



An
Coimisiún
Pleanála

Inspector's Report

ABP-322465-25

Development

The development of a single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises and all associated site and engineering works to facilitate the development. A Natura Impact Statement (NIS) is submitted to the planning authority with the application.

Location

Land at Slievenamon Road and Thurles Relief Road, Thurles, Co. Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2460829

Applicant(s)

McDonald's Restaurants of Ireland Ltd.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Catherine Fogarty

Observer(s)

Declan & Bridie Healy

Helen Buggle-Sheahan

Date of Site Inspection

21st July 2025

Inspector

Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site comprises a triangular shaped vacant corner plot with an approximate area of 0.3617ha which formed part of a larger site previously occupied by the Erin food factory. The western boundary of the site abuts the N62 (Slievenamon Road) which links the site to Thurles town centre c. 689m to the north of the site.
- 1.2. The partially constructed Thurles Inner Relief Road (Clongour Road) extends along the northern boundary of the site and has a footpath on either side which serves a Lidl store and its car park on its north side. This road terminates at the north eastern boundary of the subject site. The River Suir is c.45m to the east of the subject site boundary and separated from the subject site by grassland and a pedestrian footpath along the river.
- 1.3. The site is at a lower level than the surrounding roads and has earth embankments on its west and north boundaries with an existing agricultural gate accessing off the Inner Relief Road along its northern boundary. The central area of the site is relatively flat with a gradual fall across the site rising to the eastern boundary by c.0.90m. There is a fence along the southern boundary of the site with a mature treeline beyond the fence and a public tarmacadam footpath which accesses onto the River Suir walkway and links to the town centre. There is a drainage ditch within this treeline area which connects to the River Suir.
- 1.4. Immediately to the south of this public footpath is a detached house with residential properties further south fronting onto the N62. Opposite the subject site on the western side of the N62 is predominantly residential properties set back from the N62. Thurles shopping centre lies further to the north of the site beyond the Lidl store.

2.0 Proposed Development

- 2.1. The development would comprise a single storey drive-thru (Mc Donalds) restaurant including the ancillary sale of hot food for consumption off the premises with associated signage.

- 2.2. The building would have a gross floor area of 478.8m² and a maximum height of 5.76m. All plant material associated with the building would be on the roof and below parapet level.
- 2.3. The vehicular access into the site would be off the Thurles Inner Relief Road (TIRR), and serve 32 car parking spaces including accessible parking spaces, grill bays, EV charging spaces, 6 bicycle parking spaces, a height restrictor and customer order points.
- 2.4. The signage would comprise 2 Banner Frames along the N62, and 1 Banner Frame in the north east end of the site, a Totem sign in the north west corner of the site with a height of 12m, and 3 digital menu boards (2.16m high), and fascia signage. The specific details of the banner frames have not been provided but it is indicated they would be 2ms in height.
- 2.5. A proposed substation would be located to the north eastern end of the site, and the development includes boundary landscaping, outdoor furniture/seating area with parasols, lighting, and all associated site works to facilitate the development.
- 2.6. The development would connect to the public water and foul network.
- 2.7. The application was accompanied by the following documentation:
- Planning Statement
 - Engineering Planning report
 - Natura Impact Statement (NIS)
 - Site Specific Flood Risk Assessment (SSFRA)
 - Lighting Assessment
 - Noise Assessment
 - Archaeological Impact Assessment
 - Arboricultural Report
 - Landscape Masterplan
 - Outline Construction Environmental Management Plan (CEMP)
 - Waste Management Plan (Mc Donalds recycling manual)

An odour assessment report was included as part of the applicant's appeal response and will be considered in the assessment of the appeal.

3.0 Planning Authority Decision

3.1. Decision

On the 9th April 2025, Tipperary County Council granted permission for the proposed development, subject to 16 conditions. Relevant conditions include the following:

Condition 3: Development shall not operate outside the hours of 06.00-22.00 hours unless otherwise agreed.

Condition 8: Noise levels during operation shall not exceed 55d B LAeq,T.

Condition 9: (a): Omission of banner frames at the north western and western ends of the site, and details of banner frame and sign at the entrance to be submitted and agreed by P.A. (b) All lighting for signage to be agreed by P.A.

Condition 10 (3): Details of the surface water drainage system shall be revised and submitted for agreement by P.A and shall incorporate nature based sustainable drainage measures that shall be integrated with the soft landscaping and tree planting proposals.

Condition 12: Arboriculturist consultant report to be submitted to P.A.

Condition 13: Revised boundary treatment proposals for western and northern site boundary to be agreed with P.A prior to commencement.

Condition 14: Construction activity 8 am – 6pm Mon – Fri & 8am – 2p.m on Saturdays and no work on Bank Holidays.

