

#### 11.12.7. Assessment and Mitigation Measures

11.12.8. Noise impacts arising from the proposed development have been considered to be negative, moderate to very significant, and temporary. Best practice control measures for noise and vibration have also been set out to minimise noise effects at NSLs and take into account BS 5228 + A1 2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites. These include the selection of quiet plant, noise control at source, screening, liaison with public, project phasing. Given the potential for noise to significantly impact NSLs, the applicant was requested to submit noise mapping for worst case scenario levels with the application of mitigation measures, with clarity also sought on the application of proposed binding noise limits. The further information received includes noise contour mapping depicting worst-case scenarios with mitigation. DGMR INoise software is used which calculates noise levels in accordance with *ISO 9613: 1996 Acoustics – Attenuation of sound during propagation outdoors, Part 2: General method of calculation*. Calculated noise contours are presented in terms of the LAeq,12hr for the daytime period, between 07:00 and 19:00hrs, at North Plaza, North Quays, Bridges, Raheen Road, Suir Island.

11.12.9. The further information outlines where noise sensitive locations fall within a noise contour band higher than the assigned construction noise significant threshold, there is potential for a residual significant impact at that location, and the results of modelled scenarios indicate that construction noise levels are highly localised, with levels reducing significantly beyond the immediate working area. It is outlined for the vast majority of the construction phases, the duration of the works at any NSL will be limited and will not exceed temporal durations (major or moderate magnitude of impact occurring for a duration exceeding ten or more days or night in any 15 consecutive day or nights; and a total number of days exceeding 40 in any six consecutive months) from DMRB – LA 111 Noise and Vibration (UK HA, 2020), and residual impacts are not significant.

11.12.10. I note the contour mapping indicates that noise construction levels at a limited number of NSLs at the North Plaza and North Quays will be at/exceed 80 dB(A),

and this indicates a potential for significant effects to arise by way of construction noise. However, I note this would be for a limited duration, and noise mitigation will apply with noise limits to be set within TII Guideline limits (*Guidelines for the Treatment of Noise and Vibration, 2004*). While the further information outlines there is no statutory Irish guidance relating to permissible noise levels and that the EIAR Chapter 10 references construction noise thresholds relating to potential noise effects, the 2004 guidance levels are proposed in setting construction noise limits for the purpose of noise monitoring, which includes maximum day time noise levels of 70 LAeq(1hr), 80 LAsmax. It is outlined monitoring will be undertaken at NSL's to check compliance, to be conducted in accordance with *ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise*. A Noise and Vibration Management Plan will also be prepared by the contractor to demonstrate compliance with binding noise limits, and measures detailing actions to be taken on exceedance of construction criteria will be set out within, in addition to the mitigation and monitoring set out in the EIAR, Addendum and OCEMP.

11.12.11. Having regard to the nature of the works, their limited duration, the standard hours of operation applying and the mitigation as set out which are standard and well tested and will serve to reduce potential significant noise effects arising, I consider the above effects would not warrant a refusal based on temporary noise impacts. Impacts will be short term with no significant noise generated at operational stage. To ensure any potential significant noise effects are minimised, a condition requiring mitigation as set out in the EIAR and OCEMP can be applied, should the Board be minded to grant permission.

11.12.12. Potential Impacts – Operational Stage

11.12.13. It is anticipated that that no significant effects will arise at the proposed North Plaza public space, given the high baseline noise at present with an ambient background ranging from 63 – 65 dB LAeq, its proposed use and the reduction in noise traffic levels at this location.

11.12.14. There will be an increase in traffic on some surrounding roads arising from the scheme, with noise levels predicted to increase by 0.6-0.8 dB at locations, and decrease at other locations. Effects are stated to vary from negative, imperceptible

and long term, to positive, imperceptible and long-term. Operational noise is determined to be not significant.

11.12.15. Assessment and Mitigation Measures

11.12.16. No mitigation measures are proposed. I consider the operational phase will have no significant negative impacts.

11.12.17. Residual Effects

11.12.18. The further information received outlines there is potential for a residual significant impact at NSL locations at the construction stage, and that for the vast majority of the construction phases residual impacts are not significant. Mitigation will apply which will include a noise and vibration management plan which shall demonstrate compliance with binding noise limits. In the absence of the proposal, I consider the environment would not be altered.

11.12.19. Operational effects will vary from negative, imperceptible and long term, to positive, imperceptible and long-term.

11.12.20. Cumulative Effects

11.12.21. The EIAR states cumulative noise effects could arise at noise sensitive receptors should other developments be undertaken in proximity to the proposed development. A cumulative noise assessment was requested by way of further information. The further information submitted outlines 3 projects are identified to have the potential to result in cumulative noise impacts. Suir Island Gardens Part 8 works are programmed to be completed before the proposed development commences, and no cumulative noise and vibration impacts are predicted. Associated cumulative operational traffic effects are stated to vary from negative, imperceptible and long-term to positive, imperceptible and long-term.

11.12.22. A worst-case scenario is considered where the proposed development and 18601355 Clonmel Arms Hotel Extension are constructed in tandem, which outlines residential receptors at the corner of Sarsfield Street and the Quays have a calculated potential cumulative noise level of 80 dB LAeq without mitigation, which is above the construction noise threshold for receptors. It is outlined excessively noisy works (demolition, rubble removal) have been completed at the extension site, and depending on overlap, works are predicted to be negative,

moderate to significant and brief to temporary. Mitigation will apply to both sites and noise levels experienced at NSLs will therefore be of lower magnitude and impact, with liaison to occur between sites and works scheduled in a co-operative effort to limit the duration and magnitude of potential cumulative impacts. It is outlined due to the variability of construction activities, there is an isolated and temporary potential for noise criteria limits to be exceeded, however the proposals appointed contractor will conduct construction activities in line with the CEMP and mitigation measures to reduce the levels of noise generated. Cumulative operational traffic effects will vary from negative, imperceptible and long-term to positive, imperceptible and long-term.

11.12.23. The timing of the construction phase of the Clonmel urban realm/town centre enhancement scheme is unknown, therefore it is not possible to predict potential cumulative impacts. It is stated a project of this nature will be delivered in a number of phases and with appropriate delivery of phased works, will eliminate any possible cumulative effect.

11.12.24. There is a potential for significant cumulative noise effects to arise on a limited number of noise sensitive receptors during the construction stage of the proposal with the Clonmel Arms Hotel extension. Having regard to the nature of the proposed works, their limited duration, that noisy works at the hotel extension site are completed, that liaison will occur between sites and mitigation measures will serve to reduce potential significant noise effects arising, I consider the above effects would not warrant a refusal based on temporary noise impacts. To ensure any potential significant cumulative noise effects are minimised, as highlighted, a condition requiring mitigation can be applied to any grant.

11.12.25. Conclusion

11.12.26. No written submissions were made in relation to noise and vibration. Having regard to the foregoing and details submitted, I am satisfied that impacts identified in this section of the report have been appropriately addressed in terms of the application. There is a potential for significant direct and cumulative effects to arise on a limited number of noise sensitive receptors during the construction stage. Having regard to the nature of the works, their limited duration and the mitigation set out which will serve to reduce potential significant noise effects arising, I consider the above

effects would not warrant a refusal based on temporary noise impacts. Impacts will be short term with no significant noise generated at operational stage. To ensure any potential significant noise effects are minimised, as highlighted, a condition requiring mitigation can be applied to any grant.

### **11.13. Cultural Heritage (Material Assets: Architecture, Archaeology and Cultural Heritage)**

- 11.13.1. Chapter 14 deals with Material Assets: Architecture, Archaeology and Cultural Heritage. A cultural heritage assessment was undertaken and included a desktop survey, site inspection and archaeological monitoring of site investigation works. The chapter is accompanied by an Archaeology and Cultural Heritage Constraints Study in Appendix 14.3, with a Cultural Heritage Impact Assessment Report for Suir Island Gardens Part 8 in Appendix 14.4.
- 11.13.2. The site is located within the designated Zone of Archaeological Potential (ZAP) (TS083-019) for the town of Clonmel and is proximal to recorded monuments, including a weir TS083-019016 c.10 metres from the site, with a bridge TS083-019002, building TS083-019073, middens TS083-019064, TS083-019065, and water mill TS083-019066 all adjacent to the site.
- 11.13.3. The proposed development site includes for Suir Island House which is a Protected Structure RPS 289 on the NIAH (Ref.22121005). A complex of former industrial structures listed on the NIAH (Ref:22121004) are partially located onsite and to the west of the site. Protected Structures located adjacent to the site include for terraced structures fronting the Quay and at the junction of Sarsfield Place (RPS188-192, 282), with a protected structure bridge (RPS237) adjacent to the south of the northern area of the site, and protected structure also located to the south of the river (RPS 273). Protected structures are outlined in the Clonmel and Environs Development Plan 2013, with the Clonmel and Environs LAP 2024-2030 outlining a review of the Record of Protected Structures (RPS) for Clonmel and its environs will be carried out in accordance with Section 55 of the Act. An ACA focusing on Wolfe Tone Street, O'Connell Street and Galdstone Street is located to the north adjacent the site.
- 11.13.4. Submissions

- 11.13.5. In relation to archaeology, The Department of Housing, Local Government and Heritage recommend conditions include the mitigation measures set out in EIAR, a Construction and Environment Management Plan (CEMP) to include the location of archaeological and cultural heritage constraints, and the submission of an archaeological report.
- 11.13.6. In relation to underwater archaeology, the Department notes the proposed development area is located within the designated Zone of Archaeological Potential (ZAP) (TS083-019) for the town of Clonmel and is proximal to recorded monuments including a weir TS083-01916 and bridge TS083-019002. Notwithstanding that extensive works have previously been carried out along the River Suir as part of the Clonmel Flood Relief Scheme (2009-2011), which were preceded by Archaeological investigations and recording, the Department outline the subject site can still be considered to include areas of high underwater cultural heritage potential.
- 11.13.7. The Department note the construction methodologies in the EIAR including for bridges on the north side and the south side of the river being constructed on piled foundations in six locations inserted on the banks of the river in the floodplain area, with the construction of bridge supports to occur during low-flow periods in the summer. Localised sheet piling (circa 32 m<sup>2</sup> area per pier) will be utilised around the pier locations to prevent the inundation of the works area and minimise groundwater ingress to the works area. The Department notes the EIAR outlines there is a potential that deeply buried archaeological remains may be identified in the riverine silts excavated in the pier locations and the mitigation outlined that the enabling works for the piers in the floodplain be archaeologically monitored, as the riverine silts may have deeply buried deposits of archaeological potential.
- 11.13.8. The Department recommends a programme of pre-development underwater archaeological assessment be undertaken, to assess instream works, including North Bridge Pier (P01), enabling works, coffer dams and machinery movements that may effect the river channel and /or river banks. The Department recommends a condition for an Underwater Archaeological Impact Assessment (UAIA) to include a desktop assessment, licenced dive/wade assessment, undertaking of predevelopment archaeologist test excavations, where appropriate, and the submission of a report.

#### 11.13.9. Potential Impacts – Construction Stage

11.13.10. The EIAR outlines the proposed development is located within the Zone of Archaeological Potential (ZAP) of Clonmel and this area has an increased potential to reveal subsurface archaeological sites/soils. It is outlined earthmoving works in association with construction phases of the North Plaza, Suir Island, ancillary site development and bridges may encounter truncated below ground archaeological remains.

11.13.11. It is outlined bridges constructed on piled foundations at six locations on the banks for the river in the floodplain area require localised sheet piling (32 sq m area per pier) and there is a potential that deeply buried archaeological remains may be identified in the riverine silts excavated in the pier locations.

#### 11.13.12. Assessment and Mitigation Measures

11.13.13. I consider the proposed development will not impact on any recorded archaeological monuments and structures of architectural heritage interest. Any potential for negative impacts on unknown archaeology will be mitigated by measures in the EIAR including archaeological monitoring of ground disturbance works, which will be carried out under license and will be recorded.

11.13.14. Any potential for adverse impacts on unknown underwater archaeological monuments or features would be removed subject to the implementation of EIAR mitigation measures and compliance with conditions as outlined by the Department including for the undertaking of an underwater archaeological impact assessment, including testing and recording. I consider the Departments underwater archaeological conditions can be adapted to address relevant requirements in relation to underwater archaeology and heritage. In the absence of the scheme, there would be no change to the cultural heritage of the area.

#### 11.13.15. Potential Impacts – Operational Stage

11.13.16. No impacts identified.

#### 11.13.17. Assessment and Mitigation Measures

11.13.18. No impacts have been identified. Given the nature of the works and development within The Quay area of the proposal site and views of the scheme from Gladstone

Street/top of Sarsfield Street, I consider there would be no adverse impacts on views into and out of the ACA.

#### 11.13.19. Residual Effects

11.13.20. Subject to the implementation of mitigation measures, no residual impacts have been identified.

#### 11.13.21. Cumulative Effects

11.13.22. It is stated there will be a positive cumulative impact with Suir Island Gardens Part 8 development. I note the proposed development area is located within the designated Zone of Archaeological Potential and is proximal to recorded monuments, with a protected structure onsite, with the Suir Islands Gardens Part 8 development securing this structure. I consider the application of appropriate mitigation including monitoring, an impact assessment, testing and recording together with co-ordination with the Department will ensure no cumulative impact.

#### 11.13.23. Conclusion

11.13.24. I have considered the written submission in relation to cultural heritage and note the EIAR and associated mitigation measures proposed together with the request by the Department. I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures.

### 11.14. Biodiversity

11.14.1. Chapter 5 deals with Biodiversity. Field surveys were carried out to inform the assessment. Surveys were conducted for habitats, birds, bats, non-volant mammals, White-clawed Crayfish.

11.14.2. Habitats occurring with the site area include eroding river, canal millrace, reed and large sedge swamp, amenity grassland, dry meadow and grassy verges, mixed broad leaved woodland, riparian/mixed broad-leaved woodland mosaic, scrub, recolonising bare ground, buildings and artificial surfaces, stonewalls, non-native invasive species, with riparian woodland to the east of the site. Habitat maps indicate the existing habitats found onsite.

11.14.3. The River Suir to the north and south of the Island forms part of the Lower River Suir SAC (site code 002137). An NIS accompanies the application and the impact on designated European Sites is detailed in Section 10.

11.14.4. Submissions

11.14.5. No submissions were received.

11.14.6. Potential Impacts – Construction Stage

11.14.7. Habitat Loss - There will be a permanent and temporary loss of habitat. This will include a permanent loss of a mixed broad leaved woodland (2.7 sq m) and dry meadow and grassy verges (202 sq m). There will be a temporary loss of these habitat types together with reed and large sedge swamp, and riparian woodland /broadleaved woodland mosaic habitat types. It is outlined these relate to sheet piling areas and the access ramp to Pier P01 and temporary loss of habitat will result in a slight negative impact at the local scale, with impacts being temporary and short term and reversible. There is also the potential for the loss of local plant species of local importance.

11.14.8. Watercourses and species - The River Suir at Suir Island supports a ranges of species including Atlantic salmon, sea lamprey, brook and river lamprey and white-clawed crayfish. A potential impact exists for the discharge of polluting substances to the River Suir, which would impair water quality and impact on aquatic species and otter. It is outlined there will be no in-stream works and no direct loss or disturbance to instream habitats.

11.14.9. Other impacts that could arise include noise and vibration generated. Provisional piling envisioned for the project consists of end bearing piles, that will be rotary bored and cast in-situ. Provisionally, 3 no. end bearing piles will be required at each of the abutment locations on the berm, North Plaza and Raheen Road and 2 no. piles for pier foundation. The nearest pile or abutment to the river channel will be abutment A01 at approx.5.5m from the river bank on The Quay and pier P03 at approx. 3.8m from the river bankside of the southern channel. It is outlined the design approach to piling works coupled with the set-back distance of pile location from the river at all pier and abutment locations, as well as the presence of bedrock and overburden and other materials, will ensure no noise or vibration associated with piling will have the potential to cause injury to fish and will not exceed low

guidelines value for Sound Level Exposure (SEL) which is 183 dB. In addition, impacts on amphibians are stated to be imperceptible and temporary.

11.14.10. It is submitted the illumination of the river channel by lighting has the potential to result in obstacles to the movement of migrating fish and could result in their displacement.

11.14.11. Birds - 5 species of medium conservation concern (amber listed) and 28 species of low conservation value were recorded on the Island. It is outlined the scale of habitat loss is negligible and given the presence of suitable breeding habitat for bird species on the Island, the construction phase is not predicted to have the potential to result in significant impacts to breeding birds by way of habitat loss. Construction works could result in disturbance to breeding birds.

11.14.12. Non volent mammals - No signs of badger were observed on site during surveys. Otter activity was recorded on the Island. An otter holt was previously recorded c.275m to the east of the site in 2017, which was not identified in 2020 and 2022.

11.14.13. No breeding sites or resting places for otters or badgers were noted within or immediately adjacent the site, with no otter holts/couches recorded within 150m of the site. In event of emission of contaminants to the river the potential will exist for indirect effects to otter. It is outlined the potential for construction phase disturbance to otter will be minor, due to crepuscular foraging behaviour of otter and as the river flows through an urban setting which is subject to human activity, it is likely that otters are already habituated to the human activity in the area.

11.14.14. Bats - No roost sites were identified as occurring within the project site. A roost site for pipistrelle species occurs at the mill buildings to the west of the project site. The project will not result in any disturbance to bat roosts. The project will result in the loss of grassland, scrub and small areas of woodland habitat supporting trees that do not have the potential to support roosts. Foraging bats were recorded at the site. The loss of scrub and woodland habitat will represent a slight impact in context of the existing woodland foraging available for bats. It is stated this will represent an effect of slight, negative and permanent significance for the local bat population. Construction phase lighting is required late October to late March, outside of the bat activity season and it is predicted there is no potential for significant light disturbance on bats.

- 11.14.15. Invasive Species - There is the potential for the spread of invasive species. 7 invasive species types (Giant Hogweed, Japanese Knotweed, Himalayan Honeysuckle, Clematis Vitalba, Butterfly Bush, Least Duckweed, Conyza canadensis) were recorded within and in the vicinity of the project footprint. These are shown in Figure 5-6.
- 11.14.16. Assessment and Mitigation Measures
- 11.14.17. Habitats - Measures to minimise habitat loss will include for reinstatement works so that habitats can be reinstated over the short term. For woodland habitats this will require replanting with tree species, with dry meadows and grassy verges and reed and sedge swamp reinstated with native species. Plant species of local interest will be translocated to a suitable receptor location on the Island outside the site. While these habitat reinstatement measures are considered standard and will minimise habitat loss and provide for reinstatement over a period of 7 years, I note there will be the permanent small-scale loss of habitat within the SAC. This is further addressed in Section 12.
- 11.14.18. Water Quality - Mitigation measures are set out to safeguard water quality, with management of surface water to adhere to best practice including CIRIA guidelines Control of Surface Water from Construction Sites 2001 and Control of Water Pollution from Linear Construction Projects (2006). Measures will include for the storage of equipment, materials, chemicals away from watercourses, use of drip trays for vehicle refuelling, and wet concrete operations not being carried out within or adjacent to watercourses. Surface water within excavations/sheet piled areas at the north and south of the site will be pre-treated through a mobile settlement and clarification treatment tanks and pumped and conveyed to the foul sewer system, and in the case of Suir Island will be pre-treated as outlined and conveyed to vegetated ground on Suir Island east of the flood berm.
- 11.14.19. Measures to safeguard water quality during earthworks include the temporary storage of soil within the Suir Island site compound removed from drains and watercourses, disposal of excavated soils to a licensed facility and adherence to submitted method statements, stockpiling measures.
- 11.14.20. To safeguard against the release of hydrocarbons measures will include use of a bunded fuel station for fuelling, removal of contaminated soil and its disposal off-

site, treatment of impacted run-off, use of spill kits, and measures outlined in the Outline Construction Environmental Management Plan.

