



An
Bord
Pleanála

Inspector's Report

ABP-320189-24

Development	Amendments to SHD application ABP-311290-21 for a revised development of 122 no. residential units, a childcare facility and all other site works.
Location	Townland of Croan Lower, Coleville Road (R680), Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	24/60316
Applicant(s)	Torca Development Limited
Type of Application	Large-scale Residential Development
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party vs Decision
Appellant(s)	Paula O'Shea
Observer(s)	None
Date of Site Inspection	23 rd September 2024
Inspector	Phillippa Joyce

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Opinion	6
4.0 Planning Authority Decision	7
5.0 Planning History.....	9
6.0 Policy Context.....	9
7.0 The Appeal	16
8.0 Planning Assessment	20
9.0 Appropriate Assessment.....	41
10.0 Environmental Impact Assessment	42
11.0 Recommendation	44
12.0 Recommended Draft Board Order.....	44
Appendix 1: Appropriate Assessment: Stage1 and Stage 2.....	52
Appendix 2: EIA Pre-Screening Form	62
Appendix 3: EIA Screening Determination Form.....	63

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Croan Lower, c.1.5km east/ southeast of Clonmel town centre. The site, an inverted 'L' configuration, is indicated as measuring c.1.08ha. The site is part of a wider landholding under the control of the applicant (blue line boundary), which corresponds with the site boundary of parent permission, ABP 311290-21 (an area of c.5.23ha).
- 1.2. The site is greenfield in nature and comprises part of an agricultural field, the full extent of which corresponds with the site boundary of the parent permission. The site incorporates lands to the north/ centre and east/ southeastern corner of the field. The topography of the lands is undulating, with higher ground levels being towards the southeast corner of the site in proximity with Coleville Road (R680) and decreasing towards the north/ central area in proximity to the River Suir.
- 1.3. The site is located on the southern side of the River Suir, and development in the vicinity includes the Dudley's Mills Business Park and Millbrook House to the northeast, several detached residential properties addressing Coleville Road to the south/ southwest, and Hotel Minella and a residential property to the west. To the southeast of the site, at the junction with Coleville Road, is a detached residence Melbrook Lodge (also referred to as Melbrook Cottage, the property of the appellant).

2.0 Proposed Development

- 2.1. The proposed development comprises amendments to parent permission, ABP 311290-21. This is an SHD application under which permission was granted for 115 residential units, a childcare facility, and all associated works.
- 2.2. The amendments in the proposed development include the following:
 - Increase in the number of residential units in the overall scheme by seven from 115 units (permitted 68 houses and 47 duplexes¹) to 122 units (proposed 76 houses and 46 apartments).

¹Note: I have had regard to the definitions of apartments and duplexes in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, see section 6.0 of this report.

- Revision of residential formats through the omission of the five duplex blocks (permitted Blocks D1-D5) and replacement with three apartment blocks (proposed Blocks D1-D3) and two rows of terrace houses (proposed Blocks C5 and C6).
- Revision of house types in two terrace rows (permitted House Type E in Blocks E2 and E3 amended to proposed House Type C in Blocks C7 and C8).
- Revision in the number and proportion of unit types in the areas subject of the amendments (see Table 1 below).
- Revision in the number and proportion of unit types in the overall scheme (see Table 2 below).
- Revision in the design and layout of the childcare facility (decrease in floorspace from c.208sqm to c.160sqm, maintenance of capacity for up to 33 children).
- Revision of the car and cycle parking provision (increase from permitted 181 car spaces and 366 cycle spaces, to proposed 205 car spaces and 389 cycle spaces).

2.3. Of the areas subject of the proposed amendments, for the Board's ease of reference, in Table 1 below I have identified the number, format, and type of residential units for the permitted and the proposed developments.

Table 1: Residential Unit Mix in the areas subject to the amendments as Permitted and Proposed

Permitted Development: ABP 311290-21				
Format	1 bed	2 bed	3 bed	Total
Duplex units	14	9	24	47
Houses	0	15	0	15
Total	14	24	24	62
% of Amended	22.6%	38.7%	38.7%	100%
Proposed Development				
Format	1 bed	2 bed	3 bed	Total

Apartments	8	38	0	46
Houses	0	0	23	23
Total	8	38	23	69
% of Amended	11.6%	55.1%	33.3%	100%

2.4. In Table 2 below, I have calculated the number, format, and type of residential units for the permitted development and the proposed development with the amendments incorporated.

Table 2: Residential Unit Mix in the Overall Scheme as Permitted and Proposed

Permitted Development: ABP 311290-21							
Format	1 bed	2 bed	3 bed	2 bed	3 bed	4 bed	Total
Houses				24	24	20	68
Duplexes	14	9	24				47
Total	14	9	24	24	24	20	115
% of Overall	12.1%	7.8%	20.9%	20.9%	20.9%	17.4%	100%
Proposed Development							
Format	1 bed	2 bed	3 bed	2 bed	3 bed	4 bed	Total
Houses				9	47	20	76
Apts	8	38	0				46
Total	8	38	0	9	47	20	122
% of Overall	6.6%	31.1%	0%	7.4%	38.5%	16.4%	100%

2.5. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by several reports, many of which are updated versions of those which accompanied the SHD application (full list in the applicant's List of Enclosures, pgs. 1-3).

3.0 Planning Authority Opinion

- 3.1. A section 247 pre-application LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 17th January 2024 between the applicant and the planning authority regarding the proposed development.
- 3.2. The planning authority issued its LRD Opinion on 13th February 2024 under section 32D of the 2000 Act. The Opinion indicates that the documentation submitted, under section 32B of the 2000 Act as part of the pre-application meeting, would constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.3. The Opinion indicates the proposed development is acceptable in principle having regard to the local planning policy context (Tipperary County Development Plan 2022-2088, and the then-draft Clonmel and Environs Local Area Plan 2024-2030) and the planning history at the site.
- 3.4. The applicant was notified that the following information and/ or reports should be provided and/ or updated to reflect the proposed revisions. These include:
 - Sustainability Statement.
 - Daylight and Shadow and Impact Assessment.
 - Taking in Charge Plan.
 - Phasing Plan.
 - Childcare Facility (clarity on changes to capacity).
 - Flood Risk Assessment.
 - Boundary Treatment Plan (clarity on proposals for Type C terraces).
 - Part V agreement.
 - Construction and Demolition Waste Management Plan.
 - Natura Impact Statement.
- 3.5. For the Board's information, I confirm that the application is accompanied by a Planning Report, Chapter 5 of which includes specific responses from the applicant to the points of information requested by the planning authority in the LRD Opinion.

4.0 Planning Authority Decision

4.1. Summary of Decision

4.1.1. The planning authority granted permission for the proposed development on 20th June 2024, subject to three conditions. This appeal is a third party appeal against the planning authority's decision to grant permission.

4.1.2. The attached conditions are standard in nature (construction, operation, procedural, and financial) and include the following:

Condition 1: proposed development to be completed in accordance with plans and particulars, several of which are named including the Natura Impact Assessment, Flood Risk Assessment, Ecological Impact Assessment, Construction and Environmental Management Plan, Construction and Demolition Waste Management, and the Operational Waste and Recycling Management Plan.

Condition 2(a) and (b): proposed development to be carried out and completed in accordance with the terms and conditions of SHD ABP Ref. 311290-21, including the expiry date of same; and a total of 122 residential units are expressly permitted.

Condition 3: payment of a development contribution for the additional units.

4.2. Planning Authority Reports

4.2.1. Planning Report

- The planner's report includes an assessment of the proposed development in respect of the following considerations:

1. Planning History.
2. Density.
3. Layout.
4. Residential Amenity.
5. Flood Risk.
6. Engineering Issues.
7. Environment Issues (including EIA and AA).

- The planning officer finds the proposal to be acceptable under all headings except in relation to residential amenity where concern is raised regarding certain ground floor apartments in Block D3 (due to unclear screening arrangements for private terraces of same).
- It is recommended that agreement on the details be achieved by way of condition (I highlight to the Board that such a condition is not attached to the final grant of permission).
- Otherwise, the planning authority concludes that the proposed development complies with the local statutory context (provisions of the Clonmel and Environs LAP 2024), would not have an adverse impact on the character of the area, or the amenities of adjoining properties.

4.2.2. Other Technical Reports

District Engineer: no objection subject to condition.

Water Services: no report received.

Environment Section: no report received.

Housing Section: no report received.

4.3. Prescribed Bodies

4.3.1. Submissions received from prescribed bodies as follows:

Uisce Eireann: notes historic Confirmation of Feasibility for previous scheme. Further information recommended in respect of the applicant submitting new/ updated Pre Connection Enquiries to UE in respect of water/ wastewater infrastructure.

Tipperary Childcare Committee: positively notes the provision of a childcare facility in the scheme, current scarcity of childcare places in 0-3 years age category, full day care is recommended.

Environmental Health Officer, HSE: recommends conditions in respect of public health related to groundwater protection, noise disturbance, and construction phase impacts.

4.4. Third Party Observations

- 4.4.1. The planning authority indicates that submissions were received from two third party observers (including the current appellant) during the assessment of the application and summarises the issues raised in same.
- 4.4.2. I have reviewed the submissions on file, and confirm the issues raised in the third party observation (as made by the appellant) form the basis of the appeal (opposition in principle to the proposal (residential development in a rural setting), adverse impact on residential amenity, concerns regarding capacity in services, increased flood risk, and increased traffic volumes and congestion), which are outlined in detail in section 7.0 below.

5.0 Planning History

Appeal Site

ABP 311290-21 (SHD Application)

Permission granted to the applicant for 115 residential units, a childcare facility and associated site works on the 17th December 2021 subject to 30 no. conditions.

This permission has not been commenced.

PA Ref. 06/05, PL 52.222478

Permission granted on appeal to P. and T. Ronan for the demolition of 1 no. outbuilding, replacement of a 2m high boundary wall with a 900mm high wall, and construction of 137 dwellings, change of use of office to creche and office to a shop on the 20th November 2007.

This permission was not implemented.

6.0 Policy Context

6.1. National Planning Context

- 6.1.1. The national policy context guiding future growth in Clonmel town is determined by the National Planning Framework (NPF), Housing for All, Climate Action Plan, and several section 28 Ministerial planning guidelines.

6.1.2. These require the compact growth of existing settlements through the delivery of new homes in the existing built-up footprints of the settlements, and for both greenfield and infill sites, the consolidation of future residential development through increased densities and building heights.

National Planning Framework, Project Ireland 2040 (NPF)

6.1.3. Several national policy objectives (NPOs) are applicable to the proposed development, a residential scheme within a built-up area of Clonmel, a county town. For ease of reference, I direct the Board to the applicant's Planning Report (pg. 36) which cites several NPOs.

6.1.4. I identify those objectives which support development in existing settlements such as Clonmel town, NPO 3c, NPO 4, NPO 13, and NPO 35, as being applicable to the proposed development.

Housing for All

6.1.5. Identifies four pillars by which to achieve universal access to quality housing options. The proposed development contributes to the achievement of Pillar 1, increasing new housing supply.

Climate Action Plan 2024

6.1.6. Identifies measures and actions required to deliver the carbon budgets and reduce emissions across sectors of the economy so as to achieve the commitments made by government for 2030 and 2050 (e.g. on the built environment).