3.2. Planning Authority Reports

3.2.1. Initial planning report dated 19/11/2024 considered the following:

- Proposed development was in accordance with the mixed use zoning in the Thurles LAP for the subject site.

- Considered the development would not result in a significant loss of trade to the town centre, or impact on the greenway link between Slievenamon and the River Suir walkway.
- Subject to noise mitigation measures noise impacts not significant.
- Site does not fall within flood extent of River Suir.
- Boundary treatment can be regulated by way of condition.
- Scale and design considered acceptable. Three banner frame signs excessive and considered 1 at the entry point only, with details to be agreed prior to commencement.
- Confirmation/Feasibility agreement to water supply from Uisce Eireann to be agreed by way of condition.
- SUDs measures to be agreed prior to commencement.
- Further information sought on queuing times as raised by Road engineer.

3.2.2. Second planning report dated 2/54/2025 was satisfied the further information addressed concerns raised and recommended a grant of permission subject to conditions. On receipt of the further information request the application was readvertised.

3.2.3. Other Technical Reports

District Engineer Report dated 6/11/2024:

Alternative boundary treatment to post & rail detail for roadside boundary fencing.

Senior Engineer Roads report dated 19/11/2024:

An assessment of queuing of traffic going through the drive thru to address concerns about traffic queues extending back onto the Thurles Inner Relief Road required by way of F.I.

Senior Engineer report dated 26/2/2025 following F.I response:

On receipt of response to the F.I request the Roads Capital Office was satisfied given the TRICS assessment that the demand at the development would never exceed a total of 26 cars on the site at any one time. It was considered that there would be space for 32 cars in the queue (before backing onto the Relief Road) plus

another 32 cars in the carpark (i.e. a total 64 capacity vs 26 demand) and that the applicant had demonstrated that there is no possibility of cars backing out onto the Relief Road due to queuing at the drive thru.

3.3. Prescribed Bodies

HSE report dated 11/10/2024

Observations on Food Safety legislation, Water Supply, pest control & construction management.

Transport Infrastructure Ireland (TII) report dated 14/10/2024:

P.A should have regard to the provisions of official policy for development proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

TII letter dated 28/2/2025

TII's position remained the same following F.I submitted.

3.4. Third Party Observations

3.4.1. There were 23 submissions received from third parties to the development which are summarised as follows:

- Development contrary to Policy 3.5 of the Thurles and Environs LAP 2024.
- Development would undermine redevelopment of Liberty Square.
- Could impact on local riverside walk at Clongour.
- 2 metre barrier could impact on trees and roots.
- Overconcentration of take aways/fast food outlets in Thurles.
- Impact on Thurles town centre and suitability of the location for the development proposed.
- Development is car focused and will attract people away from the town centre, & has no synergy with the town centre.

- Public notices are invalid and inadequate notice given regarding 24/7 nature of the operation.
- 24/7 operation will lead night time users away from the town centre.
- Site is limited in size and layout.
- Noise nuisance from operating times on nearby residences.
- Neighbouring residents not accounted for at pre planning stage/and overall lack of engagement on development.
- Anti-social behaviour, odour, littering and health issues within a residential area.
- Ring road should be in place before a development of this nature is considered.
- An Bord Pleanála Inspectors Report for the Thurles Inner Relief Road recommended that no right turn be provided at this point on the TIRR as the Inspector deemed the site too small for development.
- Light & air pollution arising from traffic congestion and increase in traffic in area.
- Impact on strategic function of Inner Relief Road.

3.4.2. There were 9 submissions received by the P.A following the further information which were generally similar to the above submissions and those in the appeal submissions.

4.0 Planning History

P.A Ref: 20455: Application withdrawn on 26/4/2021 for a drive-thru restaurant (719sqms) and the ancillary sale of hot food for consumption off the premises.

A further information request was issued by the P.A and included 12 items.

Response was considered significant and required to be readvertised, however revised notices were not submitted, and the application was deemed withdrawn.

Adjoining site to north:

- 4.1. **P.A Ref: 18601545:** On 9/8/2019, Tipperary County Council granted planning permission for the demolition of the Erin Food Factory and construction of a supermarket (Lidl store), café/restaurant, 3 storey office building. This development included riverside amenities and soft and hard landscaping.

The subject site was included within the red line boundary of this planning application, but no works were proposed on the subject site.

Thurles Inner Relief Road

- 4.2. **ABP Ref: 79.JP0024:** Under Section 177AE of the Planning & Development Act permission was granted in 2014 by ABP for the provision of a single carriageway relief road from the N62 Slievenamon Road at its junction with Clongour Road to Mill Road south of The Glebe housing estate. The road included a new 50 metre span tied bowstring arch bridge over the River Suir along with a new signalised crossroad junction on the Slievenamon Road, a new priority T- junction on Mill Road and five number intermediate priority junctions, subject to 5 conditions.