11.14.21. Measures to safeguard against the release of cement-based products include the use of ready mixed supply of wet concrete and where possible, emplacement of pre-cast elements will take place, use of pre-cast culverts and concrete works, no washing out of plant used in concrete transport/operations onsite other than controlled chute cleaning with contaminated waters contained, and pour sites being free of standing water.

11.14.22. Measures are also outlined to safeguard against the release of pollutants which includes for storage measures, and to safeguard against the release of sewage with a self-contained portaloo system with integrated holding tank to be used onsite.

11.14.23. Measures to safeguard against the impacts of piling works will include the rotary piling techniques as outlined, use of sheet piling consisting of interlocking steel panels to protect riverbanks from destabilizing during piling operations and works, and timing of works outside spawning seasons. It is outlined with the implementation of the above measures it is concluded that piling works during the construction phase will not result in adverse effects to Annex 2 fish species, white clawed crayfish or otter.

11.14.24. Subject to the implementation of the mitigation measures outlined to protect water quality, I consider that risks to water quality arising from the proposed development at construction stage would be minimised. These measures are standard and well tested.

11.14.25. While the EIAR states there will be no in-stream works and no direct loss or disturbance to instream habitats, an access track is proposed at the 'backwater' channel to the south of Pier 1 which involves the siting of a pre-cast culvert within the channel to facilitate pier construction. As the ground level of the culvert corresponds to the approx. base flow as indicated on plans (drawing no.2460) and is below the 1%, 10% and 50% AEP, and the proposed piers and abutment works located within the flood barriers/defences are also below the level of AEPs, which is particularly the case for the proposed southern bridge (drawing no.2260), the applicant was requested to consider the potential impacts arising from instream

works, instream works in periods of increased base flow and flooding, and from enabling instream works and machinery movements.

11.14.26. In the further information submitted it is outlined the water levels on drawings no.2460 and 2260 do not represent base flow levels, and approx. baseflow and long sections are shown in updated drawings. It is outlined the culvert will facilitate the flow of water through the floodplain channel during a flood event, and does not convey flowing water during normal river flow conditions, with the channel characterised by a muddy substrate supporting a stand of riparian/mixed broad leaved wood mosaic. It is outlined in the event that installation/decommissioning works coincide with a flood there is a potential for mobilisation of silt/suspended solids to impact on the river habitat and species. A range of mitigation measures are set out which includes for the installation of the culvert and sheet piling to be completed during periods of normal flow conditions when the floodplain does not contain flowing water. In relation to works at piers and abutments located within the floodplain, elements of the project within the flood barriers below the Annual Exceedance Probability are outlined, and the release of excess sediment from these areas has the potential to impact on habitats and species in the event of a flood. A range of mitigation measures are set out including for construction at piers and abutments to be undertaken sequentially and individually to minimise the construction footprint susceptible to flooding.

11.14.27. In relation to enabling instream works and any machinery movements that may affect the river channels and/or riverbanks, it is outlined no work proposed will be undertaken instream, with all machinery used confined to the construction footprint. While site investigations have determined that ground integrity will not be at risk of destabilisation from construction activity at Piers 02 and 03, it is outlined construction activity could present a risk to ground stability and bankside collapse at/in vicinity of Pier 01 in the absence of mitigation measures, and vibration levels could also undermine bankside stability. Mitigation measures have been set out and include ground reinforcement measures, a sequential approach adopted to access Pier 01, and vibration controls.

11.14.28. I note the approx. baseflow levels relative to existing ground levels, proposed ground levels, the culvert level in the floodplain channel, and the proposed sheet piling levels in updated drawings, and their siting relative to the Annual

Exceedance Probability. Culvert and sheet piling levels outlined are at/below approx. baseflow levels. Having regard to the nature and siting of the development works, I consider that risks to water quality, habitats and species arising from the proposed development in the channels, riverbanks, at construction stage would be minimised, subject to the implementation of the outlined mitigation measures. In addition, I note the reference to decommissioning relates to the removal of temporary construction facilities required for the project build, as outlined in documentation submitted. I am satisfied a decommissioning project phase is not relevant as the proposal is intended to be a long-term / permanent development.

11.14.29. Lighting - To minimise the impact of artificial lighting, it is outlined outside of working hours all artificial lighting that has the potential to cast light on the river will be turned off. In addition, it is outlined during late October to mid March artificial lighting that casts light onto the river channel will not be used.

11.14.30. Birds - It is outlined where possible vegetation to be cleared will occur outside bird breeding season. Where this is not possible a survey will be carried out for nesting birds, and in event these are identified, clearance will be postponed until the nest sites are no longer active or after the bird breeding season terminates. In event postponement is not possible, consultation will occur with NPWS, with licenses to be obtained where applicable. Noise mitigation will be implemented to minimise noise levels and these are outlined in Chapter 10, and it is outlined these will minimise noise disturbance to birds and other fauna.

11.14.31. I consider any removal of vegetation should take place outside of the bird breeding season (1 March – 31 August) to ensure species are protected from harm. Any relaxation in relation to site clearance within this period would require licenses. This issue can be addressed by way of condition, should the Board be minded to grant permission. Having regard to the bird species and habitats recorded onsite and the abundance of suitable habitat in the area, I consider that any short term displacement possibly occurring during construction would not lead to any long-term impacts on bird species. Subject to the above, I consider that impacts on birds are unlikely, subject to the application of appropriate mitigation measures during the construction phase.

11.14.32. Bats - In relation to bat species, as construction phase lighting between the months of late October to late March will be outside the bat activity season, I consider that disturbance impacts on bats are unlikely, subject to the application of proposed mitigation measures. Disturbance to bats will also be minimised with felling operations scheduled between September and November. The loss of habitat will represent a slight impact in terms of foraging available for bats. Having regard to the bat species and habitats recorded onsite, and the abundance of suitable habitat in the area, I consider that any short term displacement possibly occurring during construction would not lead to any long-term impacts on bat species. Subject to the above, I consider that impacts on bats are unlikely, subject to the application of appropriate mitigation measures during the construction phase.

11.14.33. Non volent mammals - Pre-construction surveys for otters will be conducted in advance of commencement of construction. These will pay attention to identifying the presence/absence of holts/couches within 150m of piling locations. I note the Outline CEMP outlines where it is established on foot of surveys there is a presence of resting/breeding place a derogation licence will be sought. I consider this approach is standard. The further information response includes for an impact assessment of lighting and noise on otter species at the construction stage. It is outlined artificial nighttime lighting can effect otters through changes to their foraging resource, foraging success, social interactions, predation risk, and illumination of watercourses can decrease prey availability. A range of mitigation measures are set out for the construction stage, which include timing of works, lighting controls, use of buffers zones and noise mitigation measures including the selection of quiet plant and noise controls at source. It is outlined with mitigation measures, lighting will not have the potential to result in significant negative effects to otters. I consider that impacts on otter by way of construction phase noise and lighting are unlikely, subject to the application of the above mitigation measures during the construction phase.

11.14.34. Invasive Species – An invasive species survey will be completed prior to commencement. The Outline CEMP outlines the contractor shall prepare a non-native and undesirable species removal plan in accordance with TII publication “The Management of Invasive Alien Plant Species on National Roads – Technical Guidance GE-ENV-01105 (2020) in liaison with the ECoW, with any clearance

works in the vicinity of areas supporting non-native species to be undertaken in accordance with TII guidance measures. It is also outlined sites of known infestation will be marked prior to works and avoided during construction. I consider the above measures are standard and accord with best practice in terms of controlling the management and spread of invasive species.

11.14.35. Mitigation measures to manage the construction phase include for the employment of an Ecological Clerk of Works and the implementation of best practice construction measures and mitigation measures detailed in the EIAR, Addendum to EIAR, Outline Construction Environmental Management Plan (CEMP) and Natura Impact Statement. In the absence of the proposal, the environment would not be altered.

11.14.36. Potential Impacts – Operational Stage

11.14.37. It is outlined bat species in the vicinity of the site are known to be sensitive to artificial lighting and there is a potential for lighting to alter foraging habitat for bats.

11.14.38. Lighting also has the potential to affect migration, spawning and /or activity of fish, white clawed crayfish and other aquatic fauna.

11.14.39. Assessment and Mitigation Measures

11.14.40. Measures will be implemented to minimise the impact of artificial light to bats, nocturnal species, and aquatic fauna. This will include for lighting design to avoid light spill to the River Suir and to demonstrate there will be no change in light conditions on the river. It is outlined the lighting design for the bridge sections will be based upon the best practice guidelines for bats and lighting prepared by the Institute of Lighting Professionals and Bat Conservation Trust. Key requirements will be incorporated into the design and will include that lighting will be controlled via movement sensors and will be not on all the time, and column heights will be minimised to 5m. I am satisfied that lighting design being based on best practice guidelines would not likely give rise to any significant negative impacts on bat species. Any lighting scheme shall be designed based on Guidance Note GN08/23 Bats and Artificial Lighting At Night 2023, and this can be addressed by way of condition in the event of a grant, should the Board be minded to grant permission. The loss of habitat will represent a slight impact in terms of foraging available for bats. Having regard to the bat species and habitats recorded onsite, the extent of

habitat removal, the proposed habitat reinstatement measures, and the abundance of suitable habitat in the area, I consider that impacts on bats are unlikely, subject to the application of proposed mitigation measures.

11.14.41. The further information response includes for an impact assessment of lighting on otter species at operational stage. It is outlined artificial nighttime lighting can effect otters through changes to their foraging resource, foraging success, social interactions, predation risk, and illumination of watercourses can decrease prey availability. Mitigation for lighting on otter species at operational stage will include for avoidance of light spill on river and adjacent bankside areas, bridge lighting design according with best practice for light sensitive species, and use of design lighting controls. It is outlined with mitigation measures lighting will not have the potential to result in significant negative effects to otters. I consider that impacts on otter by way of operational phase lighting are unlikely, subject to the application of the above mitigation and design measures during the construction phase.

11.14.42. There will be ongoing monitoring of habitat reinstatement for 7 years post construction and habitat enhancement measures including erection of bird nest and bat boxes. As part of the management of Suir Island Tipperary County Council will undertake habitat management of the riparian woodland, which will include for removal and treatment of invasive species.

11.14.43. Residual Effects

11.14.44. It is outlined residual impact will be confined to the permanent loss of negligible area of habitat and represent an effect of negligible permanent significance. It is outlined the design of the lighting scheme will ensure the operational phase of the project does not result in ongoing disturbance to sensitive receptors.

11.14.45. Cumulative Effects

11.14.46. An assessment of projects in the vicinity indicates there will be no adverse cumulative impacts. It is outlined the works associated with the adjacent Suir Island Gardens project are minor in scale and works will not overlap with the proposed development. It is stated that the lighting design utilised by both projects will ensure they do not combine to result in significant changes to the baseline night time environment.

#### 11.14.47. Conclusion

11.14.48. No written submissions were made in relation to biodiversity. Having regard to the foregoing and details submitted, I am satisfied that impacts identified in this section of the report have been appropriately addressed in terms of the application and that potential significant effects on biodiversity will not arise, with the implementation of mitigation measures.

#### 11.15. Water (Hydrology)

11.15.1. Chapter 7 deals with Hydrology. The study area includes for a total distance of 1.2km along the River Suir, including areas upstream and downstream of the proposed development site. Topographical and hydrometric information (field and desk based) has been used to perform a hydrological impact assessment of the existing infrastructure and proposed watercourse crossing. The chapter includes for flood risk assessments and hydraulic modelling of the proposed development.

11.15.2. Suir Island consists of four Islands, Little island, Suir Island, Willow Island, Stretches Island. There are three watercourses within the proposed development site, including Suir River, Scrothea East Stream and the Oldbridge stream. The site is located within the Southeastern River Basin District catchment within Water Framework Directive – Sub-catchment – SUIR\_ SC\_140, WFD - River Sub Basin – SUIR\_190. I note EPA data (2016-2021) indicates the WFD status of the SUIR\_190 waterbody is 'good' and 'not at risk'. EPA data (2016-2021) indicates the Ground Waterbody WFD status is 'good'. I note EPA data outlines the ground waterbody is 'at risk'. Historical data provided by the National Water Monitoring Station (NWMS) and hydrometric gauge stations within the study area are assessed as part of the EIAR.

11.15.3. In relation to topography, it is outlined the existing surface elevations of the North Plaza varies from c. 17 metres Ordnance Datum (mOD) to c. 18 mOD with a flood defence wall constructed at elevations 18.68 mOD (min) and 19.12 mOD (max), with topography draining north to south towards the Suir River. The surface elevations of Suir Island at the proposed bridge crossing varies from c. 16 mOD (near river) to c. 20 mOD on top of the flood protection berm. Drainage falls to the north and south. The southern landing at Raheen Road elevations varies from c. 20.2 mOD, with a

flood protection wall constructed at 20.23 mOD to 20.25 mOD, and this area drains north to the Suir River.

11.15.4. In terms of flooding, the OPW Catchment Flood Risk Assessment and Management (CFRAM) 2016 mapping indicates that the locations of the proposed north and south bridge landings have the potential to flood in 1% Fluvial AEP flood events. As part of the CFRAM Study, Fluvial Flood Extent Maps were generated which contain nodes with corresponding flows (m<sup>3</sup>/s) and water level (mOD) for various AEP flood events. The key nodes/levels for the proposed development are listed in Table 7-2. Location of proposed bridge crossing (North) has a water level (mOD) 1% AEP of 19.414 with flow 217.63 at (m<sup>3</sup>/s) 1% AEP. Location of proposed bridge crossing (South) has a water level (mOD) 1% AEP of 19.541 with flow 281.123 at (m<sup>3</sup>/s) 1% AEP.

11.15.5. The Clonmel Flood Defence Scheme (Suir River Drainage Scheme) was constructed between 2008 to 2012 and comprises flood defence walls, demountable elements, embankments, channel conveyance improvements and pumping stations for stormwater that would otherwise accumulate behind defences. It provides protection against 1-in-100-year flood events (1% AEP) + 20% Climate Change scenario.

11.15.6. In terms of drainage, the North Quay, Suir Island and Raheen Road consist of existing hardstanding areas that drain to the river with existing drainage systems and/or overland flow. No formal drainage systems have been installed on Suir Island besides the car park.

11.15.7. In relation to wastewater, it is proposed to collect wastewater from the existing residential buildings on Suir Island by means of a collection sump and pump station that will be connected to the wastewater system on the north quay via a foul rising main pipeline installed on the soffit level of the proposed northern bridge crossing.

11.15.8. The site is located both within part of and adjacent to the Lower River Suir Special Area of Conservation (Site Code 002137) and a Zone of Archaeological Potential. There is therefore a direct hydrological connection with the SAC.

11.15.9. **Flood Risk**

- 11.15.10. A Site Specific Flood Risk Assessment has been prepared. The assessment has been undertaken having regard to The Planning System and Flood Risk Management – Guidelines for Planning Authorities. The FRA outlines the site is at high risk of fluvial flooding with the site falling within Flood Zone A (probability of flooding greater than 1% or 1 in 100). The section of the river located within the proposed development is not tidally influenced. The report outlines the proposed development is considered to be a less vulnerable development and water compatible development and therefore the justification test applies.
- 11.15.11. It is outlined the proposed development aligns with the objectives of the TCDP 2022-2028 and the local strategy to transform Suir Island into the 'Green Heart of Clonmel' as highlighted in the 2013 Clonmel and Environs Development Plan. I note the 2013 plan has been replaced by the 2024 LAP in which the site is zoned 'urban core' and 'amenity' and includes specific objectives in relation to the subject development at Suir Island.
- 11.15.12. It is outlined the development will not significantly increase the flood risk downstream/upstream, will not adversely impact on the operation of the existing flood defence scheme, with the majority of the development designed to be located in defended areas as highlighted on the Suir CFRAM Study Clonmel Scheme Fluvial Flood Extent Maps, and only 3 narrow support piers being sited in the floodplain. The FRA outlines hydraulic modelling conducted found that there will be an imperceptible increase in flood water levels upstream and downstream of the proposed development, finding that for the 1% AEP event; flood water levels upstream can potentially be increased by 5mm and 3mm downstream of the northern bridge crossing; and for the 1% AEP event; flood water levels upstream can potentially be increased by 35mm and 8mm downstream of the southern bridge crossing. The modelling report outlines a maximum increase in flood water surface elevations of 10mm and 32mm for the north and south bridges respectively, is considered minor to negligible and will not undermine the efficacy of the existing flood defence structures.
- 11.15.13. Measures set out to counteract the scheme giving rise to increased flood risk include the siting of the north plaza and north bridge abutments behind flood defences; abutments sited on top of the existing flood protection berm on Suir Island; upgrading works on Suir Island to include the existing berm being upgraded

and raised, and the South Bridge abutments being designed to integrate into the existing flood defence berm on Suir Island and the existing flood defence wall located along Raheen Road. It is outlined both the bridge deck levels are designed to allow a minimum available freeboard of 300mm between the bridge soffit levels and the 1% Annual Exceedance Probability Flood and can accommodate the 0.1% AEP event without significantly increasing flood risk upstream or downstream of the proposed development. I also note that a minimum clearance of 300mm is proposed above the demountable flood protection barriers and the soffit level of bridge superstructure. Given the sites potential for flood risk I consider that above design and siting measures are appropriate and reasonable to minimise the potential for significant impacts arising on the environment by way of flood risk.

11.15.14. The report outlines no works will be required in the main River Suir and Slalom Course and the proposed development will not significantly impact on the river morphology and hydraulic characteristics, and concludes from the outcomes of the assessment and compliance with the Justification Test Criteria, the development is considered appropriate for the flood risk area.

11.15.15. Having regard to the details submitted, the site location being in Flood Zone A, its categories of less vulnerable development and water compatible development, its alignment with Justification Test Criteria, that it has been demonstrated that the proposed development would not significantly increase the flood risk upstream/downstream and critically that it would not adversely impact on the operation of the existing flood defence scheme, I am satisfied that the proposed development is appropriate from a flood risk perspective.

11.15.16. I note Commissioners of Public Works under Section 50 of the Arterial Drainage Act, 1945 has given consent to the proposed bridge works as outlined in Appendix E. Having regard to the details and drawings submitted the proposed development will involve interventions with the existing flood defences. However, I am satisfied that the design undertaken will minimise interactions and enables for the schemes integration with the existing flood defence systems, without compromising on their functionality.