Section 28 Ministerial Planning Guidelines

6.1.7. Several planning guidelines are applicable to the proposed development (increased residential densities and building heights at certain types of locations, achievement of certain standards for apartment and housing developments). The relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy includes:
 - Section 3.3: contains Table 3.5 which defines categories of urban areas within 'Key Towns'. 'Key Town – Suburban/ Urban Extension' describes

suburban areas as comprising low density car orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential development. For such locations (particularly if also categorised as 'intermediate and peripheral'), the guidelines state that densities in the range of 30dph-50dph should be applied.

- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.
 - SPPR 2 – Minimum Private Open Space new standards for houses and private open space for apartments remains as per the Apartment Guidelines.
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
 - SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in 'intermediate and

peripheral' locations to 2 no. spaces per dwelling (exclusive of visitor spaces).

- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Appendix A: includes definitions of residential formats including:
 - Apartment: A self-contained residential unit that forms part of a multi-unit building with horizontal divisions(s) between it and at least one other unit that is an apartment or other non-residential use. Access to individual apartments is generally via grouped access or communal areas. However, ground floor units may have direct 'own door' access from public or semi-public areas.
 - Duplex: A building divided into two residential units. The units or apartments may be stacked one on top of the other on separate floors. Access to duplex units is generally direct 'own door' access from public or semi-public areas. However, access to an upper floor duplex unit may be via grouped access or communal areas.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines). Applicable policy includes:
 - SPPR 1 specifies that apartment schemes can contain up to 50% 1 bedroom apartments and no minimum % of 3 bedroom apartments unless otherwise indicated in a CDP HNDA.

- Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-3 bedroom units), SPPR 4 (33% to be dual aspect units in accessible urban areas), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height), and SPPR 6 (maximum of 12 apartments per floor level per core).
- Section 3.41 refers to the inclusion of privacy strips for ground floor apartments which are located adjacent to a public area (c.1.5m in width subject to context including design of building, nature of public area, and appropriate boundary treatment).
- Section 3.7 refers to types of 2-bedroom apartments, indicating the preferred design is that of four-person occupancy, and restricts the proportion of 2-bedroom apartments of three-person occupancy to no more than 10% the total number of units in any private residential development.
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development includes:
 - Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
 - SPPR 4 requires:

It is a specific planning policy requirement that in planning the future development of ... edge of town...locations for housing purposes, planning authorities must secure:

 - 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 ...;*
 - 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).

6.2. Regional Planning Context

Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES)

- 6.2.1. The RSES provides a development framework for the southern region, which comprises nine counties including County Tipperary. Clonmel town is identified as a 'Key Town' with the further designation of being a 'large population scale urban centre' functioning as a self-sustaining regional driver. This is the second-tier of urban settlement within the region.
- 6.2.2. Accordingly, certain regional policy objectives are applicable to the proposed development. These include:
- RPO 11 states Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria (2016 Census population figure for Clonmel town was 17,140 persons) up to 2040.
 - RPO 17 seeks to strengthen the role of Clonmel town as a self-sustaining regional economic driver.

6.3. Local Planning Context

- 6.3.1. The local policy context guiding future growth in Clonmel town is determined by the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030.

Tipperary County Development Plan 2022-2028

- 6.3.2. Tipperary County Development Plan 2022-2028 (CDP) contains policy and objectives in several chapters which establish the context for the proposed development.
- 6.3.3. For ease of reference, I direct the Board to the applicant's Planning Report (pgs. 66-90) which cites policy and objectives from a range of sections of the CDP. I identify those from the following chapters/ appendices as being particularly relevant to the proposal, and I confirm to the Board that I concur with the applicant's analysis of the proposed development thereunder.
- 6.3.4. These chapters/ appendices are as follows:
- Chapter 2: Core Strategy.
 - Chapter 4: Settlement Strategy.
 - Chapter 5: Housing.
 - Chapter 6: Supporting Sustainable Communities.
 - Appendix 6: Development Management Standards.

Clonmel and Environs Local Area Plan 2024-2030

- 6.3.5. Similarly, the Clonmel and Environs Local Area Plan 2024-2030 (LAP) contains policy and objectives in several chapters which establish the context for the proposed development.
- 6.3.6. Again, I direct the Board to the applicant's Planning Report (pgs. 91-97) which cites a range of policy and objectives. I identify those from the following chapters (I also highlight Chapter 9 and the land use zoning objectives) as being of most relevance to the proposed development.
- Chapter 2: Planning and Development Strategy.
 - Chapter 5: Sustainable Communities.
 - Chapter 9: Land Use Zoning Framework.
 - Map Based Designations
 - Zoning Objective R1 New Residential applies which seeks 'To provide for new residential development'.

- Zoning Objective R1 New Residential is described as ‘New residential areas/ town extensions to ensure the provision of high quality and connected new residential environments. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities’.
- Flood Zone A and Flood Zone B, associated with the River Suir, apply to lands to the west, north and east of the site.
- National monument, TS083-021006 Standing Stone, is located adjacent to the north/ northwest of the site.

6.4. Natural Heritage Designations

- 6.4.1. The appeal site is not located adjacent to any Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 6.4.2. The appeal site is located in immediate proximity to one European site as follows:
- Lower River Suir SAC (site code: 002137) is adjacent to the north of the appeal site).

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. One third party appeal has been made against the planning authority’s decision to grant permission. The appeal is made by Paula O’Shea, with an address given as 10 Melbrook Lodge, Coleville Road (Eircode E91KV82). The appellant’s property is located to the southeast of the appeal site.
- 7.1.2. The key planning grounds can be summarised as follows:

Character of the Area

- A largescale residential development in a rural setting.
- No tradition locally of 3 storey apartment blocks in a rural setting.

Design and Layout

- 3 storey apartment blocks are sited within 15m of the appellant’s property.
- The apartment blocks should be accommodated elsewhere on the site.

- Ridge heights of the apartment blocks are c.12m above the floor level of the appellant's property.

Residential Amenity

- Negative effect on the appellant's property due to loss of sunlight and overshadowing.

Infrastructure

- Inadequate infrastructure at this location in terms of roads, footpaths, water services.

Flooding

- Site adjacent to/ within a flood plain.

Previous Submission on ABP 311290-21 (stated as remaining relevant to the current appeal)

- Includes the appeal grounds summarised above.
- Incorrect/ inadequate plans and contextual elevation drawings.
- Concerns regarding antisocial behaviour and overconcentration of the Part V housing in the apartment blocks adjacent to the appellant's property.
- Adverse impact on flora and fauna, wildlife, habitats, and River Suir.
- Inadequate boundary and screening treatments.

7.2. Planning Authority Response

- 7.2.1. No response has been received from the planning authority in respect of the third party appeal.

7.3. Applicant's Response

- 7.3.1. The applicant has submitted a response to the third party appeal, the key items in which can be summarised as follows:

Planning History

- ABP has supported development at the site through the grant of permission for SHD application ABP 311290-21.

- Previous development found to acceptable in terms of site zoning, residential density, design, layout, housing mix, building height, residential amenity, site services, traffic, and flood risk.
- Impact on the appellant's property was considered specifically and determined to be acceptable in terms of overlooking, overshadowing, and general disturbance.

Planning Authority

- Proposed development is supported by the planning authority through grant of permission.
- Of the amendments, increase in density described as marginal, change to unit mix as acceptable, revisions to the layout as not substantial.
- Impact on the appellant considered and separation distance and building height are not considered to result in any undue impacts.

Location of Development

- Requests Board to dismiss the appeal grounds (rural setting) as the principle of development is established at the site through the granting of ABP 311290-21.
- Requests Board to dismiss the appeal grounds relating to use of apartment typology as this was also established in the SHD application.
- Revised residential unit mix complies with the Compact Settlement Guidelines.
- Increase in total unit number arises from replacement of duplexes with apartments but within apartment block format (not a new building type).

Design and Layout

- Proposed separation distances between Block D3 and the appellant's property are between 15.3m-21.6m.
- Block D3 is sited obliquely to the appellant's property and the windows in the eastern elevation are proposed with opaque glazing.

- These measures constitute suitable privacy measures (as per SPPR1 of the Compact Settlement Guidelines) whereby a separation distance of less than 16m would be acceptable (especially when the locations and different heights between proposed and existing windows are considered).

Residential Amenity

- No opposing windows, no overlooking or undue loss of privacy due to design measures outlined above.
- Revised Daylight and Sunlight Assessment Report prepared, finds same and/or similar impact to that of the permitted SHD application.
- Negligible impact on the appellant's property (8 windows assessed for daylight, 7 windows assessed for sunlight).

Infrastructure

- Refers to findings of planning authority reports (e.g. Clonmel Borough Council Engineer has no objection subject to condition).
- Refers to findings of engineering consultants (e.g. Traffic Assessment, no material impact on adjacent road links, junctions, internal operation).
- Proposed development not proposing changes to the surface water system, or to connecting to Uisce Eireann water supply and wastewater drainage systems.
- Conditions relating to site services in the parent permission will continue to apply.

Flooding

- SHD application included a Flood Risk Assessment (FRA).
- Flood zone identified for the northern part of the site of the parent permission, coincided with an area adjacent to the River Suir which is zoned for amenity purposes.
- No permitted or proposed buildings are within a flood plain.
- LRD application does not include this amenity area adjacent to the river.

- Proposed development does not alter surface water drainage system which is designed with reduced runoff rates and reduced risk of overland flow.
- Condition 3 of ABP 311290-21 (requires the replacement of an outfall pipe with a nature-based SuDS, revised surface water drainage proposals, SSFRA and a habitat management plan) will continue to apply.

7.4. **Observations**

7.4.1. No observations have been made on the appeal.

7.5. **Further Responses**

7.5.1. No further responses have been received on the appeal.

8.0 **Planning Assessment**

8.1. **Introduction**

8.1.1. Having examined the appeal and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main planning issues in the appeal to be as follows:

- Planning History
- Design and Layout
- Residential Density
- Residential Amenity
- Traffic and Transportation
- Water Services and Flood Risk

8.1.2. In respect of the proposed development, I have carried out a stage 1 and a stage 2 Appropriate Assessment (AA) and a pre-screening and a screening determination for Environmental Impact Assessment (EIA) which are presented in sections 9.0 and 10.0 below.

8.2. **Planning History**

8.2.1. The planning history at the site is of fundamental relevance in this appeal case as the proposed development seeks amendments to same. I identify certain

implications from the planning history which require detailed consideration. These include the change in policy context since ABP 311290-21 was granted permission, the nature and extent of the extant permission, and appeal grounds submitted by the appellant.

Policy Context

- 8.2.2. Parent permission, SHD application ABP 311290-21 was granted permission by the Board on 17th December 2021. In the interim, there has been a change in planning policy with the introduction of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 (Compact Settlement Guidelines), and updated Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines) at national level. At local level, the Tipperary County Development Plan 2022-2028 (CDP) and the Clonmel and Environs Local Area Plan 2024-2030 (LAP) have been adopted (see section 6.0 of this report above).
- 8.2.3. In determining the appeal grounds, necessarily, regard will be had to the provisions of the new policy context referred to above.

Extant Permission

- 8.2.4. Following my site inspection, I confirm that no development works associated with the parent permission have commenced at site and this consent has not been implemented. The proposed development seeks several amendments to the parent permission, which I have outlined in section 2.0 of this report above.
- 8.2.5. In short, these include an increase in the overall total of residential units, a change of residential format and unit type and mix, a change in house design types, a change in the childcare facility, and an increase in the provision of car and cycle parking spaces.
- 8.2.6. While I acknowledge the appeal grounds, I highlight to the Board that there are limitations in considering the grounds due to the proposed development comprising amendments to an extant permission. That being, it is not possible (i.e. reasonable and/ or rational) to revisit planning considerations that are established in principle through the existence of the extant permission.