This road which has partially been constructed to the north of the appeal site was to assist with the alleviation of town centre traffic congestion.

Enforcement

None

5.0 Policy Context

5.1. Tipperary County Development Plan (TCDP) 2022-2028

- 5.1.1. Thurles is one of three Key towns within the Tipperary County Development Plan Settlement Hierarchy. The Key Towns of Clonmel, Nenagh and Thurles are each targeted to grow their populations by 30% by 2031 with a focus on compact growth and appropriate density. The Key Towns are strategically located with important roles in delivering social and transport infrastructure, employment and economic prosperity.
- 5.1.2. The Core Strategy within the CDP also seeks to strengthen the core of settlements and encourage their compact growth by way of the development of infill sites,

brownfield lands, under-utilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements. The three Key Towns will support approximately 42% of the total population growth over the lifetime of the Plan, with 9.7% of the growth increase targeted for Thurles, compared to Clonmel (21%) and Nenagh (11%).

- 5.1.3. Volume 3 Appendix 6 to the CDP contains Development Management standards for development, including standards for parking, traffic, road safety, waste management, noise, SuDs, biodiversity and riparian zones.

5.2. Thurles & Environs Local Area Plan 2024-2030

- 5.2.1. The Thurles and Environs Local Area Plan 2024-2030 sets out the local spatial planning framework for Thurles to 2030. The Plan was made on 12th February 2024 and came into effect on 25th March 2024.

Zoning

- 5.2.2. The subject site lies within the Local Area Plan (LAP) boundary and is zoned for 'MU' 'Mixed Use' within the LAP. Mixed Use zoning is to provide for mixed uses and services, that may include retail, civic and commercial development, with an objective to support the role of town centre and enable primarily; retail, commercial, civic and other uses.
- 5.2.3. Table 9.2 for the Zoning Matrix indicates restaurant and takeaways are 'open for consideration' on mixed use zoned lands.
- 5.2.4. The south eastern boundary of the site abuts a flood zone area.

Relevant policies within LAP for this development

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

Policy 2.2: Support new development that will enable sustainable housing growth, employment and prosperity for Thurles as a 'Key Town' and its community in line with the Strategic Objectives of the TCDP.

Policy 3.1: Support compact growth through:

- (a) the collaborative redevelopment and reuse of vacant and underused sites and areas in the 'Urban Core' and 'Compact Growth' area,
- (b) the development of sites identified through the URDF, RRDF and other funding streams; and
- (c) the redevelopment of Town Centre 'Regeneration Sites', 'Consolidation Sites' and areas zoned for 'Regeneration'.

Policy 3.3 Support new development that aligns with the provisions of the Thurles Town Centre Renewal Strategy (2021), the Thurles Town Centre Masterplan Proposals document (2021) and any future Town Centre First Plan.

Policy 3.4 Require new development proposals to accord with the county retail hierarchy and policy and to support and underpin the vibrancy and vitality of the town centre area and the PRA in line with the Retail Planning Guidelines for Planning Authorities (DEHLG, 2012).

Policy 3.5 Require new development proposals within the Primary Retail Area to provide active uses on the ground floor, and resist the proliferation of takeaways and betting shops with the Primary Retail Area.

Policy 4.1 Support and direct new development proposals that generate high densities of employment towards lands zoned 'Urban Core', 'Mixed Use' and 'Regeneration'.

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

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

Policy 6.5 Support the development of Thurles Inner Relief Road to allow certain through traffic to avoid Liberty Square thus alleviating congestion and aiding sustainable transport. The route corridor will be maintained free from development that might prejudice future route planning.

Policy 8.2 Support the sustainable and efficient use of existing capacity in water services and permit new connections to the Thurles public and waste water supply. Where local network upgrades are required, to ensure that capacity is provided to individual sites in accordance with the Uisce Éireann Connections Charging Policy and Uisce Eireann's Connections and Developer Service.

Policy 8.3 Require new development to ensure it would not adversely affect a water body's ability to meet its objectives under the Water Framework Directive, individually, as a result of the proposed development, or cumulatively, in combination with other developments.

Policy 8.4 Require that all development proposals in Thurles integrate SuDS, and nature-based solutions, as part of an overall sustainable urban drainage and urban greening approach (refer also to Section 3.5 of the accompanying SFRA, "Sustainable Urban Drainage Systems and Surface Water Guidance and Strategy"), unless they are demonstrated to be operationally unfeasible to the satisfaction of the Council.

Policy 8.5 Require proposals for development to comply with requirements of the Planning System and Flood Risk Assessment Guidelines (DEHLG, 2009 and any update thereof) including providing detailed design specifications as may be required to facilitate the impact of development.