11.15.17. I am satisfied that sufficient detail has been provided and consider that while the risk of flooding to the proposed development is high given its siting, appropriate

measures to minimise flood risk have been undertaken to safeguard the environment and it is considered that it will not significantly increase flood risk upstream/downstream.

#### 11.15.18. Submissions

11.15.19. Concerns are raised as to whether Clonmel and OPW have confirmed the proposed scheme would have no interference with Clonmel Flood Defence Scheme.

#### 11.15.20. Potential Impacts – Construction Stage

11.15.21. The EIAR outlines the bridge support structures will be constructed in the flood plain, and with no instream works/structures provided instream there is no potential for changes to the hydrological regime.

11.15.22. The main hydrological impacts on receiving waters relate to a potential for silt and sediment loading and pollutants entering watercourses, which could lead to degradation of water quality and damage of aquatic ecosystems and species. Sheet piling and excavations for pier supports on Suir Island and the southern bank of the Slalom Course have a potential to give rise to erosion and sediment transport to the river via overland flow during rainfall/flooding.

11.15.23. In relation to flooding, volumes displaced by works are extremely small relative to the flow volumes in the receiving waterbody and it is outlined will result in an imperceptible effect.

11.15.24. It is stated in the effect of the proposed temporary structures on existing flood water surface elevations (WSE), there is little to no variations in WSE when comparing the existing scenario (baseline) and the temporary works scenario. It is stated the potential impact on flooding in the River Suir during the construction phase is negative, imperceptible to not significant and temporary.

#### 11.15.25. Assessment and Mitigation Measures

11.15.26. The site is located within and adjacent to the River Suir which has a WFD status of 'Good'.

11.15.27. In relation to mitigation measures, an Outline Construction Environmental Management Plan has been prepared and the contractor will be required to compile a CEMP (Construction Environmental Management Plan) based on the

OCEMP and C&DWMP (Construction and Demolition Waste Management Plan) and it is submitted that consultation will be held with Inland Fisheries Ireland and Waterways Ireland. General mitigation to safeguard water quality includes the discharge of surface water from sumps, excavations and exposed soil surfaces using silt traps/settlement ponds, use of use of silt traps, settlement ponds, hydrocarbon interceptors, protection of bare soil surfaces from erosion, bunded storage areas for fuel, oil and chemicals and refuelling areas on impermeable surfaces removed from drains and watercourses. Mitigation is also outlined for concrete works and includes that activities in/near watercourses will be carried out under the supervision of an Ecological Clerk of Works (ECoW).

- 11.15.28. In addition, I note works at the North Plaza and Raheen Road will take place behind the flood defences with surface water being pumped to the existing drainage systems with runoff pre-treated. Surface water runoff from works on Suir Island will also be pre-treated prior to discharge to vegetative areas, and I am satisfied that these practices and measures would minimise surface water contamination arising in receiving waters.
- 11.15.29. There is a potential for fluvial flood risk at construction stage, and in particular to the areas entailing support piers and abutments within the flood defences. I note construction methodologies includes sheet piling will be provided to protect against rising river water levels up to the 50% AEP levels plus an additional 300mm freeboard, and to minimise the ingress of groundwater into the works area and to reduce the volume of groundwater to be pumped, filtered and discharged. It is stated these works will be phased to minimise the reduction of the flow area. I note that temporary flood defences will also be provided where the existing flood defence wall on Raheen Road is to be altered.
- 11.15.30. With the siting of elements of the proposed development and works within the floodplain and floodplain channel, the applicant was requested to consider the potential impacts arising from instream works, and from instream works in periods of increased base flow and flooding. The further information received outlines there are no planned works within the main river channel, and during construction there will be a disturbance to the muddy substrate of the floodplain. It is outlined in the event that installation works coincide with a flood event, a potential will exist for the mobilisation of suspended solids due to the disturbed muddy substrate. It is stated

the potential impact on surface water without mitigation is considered to be temporary and imperceptible to not significant. A range of mitigation measures are set out which includes for the installation of the pre-cast box culvert and sheet piling to be completed during periods of normal flow conditions when the floodplain does not contain flowing water. It is outlined the potential impact from instream works and from instream works arising in periods of increased base flow and flooding on surface water with mitigation is considered to be temporary and imperceptible.

11.15.31. I note the approx. baseflow levels relative to existing ground levels, proposed ground levels, the culvert level in the floodplain channel, and the proposed sheet piling levels in updated drawings, and their siting relative to the Annual Exceedance Probability. Culvert and sheet piling levels outlined are at/below approx. baseflow levels. Having regard to the nature and siting of the development works, I consider that risks to water quality arising from the proposed development in the floodplain and channels at construction stage would be minimised, subject to the implementation of the outlined mitigation measures

11.15.32. In relation to major accidents and natural disasters, I note that the OCEMP construction methodology will involve the replacement of revetments in sections, to mitigate the risk of flooding and to enable the section under construction to be quickly protected during storm events.

11.15.33. I note that the construction works are temporary in nature and I am satisfied that the mitigation measures as set out are capable of being successfully implemented. I also consider that the above measures would minimise indirect impacts arising on hydrology, water quality and aquatic habitats and species, while also addressing potential flood impacts and risks at construction stage. The measures align with best practice and would ensure the potential for significant adverse indirect impacts on water/hydrology would be removed. In the absence of the proposal, the environment would not be altered.

11.15.34. Potential Impacts – Operational Stage

11.15.35. The predicted impact of storm runoff discharge, storm discharge of pollutants and accidental spillage is deemed to be imperceptible.

11.15.36. Assessment and Mitigation Measures

11.15.37. As impacts are predicted to be imperceptible, no mitigation measures are proposed.

11.15.38. I note the assigned WFD status of the relevant water body and its risk rating. Given the details submitted, the above assessment carried out in relation to impacts on water, and the proposed mitigation at the construction stage, I am satisfied that significant effects on the environment by way of potential water pollution would not arise at construction and operational stages, and that the proposed development will not cause a deterioration in the status of surface and groundwater bodies and would not jeopardise their attainment of good water status.

11.15.39. Residual Effects

11.15.40. Subject to mitigation, it is outlined there will be no significant residual impact arising from construction. Residual impacts on flood risk are not anticipated with design making provision to minimise the restriction of flow area and available storage around the piers and abutments. Mitigation will minimise potential risk to residual changes to river morphology.

11.15.41. Cumulative Effects

11.15.42. It is outlined with the implementation of the mitigation measures in the CEMP and other developments being required to incorporate measures to protect water quality in compliance with legislative standards for receiving water quality (European Communities Environmental Objectives (Surface Water) Regulations (S.I. 272 of 2009 and S.I. 77 of 2019)) there will be minimal cumulative potential for change in the natural hydrological regime and no cumulative impact on the surface waterbody status. In relation to the WFD, with the implementation of mitigation measures it is outlined there will be no degradation of the current water body.

11.15.43. I have considered the submissions made. Concerns are raised as to whether Clonmel and OPW have confirmed the proposed scheme would have no interference with Clonmel Flood Defence Scheme. Details submitted outline consultations were held with the OPW in 2020 and 2022. Appendix E includes for OPW correspondence confirming the consent of the Commissioners of Public Works under Section 50 of the Arterial Drainage Act, 1945 is given to the proposed bridge works.

#### 11.15.44. Conclusion

11.15.45. I have examined, analysed and evaluated Chapter 7 of the EIAR, all of the associated documentation, the further information and the submission on file in respect of Hydrology. I am satisfied that the applicants understanding of the baseline environment, by way of field and desk based surveys, is comprehensive and that the main key impacts in respect of likely effects on hydrology, as a consequence of the development are identified.

11.15.46. Having regard to the foregoing and details submitted, I am satisfied that the proposed development is appropriate from a flood risk perspective. I am satisfied that potential impacts on water have been appropriately addressed in terms of the application and that no significant adverse effects are likely to arise, with the implementation of mitigation measures.

#### 11.16. **Land, Soil (Lands, Soils, Geology and Hydrogeology)**

11.16.1. Chapter 6 deals with Lands, Soils, Geology and Hydrogeology. The site includes for part of Clonmel town centre, Suir Island and the River Suir. Field and desk based studies including a site investigation report have been used to inform the assessment.

11.16.2. GSI mapping details the site is composed of made ground of concrete and tarmacadam, with soils entailing coarse loamy drift with sandstones made up of glacial clays, and river alluvium soils. Site investigation works were carried out in 2005-2006 for the River Suir Drainage Scheme, with site investigation works carried out for the proposed development in 2022 including trail pits and rotary core drillholes, trenches, road cores, dynamic probes. These identified ground conditions including made ground with clay soils with concrete, with an overburden of gravel, silt and clay. Bedrock was recorded at depths ranging from 13.00mbgl to 19.30mbgl. The bedrock is a moderately weak light grey muddy limestone with fossils, thin calcite veins and a fresh to slightly weathered state, which is located in the Ballysteen Formation.

11.16.3. The site overlies a Locally Important Aquifer, outlined as bedrock which is moderately productive only in local zones. In relation to aquifer vulnerability, the GSI classifies the site as 'High to Moderate'. It is however submitted that site investigations indicate there is approx. 13 m of overburden which indicates a

'moderate' to 'low' aquifer vulnerability, which is based on aquifer thickness and type.

11.16.4. EPA data (2016-2021) indicates the Ground Waterbody WFD status is 'good'. I note EPA data outlines the ground waterbody is 'at risk'. Groundwater ingresses were recorded at all three trail pits.

11.16.5. It is outlined soil quality is considered to be free of contamination, with minor concentrations of hydrocarbons and heavy metals which are below the available LQM/CIEH (Land Quality Management/Chartered Institute of Environmental Health) for HHRA (Human Health Risk Assessment) residential thresholds. Site investigations outlined material tested onsite is classified as non-hazardous.

11.16.6. There are no water source protection areas zones within the site.

11.16.7. Based on the TII methodology (2009), it is outlined the importance of the bedrock and soil features at this site is rated as 'Low importance' with low significance at a local scale, due to poorly drained and/or low fertility soils. It is stated the importance of the hydrogeological features at the site is rated as 'Extremely High importance' given its value on a local scale. The site is located both within part of and adjacent to the Lower River Suir Special Area of Conservation (Site Code 002137) and there is therefore a direct connection with the SAC.

11.16.8. The proposed development will involve 2,000m<sup>3</sup> of material being excavated, with c. 500m<sup>3</sup> of material to be reused for fill material on the existing flood protection berm located on Suir Island. Material will be sourced from the North Plaza site and/or Raheen Road. It is estimated that 1,500m<sup>3</sup> will be removed off-site while c. 2,000m<sup>3</sup> will be imported on-site for fill material. The further information submitted outlines there is no requirement for demolition or removal of buildings. There is the removal of hard stand (footpaths, concrete, tarmac). There will be a requirement for dewatering of groundwater during the construction phase due to the presence of perched water table c.1m below ground surface within the made ground and overburden units.

11.16.9. Submissions

11.16.10. No submissions have been received in relation to Lands, Soils, Geology and Hydrogeology.

#### 11.16.11. Potential Impacts – Construction Stage

11.16.12. It is submitted while the risk of contaminated soils onsite is low, there is a potential for cross contamination of soils during excavation and infilling. However, these will be stockpiled separately and may be subject to testing by facilities prior to acceptance. There is also a potential for import of contaminated material if assessment of source material is not undertaken.

11.16.13. Localised dewatering of subsoil will be required to address perched groundwater and rainfall in excavations. It is outlined in the event of accidental spill/leak of suspended solids, cement, hydrocarbons, wastewater, there is a potential for contaminated water to pose a significant short-term risk to groundwater if contamination percolates through soils to the aquifer. Soil stripping would reduce the thickness of the subsoil and protection it provides to the aquifer. The magnitude of impact is considered short term with slight impact to subsoils and aquifer.

#### 11.16.14. Assessment and Mitigation Measures

11.16.15. It is submitted the contractor will prepare a Construction Environmental Management Plan (CEMP) prior to commencement which will set out requirements to be met. I have dealt with this requirement in consideration of Hydrology and Biodiversity.

11.16.16. A principal hydro-hydrogeological impact associated with the scheme would include for increasing the vulnerability of underlying aquifers to pollution, due to a loss of soil/overburden, and potential pollution arising on groundwater from construction works. To control soil excavation and export from site, excavated soils will be disposed off-site to a licenced facility. While aquifer vulnerability is classified as 'High to Moderate', the excavations are indicated as being limited in the context of depth to bedrock at Raheen Road, North Plaza, Suir Island. It is indicated soils are not contaminated onsite and I note the proposed scheme does not include for abstractions from the aquifer. It is further submitted deposition of infill soil would increase overburden thickness which may decrease groundwater vulnerability, and the proposed development will be covered with impermeable material to act as a protective layer to the underlying geology and bedrock.

11.16.17. It is outlined discharge of construction water, and the ingress of groundwater and rainfall in the excavations will be pumped out and discharged via the existing

stormwater sewer network. This will be pre-treated to address contamination where applicable, and there may also be localised pumping of surface run-off from the excavations. Pre-treatment and silt reduction measures onsite will include silt fencing, settlement measures and hydrocarbon interceptors, oil interceptor.

11.16.18. It is submitted due to the very low permeability of the glacial subsoils and the relatively shallow nature of excavations, infiltration to the underlying aquifer is not anticipated. I note bridge support structures will extend c.8-10 mbgl as indicated on drawings. Given the details submitted, nature of the works and subsoil and depth to bedrock (13 mbgl), I am satisfied that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures outlined.

11.16.19. In relation storage, soil will be stored away from surface water drains, silt fencing will be used for stockpiles and overburden material will be stored on sheltered areas. It is outlined should staining/odours be observed on subsoils, soil will be analysed for contaminants and be disposed of. Fuel and chemicals will be stored in temporary bunded areas, and refuelling will take place in a designated areas away from surface drains. Risk assessments will apply for wet concreting.

11.16.20. I note that the proposed development will involve 1,500m<sup>3</sup> of material being removed off-site which will be balanced by c. 2,000m<sup>3</sup> imported fill. I consider that the effects on lands, soils, geology and hydrogeology are clearly set out. I also note that the construction works are temporary in nature and I am satisfied that the mitigation measures as set out are robust and capable of being successfully implemented. The measures align with best practice and would ensure the potential for significant impacts on the environment would be removed.

11.16.21. There are interactions between lands, soils, geology, hydrogeology and hydrology, and as highlighted in Hydrology Section, the proposed development will include for channel and riverbank works and I am satisfied that potential impacts have been appropriately addressed with the implementation of mitigation measures. These issues are given further consideration in the Hydrology Section. In the absence of the proposal, the environment would not be altered.

11.16.22. Potential Impacts – Operational Stage

11.16.23. It is stated that piling is not a contiguous barrier and will not interfere with the natural groundwater regime. Potential effects on the WFD status to waterbodies

are considered neutral, imperceptible to not significant and temporary. Impacts are deemed to be long-term with imperceptible impact.

#### 11.16.24. Assessment and Mitigation Measures

11.16.25. The predicted impact of storm runoff discharge is deemed to be imperceptible.

11.16.26. I note the assigned WFD status of the relevant groundwater body and its risk rating. Given the details submitted, the above assessment carried out, and the proposed mitigation at the construction stage, I am satisfied that significant effects on the environment would not arise at construction and operational stages, and that the proposed development will not cause a deterioration in the status of groundwater bodies and would not jeopardise their attainment of good water status.

#### 11.16.27. Residual Effects

11.16.28. Subject to mitigation, it is outlined the residual impact will be short-term-imperceptible-neutral at construction stage. Monitoring measures are to be employed at construction stage. The residual impact at operational stage is deemed to be long-term-imperceptible-neutral.

#### 11.16.29. Cumulative Effects

11.16.30. A cumulative assessment of the proposed development with permitted developments including Suir Island Gardens (TCC Reg. Ref.: P8/22/01), redevelopment works to an existing service station and oil depot (TCC Reg. Ref.: 19/600729), and the demolition and clearance at a site known as the former Clonmel Meat Factory (TCC Reg. Ref.: 19/600102) has been undertaken. It is outlined subject to the implementation of mitigation measures for the proposed development and the aforementioned schemes compliance with conditions and adherence to legislative standards for receiving water quality, the residual cumulative impact of the proposed development in combination with other permitted developments is considered to be neutral, imperceptible and short-term for both the construction and operational stages. Having regard to the details submitted, and subject to the implementation of mitigation measures outlined, I consider significant cumulative impacts would not arise.

#### 11.16.31. Conclusion

11.16.32. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation and further information in respect of lands, soils, geology, hydrogeology. I am satisfied that the applicants understanding of the baseline environment, by way of field and desk based surveys, is comprehensive and that the main key impacts in respect of likely effects on lands, soils, geology, hydrogeology, as a consequence of the development are identified.

11.16.33. Having regard to the foregoing and details submitted, I consider that the proposed development is appropriate from a lands, soils, geology, and hydrogeology perspective. I am satisfied that potential impacts have been appropriately addressed in terms of the application and that no significant adverse effects are likely to arise, with the implementation of mitigation measures.

### 11.17. **The Landscape**

11.17.1. Chapter 15 deals with The Landscape. The study area extends at least 1 km in radius from the centre of the development on Suir Island. The chapter includes for a Landscape Character Assessment (LCA) and a Visual Impact Assessment (LVIA).

11.17.2. The Tipperary County Development Plan designates the site within a Landscape Character type 'Plains' – 'A1 Lowland Pasture & Arable', and is within a landscape character area '1. Urban and Fringe Areas', which has a Landscape Sensitivity Rating of low. While the EIAR references the 2013 Clonmel and Environs Development Plan, I note 2 no. Regeneration Sites in The Clonmel and Environs Local Area Plan 2024-2030 form part of the proposal site. The site is zoned 'urban core' and 'amenity' in the LAP. The site is within a Zone of Archaeological Potential and adjacent an ACA. The Waterford CDP outlines the Landscape Character Area Suir River Corridor has a Landscape Sensitivity of Most Sensitive.

11.17.3. Submissions

11.17.4. Concerns are raised in relation to the generic curved bridge design, impact on character of area, naming of north plaza, provision of public art/features, lighting, facilities. Concerns are also raised in relation to finishes and visual impacts of concrete/concrete benches, with redesign sought for slated wood surface components/sustainable and movable metal framed benches with wood seating.

#### 11.17.5. Potential Impacts – Construction stage

11.17.6. The EIAR outlines the landscape impact at construction stage will include for physical changes which will be of moderate impact, such as requiring new access points to move construction vehicles/traffic and removal of trees to install supporting piers. It is outlined the impact will be limited to the area and will be short term. It is outlined visual impacts at construction stage will include for the impeding, disruption, reduction and altering of views, and views and visual amenity will be altered significantly, negative, but this will be short term.

#### 11.17.7. Assessment and Mitigation Measures

11.17.8. The construction stage will be relatively short at 18 months and while these activities would mark a departure on parts of the landscape character of the local area, I consider such construction activities would be localised and standard for a development of this type. There will be impacts by way of the removal of trees to facilitate access points and construction of piers, and it is outlined this would disrupt views at locations proximal to the southern area of the site. Given the nature and scale of construction activities, I consider these will not impact on the wider landscape.