- 8.2.7. For instance, the appellant includes their previous submission on ABP 311290-21 and raises the inappropriateness of a largescale residential development at the site, described as a rural setting, as an appeal ground. In response, I find the principle of residential development at the site exists through the extant permission, that the site is presently zoned by the planning authority for new residential development and, as is apparent from a review of the planning history (see section 5.0 above), has been zoned for such purposes for several years.
- 8.2.8. A consideration of the appeal grounds will be confined to an assessment of the proposed amendments in the application. This approach to the appeal is with the exception to the Appropriate Assessment and Environmental Impact Assessment that the Board is required to undertake of the project, i.e. of the overall scheme with the proposed amendments incorporated.

Conditions – Parent Permission and Planning Authority Decision

- 8.2.9. The parent permission was granted subject to 30 conditions. I have reviewed these conditions and confirm to the Board that these are largely standard in nature (construction, operation, technical, procedural, and financial). In the event of the Board granting permission for the proposed development, several of these will continue to be relevant and applicable.
- 8.2.10. In the following subsections, I discuss the parent permission conditions which are relevant to that planning issue (primarily construction, operation, or technical in nature). In respect of procedural and financial conditions in the parent permission, I consider that the wording in Conditions 7, 28, 29, and 30 is sufficient to cover/ apply to the additional units in the proposed development if permitted.
- 8.2.11. The planning authority granted permission for the proposed development subject to three conditions. Its Condition 1 refers to the completion of the development in accordance with several named environmental reports, and Condition 3 requires payment of a development contribution. Should permission be granted for the proposed development, I consider the Board's standard condition for amending a parent permission will cover/ apply to any new provisions in the revised environmental reports, and that it is not necessary for the development contribution condition to be reattached.

Conclusion

8.2.12. In conclusion, as there is an extant permission at the site and the proposed development relates only to amendments to same, the scope of the matters to be considered in the appeal grounds is necessarily confined. In the remaining assessment, as relevant, and in the event of a grant of permission by the Board, consideration will be given to the continued applicability of and/ or implication for the conditions attached to the parent permission.

8.3. **Design and Layout**

8.3.1. In respect of design and layout, the proposed amendments involve changes to the design of certain blocks and to their layout within the wider scheme. I identify the key amendments as including changes to the residential format in the scheme, to house types, and to the childcare facility. I propose to address the appropriateness of each in turn below.

8.3.2. The appellant also raises concerns about the design and layout of the proposed development. The appeal grounds include opposition to the 3 storey apartment blocks at the site (inappropriate for a rural setting, not traditional) and at specific locations within the scheme (southeastern corner), the close positioning of such blocks to the appellant's property (Block D2 and particularly Block D3 within 15m), and the excessive ridge heights of the blocks to the appellant's property (c.12m above the floor level of same).

8.3.3. In the interests of clarity, I confirm to the Board that I assess the proposed changes to the internal design and layouts of the blocks, i.e. amendments to the residential unit type, in subsection 8.5 Residential Amenity below, in the context of future residential amenity.

Residential Format

8.3.4. Changes to the residential format in the scheme involve the replacement of the five permitted duplex blocks (Blocks D1-D5, as per Dwg No. PA-100 Proposed Site Layout Plan of ABP 311290-21) with two proposed rows of terrace houses (Blocks C5 and C6, as per Dwg No. PL-100 Proposed Site Layout Plan) and three proposed apartment blocks (Blocks D1-D3).

8.3.5. Specifically in the north of the site, duplex Block D1 is replaced by terrace row Block C5, duplex Block D2 with apartment Block D1, and duplex Block D3 with terrace row

Block C6. While in the southeast of the site, duplex Block D4 is replaced by apartment Block D2 and duplex Block D5 is replaced by apartment Block D3.

- 8.3.6. I have reviewed the floor plans, elevations, cross sections, site sections, and CGIs of the proposed blocks, and compared same with the applicable drawings for the permitted blocks in the parent permission (block numbers as referenced above).
- 8.3.7. Of the proposed development within the north of the site, I positively note that three buildings remain sited therein, maintaining similar positions and orientations to the permitted duplex blocks. The terrace rows and apartment block form a clearly defined building edge and address the central area of open space located to the south of the blocks.
- 8.3.8. In terms of height, scale and massing, the proposed terrace rows and apartment block are similar to the permitted duplex blocks. The principal heights of the proposed terrace rows Blocks C5 and C6 are c.9.03m, and apartment Block D1 is c.11.97m while those of the permitted duplex blocks are c.11.58m. The scale of the permitted duplex blocks (three storey form) and the massing (widths and depths of the building footprints) are maintained by the proposed House Type C and the apartment blocks.
- 8.3.9. In terms of elevational treatment, again, I positively note that the proposed blocks are of an architectural design which feature windows, doors, projections, stepped front-building lines, roof profiles, and external finishes (brick, render, cladding) that are acceptable in and of themselves, and that are consistent with the permitted buildings in the overall scheme.
- 8.3.10. Of the proposed development within the southeast of the site, I positively note the maintenance of the two proposed apartment blocks sited and orientated in largely the same layout as the permitted duplex blocks in a 'C' configuration enclosing a landscaped area of communal open space. The apartment blocks are similar to the duplex blocks in height (proposed Blocks D2 and D3 are c.11.97m, permitted Blocks D4 and D5 are c.11.58m), in scale (three storey form) and massing (building footprint widths and depths). The proposed apartment Blocks D2 and D3 are consistent with the elevation treatment of apartment Block D1 to the north of the site, with similar architectural design, elevational treatment, and external finishes and features being replicated. In similarity with my assessment of the proposed amendments to the

buildings in the north of the site, I find the design and layout of proposed Blocks D2 and D3 to be acceptable.

- 8.3.11. In the appeal grounds, the appellant opposes the use of apartment blocks, both in principle stating there is no tradition of 3 storey apartment blocks in the local area, and specifically, opposing their use within the scheme in proximity to the appellant's property (Blocks D2 and particularly Block D3).
- 8.3.12. In response, I find that that the principle of a 3 storey multi-unit building has been established at the site and in the southeastern corner of the scheme, through the inclusion of the 3 storey duplex blocks as a residential format in the extant permission. Further, I add that the requirement for and appropriateness of higher and denser residential formats such as duplex and apartment blocks arises from the national and local policy context (see section 6.0 of this report above). Indeed, on zoned and serviced lands such as the appeal site, the national policy context encourages apartment blocks of up to 4 storeys in height in the interests of sustainability and efficiency of resources.
- 8.3.13. With regard to the height, scale and massing of the proposed apartment Blocks D2 and D3, I consider the increase in height of c 0.4m (permitted duplex blocks are c.11.58m, proposed apartment blocks are c.11.97m) to be marginal. I find the changes in scale and massing between the permitted duplex blocks and proposed apartment blocks to be de minimis, remaining largely similar in terms of building footprints, widths, depths, and roof profiles.
- 8.3.14. Having regard to the context of the receiving area (the separation distances achieved between the proposed blocks and the appellant's property, intervening roadway, screening proposals, design principle to create a well-defined urban edge in proximity to the main public road), on balance, I find the proposed changes in design and layout to the southeastern area of the scheme to be acceptable.

House Types

- 8.3.15. The proposed amendments include for revised house types in two terrace rows located in the eastern and central areas of the site. Permitted House Types E in Blocks E2 and E3 (as per Dwg No. PA-100 Proposed Site Layout Plan of ABP 311290-21) are proposed to be amended to House Types C in Blocks C8 and C7 respectively (as per Dwg No. PL-100 Proposed Site Layout Plan). Permitted House

Type E is a two storey 2 bedroom unit while proposed House Type C is a three storey 3 bedroom unit.

- 8.3.16. These two terrace rows comprise nine and six houses each and the proposed amendment does not increase the number of houses. The siting and layout of the terrace rows remains relatively unchanged. The principal height of the houses remains unchanged as both permitted and proposed houses are c.9.03m.
- 8.3.17. The key revisions are the introduction of a dormer window in the front roof plane of the houses to serve a third bedroom in the attic space. The House Types C in proposed Blocks C7 and C8 are the same as those sought in proposed Blocks C5 and C6 in the north of the site. I find the increase in massing associated with the changed house type to be minimal, and for the design and layout of the houses to be acceptable in themselves (elevational treatment, design, external finishes) and consistent with the permitted buildings in the overall scheme.

Childcare Facility

- 8.3.18. The parent permission includes a childcare facility, to which revisions are sought in the proposed development. I have reviewed the plans and particulars for same in both the permitted and proposed developments.
- 8.3.19. In the parent permission, the childcare facility is sited at the ground floor level of permitted duplex Block D4. The facility measures c.218sqm and has a capacity for 32 children (in the case documentation I note that there are minor variations in floor areas (e.g. stated as c.208sqm) and indications of capacity (33 children)). The childcare facility is a single storey projection extending from the southwest corner of the block, comprises three childcare rooms, several ancillary areas, and is served by an enclosed amenity area on its eastern elevation.
- 8.3.20. The proposed revisions to the childcare facility are part of the amendments sought for proposed apartment Block D2. The proposed facility measures c.160sqm and has a stated capacity for up to 33 children. The proposed childcare facility remains positioned at ground floor level of the southwestern corner of Block D2 and maintains the three childcare rooms (similarly scaled). The reduction in floorspace is achieved though the omission of several ancillary areas.

8.3.21. The proposed childcare facility remains served by a dedicated entrance, an enclosed area of private amenity space, which I positively note is larger and better orientated than that permitted, and an increased provision of car and cycle parking spaces. The facility remains in a similar location within the overall scheme, accessible to several residents and also conveniently located close to the scheme's main entrance to ensure wider accessibility.

8.3.22. In respect to capacity, while the proposed amendments include for seven additional residential units in the scheme, there are also changes to the unit mix with a greater proportion of 2 bedroom apartments (see Tables 1 and 2 in section 2.0 above) as opposed to increases in larger family homes. I consider the maintenance of capacity for up to 33 children to be sufficient for the overall scheme. I note the supportive observation from the Tipperary Childcare Committee on the case file. I find the proposed childcare facility to be acceptable in terms of design and layout.

Conclusion

8.3.23. In conclusion, I find the proposed amendments to the design and layout of specific blocks, the residential format, certain house types, and the childcare facility to be acceptable in and of themselves and when considered as part of the overall scheme. The design changes to the height, scale and massing of the buildings are not material in impact, and layout changes are minimal (including to internal roads, paths, and parking spaces, communal open space revised to private rear gardens). Of the conditions attached to the parent permission, I identify several as remaining relevant and applicable (e.g. Conditions 12, 13, and 14 in respect to finishes, signage, and plant at roof parapet level).

8.4. Residential Density

8.4.1. The appeal grounds include concerns regarding the adverse implications of the population increase associated with the proposed development for traffic growth and demands on services in the area. Related, I identify residential density as a relevant planning consideration.

Compact Settlements Guidelines, 2024

8.4.2. The parent permission yields a net residential density of c.35.6dph (115 dwelling units, net site area c.3.23ha)). As outlined previously, the proposed amendments

are sought in relation to specific blocks in certain locations of the site, and the site area of the proposed development is indicated as c.1.08ha. However, for residential density calculation purposes, the net site area remains that of the parent permission (c.3.23ha) and the density of the overall scheme with the proposed amendments incorporated increases to c.37.8dph (122 dwelling units).