5.3. Thurles Town Centre Renewal Strategy 2021

- 5.3.1. This strategy sets out regeneration projects for the town promoting the redevelopment of vacant buildings and underused sites, enhancing town centre services, enabling residential development and protecting the historic core of the town. The Renewal Strategy includes a supplementary document, the Thurles Town Centre Masterplan Proposals which looks at options for developing underused backlands in the Friar Street/Castle Avenue area of the town.

- 5.3.2. The subject site lies outside the red line boundary of this renewal strategy. The Thurles LAP has built on this strategy and has identified key regeneration and consolidation opportunities in the central area of the town.

5.4. National Policy

- 5.4.1. National Planning Framework (NPF) - First revision (April 2025)
- 5.4.2. The NPF, places a strong emphasis on compact urban growth, through the promotion of urban infill and 'brownfield' redevelopment. A component part of this is enhancing the attractiveness, viability, and vibrancy of towns as a means of achieving more sustainable forms of development, building on existing assets, and encouraging greater Town Centre living.

National Policy Objective 20:

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.4.3. Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

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

5.5. Regional Planning Policy

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

5.5.1. Thurles is identified as a 'Key Town' in the RSES for the Southern Region. Key Towns are recognised as strategically located urban centres functioning as self-sustaining regional drivers with accessibility and significant influence in a sub-regional context. RPO 14 (a-l) of the RSES specifically relates to the function of Key Towns and identifies significant growth for such areas.

5.5.2. Policy Objective RPO 21 for Thurles within the RSES seeks the following:

RPO 21 a. To support and promote the role of Thurles as a strategically located urban centre of significant influence in a sub-regional context and driver of county and regional prosperity by harnessing the employment and economic potential of the town together with Lisheen, Thurles National Bio Economy Hub and the emergence of a new economic model focused on two principal pillars: low carbon growth and resource efficiency, while leveraging its strategic location and accessibility on inter-regional road and rail networks.

b. To support and promote the role of Thurles as a centre for international and national standard sporting facilities. This builds on the opportunities and landholdings available to the third level institutions and sporting bodies within the town;

c. To support the delivery of the infrastructural requirements identified for Thurles including support for the delivery of projects submitted under the Urban Regeneration and Development Fund subject to the outcome of the planning process and environmental assessments

d. To strengthen 'steady state' investment in existing rail infrastructure and seek investment for improved infrastructure and services to ensure its continued renewal and maintenance to high level in order to provide quality levels of safety, service, accessibility and connectivity including improved frequency and journey times;

e. Future growth of the town should be planned for on a phased basis in consultation with the local authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the nutrient sensitive River Suir.

5.6. Ministerial Guidelines

5.6.1. Section 28 guidelines

- The Planning System and Flood Risk Management Guidelines for Planning Authorities' (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) and Circular PL 2/2014 (Department of Environment, Community and Local Government).

5.7. Natural Heritage Designations

- 5.7.1. The subject site is not located within any European site. The closest European site is the Lower River Suir Special Area of Conservation (Site Code: 002137) which is located approximately 2.4km to the south west of the site at its closest point.

5.8. EIA Screening

- 5.8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 2 Forms 1 & 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. A third party appeal has been received from Catherine Fogarty on the following summarised grounds:

- Previous application withdrawn on the site for a restaurant.
- Considers the site unsuitable for the proposed use on community and environment grounds and there are more suitable sites elsewhere.
- Lidl development proposed a road through the subject site.
- The ABP Inspector considered the subject site too small for development when determining the application for the TIRR, and therefore did not recommend a right turn into the site off the TIRR.

- Loss of river walkway to the south of the site.
- Previous unauthorised works regarding dumping of waste on the site to raise the levels as it partially flooded but Council took no action (P.A Ref: TUD 20-116).
- Hedgerow was removed when Lidl was being developed along the river walkway, resulting in a loss of bird and plant diversity.
- Need to maintain trees to south of site along the walkway to the river.
- References the Natural Heritage Audit of the River (2015) which placed an emphasis on the importance of protecting trees .
- Proposed development places a risk to walkers of the River Walk and to loss of biodiversity.
- Impact of noise, hours of use, litter, anti social behaviour, waste water, emissions and light on residential amenity and the wildlife in the area.
- Proposal may add to traffic congestion in the area and lessen the benefits of the TIRR.
- Store may want to expand into walkway to south in future.
- Operator may seek a 24 hour operation in future.
- Development is car centric and would be better located close to the M8.

6.3. Applicant Response

The applicant provided a response to the third-party appeal. The main points of the first-party response can be summarised under the following headings as follows:

Planning History of the site

- Previous applicants associated with P.A Ref:20445 are not the current applicants.
- The proposed development overcomes the environmental, flood risk, traffic and impacts on the integrity of the Lower Suir SAC raised in the previously withdrawn application as submitted in the NIS, CEMP, SSFRA and TTA reports accompanying the application and confirmed by the P.A..