11.17.9. In terms of visual impacts, it is predicted construction activity works, including the erection of hoarding will impede views and give rise to significant - negative impacts on visual amenity from areas including The Quays Road, Quay Street, Sarsfield Street, Hughes Mills and Raheen Road. Mitigation will include tree retention including for root protection areas, lighting controls, access and storage areas being confined to the eastern portion of the Suir Island car park, and the siting of access and circulation routes on least sensitive areas. It is submitted with mitigation, effects will be short term, neutral and moderate. Having regard to the details submitted and the mitigation measures as set out, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue adverse impact on the visual environment.

#### 11.17.10. Potential Impacts – Operation Stage

11.17.11. The EIAR outlines the landscape character will be altered and impacts will be moderate, limited to project sub areas and will be permanent. It is outlined visual impacts on project sub areas will be moderate, irreversible and permanent, that the degree of visual effect to key receptors and alterations to landscape is neutral, that magnitude is irreversible but mitigated, and that duration is permanent.

11.17.12. Assessment and Mitigation Measures

11.17.13. The proposal will involve the introduction of new built elements including bridge structures, promenade, a public space, lighting into the landscape at three identified sub locations, the Northern Bridge (sub area 1), the Link/promenade (sub area 5) and the Southern Bridge (sub area 2). While it is outlined the landscape character will be altered, the existing landscape capacity to accommodate change is high and it is predicted that the impact is moderate, with the zone of influence of the impact being limited to the project sub areas.

11.17.14. A *Landscape and Visual Impact Assessment* (LVIA) including for baseline photography has been carried out. The study is supported by 10 viewpoints taken from various receptors within the study area. Viewpoints include for existing views and predicted views. For the North Bridge (sub area 1) and Link Promenade (sub area 5) it is submitted the visual impact is moderate (medium sensitivity) for the landscape visual amenity (views) and of a medium sensitivity to receptors. For the Link promenade as it departs the flood barrier berm (sub area 5) and the southern Bridge (sub area 2) it is submitted the visual impact is moderate (medium sensitivity) for the landscape visual amenity (views) and of a significant sensitivity to receptors, with a new prominent contrasting foreground element at this location. It is stated the proposal neither detracts from nor enhances the landscape of the receiving environment or view and the landscape and visual impact is neutral. Lighting is stated to have a slight impact (low).

11.17.15. It is outlined design mitigation was carried out to integrate the scheme into the existing environment to reduce impacts environmentally and visually, and includes reducing the bridges width, consideration of alternatives, linking existing pedestrian circulations, improving access, finishes. Mitigation is also proposed by way of planting and planting protection schemes. Further mitigation includes for

maintenance over the operational phase (permanent duration over fifty years) to include for replacement planting and maintenance.

11.17.16. As indicated in the LVIA the main visual influence will be concentrated in the immediate site vicinity. Following an inspection of the site, the surrounding area and an examination of the information submitted including the visual aids, I consider the proposed scheme would result in the introduction of a prominent new urban infrastructural feature which would be highly visible from locations within the immediate and surrounding urban area.

11.17.17. One of the most visually prominent elements of the scheme will be the northern bridge and its starting/arrival point within the northern plaza, which will be visible downslope and from Sarsfield Street and along The Quay and New Quay in the town. As indicated on photomontages 15.4.03B and 15.4.05B, on approaches from northern (Sarsfield Street and Gladstone Street) and eastern (New Quay/R678) directions the bridge structure would be located within the centre of the viewing frame. Given its scale, nature and siting it would be difficult to fully mitigate the visual impact of the northern bridge structure. However, while this element of the scheme would have a moderate to significant visual effect, I consider it would not result in a significant adverse impact on the visual amenities of the area or impact on the areas landscape setting. While the scheme at this location will interrupt views of Suir Island, its vegetation and the Comeragh Mountains to its south, as demonstrated by the photomontages, these views will still be retained from Sarsfield Street, Gladstone Street and along The Quay and New Quay. It is also noted when viewed from the top of Sarsfield Street/Galdstone Street the proposal will not impact on views of the Comeraghs ridgelines. The viewpoints from Old Bridge and Abbey Street/R678 from the west and east respectively with a background of established mature vegetation and built structures also indicates the proposed structure can be visually integrated into the streetscape without significantly impacting on existing views. In addition, given the nature of the works and development within The Quay area of the proposal site and views of the scheme from Gladstone Street/top of Sarsfield Street, I consider there would be no adverse impacts on views into and out of the ACA. I also note a submission outlines future 'gig-rigs' may screen the proposal when viewed from the town centre, which I note would apply when holding town centre events.

11.17.18. When viewed from the west, the central link promenade with a backdrop of existing vegetation would not break the skyline, and I consider that the proposed scheme at this location given its scale would not result in an adverse impact on the visual amenities of the area or impact on the area's landscape setting.

11.17.19. The southern bridge, including the link-promenade as it departs the flood barrier berm and carries across to Raheen Road will form another visually prominent element of the scheme. The siting of the link-promenade and northern part of the southern bridge at this location to the east of Suir Island Gardens will be clearly visible, however its location within an existing woodland area will serve to mitigate its visual impact and it is noted that it will not extend above the existing tree line. While the southern area of the bridge at this location and its arrival point to Raheen Road will be clearly visible at Raheen Road and from Denis Burke Park, the height of the bridge along with the presence of foreground and background vegetation and the flood barrier wall would serve to integrate the scheme and mitigate its visual impact.

11.17.20. Having regard to the topography of the site, its urban setting, the scale and heights of the proposed development, the mid-sections developments screening to the north, south and east by vegetation for the most part, the extensive network of treelines adjacent to and proximal to the scheme on Suir Island, and the separation distances to sensitive receptors including residential development, I consider that the proposed scheme would not result in an adverse impact on the visual amenities of the area. It is considered that the mitigation as outlined including the retention and protection of trees and additional planting would serve to further integrate and screen the proposed scheme visually. With the proposed development sited within an 'Urban and Fringe Areas' landscape character area in the Tipperary CDP, and with the Waterford CDP outlining the Landscape Character Area Suir River Corridor has a Landscape Sensitivity of Most Sensitive, it is considered that the characteristics of the scheme and its outlined site context would not adversely impact on these Landscape Character Areas or its landscape setting. In the absence of the scheme, there would be no change to the landscape or visual impacts on the amenities of the area.

11.17.21. In relation to issues raised in the submission, I consider that plaza finishes, facilities and the siting of stone and timber seated benches in public spaces would

not give rise to adverse visual impacts and are standard for an outdoor development of this type. I also consider the naming of scheme locations acceptable. However, the provision of a public art/feature and facilities including a drinking fountain are standard for town centre developments of this type. Should the Board be minded to grant permission, these issues could be addressed by way of condition.

#### 11.17.22. Residual Effects

11.17.23. For the construction phase, residual impact is predicted to be short term, neutral and of moderate impact with mitigation.

11.17.24. For the operation phase, the residual effect is predicted to be long-term, neutral and imperceptible, subject to the implementation of mitigation measures.

#### 11.17.25. Cumulative Effects

11.17.26. A cumulative assessment has been carried out which includes for a visual impact assessment of the scheme with the approved Suir Island Gardens Part 8 scheme. It is stated that the visual impact on Suir Island Gardens arising is moderate (medium sensitivity) for the landscape visual amenity (views) and ranges from medium to significant sensitivity to receptors, with significance relating to the southern bridge structure. Visual effects are deemed neutral.

11.17.27. Having regard to the details submitted, and subject to the implementation of mitigation measures outlined, I consider significant cumulative impacts would not arise.

#### 11.17.28. Conclusion

11.17.29. Having regard to the scale and nature of the scheme, site and landscape context, the demonstration of the visual and landscape effects in the LVIA and associated documentation and the submissions received, I consider the proposed development would not likely result in an adverse visual impact on receptors or on visual amenities of the area and that any visual impacts arising on the landscape at this location would range from moderate to low. I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures.

## 11.18. Material Assets (Material Assets – Built Infrastructure)

11.18.1. Chapter 11 deals with Material Assets, Built Infrastructure. Built services onsite and adjacent include for foul and water networks, telecommunication, power and gas networks, land uses, property, access and critical infrastructure.

11.18.2. Submissions

11.18.3. A submission outlines the chapter indicates the proposed development will have no effect on existing services and it is noted there are underground services underneath and near the proposed scheme and queries if service diversion should be considered beforehand and included in cost schemes. An inconsistency in foul sewer diameter plan/Uisce Eireann records is outlined. It is outlined the Outline Planning Engineering Report cited in the EIAR which includes details on consultation with Uisce Eireann is not within the EIAR.

11.18.4. Potential Impacts – Construction Stage

11.18.5. During construction, there will be pedestrian and vehicular movement restrictions in relation to the site. Power supply demand will be relatively low. Effects on flood defence infrastructure was assessed to be neutral, imperceptible and short term.

11.18.6. Assessment and Mitigation Measures

11.18.7. The EIAR outlines utility services will require diversion as part of the proposed works. It is outlined construction will require connections to water supply and drainage infrastructure, power and telecommunications, and it is outlined consultations and best practice measures with service providers will ensure impacts on existing infrastructure will be imperceptible. I am satisfied that no significant adverse effect is likely to arise, subject to the implementation of best practice measures and consultation being undertaken.

11.18.8. Potential Impacts – Operational Stage

11.18.9. Operational effects are considered to be long term, neutral, imperceptible to not significant. It is outlined a pre-connection enquiry (PCE) has been submitted to Irish Water and consultation has confirmed that the connection to wastewater infrastructure is feasible without infrastructural upgrade.

11.18.10. Assessment and Mitigation Measures

11.18.11. It is outlined surface water infrastructure has been designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) manual (March 2005) and IW have agreed in principal that the wastewater and water requirements for the development can be accommodated. Subject to a standard condition applying in relation to connection to water services, I consider that no significant adverse effect is likely to arise.

11.18.12. Residual Effects

11.18.13. No significant residual effects are expected.

11.18.14. Cumulative Effects

11.18.15. No significant cumulative effects are expected. Subject to the implementation of mitigation measures and details outlined, I consider significant cumulative impacts would not arise.

11.18.16. The submission questions if service diversion and scheme costs should be considered beforehand given the existing underground services including the foul sewer system. The EIAR has outlined utility services will require diversion as part of the proposed works. In relation to the submitted plans, I note these indicate the proposed public toilet will connect to the existing foul sewer pipe by way of a 450mm pipe. I also note the Engineering Planning Report in the EIAR includes details on consultation held with Uisce Eireann. UE correspondence outlines a wastewater connection is feasible subject to upgrade and have not raised any concerns in relation to the proposal.

11.18.17. Conclusion

11.18.18. Having regard to the foregoing and details submitted, I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures.

### **11.19. Material Assets (Material Assets: Traffic and Transportation)**

11.19.1. Chapter 12 deals with Traffic and Transportation. The chapter sets out the study area which includes the proposed site and 5 junctions located onsite and to the north and west of the site within Clonmel Town and includes for a Traffic Impact Assessment (TIA). It has been prepared by a person with appropriate qualifications

and experience. The chapter is supported by a Traffic Impact Assessment Document which contains details of traffic modelling.

#### 11.19.2. Submissions

11.19.3. A large range of concerns have been raised in relation to the traffic and car parking implications associated with the proposal, as highlighted in Section 7.2, 9.1.4 and 9.1.5 of this report. Consideration is given to these issues in my assessment.

11.19.4. A capacity analysis of the junctions has been undertaken in the EIAR to assess the impacts of the projects traffic in the area at operational stage. The proposal will involve the implementation of a one way system along Quay Street to cater for west bound traffic only, and elimination of the two way system along Quay Street. This will result in an expected redistribution and re-routing of eastbound traffic to O'Connell Street via Joyces Lane.

11.19.5. At the time of assessment in 2023 traffic counts were not available for all junctions. Traffic counts from 2022 (24<sup>th</sup> May, 2022) were available for 3 junctions only, with historic data considered for the assessment. This includes traffic surveys carried out for 21 junctions in 2018 for *Clonmel Town Centre Traffic Management Study*. The 2022 traffic counts are used to validate changes in traffic volumes. To assess the worst case scenario, peak hour traffic obtained in the 2018 survey has been increased in all junctions by 8% in the AM peak, and 9% in the PM peak, to proportionately reflect 2022 flows and apply this to the capacity analysis.

11.19.6. Due to constraints with junction geometry and number of one-way sections to arms in network, it was not possible to use TRL PICADY software for modelling-priority controlled junctions, with the next best option LinSig modelling software used. Years considered include a 'do nothing' base year (2022), year of opening (YoO 2025), future year (YoO+5, 2030) and horizon year (YoO+15, 2040).

11.19.7. A submission outlines the EIAR does not take into account the Traffic and Transport Assessment of Clonmel Arms Hotel development and use of TRICs database system to analyse traffic, which did not refer to making the quays 1 way as part of Masterplan proposals for the footbridge, and was not discussed with Elected Members and public in 2018-2019. The EIAR outlines traffic generation associated with the permitted Clonmel Arms Hotel (reg. Ref. 18601355) and proposed Bulmer Visitor Centre in Dowds Lane has been included in the TIA. It is stated that the

figures presented in the Traffic and Transport Assessment for the hotel development have been redistributed into the network for the proposed one-way system to be implemented at Quay Street for the proposal. I note *Figure 4.3 2036 Design Year AM an PM peak traffic flows 'with development traffic'* outlined in reg. Ref. 18601355 which does not refer to the quays as being 1-way, which given the applicable policy in place at the time was reasonable. I further note a submission received on foot of the further information raises concerns as to whether there has been sufficient correlation with the Traffic Assessment undertaken for the proposed Clonmel Arms Hotel Development assuming a similar development to that granted in PA 1860 1355. On a review of the TCC register I have not identified a proposed/new hotel development.

11.19.8. Design concepts forming part of the approved Part 8 Clonmel Town Centre Enhancement scheme incorporating changes to traffic flow direction on O'Connell Street (including a preferred eastbound one-way system) are also incorporated in the traffic model. While I note a submission outlines that new 2-way bus route on O'Connell Street appears to reverse the public realm proposal for one-way west to east and that the town centre and bus service could be assessed (by way of computer simulation) before decision on changing traffic direction, and that public transport initiatives and parking should be assessed, I consider that the traffic model making provision for eastern bound traffic at this location is reasonable in light of the approved Part 8 status, and the making provision for westbound traffic on The Quay is reasonable in light of the policy and objectives in the 2024-2030 LAP.

11.19.9. The proposal involves the removal of the Quay Street car park (33 spaces) and spaces on The Quay and Raheen Road. It is anticipated this demand will be accommodated in Suir Island Car Park, which has a capacity of 280 parking spaces and included for maximum occupancy of 48 cars in the car parking accumulative analysis carried out.

11.19.10. During construction which will last for c.18 months, a maximum of 20 heavy goods vehicles movements per day is expected with c.40 staff employed.

11.19.11. Potential Impacts – Construction Stage

11.19.12. There will be disruptions to traffic movements along the Quays, Quay Street, Old Bridge and Raheen Road with road closures to occur. It is stated the Quay

westbound lane and Quay Street will be closed for the duration of the works and the rerouting of traffic will result in higher traffic volumes on surrounding streets within the town. It is also expected that the traffic volumes will increase along Old Bridge with car parking removed from the Quays. It is outlined construction traffic will access the site via major roads including the N24 and Waterford Road. It is outlined some car parking spaces within Suir Island Car Park will be out of service to accommodate construction facilities and HGV movements. Impacts are stated to be short term, negative and not significant.

#### 11.19.13. Assessment and Mitigation Measures

11.19.14. Mitigation will be addressed by way of an Outline Construction and Environmental Management Plan (OCEMP). A Traffic Management Plan (TMP) will be developed by the contractor prior to commencement and this will address temporary disruption to traffic lanes, footpath access and pedestrian management. I note a roads capacity assessment of the proposed construction phase has not been submitted, and limited details have been outlined in relation to the construction haul routes. However, I do not consider there is any deficiency in the network that would render it unsuitable to carry the anticipated additional load required during the construction phase of the proposed development. The Engineering Planning Report outlines the superstructures for the bridge consisting of prefabricated steel sections c.30 metres in length, will be transported to the site by exceptional load convoys which will require appropriate licensing and approval. Subject to the implementation of mitigation measures and conditions including for an OCEMP and a TMP to include for detailed haul routes and abnormal loads, I am satisfied that the impact of traffic arising on the existing network would not be significant adverse.

11.19.15. I note the proposed compound plan on Suir Island car park will result in c. 85 car parking spaces being taken out of service during construction. The stated capacity of the car park with 280 car spaces is disputed in a submission, which outlines there are 214 - 240 spaces and 25% occupancy rate. With a calculated maximum occupancy of 48 in Suir Island car park, a relocation of 33 spaces from The Quay Street car park, and 85 spaces used as part of the compound, there would be sufficient vacant spaces within the Suir Island car park based on the applicants figures to meet the stated parking requirements of Huges Mills Apartments (26

spaces as outlined in submission), camper van and amenity related requirements, and also provide spaces towards meeting the shortfall in the Clonmel Arms Hotel Planning (62 spaces). This is a temporary construction project of limited duration and it is also noted there is an adequate supply of car parking locations in addition to on-street parking available throughout the town.

11.19.16. Given the details submitted, I consider there is sufficient car parking capacity within Suir Island car park to accommodate car parking requirements during the construction phase.

11.19.17. Potential Impacts – Operational Stage

11.19.18. The proposal will result in a redistribution and re-routing of traffic to O'Connell Street via Joyces Lane. This will result in increased volumes of traffic at junctions.

11.19.19. Assessment and Mitigation Measures

11.19.20. In terms of modelling, while I note PICADY is the appropriate software for modelling priority controlled junctions (as exist at the 5 junctions) as highlighted in a submission, LinSig software (used to model traffic signal junctions) is used due to stated constraints in the network, and which has analysed the junctions with outputs obtained including degree of saturation, maximum queue lengths, practical reserve capacity.

11.19.21. It is outlined degree of saturation relates to the ratio of demand flow to the maximum flow which can be passed through a junction from a particular approach. A lane with a degree of saturation greater than 90% is considered to be approaching its theoretical capacity. Maximum queue length at junctions are measured in passenger car units, with a length of 5.75 metres assumed. Practical Reserve Capacity (PRC) is the amount by which traffic demand can grow before practical capacity is reached. A PRC close to 0% suggests the junction is operating at capacity.

11.19.22. 5 no. junctions are analysed with AM and PM modelling results obtained for each junction. Junction results indicate all junctions will remain within acceptable levels, with an opening year (2025) high maximum degree of saturation predicted at 47.5% (AM peak 08.30-09.30) at Junction 5 (O'Connell Street/Sarsfield Street junction), with a maximum degree of saturation high predicted at 39.3% (PM peak

17.00-18.00) at Junction 1 (New Quay, Quay Street, Sarsfield Street junction). The lowest opening year (2025) Practical Reserve Capacity was predicted at Junction 5 (O'Connell Street/Sarsfield Street junction) at 89.6% (AM peak), which is within acceptable margins. Figures indicate junctions performance would remain within acceptable margins for 2030 and 2040.