- 8.4.3. In the application documentation, and reiterated in the appeal response, the applicant submits the proposed density complies with the guidelines (which have come into effect since the parent permission was granted) and is appropriate for the receiving local area in terms of its design, character and layout. In its assessment, the planning authority had regard to the guidelines and determined that the revised density was acceptable.

Refining Residential Density: Steps 1 and 2

- 8.4.4. The guidelines require a two-step refining process for residential density (Policy and Objective 3.1, see section 6.0 of this report). The first step relates to a proposal's site location and accessibility, the second step to site-specific conditions.
- 8.4.5. The site is located c.1.5km east/ southeast of Clonmel town centre (a designated Key Town in the RSES), is greenfield in nature, adjacent to suburban residential development, and is zoned for residential development. As such, in Step 1 of the process, I categorise the site as being within a 'Key Town – Suburban/ Urban Extension'. Following review of available information on public transport in the vicinity, the site displays accessibility features of a peripheral location (proximity to bus stops, frequency of services). For such locations, the guidelines state that densities in the range of 30dph-50dph shall generally be applied.
- 8.4.6. In Step 2 of the refining process, I have analysed the impact of the proposed development on the five site-specific criteria. These include the character of the area, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water service capacity. I find that three of the site-specific criteria are sensitive components of the receiving environment and would cause the site to be vulnerable to a denser form development than is being sought in the proposed development (i.e. a density more towards the top of the applicable density range of c.50dph).

- 8.4.7. These criteria are the character of the area (undulating topography, semi-rural/ outer suburban location, existing low rise low density residential development), the historic environment (immediate proximity of national monument TS083-021006 Standing Stone), and protected habitats and species (immediate proximity to the River Suir and the Lower River Suir SAC designation).
- 8.4.8. As such, in completing the two-step density refining process, I consider a residential density of c.38dph, as is proposed, to be appropriate for the appeal site. This slightly below mid-point of the applicable density range aligns with the direction in the guidelines, is consistent with the flexibility allowed for in density policy in the CDP and LAP, and can be absorbed at the site without causing a negative impact on existing residential amenity (as considered in the following subsection 8.5 Residential Amenity), and there is capacity in water services systems to manage the increased demand arising from the marginal increase in the number of residential units.

Conclusion

- 8.4.9. In conclusion, I am satisfied that the proposal represents a suitable form of new residential development at an appropriate density on zoned and serviced lands. Further, I have reviewed and had regard to several reports on the case file, including those from the applicant (Planning Report, Technical Traffic Assessment, the Engineering Drainage Report, and the appeal response), the planning authority, and prescribed bodies, and am satisfied that there are and will be sufficient services and facilities in the area to cater for the marginal increases in the demands for same arising from the proposed amendments to the extant permission.

8.5. Residential Amenity

- 8.5.1. The appeal grounds include the adverse impact of the proposed development on the residential amenity of the appellant's property, Melbrook Lodge (Eircode E91KV82, also referenced as Melbrook Cottage, 10 Coleville Road), located to the southeast of the site.
- 8.5.2. Further, I identify the change in residential format, unit type and mix, compliance with the requirements of national and local planning policy, and the levels of amenity afforded to future residents of the scheme as relevant planning considerations.

Existing Residential Amenity

- 8.5.3. The appellant's property is located on the eastern side of the junction between the main Coleville Road (R680) and the northern spur which provides access to Melbrook Lodge, Dudley's Mills Business Park, and Millbrook House. Melbrook Lodge is sited directly onto Coleville Road (access road) and the front of the property has a westerly outlook across the site. Melbrook Lodge is a single storey detached dwelling at a slightly elevated position due to the ground levels rising in a southerly direction towards the main road.
- 8.5.4. The appellant's dwelling is opposite the southeastern corner of the site. As outlined in subsection 8.3 Design and Layout above, permitted duplex Blocks D4 and D5 are located in this corner of the site in the parent permission. Duplex Block D5 is most proximate to the appellant's dwelling (as per Dwg No. PA-100 Proposed Site Layout Plan of ABP 311290-21). The block is sited at an oblique angle to Melbrook Lodge such that the front of the block has a southwesterly outlook. The eastern gable of the block features windows (standard glass) serving living rooms and/ or bedrooms of residential units (as per Dwg No. PA-337 Elevations and Section, Side Elevation 2). The boundary proposals indicated along the site's eastern boundary include the retention of the existing hedgerow and reinforcement with additional hedgerow planting (as per Dwg No. 1460-9012, Boundary Proposals).
- 8.5.5. The appellant objects to the proposed change of the duplex blocks to apartment blocks (duplex Blocks D4 and D5 to apartment Blocks D2 and D3), the revised siting and positioning of the blocks (in particular that of Block D3, stated as being within c.15m of the appellant's property), and to the increased height of the apartment blocks (stated as being c.12m above the floor level of the appellant's dwelling). The appellant states there will be a negative impact on same due to loss of sunlight and overshadowing.
- 8.5.6. Adverse impacts on residential properties arise from overlooking, overshadowing, overbearance, and disruption or nuisance during construction and/ or operation phases. For the appellant's property, I identify the potential for such impacts to be associated with the proposed apartment Block D3 and consider these in turn below.
- 8.5.7. The proposed development seeks to amend permitted duplex Block D5 (12 residential units) to apartment Block D3 (18 units). The amendment results in

changes to the building footprint (permitted Block D5 is c.40.9m in width, proposed Block D3 is c.43.7m) and the siting of the block (permitted Block D5 is c.22.8m separation distance to Melbrook Lodge, proposed Block D3 is c.17.5m separation distance (measured at the same mid-points on the respective Site Layout Plans)).

- 8.5.8. The principal height of permitted Block D5 is c.11.6m and that of proposed Block D3 is c.12m. The eastern gable of proposed Block D3 features windows serving living rooms and/ or bedrooms of residential units and windows serving an internal stairwell proving access to the apartments (as per Dwg No. PL-1303 Proposed Block D3, Elevations and Section, Side Elevation 1 (note: the eastern sides of balconies are set off/ back from the gable wall)). All windows above ground floor level in the eastern gable are indicated as being fitted with opaque glazing (as are the balcony balustrades). The orientation of proposed Block D3 remains that of permitted Block D5 (southwesterly outlook, at an oblique angle to the front of Melbrook Lodge).
- 8.5.9. In terms of potential overlooking of Melbrook Lodge, I highlight the context of that property to the Board. The dwelling is sited adjacent to the road edge with minimal defended amenity space to the front of the property. Adverse impacts associated with overlooking and a loss of privacy are those which occur to the sides or primarily to the rear of a residential property (windows, private rear garden space). Overlooking of the front of Melbrook Lodge by the proposed development would be no greater than would presently occur by passersby or road users.
- 8.5.10. Further, I highlight the range of measures incorporated into the design and layout of proposed Block D3 to ameliorate if not wholly prevent overlooking. These include the southwesterly orientation of the block so as not to directly oppose Melbrook Lodge, the range of separation distances achieved to the front of the dwelling (the applicant states c.15.3m-21.6m in the appeal response (note: separation distances in excess of 16m (as per SPPR 1 of the Compact Settlement Guidelines to prevent overlooking) are achieved between the sides/ rears of the dwelling and the eastern gable of Block D3), the absence of any balconies on the eastern elevation, and the use of opaque glazing on all windows above ground floor level in the eastern elevation.
- 8.5.11. In terms of overshadowing, proposed apartment Block D3 is sited to the west/ northwest of the appellant's property, thus potential for shadows to be cast arises

from the afternoon/ evening sun (as per March 21st) and primarily to the front of Melbrook Lodge.

- 8.5.12. The applicant has submitted a Daylight and Sunlight Assessment report (DSA) undertaken in accordance with the BRE guidelines, Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR209 – 2022)) for the amended scheme. I have reviewed same and note that Melbrook Lodge is assessed (Ref. 1) for daylight and sunlight effects (only property within the zone of influence, i.e. the proposed development subtends windows by 25 degrees). For daylight (VSC metric), eight windows are tested, and a negligible effect is identified for each (as per the BRE guidelines (see pg.26 of the DSA)). For sunlight (A/WPSH metrics), seven windows are tested and similarly all are found to experience a negligible effect (pgs. 28-29). Thus, while I acknowledge the appellant's concerns, I consider that the applicant has demonstrated the shadowing-impact associated with the proposed development is within acceptable parameters, and that the residential amenity of the property will not be injured.
- 8.5.13. In terms of overbearance, I have addressed the visual impact of the proposed amendments in subsection 8.3 Design and Layout above. In particular, I consider the amendments in elevational treatment, external finishes, height, scale and massing to proposed Block D3 to be minimal. The amended block is largely similar to the permitted Block D5 of the extant permission and remains consistent with the buildings within the wider scheme. I find the increase in principle height between permitted Block D5 and proposed Block D3 (c.0.4m), and the difference in scale between existing Melbrook Lodge and proposed Block D3 (single storey and 3-storey) to be marginal in terms of exerting an adverse overbearing effect. This is due to the separation distances of c.17.5m, the buildings being separated by the public road, and the proposed boundary treatment (mix of retention of existing hedgerow, supplemented hedgerow planting and 2m block wall are indicated).
- 8.5.14. I acknowledge that the outlook currently enjoyed by the appellant (westerly aspect across the undeveloped site/ agricultural field) will change. However, as discussed previously (subsection 8.2 Planning History above), the planning authority has zoned the lands for development in the LAP (presently and historically), and accordingly changes to the site in terms of its greenfield nature, agricultural use, and topography

can be reasonably anticipated so as to accommodate buildings and ancillary infrastructure.

- 8.5.15. In respect of construction and operation phase impacts, I consider that the proposed development has no implications for the former as construction works will continue to occur across the site as permitted in the extant permission. Regarding the latter, the proposed development does marginally increase the number of overall residences in the scheme (relevant to the appeal grounds, 12 units in permitted Block D5 increases to 18 units in proposed Block D3). However, I consider that once the overall scheme is operational, impacts associated with the increase in residences in this block will be imperceptible in effect.
- 8.5.16. Further, I highlight to the Board that there are several conditions attached to the parent permission which address concerns raised by the appellant, issues raised in the submission from the Environmental Health Officer, HSE, and will serve to protect residential amenity. These conditions (e.g. Conditions 4, 5, 6, 24, 25, and 26) continue to be relevant and applicable.

Future Residential Amenity

- 8.5.17. In subsection 8.3 Design and Layout of this report above, I assessed the proposed amendments (residential format, revised blocks, house types) in terms of their external design and layout within the scheme. In this subsection, I assess the proposed changes to the residential unit type and mix in the context of future residential amenity.
- 8.5.18. In section 2.0 above, I identified the number, format, and type of residential units for the amended areas in the permitted and the proposed developments (Table 1), and calculated the total number, format, and type of residential units for the overall permitted and proposed developments with the amendments incorporated (Table 2).
- 8.5.19. For the Board's ease of reference, and to allow an assessment of future residential amenity, in Table 3 below I have further extrapolated details on the locations and buildings subject of the proposed amendments and the specific number and type of units proposed therein for the permitted and the proposed developments.