- The Board were not of the same opinion as the Inspector on the TIRR application and did not include a condition restricting access into the subject site.
- When TCC granted planning permission in P.A Ref: 18601545, for the development to the north of the TIRR , it included an access point into the subject site.

River Suir walkway & retention of trees

- Confirm there is no proposal to provide a road through the subject site to the south.
- Within P.A Ref: 18601545 the layout included an allowance for future access into the subject site, but this was for indicative purposes only and for the sake of permeability, no detailed design of this access was provided, and no such road was granted.
- Confirm that all existing trees and hedgerow along the southern boundary of the site leading from the N62 to the River Suir walk will be retained and protected as indicated on the submitted drawings and in the Arboricultural Impact Assessment.
- Loss of trees and hedgerow connected with the Lidl development do not form part of the current application.

Green Infrastructure

- Confirm the existing trees along the site's southern boundary shall be retained and protected throughout the construction and operation of the development.
- Existing site is a brownfield site and will not result in the loss of green space.
- Development will enhance the biodiversity value as it will include planting.

Pedestrian Safety

- Shared vehicular access and pedestrian access point will prioritise the safe movement of pedestrians through the provision of zebra crossing.

- Proposed development was subject to an independent road safety audit and measures would be put in place to protect future pedestrians' movements including a pedestrian priority crossing within the site.

Impacts of the proposed development

- A noise assessment was submitted with the planning application which concluded there would be no significant impacts from the development following proposed mitigation measures.
- The Site Lighting layout and external lighting design illustrates that off-site lighting levels will not be significant with condition 2 of the planning permission requiring appropriate monitoring of the lighting.
- Abatement measures have been proposed with the design that will ensure there are no discharges from the cooling and heating systems- refer to submitted Odour Assessment submitted with the appeal.
- Uisce Eireann have agreed to a Confirmation of Feasibility for the development subject to upgrades regarding wastewater connection.
- The development has been designed to reduce vehicle queuing times and there will be no impact from vehicles emissions.
- The restricted operating hours would address potential anti social behaviour and McDonalds actively engaged with the community to prevent issues regarding litter.
- Confirms there will be no request to expand the space of the development to the south which would impact on the river walk as no extension is required for the operation of the development. Furthermore this land is in separate ownership.

Traffic Congestion

- Development was accompanied by a TTA and a further report to address the queuing times raised by way of further information.
- Proposed development would not result in any traffic spill onto the TIRR or the N62.

- Development also provides a 'fast forward' lane within the drive thru which will provide an efficient and faster movement for customers.

Opening Hours

- Condition 3 of the P.A restricts the operating hours and these can only be amended by way of compliance or an amendment condition.

6.4. Planning Authority Response

None.

6.5. Observations

6.5.1. Two observations were received, one from Helen Buggle-Sheahan, and from Declan & Bridie Healy on the following summarised grounds:

- Will increase traffic on an existing congested road in a residential area.
- Impact on River Suir walkway.
- Increase in light, noise, smell and air pollution, which will be exacerbated if trees along walkway are removed.
- Increase in traffic, traffic congestion & noise from traffic and 24 hour operating hours.
- Increase in anti-social behaviour and crime.
- Rodent activity from increase in litter.
- Visual intrusion from lights on signage.
- Development will block entrance into and out of house due to the increase in traffic along the N67.
- Impact on health and sleep patterns due to poor air quality from traffic increase.

6.6. Further Responses

6.6.1. Two further responses were received, from Catherine Fogarty and Helen Buggle - Sheahan to the first party response to the appeal on the following summarised grounds:

- Previous concerns raised remain.
- The number of conditions attached by the P.A are an indicator that the development and site are not ideally matched.
- The new inner relief road should not be constrained by the development.
- The riverside hedgerow was removed to accommodate the Erin foods site and had an impact on biodiversity.
- Bat boxes were installed to the site as the factory was used as a roost and some of these are on the proposed site and will be removed to enable the proposed development.
- This is not the only developable site within the town.
- The first party's rebuttal suggests the extension to the hours of use is a possibility.
- Has witnessed customer behaviour at other McDonald sites and there is revving of engines and customers use the seating area at night.
- Site is ideal to provide a woodland area on the edge of the walkway and town.
- Proposed development would be in close proximity to their property and they would be impacted by signage lighting, noise from cars and pedestrians.
- Impact on quality of life and sleep.
- Odour report does not dispel their concerns.
- Site is too small for the development.
- Impact on long established residents in the area.
- Raised issues about delivery of letters and neighbours not receiving notification.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including the third and first party submissions, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, the site does not lie within an archaeological priority zone, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- Principle of development,
- Impact on vitality and viability of the town centre,
- Traffic,
- Flooding,
- Impact on residential amenity,
- Impact on river walkway, trees & bats, and
- Other Issues.