11.19.23. The modelling and output results which are considered reliable demonstrate that the road network has a capacity to accommodate traffic generation arising from the proposal. While limited data has been submitted in relation to recent traffic counts, being based on 1-day surveys, as highlighted in submission, I note the data as stated has been supplemented by historical data. Based on the details and modelling carried out and its results, I do not consider there is any deficiency in the network that would render it unsuitable to carry the anticipated additional load required during the operational phase of the proposed development.

11.19.24. A submission has raised concerns on the use of historical data including a 1-day survey (14<sup>th</sup> June 2019) for the assessment of relocating of car parking spaces to Suir Island car park, with no data available from some locations, and car parking relocation not being properly assessed. The submission also outlines there are 214-240 spaces within the car park and not 264-280 as indicated, with a 25% occupancy rate observed on 29<sup>th</sup> November 2023, and that the Clonmel Arms Hotel Planning had a shortfall of 62 spaces. An observer also outlines town centre parking has been compromised by the recent Friary car park site development. While the historic data used to determine car parking occupancy for the Quay Street car park and Suir Island car park is acknowledged, given the outlined capacity of Suir Island car park, its maximum occupancy figures (48) and the relocated car parking space (33) demand arising from the proposal, I consider the information submitted is reliable and that there is sufficient car parking capacity within Suir Island car park to accommodate car parking requirements during the operational phase. I noted there were 49 cars and 3 camper vans within the car park on the date of my site inspection.

11.19.25. I also note there is an adequate supply of car parking locations in addition to on-street parking available throughout the town. As it is proposed to meet parking demand arising from the scheme in Suir Island car park, I consider the scope of the car parking assessment locations undertaken is acceptable.

- 11.19.26. While a submission outlines Suir Island car park occupancy level highlights the unattractive location for town centre parking where anti social behaviour deters parking use, I consider the proposals provision for direct pedestrian access to this car park from the Quays would provide for a more attractive and accessible town centre parking location. In addition, the promenade link and access point would serve to enable improved observation of this space.
- 11.19.27. A submission highlights the proposal will give rise to a road safety hazard for vehicles along the Quays with a new 90 degree bend proposed for all traffic and measures are required, and this has not been assessed by consultants with limited time given to Council staff to assess proposal. I note road markings are outlined on plans. Having regard to the alteration to the road layout at this location and nature of the bend in the road, I consider that additional relevant road safety measures should be incorporated at this location, including advance warning signage. This issue can be addressed by way of condition should the Board be minded to grant permission.
- 11.19.28. A submission outlines auto track analysis for kerb lines and parking should be sought for a slimmed down North Plaza. As the proposed development aligns with the policies and objectives of the new 2024-2030 LAP, I consider that the scale of the North Plaza is appropriate.
- 11.19.29. A submission outlines the effect on town centre traffic when a flood causes closure of Oldbridge is not assessed, with no reference made to flood barriers being installed in Oldbridge closing it to through traffic with Suir Island only accessible from the north. I note in Chapter 7 Hydrology that the proposal has been subject of a flood risk assessment and the OPW has confirmed the consent of the Commissioners of Public Works under Section 50 of the Arterial Drainage Act, 1945 is given to the proposed bridge works.
- 11.19.30. While concerns are raised in a submission on impacts on material assets and that the proposal would contravene the 2013 C&EDP, as outlined in Section 10, I consider the proposed development aligns with the policies and objectives of the new 2024-2030 LAP. While it is acknowledged that the proposal will alter traffic and existing car parking arrangements, having regard to the foregoing assessment I am satisfied that the proposal would not give rise to significant negative impacts on

town centre businesses or residential development by way of congestion, access, and that no significant effect is likely to arise at the operational stage.

11.19.31. Residual Effects

11.19.32. With mitigation, impacts are stated to be short-term, negative and not significant during construction. Operational phase impacts are stated to be long-term, neutral and imperceptible.

11.19.33. Cumulative Effects

11.19.34. The further information submitted includes for a cumulative assessment for traffic. At construction stage, it is outlined the likely coinciding of the construction of the Clonmel Arms Hotel development and the proposed development has the potential for impacts to arise on the road network. With the hotel development demolition work underway and which will be completed prior to the construction of the proposed development, the likelihood of significant effects are considered to be negative, moderate, temporary and short term. An Outline CEMP has been prepared to minimise traffic disruption, with a TMP to be compiled and will address temporary disruption to traffic and pedestrians. It is outlined there is also the potential for the proposed development to coincide with the construction of permitted housing/mixed use schemes located along the Colville Road, and west of the town centre, including 311290 – Strategic Housing Development 115 units, 312611- 20 units, and 2260538 - 93 units, 2 retail units. With mitigation for the proposed and permitted developments and given the location of permitted schemes relative to the subject site, cumulative impacts are considered to range from negative, imperceptible, slight, short term, and no significant residual cumulative effects are anticipated.

11.19.35. It is further outlined that permitted developments and their cumulative impact have been incorporated into the modelling undertaken for the operational stage, with the modelling demonstrating that the road network in the vicinity can accommodate additional traffic resulting from proposed road changes within the scheme. It is outlined the cumulative traffic impact is considered to be long term, neutral and imperceptible.

11.19.36. There is a potential for cumulative traffic effects to arise on the road network during the construction stage of the proposal with other permitted schemes. However,

having regard to the limited duration of the proposed works and subject to the implementation of mitigation measures, I consider significant cumulative impacts would not arise. I consider significant cumulative impacts would not arise at the operational stage.

#### 11.19.37. Conclusion

11.19.38. I have considered the written submissions made in relation to traffic and transport, in addition to those specially identified in this section of the report. Having regard to the foregoing and details submitted, I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures.

### 11.20. **Material Assets (Material Assets – Resources and Waste Management)**

11.20.1. Chapter 13 deals with Material Assets, Resources and Waste Management. An Outline Resource and Waste Management Plan has been prepared.

11.20.2. There will be soil, stones, clay and made ground excavated to facilitate construction of the development, which will total 2,000m<sup>3</sup>, with 500m<sup>3</sup> of this material being retained and reused onsite for landscaping and fill. The remaining material will be removed offsite for reuse, recovery, recycling and / or disposal. The further information submitted outlines there is no requirement for demolition or removal of buildings. There is the removal of hard stand (footpaths, concrete, tarmac). There will be a limited quantity of waste generation from the operational phase.

#### 11.20.3. Submissions

11.20.4. A submission has raised concerns in relation to environmental impacts of removal of waste to unknown site 30km/location removed from proposal. This queries details on the identification of site and publication of same, and the re-usability/re-purposing of waste materials.

#### 11.20.5. Potential Impacts – Construction Stage

11.20.6. At construction stage it is stated the proposed development will generate a range of non-hazardous and hazardous waste materials with numerous licensed waste facilities in the Southern Region which can accept this waste, with the majority of construction materials being either recyclable/recoverable.

#### 11.20.7. Assessment and Mitigation Measures

11.20.8. A Resource and Waste Management Plan has been prepared, which sets out mitigation measures. This will include for offsite disposal. Any material to be used on another site as by-product will be carried out in accordance with Article 27 of the (Waste Directive) Regulations. With mitigation, the predicted effect on the environment will be short-term, imperceptible, and neutral. I consider the extent of the material to be removed off site is minor, with 25% of material excavated being reused onsite. I note that while soils tested do not contain contaminated materials, there is potential for this to be discovered during works. I am satisfied that there are sufficient recovery facilities available to accept wastes arising from the proposal. In the absence of the proposal, there would be no alterations to the existing environment.

#### 11.20.9. Potential Impacts – Operational Stage

11.20.10. The nature of the development means the generation of waste materials will arise during the operational phase.

#### 11.20.11. Assessment and Mitigation Measures

With mitigation, predicted impacts will be long-term, imperceptible and neutral. The implementation of same will ensure a high level of recycling, reuse, and recovery at the site, where possible. I concur with this view.

#### 11.20.12. Residual Effects

11.20.13. It is outlined the implementation of the mitigation measures will ensure that high rates of reuse, recovery and recycling are achieved during construction and operation and legislative targets are met.

#### 11.20.14. Cumulative Effects

11.20.15. No significant cumulative effects are expected. Subject to the implementation of mitigation measures and details outlined, I consider significant cumulative impacts would not arise.

11.20.16. In relation to the issues raised in the submission, I am satisfied that subject to the implementation of the mitigation measures outlined that materials where possible will be re-used onsite, and that any wastes/materials generated will be transferred to appropriate off-site facilities for re-use/treatment. While details submitted state

the exact location of facilities to be used for waste facilities is not known at this stage, it is assumed for the assessment it would be within 30km of the site. It is further stated it will be responsibility of the contractor to identify all destinations for resources taken off-site, and once contractors have appointed waste contractors, details of the proposed destination of each waste stream will be provided to the Tipperary County Council Waste Regulation Unit.

#### 11.20.17. Conclusion

11.20.18. Having regard to the foregoing and details submitted, I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to the implementation of mitigation measures.

### 11.21. Interactions

11.21.1. Chapter 16 deals **Interactions**. I have considered the relationships between the factors and the potential for interactions will arise between the following:

- Population and human health with land, soils and hydrogeology, hydrology, air quality and climate, noise and vibration, landscape and visual impacts, archaeology, architecture and cultural heritage, and material assets.
- Land, Soils, Hydrogeology, with hydrology, biodiversity, air quality and climate, archaeology, architecture and cultural heritage, material assets
- Hydrology with biodiversity, material assets, land, soils and hydrogeology
- Biodiversity with air quality and climate, noise and vibration, landscape and visual, land, soils and hydrogeology, hydrology
- Air quality and climate with population and human health, material assets, biodiversity, land, soils, hydrogeology, hydrology,
- Noise and vibration, with population and human health, material assets, biodiversity
- Landscape and visual with archaeology, architecture and cultural heritage, population and human health, biodiversity
- Archaeology, architecture and cultural heritage with landscape and visual, population and human health

- Material assets with Noise and vibration, population and human health, air quality and climate, Land, Soils, Hydrogeology, Hydrology

#### 11.21.2. Submissions

11.21.3. A submission outlines the EIAR view that there are no potentially significant interactions between population and human health and built services and utilities at operation stage is not accepted, given the significant permanent disruption to town centre traffic by changing to a one way system on North Quays and transfer of parking spaces to Suir Island. As highlighted in the previous sections in relation to population and human health and material assets, I am satisfied that the proposal would not give rise to likely significant impacts at the operational stage.

#### 11.21.4. Predicted Impacts

11.21.5. It is stated that the majority of the interactions are short to long-term and negative, neutral to positive.

#### 11.21.6. Assessment and Mitigation Measures

11.21.7. Subject to mitigation measures, I am satisfied that impacts can be avoided, managed and mitigated by the measures outlined for the majority of environmental factors. Having regard to the nature of the works, their limited duration, and the mitigation as set out which will serve to reduce potential significant noise effects arising on population and human health at the construction stage, I consider the these effects would not warrant a refusal based on temporary noise impacts. Impacts will be short term with no significant noise generated at operational stage. To ensure any potential significant noise effects are minimised, a condition requiring mitigation measures as set out in the EIAR and OCEMP can be applied, should the Board be minded to grant permission.

#### 11.21.8. Conclusion

11.21.9. Having regard to the foregoing and details submitted, I am satisfied that impacts identified in this section of the report have been appropriately addressed in terms of the application and that significant adverse effects are not likely to arise, with the implementation of mitigation measures.

### 11.22. Risks associated with major accidents and disasters

11.22.1. It is outlined the closest Notified Seveso Establishments to the proposed development is the Upper Tier site MSD plant in Ballydine, Kilsheelan, Clonmel, Co. Tipperary some 14km away and the proposed development site does not fall under the remit of the Seveso III Directive (2012/18/EU). It is outlined the Clonmel Flood Defence Scheme provides various elements of defence against flood events. I note the OCEMP construction methodology will involve the replacement of revetments in sections, to mitigate the risk of flooding and to enable the section under construction to be quickly protected during storm events. I also note an Outline Environmental Operating Plan and an Outline Incident Response Plan have been submitted as part of the EIAR. The EIAR has not identified significant potential impacts from major accident hazards and/or natural disasters.

### 11.23. Reasoned Conclusion

11.23.1. Having regard to the examination of environmental information provided in respect of the proposed development, in particular the EIAR and the supplementary information provided by the applicant, and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct, indirect and cumulative effects on the environment with the implementation of proposed mitigation measures are:

- Population and Human Health: There is a potential for significant effects to arise by way of noise at construction stage, which will be minimised by way of an Outline Construction Environment Management Plan (OCEMP), best practice measures and mitigation measures. Impacts will be short term with no significant noise generated at operational stage.
- Air: Potential effects on air during construction which will be mitigated by a dust minimisation plan.
- Water: Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the vicinity of existing watercourses. There is also the potential for negative impacts on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, construction methodologies, and the implementation of mitigation measures

related to control and management of sediments, accidental spills and contamination, and drainage management.

- **Biodiversity:** Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the vicinity of existing watercourses, risk of potential noise, vibration and light pollution at construction stage, with potential for impacts on habitats, species, and these impacts will be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, drainage management, noise, vibration and lighting. There will be small scale permanent habitat loss, with temporary loss of habitat mitigated by habitat reinstatement works. Risk of potential light pollution at operational stage will be mitigated by lighting mitigation measures.
- **Material Assets:** Short term effects on the road network for the construction phase of the development, which will be mitigated by a Traffic Management Plan and Outline Construction Environmental Management Plan.
- **Cultural Heritage:** Potential for effects on archaeology, which will be mitigated by way of an OCEMP, mitigation measures, archaeological impact assessment, testing and recording.
- **Landscape:** There will be the long-term siting of transportation infrastructure into the urban landscape, which will be mitigated by the proposed developments design and siting, natural screening, and additional planting.

There is a potential for significant noise effects to arise on population and human health at the construction stage. Having regard to the nature of the works, their timing and limited duration, and the mitigation as set out which will serve to reduce effects, these environmental effects would not warrant a refusal based on temporary noise impacts, and having regard to the overall benefits of the proposed development.

## 12.0 **Appropriate Assessment**

### 12.1. **Introduction**

12.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended), are considered fully in this section.

### 12.2. **Screening for Appropriate Assessment - Test of likely significant effects**

12.2.1. The proposed development is not directly connected with or necessary to the management of any European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

12.2.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### 12.3. **Description of Development**

12.3.1. The proposed development is described in Sections 3 and 11 of this report, Section 2 of the NIS and in other accompanying documentation including the EIAR. The development referred to as the 'Suir Island Infrastructure Links' relates to a proposed road development including for two pedestrian bridges with an overall length of 135.1 metres, the first bridge linking The Quay/Quay Street/Sarsfield Street in Clonmel Town to Suir Island with a second bridge connecting Suir Island to Raheen Road. The proposed development will also include a new public plaza, modifications of traffic direction and carriageway widths, a bus stop, upgrading of footpaths, new paths, and a new foul pumping station.

12.3.2. The proposed development will consist of:

- Two pedestrian bridges, the first bridge linking the proposed North Plaza on The Quay/Quay St/Sarsfield St Junction to Suir Island, and the second bridge connecting Suir Island to Raheen Road.
- The pedestrian bridges will be 4-metre-wide consisting of a double curvature alignment, which allow users to discover Suir Island 'from up high' by walking seamlessly between the trees while linking the project elements (North Plaza,

the berm embankment, and the south riverbank) along one sinuous route. The first bridge follows the geometry of Sarsfield Street and arrives on the island following the line of the berm embankment, which then links onto the second bridge facilitating a link to Denis Burke Park on Raheen Road, creating a direct connection for pedestrians/cyclists between the park and the Town Centre.

- Provision of a new public open space called the North Plaza which will be aligned with Sarsfield Street. The steps and ramp will be visible from O'Connell Street creating a new landmark in the town of Clonmel and will encourage pedestrian movement towards the River Suir. The bicycle access ramp is designed to be as transparent as possible so as not to block the view of Suir Island from Sarsfield Street.
- Modification of traffic direction and carriageway width around the North Plaza and The Quay and Quay St.
- Provision of a bus stop on the western side of the North Plaza located on Quay Street with five benches providing comfortable facilities for public transport users.
- Upgrading of the existing 2-metre-wide sidewalk along Quay Street into a 4-metre wide shared pedestrian/cycle path which will provide unencumbered access to the proposed plaza area underneath the elevated access ramp.
- Provision of a sloping landscaped terrace with public seating, located inside the hairpin-shaped access ramp leading up to the northern bridge crossing.
- Provision of three benches and a 9-metre-long stepped promenade seating area integrated into the circular-shaped plaza.
- Planting of various native tree species around the North Plaza to integrate the proposed development with the existing scenery of Suir Island and complement the visual experience of users.
- Provision of a pedestrian path or promenade along the existing berm embankment across Suir Island linking the two pedestrian bridges, to facilitate access between Denis Burke Park on Raheen Road and the proposed North Plaza on The Quay.

- Construction of a pedestrian/bicycle ramp from the link promenade onto Suir Island Carpark. The ramp is fully integrated into the landscape by using the existing slope of the berm.
- Construction of three sets of steps connecting the link promenade to Suir Island carpark and the eastern end of Suir Island.
- Provision of a mini public space within Suir Island Carpark at the entrance to the proposed Suir Island Gardens.
- Provision of a south arrival point for the second bridge connecting Suir Island to the Raheen Road. The South Arrival Point will consist of one access ramp to the east and one set of steps to the west, integrated with the bridge landing level and running parallel to the footpath. These elements will be located outside the existing flood barrier.
- Road improvements for the safety of pedestrians/cyclists at the South Arrival Point, including the footpaths being widened and the road narrowed to accommodate 3.0-metre-wide lanes. Removal of three carparking spaces from the southern edge of the road to allow for wider footpaths.
- Installation of two uncontrolled pedestrian crossings positioned at either ends of the proposed access ramp and flight of steps to provide traffic calming at the South Arrival Point. This bridge arrival point will be located close to the school entrance of Raheen College, providing safe and convenient access for the schoolchildren.
- Access ramps and steps are located behind the flood barriers to allow access even during flood events.
- Construction of a new foul pumping station to be located within Suir Island car park which will facilitate future Irish Water connections. Wastewater will be pumped 0.1km approx. via rising main along the proposed bridge linking Suir Island to the proposed North Plaza where it will connect into the existing public network along The Quay.
- Ancillary site development works to include, but not limited to, surface water drainage, lighting and associated electrical works, hard and soft landscaping,

road works to include surfacing and line marking, landscaping and installation of street furniture.

- All associated site works.