Table 3: Detailed Residential Unit Mix in the areas subject to the amendments as Permitted and Proposed

Permitted Development: ABP 311290-21				
Location	Building Ref.	Format	Unit Type	Units
North	Block D1	Duplex Units	1 bed/ 2P	2
			2 bed/ 4P	2
			3 bed/ 5P	4
	Block D2	Duplex Units	1 bed/ 2P	2
			2 bed/ 4P	2
			3 bed/ 5P	4
	Block D3	Duplex Units	1 bed/ 2P	2
			2 bed/ 4P	2
			3 bed/ 5P	4
East/ Centre	Block E3	Terrace House, Type E	2 bed/ 4P	6
	Block E2	Terrace House, Type E	2 bed/ 4P	9
Southeast	Block D4	Duplex Units	1 bed/ 2P	4
			2 bed/ 4P	1
			3 bed/ 5P	6
	Block D5	Duplex Units	1 bed/ 2P	4
			2 bed/ 4P	2
			3 bed/ 5P	6
Total No. of Units				62
Proposed Development				
Location	Building Ref.	Format	Unit Type	Units
North	Block C5	Terrace House, Type C	3 bed/ 5P	4
	Block D1	Apartments	1 bed/ 2P	4
			2 bed/ 4P	8
	Block C6	Terrace House, Type C	3 bed/ 5P	4
East/ Centre	Block C7	Terrace House, Type C	3 bed/ 5P	6
	Block C8	Terrace House, Type C	3 bed/ 5P	9
Southeast	Block D2	Apartments	1 bed/ 2P	2

			2 bed/ 3P	6
			2 bed/ 4P	8
	Block D3	Apartments	1 bed/ 2P	2
			2 bed/ 3P	6
			2 bed/ 4P	10
Total No. of Units				69

- 8.5.20. I direct the Board to Tables 1-3, in respect of which I highlight the key changes as including: the omission of all duplexes (47 units) and their replacement with apartments (46 units) in conventional multi-unit blocks and rows of conventional terrace housing (7 additional units) (as per Table 1); the reduction in the overall scheme of 1- and 3-bedroom duplexes and 2-bedroom houses and corresponding increases in 2- bedroom apartments and 3-bedroom houses (as per Table 2); and of the 2-bedroom apartments (38 units) there is a newly introduced unit type, the 2-bedroom apartment with three person occupancy (2B/ 3P, 12 units) (as per Table 3).
- 8.5.21. I find each of these key changes to be acceptable, and do not identify any issue arising in respect of future residential amenity. I am satisfied that the requirements of a range of demographic households can continue to be met by the proposed development. In respect of the 2B/ 3P apartments, as these comprise less than 10% of the overall scheme (12 units of 122 total number of units), this proportion satisfies the requirements of Section 3.7 of the Apartment Guidelines (see section 6.0 above).
- 8.5.22. Further, I have reviewed the range of plans and relevant particulars, including the Architectural and Urban Design Statement, Housing Quality Assessment (HQA), DSA, Planning Report, Residential Sustainability Statement, Landscape Design Rationale Report, and the Technical Traffic Assessment.
- 8.5.23. I confirm to the Board that I find that the proposed development complies with standards for residential development included in the national planning guidelines (the Compact Settlements Guidelines and the Apartment Guidelines, both of which include mandatory SPPRs) and local policy context (cited in section 6.0 of this report above). These include minimum requirements in respect of total floor areas, room

dimensions, storage, private open space, car and cycle parking for the proposed the apartments and houses.

- 8.5.24. In respect of overlooking, required separation distances are achieved between units and other privacy measures are noted (orientation of blocks, use of opaque glazing). In respect of overshadowing, I do not anticipate any issues arising for the proposed houses. The DSA report assesses all apartments in proposed Blocks D1-D3 (while reference is made to 45 apartments I confirm all 46 apartments are included) and demonstrates that all achieve the standards for daylight and sunlight access recommended in the BRE guidelines (BR209 – 2022). In terms of overbearance, in similarity with my assessment of visual overbearance for existing residences, I find the height, scale and massing of the elements within the proposed development to be modest and acceptable.
- 8.5.25. In its assessment, the planning authority raises concerns regarding the level of privacy provided for the terrace areas of the ground floor apartments to the front of Block D3. I have reviewed the submitted site layout plan and boundary treatment details, and note that terraces of certain ground floor apartments are in immediate/ very close proximity to public footpaths/ realm within the scheme. Privacy strips as recommended in the Apartment Guidelines (see section 6.0 above) do not appear to be provided in these instances and landscaping details are potentially conflicting (e.g. the heights of screens are referenced as 1.2m and 1.5m). I consider privacy arrangements for all ground floor apartments could be improved upon in consultation with the planning authority and should be required by condition.
- 8.5.26. The appeal grounds include an objection to the proposed Part V arrangements whereby all such units being provided are located in proposed Block D3. While I acknowledge same, I note that such matters come within the remit of the planning authority, and the requirement for agreement on same which is included in Condition 28 of the parent permission continues to be relevant and applicable.

Conclusion

- 8.5.27. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not injure the residential amenity of adjacent properties, including that of the appellant, or amenities in the wider area. I find that future residents will be provided with

residential accommodation of a sufficient standard and enjoy acceptable levels of residential amenity, in a well-designed, serviced, and managed development, subject to condition in the event of a grant of permission.

8.6. Traffic and Transportation

- 8.6.1. The appeal grounds include inadequate infrastructure to service the proposed development in terms of roads and footpaths. I identify the proposed amendments to car and cycle parking provisions as relevant planning considerations.

Adequacy of Infrastructure

- 8.6.2. From a review of the Inspector's report for ABP 311290-21, consideration was given to the availability and capacity of transportation infrastructure in the vicinity of the site/ to serve the proposal. Of particular note, include references to the upgrade works being undertaken/ planned by Tipperary County Council along the Coleville Road (improvement of the existing footpath along the site's frontage and the new pedestrian crossing and footpath on the southern side of the road), the potential for further upgrade works (cycle infrastructure, roundabout at site entrance), and the traffic impact assessment of the local road network (two Coleville Road junctions analysed and predicted to function within capacity).
- 8.6.3. The proposed development comprises amendments to the residential format and unit type resulting in an increase of seven units in the overall scheme, and a reduction in 1- and 3-bedroom duplexes and 2-bedroom houses with corresponding increases in 2- bedroom apartments and 3-bedroom houses. I consider that these amendments are of a scale and nature that will result in minimal additional demands on available transportation infrastructure and the carrying capacity of local roads and footpaths.
- 8.6.4. I have reviewed the applicant's Technical Traffic Assessment (TTA) report which presents updated traffic generation information and impact assessment for 122 residential units (76 (2-4-bed) houses and 46 (1-2-bed) apartments). The TTA identifies reduced daily and peak period trips associated with the proposed development, due largely to the amended residential unit type, than those of the extant permission. Accordingly, the adjacent road network is predicted to have sufficient capacity to accommodate the proposal. I note the planning authority accepts the findings of the TTA, a position with which I concur.

Parking Provision

- 8.6.5. Under the parent permission, 181 car spaces and 366 cycle spaces are permitted to serve the development. The proposed amendments include an increase in the parking provision to 205 car spaces and 389 cycle spaces. The TTA outlines the parking provision for the permitted and proposed developments.
- 8.6.6. For both, I note that the number of car parking spaces provided is less than is required under the applicable CDP standards. That being, the permitted development required 202 spaces (a shortfall of 21 spaces) and the proposed development requires 238 spaces (a shortfall of 33 spaces). The respective shortfalls are primarily associated with the provision of visitor car parking as the residential units are all provided with their respective car parking allowance.
- 8.6.7. Of the proposed amendment to car parking, I find the extent of provision to be in accordance with SPPR3 of the Compact Settlement Guidelines, the rate of compliance with the CDP standards to be acceptable (permitted development is 90%, proposed development is comparable at 86%), consider the childcare spaces could be dual-purpose serving for out of hour-visitor use, and note the high provision of cycle parking spaces. In respect of the latter, I consider that the proposed amendment to provide 389 cycle spaces represents a notable increase on the CDP requirement for the proposed development of c.146 spaces. In similarity with the traffic assessment, I note the planning authority does not raise any concern regarding parking, and this is a position with which I concur.

Conclusion

- 8.6.8. In conclusion, I am satisfied that the nature and scale of the proposed development are such that any increase in demands on the local transportation infrastructure can be accommodated without adverse impact. The overall development will continue to be served by a sufficient quantum of car and cycle parking that will ensure a satisfactory level of residential amenity for future residents of and visitors to the scheme. Of the conditions attached to the parent permission, I identify several as remaining relevant and applicable (e.g. Conditions 8, 9, 17, and 18 in respect to upgrade works to Coleville Road, DMURS compliance, a Mobility Management Plan, and EV parking infrastructure).

8.7. Water Services and Flood Risk

8.7.1. The appeal grounds include capacity constraints in the water services infrastructure to service the proposed development, and concerns regarding potential flood risk due to the site being adjacent to/ within a flood plain.

Adequacy of Infrastructure

8.7.2. The proposed amendments result in a marginal increase in the total number of residential units in the overall scheme. In the application documentation, and confirmed in the applicant's first party appeal response, the proposed development does not seek any changes to the water services infrastructure proposed to serve the overall development.

8.7.3. Uisce Eireann is the competent authority for water supply and wastewater services. Water supply services for the parent permission include a new connection to the existing water network in Coleville Road (the applicant is required to undertake and fund upgrade works to part of that watermain, a length of c.290m). For wastewater treatment, there is a new connection to the existing foul sewer along the western site boundary which discharges to the Clonmel WWTP for treatment. The applicant's Engineering Drainage Report (EDR) includes new calculations for water and wastewater demands associated with the increase from 115 to 122 units.

8.7.4. The planning authority received a submission from Uisce Eireann on the application which notes the historic nature of the Confirmation of Feasibility for the parent permission (dating from May 2000) and recommends updated Pre Connection Enquiries are secured in respect of water and wastewater infrastructure. No express concerns are raised regarding capacity availability in either network.

8.7.5. While I note the appellant's concerns, Uisce Eireann is the competent authority for water supply and wastewater services and connections will be made subject to their approval. I am satisfied that Condition 11 of the parent permission is sufficient to address the matter. For the Board's clarity, at the time of this assessment, I have reviewed Uisce Eireann's WWTP Capacity Register which indicates the status of the Clonmel WRZ and Clonmel WWTP as 'green' (i.e. spare capacity is available in both).

8.7.6. The planning authority is the competent authority for surface water services. Condition 3 of the parent permission revised the surface water drainage system for the proposed scheme. The condition requires the replacement of a surface water

outfall pipe with a nature-based SuDS to collect surface waters. The latter is required to be combined with a habitat management plan (to support biodiversity and the conservation objectives of the Lower River Suir SAC) and to be informed by a revised site-specific flood risk assessment (SSFRA).

- 8.7.7. The proposed amendments do not involve changes to the surface water drainage system as proposed or granted under ABP 311290-21. Accordingly, it is apparent that compliance with the requirements of Condition 3 will be undertaken as part of the implementation process for the parent permission (incorporating the proposed development if granted permission). In this context, I do not consider there to be any evidence of constraints pertaining to water services infrastructure to serve the proposed development.

Flood Risk

- 8.7.8. The proposed development is accompanied by a Flood Risk Assessment (FRA), which I highlight is the same as that submitted for the parent permission. In the appeal response, the applicant outlines that the FRA remains valid for the proposed development as the flood zones (A and B) relate to lands along the River Suir banks, the LRD application does not include these lands, and there are no proposed buildings sited within the zone.
- 8.7.9. I have reviewed the applicant's response, the FRA, and the previous inspector's report for ABP 311290-21. I find that the flood risk assessment undertaken for the parent permission remains valid for the proposed development, that being, all proposed buildings are in Flood Zone C and finished floor levels of the buildings will be raised to achieve satisfactory freeboard to the 0.1% AEP flood event. An updated SSFRA will be prepared as part of the revised surface water drainage system required under Condition 3 of the parent permission (outlined previously). Accordingly, I accept the applicant's position that there is no flood risk (surface water drainage system not altered, original designed with reduced runoff rates) or increased potential of flood risk elsewhere (designed with reduced risk of overland flow) associated with the proposed development.