7.2. Principle of Development

- 7.2.1. The proposed development is for a drive thru restaurant and takeaway with 32 car parking spaces. The site is zoned 'mixed use' within the Thurles & Environs Local Area Plan and the objective for mixed use zoning is to support the role of the town centre and provide uses which include retail, civic and commercial development. Restaurant and takeaways are 'open for consideration' on mixed use zoned lands, subject to other criteria being met. The zoning matrix does not refer to a 'drive thru restaurant' within the matrix but I note the planning authority were satisfied that the proposed use was acceptable in this location.
- 7.2.2. The third parties consider the use inappropriate in this location on a number of grounds, primarily relating to the impact on residential amenity and the river walkway, increase in traffic, and that the development would be better located within the town centre. I will address these issues further within this report.

Conclusion

- 7.2.3. The site is on a former factory site and is zoned mixed use. It is located on the edge of Thurles town centre and to the south of the Thurles shopping centre. As such I consider there would be a synergy between the proposed use and the existing shopping centre complex which could encourage dual use trips to the proposed development. I would therefore conclude based on the zoning of the LAP the use of the site as a drive thru restaurant and take away is acceptable in principle.

7.3. Impact on the vitality & viability of the town centre

- 7.3.1. Third parties consider the proposed development should be located in the town centre, is car centric and would be better located on the M8. Thurles is identified as a Key Town in the Regional and Spatial Economic Strategy for the Southern Region (RSES) which identifies Key Towns as having an economic function that provides employment for their surrounding areas and wider sub regional catchment. Policy RPO 21 of the RSES recommends inter alia the future growth of Thurles should be planned for on a phased basis in consultation with the local authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the nutrient sensitive River Suir.
- 7.3.2. The proposed layout of the development as submitted indicates a dining area of 109m² on the ground floor, with the remainder of the ground comprising a kitchen, chiller & freezer area, staff room, store area, toilets etc., associated with the restaurant. The dining area would equate to 21% of the overall floor area. I therefore consider the proposed development is predominantly a drive thru/takeaway restaurant and would involve customers travelling by car to the development.
- 7.3.3. Third parties consider the proposed development is contrary to Policy 3.5 of the Thurles LAP. This policy requires new development proposals within the Primary Retail Area to provide active uses on the ground floor and resist the proliferation of takeaways and betting shops with the Primary Retail Area. The subject site is located on the edge of the town centre and environs boundary and is not therefore identified as Primary Retail Area within the LAP. As such takeaways would be acceptable in this location as it is removed from the town centre.

- 7.3.4. The Thurles & Environs LAP identifies a number of sites considered appropriate for regeneration within the urban core and backland sites within the town centre, which seeks to enhance the vitality and viability of the town centre and reduce peripheral town centre development. The subject site is not identified as a regeneration site within the LAP, however I consider it a brownfield site in that it formed part of the Erin food factory in the past.
- 7.3.5. Although the applicant has not assessed the availability of sites within the town centre for the proposed development, I note reference is made to the Thurles Town Centre Renewal Strategy (2021) within the LAP. This strategy is a ten year vision for the town and outlines regeneration projects for the town promoting the redevelopment of vacant buildings and underused sites.
- 7.3.6. The closest regeneration site identified within the LAP to the subject site is Regeneration Site No.3, a 0.28 hectare site accessed off Kavanagh Place to the north of the Thurles Shopping centre and abuts the River Suir walkway to the east. This site has a stated area of 0.28 hectares, and is therefore smaller than the subject site, and vehicles accessing this site would use the N62 as in the current proposal.
- 7.3.7. There are a number of identified regeneration sites within the Thurles town centre, however I consider the proposed development incorporating a drive thru could be problematic with regards to the existing traffic congestion within the town centre. There are other larger regeneration sites identified within the LAP but these would involve traffic accessing the sites off lower order roads such as the R659 which in the absence of a Traffic & Transport Assessment may not accommodate the additional traffic. Furthermore, the majority of the larger sites are located on the edge of the town centre and would be comparable to the location of the appeal site.
- 7.3.8. The site is identified within the LAP as being within 5-10min walking distance from the town centre. (Serviced Land Assessment Map Appendix 1 of LAP). I consider the subject site, although separated by the Thurles Inner Relief Road (TIRR), would be an ancillary use with the Thurles Shopping centre which lies outside the town centre core but could promote dual use with customers visiting the shopping centre and the proposed development.