12.3.3. The construction of the bridges will follow the sequence summarised below:

- Construction of encased bored piles at six locations for the abutments and pier which will be founded on competent bedrock.
- Insitu concrete poured pile caps and piers will be constructed during dry-weather periods to allow access to the work areas. Localised sheet-piling around the works areas will be utilised to provide protection for up to the 50% Annual Exceedance Probability or 1-in-2-year recurrence interval summer flood events.
- Reinforced concrete piers will be constructed up to the soffit levels of the proposed bridges.
- Provision of haul roads on the island for accessibility of machinery for pile construction and installation of bridges.
- The superstructures for the bridges will consist of prefabricated steel sections, which will be transported to site by exceptional road convoys which will require appropriate licensing and approval.
- The prefabricated steel sections will be assembled at 3 No. locations, namely the North Plaza, Suir Island Carpark site compound and a temporary assembly platform within Denis Burke Park.
- The bridge sections shall be installed by heavy-duty cranes in approx. 30m length sections which will place the sections on top of the completed abutment and pier structures.
- For the northern bridge, a crane will lift half of the footbridge from the North Plaza along the northern river bank while another crane will lift the other half of the footbridge from the Suir Island Carpark.

- 12.3.4. The bridge foundations will consist of concrete encased piled foundations, with the reinforced concrete piers and abutment structures constructed on top of the reinforced concrete pile caps.
- 12.3.5. The Northern Bridge crossing, connecting the North Plaza to Suir Island, will span over the Suir River for a total distance of 60m. The northern bridge abutment, access ramp and steps will be constructed behind the existing flood protection wall. A minimum clearance of 300mm is proposed above the demountable flood protection barriers and the soffit level of bridge superstructure. The demountable barrier provides flood protection for the 1% Annual Exceedance Probability event plus a 20% climate change allowance. The northern bridge abutment on Suir Island will be constructed on top of the existing flood protection berm.
- 12.3.6. The Southern Bridge crossing, connecting Suir Island to Raheen Road and Denis Burke Park, will span the Suir River Slalom Course and Millrace for a total distance of 75m. The Suir Island abutment will be constructed on top of the flood protection berm and the Raheen Road abutment will be integrated into the existing concrete flood protection wall. The 2 No. support piers will be located on both banks of the Slalom Course.
- 12.3.7. New surface drainage systems are proposed throughout the site which will include for new gullies, slotted drains and surface water pipelines which will connect to the existing network.
- 12.3.8. Lighting proposals for bridges, access ramps and steps will be illuminated by a bespoke balustrade LED handrail.
- 12.3.9. Three potential site compound locations are outlined including the existing Suir Island parking area to act as the main construction compound, The Quays carpark and at Denis Burke Park, with mapping indicating a works area to southwestern area of the Suir Island site.
- 12.3.10. Temporary structures will be required for access for construction equipment and to protect against flooding while working in close proximity to the Suir River. This will include traffic accommodation for works located in North Plaza and Raheen Road, and an access ramp to be constructed over the existing flood protection berm on Suir Island for access to the North Bridge Pier 01 to provide a hardstanding surface for construction equipment. A bottomless culvert will be installed to provide a

crossing of the back-water flood channel between the embankment and Suir Island. It is stated the back-water flood channel remains dry and does not convey flowing water during ebb flows and it conveys flowing water only during flood events. The pre-cast bottomless box culvert will be 2.4m in width and will span the floor of the back-water channel. Sheet piling will be installed adjacent to the east and west elevations of the box culvert abutment. Once the culvert and sheet piling are in place the void between the existing bank slopes to the north and south of the box culvert will be filled in with granular material. It is outlined the presence of the sheet pile will restrict the loss of granular material to the back-water flood channel area.

12.3.11. Temporary sheet piling (plans indicate 50m<sup>2</sup>) will occur around North Bridge Pier 1, and at South Bridge Pier 2 and Pier 3 located on the northern and southern bank of the Suir River south channel. Sheet pile P01 will be located adjacent the northern bank of the northern embankment. Sheet piling will be installed to the west and east of the temporary access ramp to Pier 01. Sheet pile P02 will be situated at the south of Suir Island c. 6.5m back from the river channel. Sheet pile P03 will be located south of the River Suir south channel, c.2.5m back from the river bankside.

12.3.12. A Screening Statement for Appropriate Assessment is included as part of the NIS, prepared by Doherty Environmental Consultants Ltd. dated September 2023. The screening report provides a description of the proposed development, identifies European Sites within a zone of influence, and assesses the potential for likely significant effects. Habitat identification has been undertaken to inform the AA Screening report and NIS. Habitats on the proposed site include recolonising bare ground, buildings and artificial surfaces, native hydrophilous species, riparian woodland habitat dominated by non-native species such as cherry laurel, horse chestnut, beech, sycamore and Buddleja, dry meadows and grassy verge habitat, fringing reed and large sedge swamp. Mapping submitted outlines there are invasive species (Japanese Knotweed, Giant Hogweed, Old-Mans Beard, Himalayan Honeysuckle, Butterfly Bush) onsite and located to the east of the site. The Screening Report outlines the site entails a headrace and tailrace.

12.3.13. The Screening Report outlines that the proposed development site occurs within and adjacent to the Lower River Suir SAC, with the main channel of the River Suir being crossed by the proposed bridge crossings and sections of Suir Island within the boundary of the project site occurring within the SAC. It is outlined c. 43m of the

northern bridge section is located within the SAC boundary, with c.47m of the southern bridge section located within the SAC boundary. The SAC boundary also overlaps the section of the Raheen Road to the south of the river that falls within the project site boundary.

12.3.14. The site is also hydrologically connected to the River Barrow and River Nore SAC which is located c.57km downstream. The Comeragh Mountains SAC is located c.10km to the southeast of the site, with the Nier Valley Woodlands SAC located c.8.5 km to the south of the site. The screening report can be read in conjunction with the EIAR which accompanies the planning application.

12.3.15. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related-uncontrolled surface water/silt/ construction related pollution
- Habitat loss/fragmentation
- Habitat disturbance /species disturbance (construction and or operational)
- In combination effects with other projects

#### **12.4. Submissions and Observations**

12.4.1. There is one observation/submission that relates to impacts on a European site. This outlines the site overlaps with the Part 8 Suir Island Garden Site which was not subject to an EIA and the current proposal requires an EIA and the submission queries as to whether the Part 8 can proceed. With paths proposed to the east of the site on Suir Island outside the red line the submission queries if there will be consultation and Appropriate Assessment for paths. It is outlined it is preferable to have one overall 'Suir Island project' and appears to be case of project splitting.

#### **12.5. European Sites**

12.5.1. The development site is located within and immediately adjacent to the European site Lower River Suir SAC (site Code 002137). The other closest European sites are the Nier Valley Woodlands SAC located c.8.5 km to the south of the site, and the Comeragh Mountains SAC located c.10km to the southeast of the site. The site is

also hydrologically connected to the River Barrow and River Nore SAC which is located c.57km downstream.

12.5.2. I have set out a summary of European Sites that occur within a possible zone of influence of the proposed development which is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

12.5.3. Table 1.1. Summary Table of European Sites within a possible zone of influence of the proposed development

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
Lower River Suir SAC (002137)	1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaité Shad <i>Alosa fallax fallax</i> 1106 Salmon <i>Salmo salar</i> 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1355 Otter <i>Lutra lutra</i> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )	To maintain or restore the favourable conservation condition	The site is located within and adjacent to the SAC.	y

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	<p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles *</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>91J0 Taxus baccata woods of the British Isles*</p>			
<p>River Barrow and River Nore SAC 002162</p> <p>c.48 km over land</p> <p>c.57 km downstream</p>	<p>1016 Desmoulin's whorl snail <i>Vertigo moulinsiana</i></p> <p>1029 Freshwater pearl mussel <i>Margaritifera margaritifera</i></p> <p>1092 White-clawed crayfish <i>Austropotamobius pallipes</i></p> <p>1095 Sea lamprey <i>Petromyzon marinus</i></p> <p>1096 Brook lamprey <i>Lampetra planeri</i></p>	<p>To maintain or restore the favourable conservation condition</p>	<p>Hydrological connection exists between site and SAC.</p> <p>Given the nature and scale of the proposed development, the separation distance of the proposed development from this site, the length of the hydrological link, and the dilution and dispersion action of watercourses and tidal waters, the potential</p>	<p>n</p>

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	<p>1099 River lamprey <i>Lampetra fluviatilis</i></p> <p>1103 Twaité shad <i>Alosa fallax</i></p> <p>1106 Atlantic salmon (<i>Salmo salar</i>) (only in fresh water)</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 <i>Salicornia</i> and other annuals colonizing mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p> <p>1355 Otter <i>Lutra lutra</i></p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>1421 Killarney fern <i>Trichomanes speciosum</i></p> <p>1990 Nore freshwater pearl mussel <i>Margaritifera durrovensis</i></p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p>		<p>for significant effects on this site to arise from the proposed development is unlikely.</p>	

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	<p>4030 European dry heaths</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>7220 * Petrifying springs with tufa formation (Cratoneurion)</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 * Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p>			
<p>Comeragh Mountains SAC (001952) c.10.5km overland</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p>	<p>To maintain or restore the favourable conservation condition</p>	<p>The proposed development site is located downstream and c.10.5km from the upland SAC. Therefore the project can have no effect on the upstream SAC.</p>	<p>n</p>

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Blanket bogs (* if active bog) [7130]  Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]  Calcareous rocky slopes with chasmophytic vegetation [8210]  Siliceous rocky slopes with chasmophytic vegetation [8220]  Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]			
Nier Valley Woodlands SAC (000668)  c.8.5km over land	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Nier Valley Woodlands SAC	The proposed development site is located downstream and c.10.5km from the SAC.  Therefore the project can have no effect on the upstream SAC.	n

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n

12.5.4. In establishing the zone of influence, I have had regard to the nature, scale and location of the proposed development, the separation distances to Natura 2000 Sites, the source-pathways-receptor model and likely direct, indirect and in-combination effects. A number of the designated sites as set out in Table 1.1 above can be screened out from further assessment because of the nature and scale of the proposed works, their separation distances from the proposed development site, the lack of a substantive hydrological linkage between the proposed works and the European sites, that dilution and dispersion of any potential pollutants in watercourses and tidal waters would occur. Having regard to the details set out in table 1.1 and the source-pathway-receptor model, I consider that there is 1 European Site within the zone of influence which has a direct connection to the proposed development.

- **Lower River Suir SAC (002137)**

12.5.5. As outlined in Table 1.1, the proposed development site is located within and adjacent to the Lower River Suir SAC and the AA Screening report outlines in the absence of appropriate safeguards the project will have the potential to result in perturbations and disturbance to freshwater habitats and species and the potential for likely significant effects to the SAC cannot be ruled out and therefore an Appropriate Assessment is required. I note the potential for the proposed development to give rise to construction related-uncontrolled surface water/silt/construction related pollution and note aquatic systems onsite and adjacent to the site and the species and habitats which are dependent on these systems are

sensitive to pollution/contamination of surface waters. I note the proposed development will result in a direct loss of existing habitat within the SAC and there is a potential for impacts to arise on qualifying interest habitat within the SAC. I also note there is a potential for impacts to arise on QI species by way of disturbance. I also consider there is a potential for impacts to arise from instream works and activities, which are not addressed in the AA Screening Report.

12.5.6. While the AA Screening report has not outlined plans/projects in the site vicinity, the report has not ruled out the potential for the proposed development in-combination with other plans projects to give rise to cumulative negative impacts to receptors. I note that the site development area includes for part of the sites of the approved Part 8 Suir Island Gardens, the approved Part 8 Clonmel Urban/Public Realm Design scheme and the permitted Clonmel Arms development (P.A. Reg.Ref. 18601355), and consider there is a potential for the proposed development to have a likely significant effect on the qualifying features of the SAC alone or in combination with other plans or projects.

- **Other European Sites identified for further consideration in Table 1.1**

12.5.7. The possibility of significant effects on remaining European Sites listed in table 1.1 has been excluded on the basis of objective information. No direct habitat loss will occur within these European Site given the distance of the site from these sites. The proposed development site is located downstream of the upland **Comeragh Mountains SAC (001952)** and is situated over 10.5km from the SAC. Given this separation distance and the lack of hydrological connectivity, the potential for significant effects to arise on this site can be ruled out. Disturbance impacts on the SAC can be ruled out as its conservation objectives relate to habitats and not fauna. The proposed development site is located downstream of the upland **Nier Valley Woodlands SAC (000668)** and is situated over 8.5km from the SAC. Given this separation distance and the lack of hydrological connectivity, the potential for significant effects to arise on this site can be ruled out. Disturbance impacts on the SAC can be ruled out as its conservation objectives relate to habitats and not fauna.

12.5.8. The European sites as set out **Comeragh Mountains SAC (site code 001952)**, **Nier Valley Woodlands SAC (000668)** can be screened out from further assessment because of the nature and scale of the proposed works, their

separation distances from the proposed development site, and the lack of any substantive hydrological linkage between the proposed works and these European sites. It is therefore considered that the potential for significant effects on these sites to arise from the proposed development are unlikely.

12.5.9. **The River Barrow and River Nore SAC (002162)** can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European site. I consider that the hydrological pathway from the source to the SAC which is via a river and tidal waters at a significant distance of approx. 57km (nearest point is 48km), is weak given the separation distance and that dilution and dispersion of any potential pollutants in the watercourse and tidal waters would occur. I therefore consider that the proposed development would not be likely to have a significant effect on the SAC. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on **European Site No. 002162 (The River Barrow and River Nore SAC)** in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

12.5.10. Following the screening process, it has been determined that Appropriate Assessment is required, as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will not have a significant effect on the European Site **Lower River Suir SAC (002137)**.

## 12.6. Mitigation Measures

12.6.1. This screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European Site.

## 12.7. Appropriate Assessment Screening Determination

12.7.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the

project individually (or in combination with other plans or projects) is likely to have a significant effect on European Site **Lower River Suir SAC (002137)**, in view of the site's Conservation Objectives. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is required on the basis of the effects of the project in combination with other plans and projects.

## 12.8. **Appropriate Assessment**

12.8.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of the European site

## 12.9. **Compliance with Article 6(3) of the EU Habitats Directive**

12.9.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.9.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### 12.10. **Screening Determination**

12.10.1. Refer to AA screening above. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) is likely to have a significant effect on European Site **Lower River Suir SAC (002137)**, in view of the site's Conservation Objectives. An Appropriate Assessment (stage 2) is therefore required. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is required on the basis of the effects of the project in combination with other plans and projects.

#### 12.11. **The Natura Impact Statement (NIS)**

12.11.1. The application is accompanied by an NIS which describes the proposed development, the project site and area, European Sites within the zone of influence, includes an assessment of potential impacts, an in-combination assessment, mitigation and a conclusion. The NIS has been supplemented by an Addendum to the NIS, submitted as further information.

12.11.2. Having carried out Screening for Appropriate Assessment of the project, it has been determined that likely significant effects from the project individually (or in combination with other plans or projects) on European Site **Lower River Suir SAC (002137)**, cannot be excluded and Appropriate Assessment is therefore required.

12.11.3. The NIS submitted and prepared by Doherty Environmental Consultants Ltd. dated September 2023 is informed by desktop and site habitat and vegetation surveys, ornithological, bat and non-volant mammal and crayfish surveys, and a search of the Tipperary County Council planning portal. Detailed geotechnical, hydrological, air, noise and landscape site investigations were also carried out as part of the EIAR. Habitats occurring within the site area include eroding river, canal millrace, reed and large sedge swamp, amenity grassland, dry meadow and grassy verges, mixed broad leaved woodland, riparian/mixed broad-leaved woodland mosaic, scrub, recolonising bare ground, buildings and artificial surfaces, stonewalls, non-native invasive species, with riparian woodland to the east of the site. The NIS outlines the

riparian woodland c.100m to the east of the Island is treated in the NIS as priority Alluvial Woodland given the Conservation Objective to restore its favourable conservation condition.

12.11.4. Section 4 includes an assessment of potential impacts of the proposed development on the European Site. Details of mitigation measures are provided in Section 7 of the NIS. The NIS concludes that with the implementation of all mitigation measures, the potential for impacts to occur will be eliminated and any potential for adverse impacts to the Lower River Suir SAC can be ruled out. It is stated based upon the information provided in this NIS, it can be concluded by the competent authority that the project will not, alone or in-combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

12.11.5. The Addendum to the NIS, submitted as further information, includes for details on: habitat mapping; an evaluation of habitats to be permanently and temporary removed with consideration given to QI; details of development, works and activities proposed within the floodplain, its channels, riverbanks; details of potential impacts of the development on QI otter; site layouts; and permitted developments in the site vicinity.

12.11.6. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions and identifies the potential impacts. This includes for the provision of appropriate project habitat mapping, details of habitats and proposed works within the floodplain, its channels and riverbanks. In relation to the use of best scientific information and knowledge I note the applicant has referenced the Europeans Sites qualifying interests and conservation objectives. Sections 12.15 and 12.16 of this Inspectors Report include for an examination of qualifying interests and conservation objectives and Table 1.2 summarises the Appropriate Assessment and site integrity test. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

## 12.12. Consultations and Submissions

12.12.1. I note there is one observation/submission that relates to impacts on a European site. This queries as to whether the Suir Island Part 8 can proceed given EIA requirements and if there will be consultation and Appropriate Assessment for proposed footpaths to the east of Suir Island on plans which are not within the red line. It is outlined it is preferable to have one overall 'Suir Island project' and appears to be case of project splitting. This submission is addressed in the below report.

### **12.13. Appropriate Assessment Stage 2**

12.13.1. The following is an objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

### **12.14. Lower River Suir SAC (002137)**

12.14.1. Description of Site

12.14.2. The Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford. Upstream of Waterford city, the swinging meanders of the Suir criss-cross the Devonian sandstone rim of hard rocks no less than three times as they leave the limestone-floored downfold below Carrick-on-Suir. In the vicinity of Carrick-on-Suir the river follows the limestone floor of the Carrick Syncline. Upstream of Clonmel the river and its tributaries traverse Upper Palaeozoic Rocks, mainly the Lower Carboniferous Visean and Tournaisian. The freshwater stretches of the Clodiagh River in Co. Waterford traverse Silurian rocks, through narrow bands of Old Red Sandstone and Lower Avonian Shales, before reaching the carboniferous limestone close to its confluence with the Suir. The Aherlow River flows through a Carboniferous limestone valley, with outcrops of Old Red Sandstone forming the Galtee Mountains to the south and the Slievenamuck range to the north. Glacial deposits of sands and gravels are common along the valley bottom, flanking the present-day river course.

## 12.15. Lower River Suir SAC (002137) - Conservation Objectives

12.15.1. The conservation objectives are set out in the Conservation Objectives for **Lower River Suir SAC (002137)** document published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. For the QI which includes habitats and species, the conservation objective is to maintain or restore the favourable conservation condition.

## 12.16. Lower River Suir SAC (002137) - Potential Impacts

12.16.1. Having regard to the development proposals, I consider that the main aspects of the proposed development which could affect the conservation objectives of the European site arises from:

- Loss/degradation of habitats
- Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons
- Disturbance /displacement to species due to construction and operation

12.16.2. Loss/degradation of habitats: The site entails areas within and adjacent to the SAC and with a direct connection to the SAC there will be a direct permanent and temporary loss of habitat within the SAC given the location of the proposed development. The NIS and Addendum to the NIS outline that the proposed development will result in the permanent loss of mixed broadleaved woodland (2.7 sq m), dry meadows and grassy verges (202 sq m), to facilitate piers, promenade and abutments, and will include the temporary loss of mixed broadleaved woodland (46 sq m), dry meadows and grassy verges (226 sq m), riparian woodland/broadleaved woodland mosaic (24 sq m), reed and large sedge swamp (19 sq m), to facilitate sheet piling and temporary access, with revised habitat mapping outlined in Figure 3.3. The further information outlines the total area of habitat to be permanently lost to the project footprint occurring within the SAC amounts to 13.7m<sup>2</sup>, which amounts to 0.0002% of the area of the Lower River Suir SAC. The total area of habitat temporarily lost within the SAC amounts to 440.6m<sup>2</sup>,

and amounts to 0.0057% of the SAC area, which also includes for scrub, and buildings and artificial surfaces habitats. It is stated none of the habitats to be lost are representative of Annex 1 habitats of the SAC.