Conclusion

- 8.7.10. In conclusion, while I note the concerns raised by the appellant, I consider there is sufficient capacity in the public systems to accommodate the demands arising from

the parent permission with the proposed amendments incorporated. The potential flood risk has not changed from that of the parent permission, nor does the proposal create or increase flood risk for adjacent properties. In the event of a grant of permission, conditions attached to the parent permission continue to be relevant and applicable, most notably Conditions 3 and 11.

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

- 9.1.1. Having carried out screening for Appropriate Assessment (Stage 1) of the project (i.e. the parent permission with the proposed amendments incorporated) (included in Appendix 1 of this report), it has been determined that the project may have likely significant effects on the Lower River Suir SAC (site code: 002137) in view of the site's conservation objectives and qualifying interests.
- 9.1.2. An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SAC in light of its conservation objectives.
- 9.1.3. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the absence of connections between the project, the appeal site, and any other European sites.

9.2. Stage 2 – Appropriate Assessment

- 9.2.1. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the Lower River Suir SAC in view of the site's conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.
- 9.2.2. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the Lower River Suir SAC (site code: 002137) in view of the site's conservation objectives and qualifying interests.
- 9.2.3. This conclusion is based on:

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

10.0 Environmental Impact Assessment

10.1. Pre-Screening for Environmental Impact Assessment

10.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.2. I identify the following classes of development in the 2001 Regulations as being of relevance to the project (i.e. the parent permission with the proposed amendments incorporated):

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

10.1.3. The project is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. In respect of the former, the project comprises 122 dwelling units. In respect of the latter, the site of the project (i.e. that of the parent permission with the proposed amendments incorporated) has an area of c.5.23ha and I consider it comes within the definition of ‘...other parts of a built-up area’ where the 10ha threshold applies.

10.1.4. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues included for in Schedule 7A of the 2001 Regulations. I have carried out a pre-screening exercise for the requirement

for EIA (included in Appendix 2 of this report) and, in response, conclude that an EIA screening determination for the project is required.

10.2. Screening Determination for Environmental Impact Assessment

- 10.2.1. The criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.
- 10.2.2. Based on these criteria, I have carried out an EIA screening determination of the project (included in Appendix 3 of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.
- 10.2.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.
- 10.2.4. This conclusion is based on regard being had to:
 - a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
 - b) The relevant policies and objectives in the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030 (including the lands being subject to Zoning Objective R1 New Residential), and the results of the strategic environmental assessments of these plans undertaken in accordance with the SEA Directive (2001/42/EC).
 - c) The greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
 - d) The planning history at the site.

- e) The pattern of existing and permitted development in the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, Flood Risk Assessment, and Technical Traffic Assessment (in addition to several commensurate reports accompanying the parent permission, including the Landscape Management and Maintenance Plan, and Archaeological Impact Assessment).

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Authority Register Reference: 24/60316

Appeal by Paula O'Shea against the decision made on the 20th day of June 2024 by Tipperary County Council to grant permission subject to conditions to Torca Developments Limited, c/o of McGill Planning Limited, 9 Pembroke Street Upper, Dublin 2, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large-scale residential development, comprising amendments to SHD application ABP-311290-21 for 115 no. residential units (23 no. apartments, 24 no. duplexes, and 68 no. houses), creche and associated works, on lands at Croan Lower, Coleville Road (R680), Clonmel, Co. Tipperary.

This amendment application comprises:

- a) the omission of all permitted duplex units (24 no.) and replacement with a mix of additional houses (8 no.) and apartments (23 no.) resulting in a revised residential development of 122 no. units (7 no. additional units).
- b) the revision of the mix of units to 46 no. apartments (8 no. 1-bed & 38 no. 2-bed) within 3 no. 3 storey blocks, and 76 no. two-three storey houses (9 no. 2-bed terraced houses, 37 no. 3-bed terraced houses, 10 no. 3-bed semi-detached houses & 20 no. 4-bed semi-detached houses).
- c) the revision of the childcare facility of c.160 sqm.
- d) the revision car and cycle parking provision (resulting in a revised overall total of 205 no. car parking spaces and 389 no. cycle parking spaces to serve the entire development).
- e) the provision of the vehicular and pedestrian access from Coleville Road (R680) as per the parent permission.
- f) All other site works including boundary treatments, landscaping and site services to facilitate development.

The remainder of the development to be carried out in accordance with the parent permission Ref. ABP-311290-21.

An updated Natura Impact Statement has been prepared in respect of the proposed development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the following reasons and considerations, and subject to the conditions set out below.

Reasons and Considerations

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

- a) Policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region.
- b) Policies and objectives set out in the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030, including the location of the site on lands subject to Zoning Objective R1 New Residential, and the permitted in principle uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) Climate Action Plan, 2024.
- e) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- g) The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- h) The Design Manual for Urban Roads and Streets, 2013, updated 2019.
- i) The Childcare Facilities, Guidelines for Planning Authorities, 2001.
- j) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- k) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- l) The nature, scale, and design of the proposed development.

- m) The planning history at the site and within the area.
- n) The pattern of existing and permitted development in the area.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The reports of the planning authority.
- q) The submissions received by the planning authority from observers and prescribed bodies.
- r) The grounds of appeal.
- s) The response to the grounds of appeal by the applicant.
- t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Screening for Appropriate Assessment – Stage 1

The Board completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the European site, Lower River Suir SAC (site code: 002137) in view of the site's conservation objectives and qualifying interests. The Board determined that an Appropriate Assessment (Stage 2) is required of the implications of the project on same. The Board is satisfied that the possibility of likely significant effects by the project on any other European sites could be excluded in view of the nature and scale of the project, separation distances, and the absence of connections between the project, and any other European sites.

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the case file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Lower River Suir SAC (site code: 002137) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an

Appropriate Assessment. The Board concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Suir SAC in view of the site's conservation objectives and qualifying interests.

This conclusion is based on:

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

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment.

Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The relevant policies and objectives in the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030 (including the lands being subject to Zoning Objective R1 New Residential), and the results of the strategic environmental assessments of these plans undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
- d) The planning history at the site.

- e) The pattern of existing and permitted development in the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, Flood Risk Assessment, and Technical Traffic Assessment (in addition to several commensurate reports accompanying the parent permission, including the Landscape Management and Maintenance Plan, and Archaeological Impact Assessment).

In so doing, the Board concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the provisions of the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Local Area Plan 2024-2030, including the R1 New Residential zoning objective subject to the site, would constitute an acceptable mix and quantum of residential development, would result in an appropriate density of residential development, would provide

acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP 311290-21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to commencement of development, the developer shall lodge with the planning authority for its written agreement, full details (plans, elevations, sections) of the screening and boundary treatments, inclusive of privacy

strips, for the terrace areas of all ground floor apartment units in Blocks D1, D2, and D3.

Reason: To comply with Section 28 Ministerial Guidelines and protect the amenities of future residents.

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.

Phillippa Joyce

Senior Planning Inspector

8th October 2024

Appendix 1: Appropriate Assessment: Stage1 and Stage 2

Appropriate Assessment

Stage 1 Screening Determination

Description of the Project

I have considered the project in light of the requirements of section 177U of the Planning and Development Act 2000, as amended. (Note: for the purposes of appropriate assessment, the project comprises the parent permission (ABP 311290-21) with the proposed amendments incorporated).

Subject Site

The subject site is located at Croan Lower in Clonmel, approximately 1.5km east/ southeast of the town centre. The site is greenfield in nature, comprising an agricultural field. The site boundary for the project corresponds with that of the parent permission. The River Suir forms the site's northern boundary, is the closest watercourse to the project, and flows in an easterly direction for c.70km downstream prior to discharge at Waterford harbour.

The site is partially located with the designation of the Lower River Suir SAC (site code: 002137). Within the site, the SAC designation corresponds with the riparian zone along the river's southern bank, for a depth of c.40m. The zone comprises a mixed species riparian woodland and areas of improved grassland.

Project

The project comprises the construction of a residential development of 122 residential units (76 houses and 46 apartments) with a childcare facility, and all ancillary site development works. The project includes a new vehicular access from Coleville Road (R680), internal access roads, car and cycle parking spaces, bin storage facilities, footpaths, public lighting, and plant. Public and communal open spaces, hard and soft landscaping, and boundary treatments are also proposed.

Water services infrastructure includes connections to the existing public networks for water supply (mains to the southwest of the site in Coleville Road) and wastewater drainage (foul sewer to the west/ northwest of the site which traverses beneath the River Suir). Wastewater arising from the proposal will be discharged for treatment at Clonmel WWTP.

The surface water system features on-site collection and attenuation (collected stormwater flows by gravity to an attenuation tank (sited in a centrally located area of public open space to the south of proposed Blocks C5, D1, and C2, as per Dwg No. C02 Foul and SW Sewer Layout Plan)), with SuDS components (permeable paving, water butts, silt trap, petrol interceptor, attenuation

structure). Following attenuation, excess stormwater will be discharged via a proposed outfall pipe to the River Suir. The installation of the outfall pipe from the attenuation tank and the construction of its headwall to the River Suir require works in the part of the site that is located within the Lower River Suir SAC designation (remove vegetation, dig trench, lay pipe with precast headwall, clear c.2m of bankside vegetation for outfall point, infill trench, restore vegetation).

Save for the construction works for the surface water outfall pipe, there is no proposed development within the riparian zone of the River Suir or the SAC designation. A boundary is proposed separating this area from the rear of Blocks C5, D1, and C2 (1.2m timber post and rail fencing with dense hedgerow buffer). The applicant indicates the area is to be managed as a riverside habitat with an annual cut with suitable machinery and control of invasive species (EclA, landscaping proposals). While there is a gate in the boundary at the northwestern corner of the site, it is not intended that the SAC lands would serve an active recreational use or be generally accessible to residents of the development or members of the public.

Submissions and Observations

Uisce Eireann notes the historic nature of the Confirmation of Feasibility for the parent permission (dating from May 2000) and recommends updated Pre Connection Enquiries are secured in respect of water and wastewater infrastructure. No express concerns are raised regarding capacity availability in either network.

The planning authority undertook an Appropriate Assessment (Stage 1 and Stage 2) of the project. Referring to the applicant's NIS, it was concluded that the project 'individually or in combination with other plans or projects, would not adversely affect the integrity of the European site, Lower River Suir SAC, or any other European site, in view of the sites Conservation Objectives'.

I note the Department of Housing, Local Government and Heritage (DHLGH) made a submission on the parent permission. DHLGH raised concerns regarding the proposed surface water system with an outfall pipe and headwall discharging directly to the River Suir, and recommended its replacement with a nature-based SuDS in the riparian zone without a piped discharge point to the River Suir, which would filter surface water through the largest possible area prior to reaching the river, and which would be combined with a habitat management plan to enhance biodiversity and support the conservation objectives of the Lower River Suir SAC. This recommendation forms the basis of Condition 3 of the parent permission.

Potential Impact Mechanisms from the Project

Site Surveys

Site surveys (from the parent permission and revised as applicable for the proposed development, i.e. therefore for the project) identify habitats present at the site (lands within the SAC boundary) to

include riparian habitats, improved grassland, treelines, and the riparian and aquatic habitats of the River Suir.