Conclusion

- 7.3.9. I note the third parties raise issues regarding the location and nature of the proposed development and it being more appropriate to locate it elsewhere. However, Policy 3.5 seeks to resist the further encroachment of takeaways within the primary retail core of the town centre. The subject site is located on the edge of the town centre and is in close proximity to the Thurles shopping centre complex and I consider it would provide a complementary role to the shopping centre and promote dual trip users.
- 7.3.10. The regeneration sites identified within the LAP and Thurles Town Centre Renewal Strategy would not be impacted by the proposed development as the proposed use would not be appropriate due to the existing traffic congestion experienced in the town centre. I further note the town centre impact of the development was assessed by the P.A who concluded the development would not undermine the revitalisation of the town centre or result in a significant loss of trade to the town centre as the application is removed from the Primary Retail area. Given the nature of the proposed use as a drive thru restaurant, I am satisfied the development would not impact on the vitality and viability of the town centre and would not conflict with the Thurles Town Centre Renewal Strategy (2021) within the LAP.

7.4. Traffic

- 7.4.1. Third parties raise concerns that the proposed development would increase traffic congestion in the area and may jeopardise the capacity of the Thurles Inner Relief Road (TIRR). The vehicular access for the proposed development would access off the partially completed TIRR, approximately 100m from the signalised junction to the west (Slievenamon & Clongour junction). A total of 32 car parking spaces are proposed for the development including 2 'idling' bays and 5 EV spaces and 6 bicycle spaces. The car parking spaces would exceed the minimum requirement in the CDP which would require 22 car parking spaces. The P.A had no objections to the number of car parking spaces proposed. The layout of the development would have a drive thru road and a one way system through the site with vehicles entering and leaving via the vehicular access onto the TIRR. There would be pedestrian crossings from the site's entrance leading to the entrance of the building.

Road capacity

- 7.4.2. A Traffic & Transport Assessment (TTA) report was submitted with the proposal. The TTA assessed the capacity of the existing roads, the priority-controlled junction on the N62 next to the site and the shopping centre roundabout and an assessment of the development on completion of the TIRR during commuter peak periods and 15 years following the opening. A stage 1 Road Safety Audit was also contained within the TTA.
- 7.4.3. The traffic surveys along the TIRR indicated there were 92 vehicles (two way) during the AM (8-9) and 277 (two way) during the PM (5-6) peak, which is considered as lightly trafficked as it is currently only serves the Lidl store. The N62 traffic survey indicated a 2-way flow of 1,017 cars during the AM peak and 987 cars during the PM peak, which is considered to be moderately below the carrying capacity for a National Secondary Road.
- 7.4.4. The TRICS database was used to ascertain the vehicular trip generated for the proposed development based on similar drive-thru restaurants in both Ireland and the UK. The results indicate the proposed development (worse case scenario) would generate 126 vehicles (2 way traffic) during the AM and 190 vehicles (2 way traffic) during the PM weekday peaks.
- 7.4.5. The TTA indicates that there is more than adequate capacity at the access junction and surrounding junctions to accommodate the levels of traffic associated with the development, and allowing for the completed TIRR. This was accepted by the P.A, however further information was requested regarding the queuing capacity of the junctions at peak times which may exceed both the on site parking provision and limited queuing space within the development.

Queuing times

- 7.4.6. The P.A were concerned that no assessment of the queuing of traffic going through the drive thru had been provided and that traffic queues may extend back onto the TIRR and subsequently the N62 Junction. The applicants submitted by way of further information an analysis of the vehicular demand profile for similar sized McDonald drive thru developments in both Ireland and the UK using TRICS. The results from this analysis indicated that the highest number of vehicles in the car park would be 26 between the peak hours of 17.00-18.00 hours over a 24 hour period. A

layout was submitted which indicates the length and capacity of the proposed drive thru from the entrance into the site. This layout indicates notwithstanding the provision of 32 car parking spaces on site the proposed drive thru laneway could accommodate along its full length a further 32 cars, before backing onto the Relief Road.

- 7.4.7. I acknowledge some of the proposed car parking spaces on site would be allocated to staff, however, the TRICS assessment indicates the drive thru demand would never exceed a total of 26 cars on the site at any one time and there would be capacity to accommodate 32 cars in the queue. There is therefore a capacity to accommodate 64 car parking spaces on the site, and I am therefore satisfied the development would not result in any cars backing out onto the TIRR as a consequence of queuing at the premises. I would also agree with the first party that it is in the interest of the business to ensure customers are served in a speedy manner to reduce delays in service.