12.16.3. The further information received includes for an evaluation of the importance/biodiversity richness of the habitats areas to be permanently and temporary removed, their functions and importance for QI habitats and species, which is set out in Table 4.1 *Habitats Lost to the Footprint of the proposed development*. It is stated mixed broad-leaved woodland habitat is assigned local importance (higher value) and entails areas where habitat will be permanently (2.7 sq m) and temporarily (46 sq m) lost. It is outlined the habitat is not representative of a qualifying habitat of the SAC and its permanent loss represents a negligible area and a slight negative impact at the local scale and will be irreversible. The temporary loss represents a negligible area and slight negative impact at the local scale, and the impact will be of temporary duration. It is outlined the habitat area is not relied upon as a breeding or resting site by otters and the loss of the habitat will not have the potential to result in a decline in the distribution of otters within the SAC. It is further outlined this habitat area is within 10m of the River Suir and the conservation objectives set a target of no significant decline in the extent of terrestrial habitats for otters within the SAC, with the 10m terrestrial buffer identified as critical for otters. The response outlines the permanent habitat loss of 2.7m<sup>2</sup> and temporary habitat loss of 46m<sup>2</sup> represents c. 0.00004% and 0.00006% of the mapped area of otter terrestrial habitat in the SAC, and is representative of an imperceptible effect that will not undermine the target of the terrestrial habitat attribute set out for otter conservation objectives. It is outlined given the nature of the habitat loss it will not interfere with fish biomass stocks, will not present a barrier to connectivity for otters, and will not have the potential to undermine the conservation objectives of aquatic or invertebrate qualifying species. I concur with these views.

12.16.4. Dry meadows and grassy verge habitat are assigned a local importance (higher value) and it is outlined the habitat to be lost is not representative of a qualifying habitat of the SAC and the permanent loss of habitat to the abutment A01 (I note this appears A02 should be listed) will represent a negligible area of habitat and slight negative impact at the local scale, with the impact being irreversible. The temporary loss of the habitat will represent a negligible area and slight negative

impact at the local scale, will be of a temporary duration and will be reversible. It is outlined these areas are predominantly outside the 10m buffer of the River Suir channel, the habitat lost is not significant and it does not have a potential to undermine conservation objectives attributes and targets for qualifying species. I concur with these views.

12.16.5. Riparian woodland/broad leaved woodland mosaic and Reed and large sedge swamp are assigned a local importance and it is outlined the habitats lost (24m<sup>2</sup> and 19m<sup>2</sup>) are not representative of a qualifying habitat of the SAC, with their temporary loss representing a negligible area and a slight negative impact at the local scale and will be reversible. It is outlined these habitat areas are within 10m of the River Suir, and in view of the assessment set out for otters for other habitats and the small area to be removed, the loss in terms of the extent of the terrestrial habitat available for otters will not be significant. It is outlined given the evaluation for otters, there is no potential for the project to undermine the achievement of other targets for otter conservation objective attributes, and it will not have the potential to undermine the conservation objectives for other qualifying species. I concur with these views.

12.16.6. The further information also considers the proposals potential impact on conservation objective and qualifying interest 3260 *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion* vegetation, which is identified in the NIS as being within the zone of influence of the project. For fringing habitat attribute, it is outlined the project will not result in the loss of significant examples of natural/semi-natural woodland or wetland habitats, with a minor and temporary loss of riparian/mixed woodland mosaic habitat (24m<sup>2</sup>) along the southern bankside of the north channel of the River Suir at Suir Island during construction, and with a temporary removal of an area of reed and large sedge swamp (19m<sup>2</sup>). It is outlined once the bridge is in place vegetation along both banksides will occur by way of recolonisation undertaken with native species. It is stated the temporary loss of these habitats will be imperceptible and will not undermine the targets for this attribute of the SAC.

12.16.7. I note the habitats proposed to be permanently lost are of local importance and amount to 0.0002% of the area of the SAC. These mapped areas include mixed broad-leaved woodland, dry meadows and grassy verge, spoil and bare ground habitat. I also note permanent habitat loss represents c. 0.00004% of the mapped

area of otter terrestrial habitat in the SAC. Given the nature of the habitat which is not representative of a qualifying habitat of the SAC and its very limited extent, I consider its permanent loss would not represent a significant loss of area within the SAC, and would not undermine the target of the extent of terrestrial habitat attribute set out for otter conservation objectives, which is for no significant decline. I further note the temporary habitats to be removed are of local importance and amount to 0.0057% of the area of the SAC. I also note the combined area of temporary habitat lost within 10m of the River Suir and within the otter terrestrial habitat of the SAC amounts to 0.001% of this area. Mitigation includes for habitat rehabilitation where habitat is temporarily removed with native species typical of those already occurring. Given the nature of the temporary habitats which are not representative of a qualifying habitat of the SAC, their limited extent, the short-term duration of the effects which will be reversible, and mitigation set out, I consider their temporary loss would not represent a significant loss of area within the SAC, and would not undermine the target of the extent of terrestrial habitat attribute set out for otter conservation objectives, which is for no significant decline. On the basis of the above and details outlined in the NIS and Addendum, I consider there is no real likelihood of significant effects to arise on the SAC or its Conservation Objectives or QI by way of direct permanent or temporary loss of habitat.

12.16.8. While the NIS outlines there will be no in-stream works that could result in the loss of instream habitats, an access track is proposed at the 'backwater' channel to the south of Pier 1 which involves the siting of a pre-cast culvert within the channel to facilitate pier construction. As the ground level of the culvert corresponds to the approx. base flow as indicated on plans (drawing no.2460) and is below the 1%, 10% and 50% AEP, and the proposed piers and abutment works located within the flood barriers/defences are also below the level of AEPs, which is particularly the case for the proposed southern bridge (drawing no.2260), the applicant was requested to consider the potential impacts arising from instream works, instream works in periods of increased base flow and flooding, and from enabling instream works and machinery movements.

12.16.9. In the further information submitted it is outlined the water levels on drawings no.2460 and 2260 do not represent base flow levels, and approx. baseflow and long sections are shown in updated drawings. It is outlined the culvert will facilitate

the flow of water through the floodplain channel during a flood event, and does not convey flowing water during normal river flow conditions, with the channel characterised by a muddy substrate supporting a stand of riparian/mixed broad leaved woodland mosaic. It is outlined in the event that installation works coincide with a flood event there is a potential for mobilisation of silt/suspended solids to impact on the river spawning habitat and species, by way of silt settlement on spawning redds, silt smothering of eggs, smothering of macroinvertebrates, suspended solids clogging fish gills, impacts on the fishery resource for otter species. Mitigation is set out which includes for the installation of the culvert and sheet piling to be completed during periods of normal flow conditions when the floodplain does not contain flowing water, one pier to be constructed at any one time, plant and equipment being removed from works areas at the end of each day, the use of weather forecasting.

12.16.10. In relation to works at piers and abutments located within the floodplain, elements of the project within the flood barriers below the Annual Exceedance Probability are outlined, and the release of excess sediment from these areas has the potential to impact on habitats and species in the event of a flood. Mitigation is set out including for construction at piers and abutments to be undertaken sequentially and individually to minimise the construction footprint susceptible to flooding, use of weather forecasting to plan works, and for the decommissioning phase of temporary infrastructure that will facilitate works soil will be removed under supervision.

12.16.11. In relation to enabling instream works and any machinery movements that may affect the river channels and/or riverbanks, it is outlined no work proposed will be undertaken instream, with all machinery used confined to the construction footprint. Site investigations have determined that construction activity could present a risk to ground stability and bankside collapse at/in vicinity of Pier 01 in the absence of mitigation measures, and vibration levels could also undermine bankside stability. Mitigation is set out and includes ground reinforcement measures consisting of temporary soil stabilising materials/layers such as reinforced and drainage trackbed separators and rock stability layers to be installed prior to traversing close to the bank; a sequential approach adopted to access Pier 01; rehabilitation and reinstatement measures; Piling methodology to ensure no noise or vibration

exceeds the low guide value of 183 db within adjacent waters; piling works to occur outside spawning season; use of a rotary piling slow start up procedure; use of interlocking sheet piling; and hydraulic sheet piling method.

12.16.12. I note the approx. baseflow levels relative to existing ground levels, proposed ground levels, the culvert level in the floodplain channel, and the proposed sheet piling levels in updated drawings, and their siting relative to the Annual Exceedance Probability. Culvert and sheet piling levels outlined are at/below approx. baseflow levels. Sheet piling at P01 is located adjacent the Suir River north channel. I note in the event of a flood at construction stage and from the nature and location of the construction works, there is a potential for temporary effects to habitats and species. It is therefore accepted that mitigation would be required to control emissions to water, and vibration and noise emissions. In addition, I note the reference to decommissioning relates to the removal of temporary infrastructure that will facilitate works required for the project build, as outlined in documentation submitted. I am satisfied a decommissioning project phase is not relevant as the proposal is intended to be a long-term / permanent development.

12.16.13. The NIS also outlines surface water runoff by way of silt/pollutants, hydrocarbons, could enter the watercourse during the construction of the proposed development, and such effects can result in negative impacts on freshwater habitats, including the QI habitats Hydrophilous Tall Herb Fringe, Alluvial Woodland and Vegetation of Flowing Waters. Other potential impacts to freshwater/riparian habitats include those arising from wastewater contamination, dust deposition, light and shading impacts, and the spread of invasive species with the river being able to act as a vector for the spread of these species downstream, with construction works having the potential to increase the risk of their spread. I concur with this NIS view.

Mitigation measures are set out to ensure there will be no adverse effects to QI habitats and watercourses. These include for the preparation of an Outline CEMP, earthworks management, hydrocarbon controls, control of water during construction, sewerage management, controls of cement based pollutants and other pollutants, piling works management, lighting management at construction stage, lighting design for operational stage, invasive species management, habitat rehabilitation, riparian woodland habitat enhancement, and these are referenced at section 12.17.

12.16.14. Impairment of water quality/surface water pollution: The site is located within and adjacent to the SAC. It is therefore considered in the NIS there is a potential for receiving waters in the River Suir to be impacted as a result of surface water pollution such as siltation/contamination/hydrocarbons and dust deposition during the construction phase of the proposed development. The NIS outlines potential silt contamination effects on QI species include smothering of eggs/newly hatched fish, smothering of macroinvertebrates reducing prey resource for species, and that suspended solids can impact on availability of rearing habitat for fish and clog salmonid fish gills. This contamination could potentially impact on habitats and species within the SAC and I consider this could lead to a degradation of habitat and with resultant impacts decreasing food availability for SCI, and impacts on breeding SCI.

12.16.15. I note that the QI for the Lower River Suir SAC (002137) are referenced in the NIS and AA Screening Report, with specific QI also referenced in the Addendum to the NIS. I have examined the Lower River Suir SAC (002137) conservation objective document through the NPWS website for the SCI, which includes for protected habitats and protected species. In the event of pollution run off to local watercourses, there is a potential for negative impacts to arise on a range of QI species including Salmon, Twaité Shad, White-clawed crayfish, Lamprey species. The NIS outlines Freshwater Pearl Mussel are not present along the main channel of the River Suir or downstream of the site, with the mapped distribution of the Freshwater Pearl Mussel within the SAC, as set out in the NPWS conservation objectives, restricted to the Clodiagh Sub-catchment which is located within a separate sub-catchment to the project site, and I note the mapping outlined in the CO documentation. However, the NIS outlines pearl mussels require a healthy stock of juvenile salmonids to host glochidia during the larval stage of their life-cycle and that pollutants arising from the project could contribute towards adverse effects on the host salmonid population occurring in the Suir catchment, with associated impacts to the salmonid stocks occurring within the Clodiagh sub-catchment relied upon by freshwater pearl mussel. In addition, I note in the event of pollution run off there is a potential for water quality to affect foraging of otter species. I consider these would be an indirect impact of the proposed

development. It is therefore accepted that mitigation would be required to control emissions to water.

- 12.16.16. Disturbance /displacement to species: In relation to disturbance and displacement of species, the NIS outlines the design approach to piling works with the use of a low vibration drill, coupled with the set-back distance of pile locations from the river at all pier and abutment locations, as well as the presence of bedrock and overburden between the river and pile locations, will ensure no noise or vibration associated with piling will have the potential to cause injury to fish and will not exceed low guidelines value for Sound Level Exposure (SEL) which is 183 dB.
- 12.16.17. It is outlined in the NIS the bridges are not predicted to have the potential to result in shading of the river and instream habitat for aquatic fauna at operation stage. Owing to the narrow width of the bridge (4m wide) and the freeboard of c. 4m between the bridge soffit levels and the river base flow levels, it is outlined the bridge will not cause significant shading of the channel and there will be no detrimental effect of shading on the spawning habitats and movements of Atlantic salmon and lamprey species.
- 12.16.18. It is outlined the illumination of the river at construction and operational stage by way of artificial lighting has the potential to result in disruption to Atlantic Salmon and lamprey species which spawn and/or migrate along this stretch of the river. It is also stated any noise, vibration or light emissions arising from the project to instream habitats has the potential to result in disturbance to White-clawed Crayfish.
- 12.16.19. The NIS outlines no otter breeding or resting sites are located in the vicinity of the proposed development and none were identified as occurring within 150m of the proposed development. It is outlined the proposed construction phase has the potential to result in short-term disturbance to otter species using this stretch of the river by way of noise, visual disturbance, the presence of site operatives or construction phase lighting. The NIS outlines activities associated with the construction phase will not have the potential to undermine the barriers to connectivity attribute. It is outlined the project is located outside of the River Suir, it will not result in instream works and will not result in any barriers to the movement of otters throughout the SAC. I note that otter have been recorded using Suir Island

(holt site located c.300m to the east of the proposed development in 2017) and concur that the proposed development has a potential to give rise to disturbance on this species. Given the location and nature of the scheme, and the location of works relative to the river, floodplain channels and riverbanks, I concur with the view the proposal would not give rise to barriers to otter movement.

12.16.20. Further information received includes for an assessment for the potential of works to result in implications for QI otter. It is outlined artificial nighttime lighting can affect otters through changes to their foraging resource, foraging success, social interactions, predation risk, and illumination of watercourses can decrease prey availability and diminish foraging success. Mitigation set out for construction stage lighting includes timing of works, lighting controls, use of buffers zones. Mitigation for construction noise includes selection of quiet plant, noise control at source, best practice noise measures. Mitigation for artificial lighting on otter species at operational stage includes for lighting design to avoid light spill on the river and adjacent 10m bankside areas; bridge lighting design according with best practice for light sensitive species; use of design lighting controls including light control sensors to reduce time lighting is in use; a central monitoring system to control lighting, and the use of LED luminaires. It is outlined with mitigation, lighting will not have the potential to undermine the SAC conservation objective attributes and targets for maintaining the favourable conservation condition of the otter population of the SAC. I concur with this view.

12.16.21. As set out in Loss/degradation of habitats, I consider the habitat loss proposed would not undermine the target of the extent of terrestrial habitat attribute set out for otter conservation objectives, which is for no significant decline.

12.16.22. In conclusion, I therefore consider there will be a direct loss of non QI habitat within the SAC with a degradation of non QI habitats within the SAC. There is also the potential for degradation of habitat within the SAC by way of works within the floodplain channels. I consider there is a potential for indirect effects to occur on QI species and on QI habitats by way of impacts on water quality. I also consider there is a likelihood of significant effects to arise on SCI species by way of indirect noise/visual/lighting disturbance. There is also a potential for the spread of invasive species to QI habitats at construction stage. There will also be a permanent and temporary loss of otter terrestrial habitat in the SAC.

## 12.17. Lower River Suir SAC (002137) – Mitigation measures

- 12.17.1. Mitigation measures to be employed during the construction phase are set out in section 7 of the applicant's NIS and also in the NIS Addendum. Mitigation measures will include for an Outline CEMP, and works will be supervised by an Ecological Clerk of Works. Pre-construction surveys will include for otter and non-native invasive plant species surveys. Otter surveys will establish the requirement for protected species licences. Site specific mitigation measures include for the following:
- 12.17.2. Earthworks: This will include for: soil storage which will be located at a remove from the River Suir; Movement of material movement will be minimised to reduce degradation of soil structure and generation of dust; All excavated material will be temporarily stored adjacent a trench prior to disposal off-site; Stockpiling measures will include implementation of an earthworks handling protocol and materials stored in sheltered areas onsite; visual assessment of excavated soils will be carried out to check for contamination; offsite disposal of materials.
- 12.17.3. Hydrocarbons: This will include: Refuelling to occur in a bunded fuel station, drained by oil interceptor and controlled by pent stock valve; regular checks of plant and audits to prevent spillage of hydrocarbons; contaminated soil to be removed and stored in a temporary bund before off site disposal; oily/impacted runoff to be contained and pumped through treatment tanks/settlement tanks before treated water discharge; use of spill kits for accidental spill; precautionary measures and emergency response protocols as specified in the OCEMP.
- 12.17.4. Control of water during construction: Excavated material will be stored within the main compound on Suir Island, positioned a minimum of 50m from the River Suir. Excavated material types will be stored separately.
- 12.17.5. All excavations and sheet-piled working areas will contain suitable sumps for collection and removal of water in excavations and sheet piling areas. To the north of the site/Quays and at Raheen Road, water will be pumped and discharged to the existing foul sewer system. Water will be pre-treated by passing the surface water through a mobile settlement and clarification treatment tank. I note attached plans are inconsistent with the approach outlined at the Raheen Road, which indicate that treated water will discharge overland to vegetated areas at the riverbank at the

Raheen Road area of the site, and this gives rise to the potential for treated surface water to enter into the River Suir. To safeguard the receiving waters of the SAC, this discharge process at this location should be omitted and this can be addressed by way of condition should the Board be minded to grant permission. It is outlined the use of additional settlement and silt traps and an oil interceptor (if required) will be adopted if monitoring indicates requirements for the same with no excess silt or contaminated water permitted to discharge to the sewer. On Suir Island treated water will be conveyed from the treatment tank, via a lay flat and discharged over level vegetated ground on Suir Island to the east of the flood berm.