Except for these, the predominant habitat within the site comprises improved agricultural grassland which is of low biodiversity value. Treelines and hedgerows forming the site's boundaries are identified as important ecological features for local populations of birds and small mammals.

No badger setts, otter holts or bat roosts were identified during survey work. However, evidence of otter activity along the riverbanks was identified, as was bat feeding and commuting activity.

European Sites

The NIS identifies three European sites in the zone of influence (15km radius) of the project. These are the Lower River Suir SAC (site code: 002137), Nier Valley Woodlands SAC (site code: 000668), and Comeragh Mountains SAC (site code:001952). The NIS identifies the separation distances, qualifying interests (QIs), and the likelihood of significant effects from the project on the three SAC sites (Table 2, pg. 29).

The NIS rules out significant effects for the two latter SAC sites due to the absence of any ecological or hydrological connection with the project. However, due to the location of the project in relation to the Lower River Suir SAC, significant effects cannot be ruled and impacts on its QIs could arise due to habitat loss or fragmentation, or run-off from construction or operation activities.

The Stage 1 AA screening concludes that '...following consideration of the location of the Lower River Suir SAC in relation to the proposed development ... and the potential impacts that may occur, this project must proceed to the next stage of Appropriate Assessment...'

Of the Lower River Suir SAC, I note and find the following:

- The SAC is a very large, long, linear designation, consisting of an area of over 7,000 hectares.
- There are 15 QIs, six of which are 'non-relevant features' (I direct the Board to Table 3 of the NIS).
- These QIs are not at risk from the project due to their being absent from the project site, at notable separation distances, upstream of the project, and/ or not sensitive to changes in water quality.
- These six QIs can be reasonably excluded from further consideration in this Stage 1 AA screening due to there being no likelihood of significant effects from the project.

Of the Nier Valley Woodlands SAC and Comeragh Mountains SAC, I note and find the following:

- The nature of the project (a mid-scaled residential development, the likely low amounts of polluting material arising from the project, and the low likelihood of a polluting event occurring).

- The absence of any direct or indirect ecological or hydrological pathway between the project and the SAC sites.
- The nature of their Conservation Objectives and QIs (outlined in Table 2 of the NIS).
- The notable separation distances involved (identified distances of 8.9km and 9.5km respectively).
- These two SAC sites can be reasonably excluded from further consideration in this Stage 1 AA screening due to there being no likelihood of significant effects from the project.

Effect Mechanisms

Having regard to the characteristics of the project in terms of the site's features and location, and the project's nature and scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on one European site, Lower River Suir SAC (site code: 002137):

- A) Habitat loss, fragmentation and/ or deterioration.
- B) Surface water pollution during the construction and/ or operation phases.
- C) Groundwater pollution during the construction phase.
- D) Disturbance effects to QI species due to human activity/ noise/ lighting.

European Sites at Risk

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

Effect mechanism	Impact pathway/ Zone of influence	European Site(s)	Qualifying/ Conservation interest features at risk
A) Habitat loss, fragmentation and/ or deterioration.	Direct impact due to development in/ adjacent to the SAC.	Lower River Suir SAC (site code: 002137)	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]
B) Surface water pollution during the construction and/ or operation phases.	Indirect impact due to a hydrological pathway.		Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petromyzon marinus (Sea Lamprey) [1095]
C) Groundwater pollution during the construction phase.	Indirect impact due to a hydrological pathway.		Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103]

D) Disturbance effects to QI species due to human activity/ noise/ lighting.	Indirect impact due to proximity of development to SAC.		Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Austropotamobius pallipes (White-clawed Crayfish) [1092]
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Identification of Likely Significant Effects on the European Site(s) 'Alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'

European Site and qualifying feature	Conservation Objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
Lower River Suir SAC (site code: 002137)					
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	To maintain the favourable conservation condition of...	Y	Y	Y	N
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	As above	Y	Y	Y	N
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of...	N	Y	Y	N
Lampetra planeri (Brook Lamprey) [1096]	As above	N	Y	Y	N
Lampetra fluviatilis (River Lamprey) [1099]	As above	N	Y	Y	N
Alosa fallax fallax (Twaité Shad) [1103]	As above	N	Y	Y	N
Salmo salar (Salmon) [1106]	As above	N	Y	Y	N
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of...	Y	Y	Y	Y
Austropotamobius pallipes (White-clawed Crayfish) [1092]	As above	N	Y	N	N

Effect Mechanism A (habitat loss, fragmentation and/ or deterioration)

- Disturbance of the ecosystem within this habitat.
- Loss or decrease in the quality or area of this habitat.

Effect Mechanism B (surface water pollution during the construction and/ or operation phase)

- Silt or hydrocarbon run-off from the site arising from construction activities.
- Increase in siltation levels or changes to the siltation patterns of the river arising from poorly controlled construction activities.
- Eutrophication of river due to the pollution of water with cement, silt or oil during construction and/ or operation activities.
- Pollution of or a decrease in surface water quality from run-off during operation activities.

Effect Mechanism C (groundwater pollution during the construction phase)

- Pollution of or a decrease in groundwater quality from run-off during construction and/ or operation activities.

Effect Mechanism D (disturbance effects to QI species due to human activity/ noise/ lighting)

- Disturbance to habitats in the territory of the otter.
- Noise disturbance during construction and/ or operation activities.
- Light disturbance from inappropriate illumination during construction and/ or operation activities.

Appropriate Assessment: Stage 1 Conclusion – Screening Determination

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

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SAC in light of its conservation objectives.

The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the absence of connections between the project, the appeal site, and any other European sites.

No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

Appropriate Assessment

Stage 2

Aspects of the Proposed Development

Construction Phase

The surface water system for the project comprises the collection, on-site attenuation with SuDS features, and discharge of stormwater via an outfall pipe to the River Suir. The installation of the outfall pipe and the construction of its headwall to the River Suir require works on site area that is within the Lower River Suir SAC designation.

These works include the removal of vegetation, digging a trench (c.1.4m depth, c.0.9m width, c.60m length from the attenuation tank to the discharge point), laying the outfall pipe with a precast headwall, clearing c.2m of bankside vegetation for the outfall point, infilling the trench, and restoring the vegetation. There are no other construction works or hard landscaping proposed for the site area within the SAC.

The site works and the construction of the new buildings will involve the excavation of soil and the pouring of concrete for foundations and other hard surfaces. The land slopes notably towards the river, increasing the potential for the mobilisation of pollutants during construction works, especially during periods of wet weather. An increase in siltation and pollution of the water with hydrocarbons, cement and concrete could have a significant negative effect on the fish and aquatic invertebrate populations in the River Suir.

As the groundwater at the site is likely to form baseflow to the Lower River Suir SAC, any pollution of groundwater from the construction works could also lead to impacts upon the SAC.

The project will result in an increase in human activity at the site during the construction phase, increasing noise, illumination and general activity from its current baseline level. Such activity could potentially impact upon the protected species associated with the site, particularly the one terrestrial species, the otter.

Operation Phase

The most likely source of pollution during the operation of the development is oil or silt contaminated surface water run-off from the site into the River Suir.

Once operational, the site area within the SAC designation will be separated from the residential scheme (by fencing with dense hedgerow buffer), and the area is to be managed as a riverside habitat. While accessible, it is not proposed that the SAC lands serve an active recreational use for residents of the development or members of the public.

As with the construction phase, the project will result in an increase in human activity during the operation i.e. occupation of the development. Such activity (increase noise, light) could potentially impact the otter.

Mitigation Measures

The description and consideration of the impacts of these works within the subject site and the area within the Lower River Suir SAC designation are the subject of the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, and Flood Risk Assessment (in addition to several commensurate reports accompanying the parent permission). Of direct relevance, the NIS includes an extensive range of mitigation measures identified during the construction and operation phases of the project to protect the habitats and species in the Lower River Suir SAC, the water quality of the river, prevent pollution events, and mitigate against excessive siltation.

The mitigation measures are outlined under the following headings here in summary:

- General Good Practice and Protection of Terrestrial Habitats.
- Protection of Water Quality.
- Construction of the Headwall.
- Bats and Other Mammals.
- Biodiversity Enhancement and Management.

Further, I note the attachment of Condition 3 to the parent permission which I consider remains relevant and applicable for the proposed development.

The condition revises the surface water drainage system for the proposed scheme, requiring the replacement of the surface water outfall pipe with a nature-based SuDS to collect stormwaters. The latter is required to be combined with a habitat management plan, so as to support biodiversity and the conservation objectives of the Lower River Suir SAC, and to be informed by a revised site-specific flood risk assessment (SSFRA).

I consider the requirements of this amending condition will further mitigate against adverse effects on the Lower River Suir SAC and protect the surface and ground water quality at the site.

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

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

Plan / Project	Effect mechanism
Listed in Section 4.4 of the NIS (pgs. 47-50).	A-D, as per Table 1 above

<p>(I note there is an incorrect reference to Meath CDP, I confirm the Tipperary CDP policies referred to are correct)</p> <p>Supplemented by information in section 5.0 of this report.</p>	
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I have had regard to the information included in the NIS and EIASR, and information submitted in the first party appeal response relevant to a consideration of in-combination impacts. I have also had regard to planning applications in Clonmel Town (see section 5.0 of this report above). I do not identify any significant in-combination effect from same.

In respect of relevant plans, I identify that SEA was undertaken by the planning authority in respect of the in the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030. The CDP and LAP include policies and objectives seeking environmental protection and pollution prevention and requiring projects to be constructed to/ operate within industry standards with connection to/ servicing by public water services infrastructure.

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

European Site and qualifying feature	Conservation Objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
Lower River Suir SAC (site code: 002137)					
As per Table 2 above	As per Table 2 above	N	N	N	N

Appropriate Assessment: Stage 2 Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the Lower River Suir SAC (site code: 002137) in view of the site’s conservation objectives. I have had regard to the applicant’s NIS and all other relevant documentation and submissions on the case file and the parent permission. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the Lower

River Suir SAC (site code: 002137) in view of the site's conservation objectives and qualifying interests.