- 12.17.6. Sewage control: A self-contained port-a-loo system with an integrated waste holding tank will be used for toilet facilities. This will be maintained by the service contractor and removed on completion of construction.
- 12.17.7. Control of cement based pollutants: This will include: no batching of wet-cement products will occur on site, with ready-mixed supply of wet concrete products and emplacement of pre-cast elements taking place; no washing out of any plant allowed on-site; No discharge of cement contaminated waters to the construction phase drainage system or directly to any artificial drain or watercourse is allowed: chute cleaning water is to be tanked and removed to a suitable location; use of weather forecasting to plan dry days for pouring concrete; ensure pour site is free of standing water.
- 12.17.8. Floodplain channel works: These will include: Installation of the culvert and sheet piling to be completed during periods of normal flow conditions when the floodplain does not contain flowing water; one pier to be constructed at any one time; plant, personnel and equipment being removed from works areas at the end of each day; Use of weather forecasting to plan works; method statements completed prior to commencement; works designed to withstand flood events; Construction at piers and abutments to be undertaken sequentially and individually to minimise the construction footprint susceptible to flooding; for decommissioning phase of temporary infrastructure that will facilitate works all soils are to be removed under supervision.
- 12.17.9. Enabling works: These will include: Ground reinforcement measures consisting of temporary soil stabilising materials/layers such as reinforced and drainage trackbed

separators and rock stability layers; a sequential approach adopted to access Pier 01 entailing short sections of enclosed sheet piling blocks, laying of geotextiles and deposition of temporary rockfill layers; rehabilitation and reinstatement of habitat;

12.17.10. Other pollution controls: Hazardous chemicals, fuel, hydraulic oils and lubricants will be stored in bunded areas; fuels, chemicals, liquid and solid waste will be stored on impermeable surfaces; if it is not possible to bring machinery to the refuelling point, fuel will be brought to site locations by a 4x4 in a double skinned bowser with drip trays; spill kits will be readily available to deal with accidental spillage at all times.

12.17.11. Piling measures: These will be timed for between mid-July and September to occur outside the most sensitive time of the year when Atlantic salmon and lamprey species spawn along the section of the River Suir at Suir Island. A slow start-revving up procedure will allow noise-sensitive species to move away from the piling area and avoid injury. Piling methodology will not exceed low guide value of 183 db in adjacent waters. Use of rotary bored piling will ensure that vibration levels will be low and will not present a risk of undermining the integrity of adjacent river banks and their collapse. To eliminate the potential for sheet piling installation works to result in river bank instability and collapse, the sheet piling to be used will consist of interlocking steel panels, which will be driven through the overbank materials prior to any excavations occurring near the riverbanks, with the nature of the sheet piling protecting riverbanks. The NIS outlines with the implementation of measures outlined piling works will not result in adverse effects to Annex 2 fish species, white-clawed crayfish or otter.

12.17.12. Lighting controls (construction stage): There will be use of lighting buffers zones. Working hours will occur within daylight hours between the months of April to October. From late October to mid-March working hours will occur in hours of darkness between 7am and 8am and between 5pm and 7pm. Outside of working hours all artificial lighting that has potential to cast light on the river will be turned off. In addition, during the months of late Mid-October to mid-March artificial lighting that casts light onto the river channel will not be used and will be turned off. Works near the river will occur between April-October, during the time of year when the risk of flooding is minimised.

- 12.17.13. Lighting controls (operational stage): This will include: Lighting design will avoid light spill to the River Suir and adjacent 10m bankside areas, and the design will be required to demonstrate no change in light conditions on the river; Bridge lighting design according with best practice for light sensitive species; use of design lighting controls including light control sensors to reduce time lighting is in use; a central monitoring system to control lighting; use of LED luminaires; a warm white spectrum light will be used to reduce blue light component.
- 12.17.14. Noise Controls (construction stage): This will include the selection of quiet plant, noise control at source, best practice noise measures.
- 12.17.15. Invasive Species measures: An Invasive Species Management Plan has been prepared for the project which includes for control requirements for invasive species onsite and bio-security measures.
- 12.17.16. Habitat reinstatement: This will be implemented in habitats that will be temporarily disturbed during the construction phase. These habitats comprise broad-leaved woodland/riparian woodland mosaic, dry meadows and grassy verges and reed and large sedge swamp. Reinstatement works will occur over a short-term duration (up to 7 years). This will involve planting of woodland habitats species, herb layer consisting of native species, hydrophilous herb layer and ongoing monitoring of habitat reinstatement.
- 12.17.17. Riparian Woodland Habitat Enhancement: As part of the overall management of Suir Island Tipperary County Council will undertake habitat management of the riparian woodland on the island. Measures include ongoing removal of non-native trees and their replacement with native, positive indicator species.
- 12.17.18. Best practice: There will be adherence to best practice measures including CIRIA Control of Water Pollution from Construction Sites (Technical Guidance C648), which will occur throughout the construction and operation of the proposed development.
- 12.17.19. The NIS outlines with the implementation of all mitigation measures, the potential for impacts to occur will be eliminated and any potential for adverse impacts to the Lower River Suir SAC can be ruled out. I agree with this viewpoint.

12.17.20. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success.

#### **12.18. Lower River Suir SAC (002137) – Potential in-combination effects**

12.18.1. The NIS outlines there is no potential for in-combination effects with other projects to arise. The further information submitted includes for details on the Part 8 Schemes referenced in the NIS. It is outlined Suir Island Gardens Part 8 is expected to be completed in 2025 and will not overlap with the proposal, and being of minor scale, works will not have the potential to pose a risk to water quality and the site does not support breeding otter sites. It is outlined AA Screening was completed for the Clonmel Urban Realm/Town Centre Enhancement Scheme Part 8 which screened out its potential, alone and in-combination with other plans or projects, to result in likely significant effects to the Lower River Suir SAC. It is submitted there is no potential for the Part 8 projects to combine with the proposal to result in cumulative adverse effects to the SAC. It is also outlined other projects in the vicinity including PA Reg. Ref. 19600729 redevelopment work to service station and oil depot, and P/A Reg. Ref. 19600102 development of former the Clonmel Meat Factory, were screened out for the purposes of AA. I note the permitted Strategic Housing Development (ABP-311290), housing scheme (ABP-312611) on the Coleville Road (R680), and PA Reg. Ref. 18601355 Clonmel Arms were subject to AA.

12.18.2. Having reviewed the details submitted in the AA Screening Report, NIS and NIS Addendum, the CDP, The Clonmel and Environs Local Area Plan 2024-2030, the Tipperary County Council website and the Department of Housing, Local Government and Heritages EIA map portal, I do not consider there are any in-combination effects on the Lower River Suir SAC that arises from these or other plans/projects. Furthermore, I consider subject to the implementation of mitigation measures during construction no significant effects on the qualifying interests of the SAC would arise. Therefore, there is no potential for in-combination effects to arise in this regard.

12.18.3. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site in combination with the proposed development. Having regard to the online resources referred to and the nature and scale of the proposed development, I concur that the

proposed development would not be likely to have any in-combination effects together with any other project.

#### **12.19. Submission**

I note the issues raised in the submission as to whether the Suir Island Part 8 can proceed given it was not subject to an EIA and the EIA requirements for the current scheme, and if there will be consultation and Appropriate Assessment for proposed footpaths to the east of Suir Island on plans which are not within the site red line. I note the Suir Island Part 8 has been approved. In relation to paths to the eastern area within the site on Suir Island and to the east of the site on Suir Island as indicated on initial plans, the further information submitted includes for updated drawings detailing the removal of these footpaths, which is stated were shown in error.

#### **12.20. Lower River Suir SAC (002137) – Residual effects /further analysis**

12.20.1. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

#### **12.21. Lower River Suir SAC (002137) – NIS omissions**

12.21.1. There are no omissions noted. I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS and Addendum.

#### **12.22. Lower River Suir SAC (002137) – Suggested related conditions**

12.22.1. Given the nature, scale and location of the proposed development and to safeguard the SAC, I consider a condition detailing that the discharge of pre-treated water at Raheen Road shall be via the foul sewer system, in addition to the mitigation measures proposed.

#### **12.23. Lower River Suir SAC (002137) – Conclusion**

12.23.1. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Lower River Suir SAC (002137) in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

12.23.2. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Lower River Suir SAC (002137), in view of the sites' conservation objectives, subject to the implementation of mitigation measures outlined above. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

**Table 1.2 Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Site alone and in combination with other plans and projects in view of the sites' Conservation Objectives.**

<b>Appropriate Assessment</b>					
<b>Lower River Suir SAC (002137) - Summary of Key issues that could give rise to adverse effects:</b>					
<ul style="list-style-type: none"> <li>○ Loss/degradation of habitats</li> <li>○ Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons</li> <li>○ Disturbance /displacement to species due to construction and operation</li> </ul>					
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>

<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	<p>To maintain or restore the favourable conservation condition of habitats in the SAC</p>	<p>There will be a direct loss of non QI habitat within the SAC with a degradation of non QI habitats within the SAC.</p> <p>There is also the potential for degradation of habitat within the SAC by way of floodplain and enabling floodplain works.</p> <p>There is a potential for receiving SAC waters to be impacted as a result of surface water pollution such as silt/contaminants during the construction phase.</p> <p>This could potentially impact on protected habitats within the SAC.</p> <p>There is a potential for QI habitats to be impacted by invasive species.</p> <p>There will be permanent habitat loss of c. 0.00004% of the mapped area of otter terrestrial habitat in the SAC. Given the nature of the non QI habitat and its very limited extent, its loss would not represent a significant loss of area within the SAC, and</p>	<p>Yes, including earthworks controls, water pollution and hydrocarbon controls, floodplain channel works controls and enabling work controls, sewerage controls, control of cement based pollutants and other pollutants, invasive species management, piling controls, lighting controls, Habitat reinstatement, and best practice measures.</p>	<p>None</p>	<p>Yes</p>
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		<p>would not undermine the target of the extent of terrestrial habitat attribute set out for otter conservation objectives, which is for no significant decline.</p> <p>There will be temporary habitat loss of 0.001% of otter terrestrial habitat in the SAC.</p>			
<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To maintain or restore the favourable conservation condition of species in the SAC</p>	<p>There is a potential for receiving waters to be impacted as a result of surface water pollution such as silt/contaminants during the construction phase.</p> <p>This could potentially impact on SCI species by way of water quality, food availability, foraging, breeding.</p> <p>There is the potential for adverse effects by way of disturbance to SCI species, non QI habitat loss and degradation.</p> <p>There will be permanent habitat loss of c. 0.00004% of the mapped area of otter terrestrial</p>	<p>Yes, including earthworks controls, water and hydrocarbon controls, floodplain channel works controls and enabling works controls, sewerage controls, control of cement based pollutants and other pollutants, invasive species</p>	<p>None</p>	<p>Yes</p>

		<p>habitat in the SAC. Given the nature of the non QI habitat and its very limited extent, its loss would not represent a significant loss of area within the SAC, and would not undermine the target of the extent of terrestrial habitat attribute set out for otter conservation objectives, which is for no significant decline.</p> <p>There will be temporary habitat loss of 0.001% of otter terrestrial habitat in the SAC.</p>	<p>management, piling controls, lighting and noise controls, invasive species controls, Habitat reinstatement, and best practice measures.</p>		
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**Overall conclusion: Integrity test: Lower River Suir SAC (002137)**

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Lower River Suir SAC in view of the site’s conservation objectives.

No reasonable scientific doubt remains as to the absence of such effects.

## 13.0 Recommendation

I recommend that the proposed development is **Approved** for the reasons and considerations set out below, and subject to the attached conditions.

## 14.0 Reasons and Considerations

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

- National Planning Framework - Ireland 2040
- Climate Action Plan, 2024
- Regional Spatial and Economic Strategy for the Southern Region
- The policies and objectives of the Tipperary County Development Plan 2022-2028, the Waterford County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030,
- The nature, scale and design of the proposed development and the pattern of development in the vicinity of the site,
- mitigation measures proposed for the construction, and operation of the site and subject works,
- the submissions and observations on file including those from prescribed bodies, and other third parties,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the report and recommendation of the Inspector

### 14.1.1. Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with National and regional policies and with the provisions of the Tipperary County Development Plan 2022-2028, the

Waterford County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety, public health and would be in the interest of the common good. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 14.1.2. **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development taking account of:

- a) the nature, scale, location and extent of the proposed development,
- b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application, including further information,
- c) the submissions received from the prescribed bodies, and observers, and
- d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made during the application.

#### **Reasoned Conclusions on the Significant Effects**

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows.

- Population and Human Health: There is a potential for significant effects to arise by way of noise at construction stage, which will be minimised by way of

an Outline Construction Environment Management Plan (OCEMP), best practice measures and mitigation measures. Impacts will be short term with no significant noise generated at operational stage.

- Air: Potential effects on air during construction which will be mitigated by a dust minimisation plan.
- Water: Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the vicinity of existing watercourses. There is also the potential for negative impacts on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, construction methodologies, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.
- Biodiversity: Risk of potential pollution of ground and surface waters during the construction phase with construction activities undertaken within and in the vicinity of existing watercourses, risk of potential noise, vibration and light pollution at construction stage, with potential for impacts on habitats, species, and these impacts will be mitigated by way of an Outline Construction Environment Management Plan, best practice measures, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, drainage management, noise, vibration and lighting. There will be small scale permanent habitat loss, with temporary loss of habitat mitigated by habitat reinstatement works. Risk of potential light pollution at operational stage will be mitigated by lighting mitigation measures.
- Material Assets: Short term effects on the road network for the construction phase of the development, which will be mitigated by a Traffic Management Plan and Outline Construction Environmental Management Plan.
- Cultural Heritage: Potential for effects on archaeology, which will be mitigated by way of an OCEMP, mitigation measures, archaeological impact assessment, testing and recording.

- Landscape: There will be the long-term siting of transportation infrastructure into the urban landscape, which will be mitigated by the proposed developments design and siting, natural screening, and additional planting.

There is a potential for significant noise effects to arise on population and human health at the construction stage. Having regard to the nature of the works, their timing and limited duration, and the mitigation as set out which will serve to reduce effects, these environmental effects would not warrant a refusal based on temporary noise impacts, and having regard to the overall benefits of the proposed development.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

#### 14.1.3. **Appropriate Assessment – Stage 1**

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Lower River Suir SAC (site code 002137) is the European site for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of viable connections to, and distance between the application site and the European Sites, Comeragh Mountains SAC (site code 001952), Nier Valley

Woodlands SAC (site code 000668), and The River Barrow and River Nore SAC (site code 002162), could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on these European Sites or any other European Sites in view of the sites conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

#### 14.1.4. **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Lower River Suir SAC (site code 002137), in view of the Sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir SAC (site code 002137), or any other European Site in view of the sites' Conservation Objectives.

#### 14.1.5. **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with authorities, the Roads Authority shall agree such details in writing with authorities prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of 5 years.

3. (a) All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Environmental Impact Assessment Report, Addendums to EIAR, the Natura Impact Statement and Addendum to NIS, and the Outline Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the Roads Authority in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.  
  
(b) Prior to commencement of development an otter survey shall be undertaken. In the event of a holt(s)/couche(s) being identified the development shall be subject to licences.  
  
(c) Any felling or scrub clearance within the bird nesting season (1st March to 31st August) shall be subject to licenses.  
  
(d) The lighting design for the bridge sections shall be based on Guidance Note GN08/23 Bats and Artificial Lighting At Night 2023 and any updates to the Guidance Note.  
  
(e) Pre-treated construction waters shall be discharged to the existing foul sewer system at Raheen Road.

(f) Prior to commencement of the development, the Roads Authority, or any agent acting on its behalf, shall prepare a finalised Invasive Species Management plan detailing the methodology of control of Invasives and monitoring. These details shall be placed on file and retained as part of the public record.

(g) The Roads Authority, or any agent acting on its behalf, shall prepare an annual environmental report on the Habitat Reinstatement on an annual basis. These details shall be placed on file and retained as part of the public record.

(h) A Mitigation and Monitoring report will be prepared and carried out by a suitably qualified ecologist clearly indicating compliance with all ecological conditions listed in those reports from Section a). These details shall be placed on file and retained as part of the public record.

Reason: In the interests of clarity and of the protection of the environment and European Site during the construction and operational phases of the development.

4. Prior to commencement of the development, the Roads Authority, or any agent acting on its behalf, shall prepare a Construction Environmental Management Plan. The construction of the development shall be managed in accordance with the Construction Environmental Management Plan. This plan shall incorporate all mitigation measures set out in the Outline CEMP and application documentation and provide details of intended construction practice for the development, including:

(a) Location of site and material compound (s) including areas (s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings;

(b) A comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the

construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(c)measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network

(d)details of appropriate mitigation measures for noise, dust, and vibration, and monitoring of such levels;

(e)containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;

(f)off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(g)means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses;

(h)an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.

(i)A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

The CEMP shall be placed on file prior to the commencement of development and retained as part of the public record.

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

5. The Roads Authority shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the NPWS and Inland Fisheries

Ireland. A report on the implementation of these measures shall be retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

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

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

7. Prior to the commencement of development the Roads Authority shall enter into a Connection Agreements with Uisce Éireann to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

8. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in particulars. Any trees or shrubs that are removed, die or become seriously damaged or diseased during the operative period as set out by this permission, shall be replaced within the next planting season by trees or shrubs of similar size and species.

Reason: In the interests of visual amenity and biodiversity.

9. (a) Archaeology

(1) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 14 of the EIAR (Courtney Deery Heritage Consultancy Ltd:

22<sup>nd</sup> of September 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

(2)The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological and cultural heritage constraints relevant to the proposed development (Chapter 14 of the EIAR) and include constraints identified by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(3) The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the Roads Authority. The report shall be placed on the file and retained as part of the public record.

(b) Underwater Archaeology

(1)The Roads Authority shall engage a suitably qualified licensed archaeologist to carry out an Underwater Archaeological Impact Assessment (UAIA) following consultation with the National Monument Service in advance of any site preparation works and groundworks. The UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, and include a dive/wade assessment and metal detection survey centred on but not confined to areas where works are proposed within or immediately proximal to river channels, including proposed locations of the North Bridge Pier, and enabling works and machinery movements that may effect the river channel and/or river banks, with consent/licenses as required under the National

Monuments Acts and accompanied by method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of license applications and method statement.

(2) Having completed the above works in (b)(1), and following consultation with the NMS, the archaeologist may undertake in river pre-development archaeological testing in areas of proposed ground disturbance to be agreed with the NMS. The archaeological test excavation shall be carried out under licence and in accordance with an approved method statement, with survey and detection device consent/licenses as required under the National Monuments Acts and accompanied by method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of license applications and method statement.

(3) The archaeologist shall prepare a comprehensive report, describing the results of the UAIA, including underwater archaeological test excavations undertaken, and shall include an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the NMS in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the UAIA. Any further archaeological mitigation requirements specified by the NMS following consultation, shall be complied with by the Roads Authority. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the NMS. The National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the Roads Authority. The report shall be placed on the file and retained as part of the public record.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features and other objects of archaeological interest.

10. Prior to the commencement of development, site layout plans shall be revised making provision for a public art/feature and drinking fountain in the North Plaza. These details shall be placed on the file and retained as part of the public record.

Reason: In the interests of visual and public amenities.

11. Prior to the commencement of development, plans shall be revised to detail advance warning signage for the new road layout at/along New Quay. These details shall be placed on the file and retained as part of the public record.

Reason: In the interests of road and public safety.

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.

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David Ryan

Senior Planning Inspector

14<sup>th</sup> January 2025