This conclusion is based on:

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

Inspector: _____

Date: __8th October 2024__

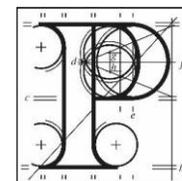
Appendix 2: EIA Pre-Screening Form

An Bord Pleanála Case Reference	ABP 320189-24		
Proposed Development Summary	122 no. dwelling units, childcare facility, and all ancillary site development/ construction works.		
Development Address	Croan Lower, Clonmel Town, Co. Tipperary.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No			
Yes	✓	Class 10(b)(i) and/ or Class 10(b)(iv)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes	✓	Screening Determination required	

Inspector: _____

Date: __8th October 2024__

Appendix 3: EIA Screening Determination Form



**An
Bord
Pleanála**

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP 319750-24	
Development Summary	122 no. dwelling units, childcare facility, and all ancillary site development/ construction works. (Note: for the purposes of environmental impact assessment, the project comprises the parent permission (ABP 311290-21) with the proposed amendments incorporated).	
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	A NIS has been submitted with the application which considers the content of Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<p>Other assessments carried out include:</p> <ul style="list-style-type: none"> An EIASR which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU). An EclA which considers the Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC), and Water Framework Directive (2000/60/EC). A FRA which considers matters which have their basis in the EU Floods Directive (2007/60/EC). A CDWMP and a OWMP which consider the content of the Waste Framework (2008/98/EC) and the Directive Landfill Directive (1999/31/EC). A Building Lifecycle Report which considers matters which have their basis in the Energy Performance in Buildings Directive (2010/31/EU). <p>SEA and AA have been undertaken for the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030.</p>

B. EXAMINATION	Response: Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The project comprises the construction of a mid-scaled, mid-density residential scheme on zoned lands.</p> <p>The project does not significantly differ from the surrounding area in terms of character (residential and childcare uses exist in the wider area, suburban estate designs and layouts, with surface parking, landscaped open spaces, conventional boundary treatments), or of scale (use of conventional semi-detached and terrace houses and apartment blocks, moderate increases in building height with apartment blocks up to 3 storeys, and in density).</p>	No
1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The project will cause physical changes to the site during the site development works (i.e., site preparation and construction activities).</p> <p>There will be changes to the topography of the site, which is characterised by ground levels rising steadily in a southerly direction to the site boundary with Coleville Road (R680). Top and subsoils will be stripped, reused on site where possible, or removed off-site. The project involves moderate ground alteration and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services.</p> <p>The site is presently greenfield in nature and agricultural in use. The proposed residential land use will result in physical changes to the built environment at the site. The architectural approach taken for the design and layout of the scheme is well considered, creates distinct character areas, and consistent with the character of the existing area (low rise, low density, suburban built forms). Levels in some sections of the site will be raised to provide adequate freeboard for the 0.1% AEP flood event.</p>	No

		<p>Following collection and on-site attenuation, surface water from the project will discharge to the River Suir at below greenfield rates. The surface water system (as amended by Condition 3 of the parent permission) will incorporate mitigation measures, including the installation of a nature-based SuDS in the riparian zone of the River Suir to mitigate against adverse effects on the Lower River Suir SAC and protect the surface and ground water quality in the vicinity of the site.</p> <p>I direct the Board to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, i.e. Lower River Suir SAC.</p> <p>I direct the Board to the response to Q: 2.5 below in respect of water resources including surface waters, groundwaters, and flood risk.</p> <p>Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?</p>	<p>No</p>	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. Similarly, waste arising from the demolition and construction phase will be managed through the implementation of the CWDMP. There is no significant use of natural resources anticipated.</p> <p>The project uses land more efficiently and sustainably than at present (in agricultural use, provision of mid-scaled, mid-density residential scheme, blocks of up to 3 storeys high). Otherwise, the operational phase of the project will not use natural resources in short supply.</p> <p>The project connects to the public water and wastewater services systems which have sufficient capacity to cater for demands arising from the project.</p> <p>The project includes an energy efficient design, several SuDS features, and is located in reasonably close proximity to several amenities and services in Clonmel town.</p>	<p>No</p>

<p>1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction phase activities would require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances would be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works would be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by conditions attached to the parent permission).</p> <p>Operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and childcare activity will be managed through the implementation of the OWMP.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>No</p>	<p>Conventional waste will be produced from construction activity and will be managed through the implementation of the CEMP and CDWMP, as outlined above.</p> <p>Operational phase of the project (i.e., the occupation of the residential units and the childcare facility) will not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The project involves grounds works due to the site's topography with excavation and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services.</p> <p>Standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by conditions attached to the parent permission), and a CDWMP.</p>	<p>No</p>

		<p>I direct the Board to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, i.e. Lower River Suir SAC.</p> <p>I direct the Board to the response to Q: 2.5 below in respect of water resources including surface waters, groundwaters, and flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	Yes	<p>Noise and vibration impacts during the site development works are likely. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by conditions attached to the parent permission).</p> <p>The operational phase of the project will also likely result in noise and light impacts associated with the residential use and childcare service (increased traffic generation, use of public, communal, private open spaces, operation of the childcare facility) which are considered to be typical of such mid-scaled, mid-density schemes as proposed.</p> <p>Traffic impacts will be mitigated by the implementation of the Mobility Management Plan (MMP), and lighting impacts will be mitigated by the provision of a public lighting plan designed to comply with industry guidance and provided to the satisfaction of the planning authority.</p> <p>I direct the Board to the response to Q: 2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	No
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	Yes	<p>The potential for water contamination, noise and dust emissions during the construction phase is likely.</p>	No

		<p>These works would be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by conditions attached to the parent permission). Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of the project would not likely cause risks to human health through water contamination or air pollution due to the nature (residential, childcare uses) and design (proposed SuDS features, creation of a nature-based SuDS) of the scheme, connection to public water services systems, and scale of residential use/ activities arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>The project increases localised temporary employment activity at the site during site development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the CEMP.</p> <p>The operational phase of the project results in occupation of 122 no. residential units. In the 2022 Census, Clonmel town has an average household occupation rate of 2.52 persons. Based on the residential format and unit type I have outlined in Table 2, section 2.0 of this report above, I estimate the project has a maximum c.526 bedspaces. Thus, I calculate the project would accommodate between c.307-526 persons. The childcare facility will cater for up to 33 children with staff members.</p> <p>The receiving area is a developing suburban location, in relatively close proximity to education, amenities, services in the town of Clonmel (2022 Census population of 18,090 persons) and has the capacity to accommodate the impacts associated with the population increase.</p>	No

		Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	<p>The site is zoned for new residential development in the LAP for Clonmel town and its environs. The zonings at the site and in the vicinity effectively serve to phase the development of Clonmel town.</p> <p>The site is greenfield in nature, comprising an agricultural field, in a semi-rural/ outer suburban location. As such, the site is part of a wider large-scale change in the area as envisaged by the planning authority in the LAP for Clonmel for the plan period until 2030.</p> <p>I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>Within this planned and, importantly, phased context, I do not consider that cumulative significant effects on the area could be reasonably anticipated.</p>	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	Yes	<p>The project is partially located within the Lower River Suir SAC designation (direct connection), and there are indirect hydrological connections between the site and the SAC via surface and groundwaters.</p> <p>The NIS, supplemented by the EcIA, CEMP, and EDR presents information on potential impacts of the project on the European site, allowing the Board to undertake an Appropriate Assessment: Stage 1 and Stage 2 (see section 9.0 and Appendix 1 of this report).</p> <p>This process concluded that the project would not adversely affect the integrity of the Lower River Suir SAC in view of the site's conservation objectives and qualifying interests. The conclusion was based on mitigation measures proposed (including incorporating the requirements of Condition 3 of the parent permission), in-combination effects with other plans and projects, and there being no reasonable scientific doubt as to the absence of adverse effects on the sites.</p>	No

		Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.	
2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No	<p>Of the site area within the Lower River Suir SAC boundary, habitats include riparian habitats, improved grassland, treelines, and the riparian and aquatic habitats of the River Suir.</p> <p>Except for these, the predominant habitat within the remainder of the site comprises improved agricultural grassland which is of low biodiversity value. Treelines and hedgerows forming the site's boundaries are identified as important ecological features for local populations of birds and small mammals.</p> <p>No badger setts, otter holts or bat roosts were identified during survey work. However, evidence of otter activity along the riverbanks was identified, as was bat feeding and commuting activity. The NIS identifies several fish species (lampreys, salmon, crayfish) which are QIs of the Lower River Suir SAC.</p> <p>Mitigation measures to safeguard the protected habitats, flora and fauna species are outlined in the EclA, NIS and supplemented in the landscaping proposals.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of biodiversity.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There are no landscape designations or protected scenic views at the site.</p> <p>There are no protected structures or architectural conservation area designations at the site.</p> <p>There is a National Monument TS083-021006 Standing Stone located at the northwestern corner of the site. A 15m buffer around the monument will be retained within the project, and Condition 27 of the</p>	No

		<p>parent permission safeguards the archaeological heritage feature at the site.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of archaeology and cultural heritage.</p>	
<p>2.4 Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?</p>	No	There are no such resources on or close to the site.	No
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	Yes	<p>The River Suir serves as the site's northern boundary. The riparian zone of the river extends for a depth of c.40m into the site area. This is the key surface water feature in the vicinity of the site. The groundwater at the site is likely to form baseflow to the River Suir.</p> <p>A FRA accompanies the project, and Flood Zones A and B are identified in association with the River Suir (amenity area at the north of the site). The residential buildings within the project is sited on Flood Zone C. Finished floor levels of the buildings within the project will be raised to achieve satisfactory freeboard to the 0.1% AEP flood event. There is no flood risk (surface water drainage system not altered, original designed with reduced runoff rates) or increased potential of flood risk elsewhere (designed with reduced risk of overland flow) associated with the project.</p> <p>The surface water drainage system for the project comprises the collection, on-site attenuation with SuDS features, and discharge of stormwater via an outfall pipe to the River Suir. Arising from Condition 3 of the parent permission, revisions are made to the system whereby the conventional outfall pipe is replaced with a nature-based SuDS to collect stormwaters. The latter is required to be combined with a habitat management plan, and to be informed by a revised site-specific flood risk assessment (SSFRA).</p> <p>A range of mitigation measures are identified in the EcIA, NIS, and CEMP during the construction and operation phases of the project to</p>	No

		<p>protect the water quality of the river, prevent pollution events, and mitigate against excessive siltation.</p> <p>I direct the Board to the response to Q: 2.1 above in respect of the Lower River Suir SAC designation.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of water.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	No	<p>The site is accessed from R680, a regional road which is an important thoroughfare in the local road network in Clonmel, and the national road N23 and N76 are readily accessible to the north of the site.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the CEMP.</p> <p>The TTA presents updated traffic generation information and impact assessment for the project and identifies reduced daily and peak period trips (due largely to the amended residential unit type) than those of the parent permission. Accordingly, the adjacent road network is predicted to have sufficient capacity to accommodate the proposal. Thus, the key transport routes in the vicinity of the site will not be congested by or otherwise affected by the project.</p>	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	<p>There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/ or that could be significantly affected by the project.</p> <p>There are private residential dwellings located to the east, south, and west of the site. However, the nature, scale and design of the project coupled with the separation distances achieved, are such that there is</p>	No

		<p>no realistic prospect of undue overlooking, overshadowing, overbearance caused.</p> <p>Site development works will be implemented in accordance with the CEMP (with mitigation measures as proposed and/ or with additional measures required by conditions attached to the parent permission), to protect the amenity of adjacent properties and residents.</p> <p>The operational phase of the project causes an increase in activity at the site (traffic generation, use of public, communal, private open spaces, operation of the childcare facility) which are considered to be typical of such mid-scaled, mid-density schemes as proposed, in outer suburban locations such as the receiving area and well within acceptable parameters for same. The project will be under the control of an established management company and/ or taken in charge by the local authority, and no undue impacts are anticipated.</p>	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	<p>Existing and/ or approved planning consents in the vicinity of the site and the wider area of Clonmel town have been noted in the application documentation and associated assessments.</p> <p>However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C.CONCLUSION			

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Regard has been had to:

- k) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- l) The relevant policies and objectives in the Tipperary County Development Plan 2022-2028, and the Clonmel and Environs Local Area Plan 2024-2030 (including the lands being subject to Zoning Objective R1 New Residential), and the results of the strategic environmental assessments of these plans undertaken in accordance with the SEA Directive (2001/42/EC).
- m) The greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
- n) The planning history at the site.
- o) The pattern of existing and permitted development in the area.
- p) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- q) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- r) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- s) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.

t) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, Flood Risk Assessment, and Technical Traffic Assessment (in addition to several commensurate reports accompanying the parent permission, including the Landscape Management and Maintenance Plan, and Archaeological Impact Assessment).

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector: _____ **Date:** __8th October 2024__

Assistant Director of Planning: _____ **Date:** _____