Previous Inspector 's report on TIRR

- 7.4.8. The third party refers to the Inspector's report on PL79.JP0024 in 2014, for the Thurles Inner Relief Road and that the Inspector considered the subject site too small for development. The Inspector's assessment on this element of the development related to a submission made by Erin Foods requesting the provision of a left and right hand turn off Clongour Road to serve their lands to the north and south of the proposed TIRR.
- 7.4.9. I note the Inspector considered the southern part of lands in the ownership of Erin Foods site to the south of the proposed TIRR was too small for development and therefore did not consider it necessary to attach a condition that a dedicated right hand turn be provided to service the land to the south of the TIRR (i.e the subject site). I therefore consider the Inspector's comments related to a right hand lane turning into the subject site, rather than giving a consideration of the potential of the subject site for development and not being suitable for future development. I also note a condition restricting a right hand turn off the TIRR was not attached to the final grant of permission.

Conclusion

- 7.4.10. The subject site is located off the N62 and TIRR, both of which have the capacity to accommodate the proposed development. I am satisfied that the subject site can accommodate the proposed development and would not impact on the free flow of traffic along the TIRR. I also note the P.A were satisfied based on the further information that the applicant has demonstrated that there is no possibility of cars backing out onto the Relief Road due to queuing at the drive thru.
- 7.4.11. I also consider given the site's location next to a shopping centre, nearby residential areas and within walking/cycling distance to the town centre, not all customers will travel by car and there will be dual use of the adjoining car parks. Nevertheless, I do not consider this will lead to constraints on the road and junction capacity in the area with a less than 10% growth in traffic forecast on the surrounding network.

7.5. Flooding

- 7.5.1. Third parties have raised the issue about the site being subject to flooding and that in the past the land was partially filled and was the subject of an enforcement complaint. I noted from my site inspection there are embankments along the western and northern elevation of the site and that the site is at a higher level than the lands to the east.
- 7.5.2. The River Suir lies approximately c.45m¹ from the eastern boundary of the site and the eastern boundary of the subject site is adjacent to lands within Flood Zones A & B as identified in the LAP. A Site Specific Flood Risk Assessment (SSFRA) was submitted as part of the planning application. The flood maps.ie website (accessed 24/7/2025) indicates there have been a number of reoccurring flood events in the vicinity of the site and that the River Suir floods annually 1km upstream of the bridge. There is no data or information available to indicate these flood events directly impacted the development site.
- 7.5.3. The SSFRA submitted with the proposal indicates the site is not at risk of pluvial or groundwater flooding and does not lie within a 10% (1 in 10 year), 1% AEP (1 in 100

¹ The SSFRA indicates the River Suir is 39m beyond the eastern site boundary, however I calculate it to be c.45m from the eastern boundary at its closest point.

year) or 0.1% AEP (1 in 1000 year) predictive fluvial flood zone. The site does not fall within a mid-range 1% AEP scenario allowing for climate change.

- 7.5.4. The lowest area of the site would be elevated above the 1% AEP (1 in 100 year) or 0.1% AEP (1 in 1000 year) fluvial flood level by 0.523 OD and 0.365m OD respectively. The minimum proposed finished floor level (FFL) of the restaurant building would be 96.30m OD, which would be 1.695m above the extreme 0.1% AEP (1 in 1000 year) fluvial flood level of 94.605m OD.

Conclusion

- 7.5.5. The proposed development lies within Flood Zone C, and development is considered appropriate within this zone in accordance with the Planning System and Flood Risk Management Guidelines, DOEHLG, 2009.

7.6. Impact on residential amenity

- 7.6.1. The issue of the proposed development impacting on the residential amenity of neighbouring residential properties has been raised, in particular with regards to noise, odour, lighting, and anti-social behaviour. I note the P.A in their grant of planning permission attached conditions relating to noise, hours of operation, odour and lighting. I will address these concerns in detail below.

Noise

- 7.6.2. The flank wall of the closest residential property to the subject site lies c.14m from the southern boundary of the subject site and c.36.7m from the proposed building. The planning application was accompanied by a Noise Impact Assessment (NIA) to calculate the existing noise levels at the subject site and provide an assessment of the likely noise impact from the proposed development to nearby residential occupiers. A baseline noise survey of the surrounding area was carried out over a 24 hour period on 2 days in July in 2024 .
- 7.6.3. The results indicated the ambient daytime background noise levels were in the range of 47-55dB LAeq, 1hr with an average ambient noise level of 52dB LAeq,16hr. Background day noise levels were within the range of 38-49dBLA90,1hr , with an average background noise of 45dBLAeq,16hr. The nighttime ambient noise levels were in the range of 39-51dB LAeq,1hr with the average ambient night time noise being 46dB

$L_{A90,8hr}$. The background sound levels at night were in the range of 24-44 dB $L_{A90,1hr}$ with an average background sound level throughout the survey period of 31 dB $L_{A90,8hr}$. I note the main contributor to noise levels was the N62, which in this location is considered reasonable and the existing noise levels are within the acceptable range set out in the Council's Noise Action Plan which is 55dB $L_{Aeq,T}$ during the day and 45 dB $L_{Aeq,T}$ at night.

- 7.6.4. Noise levels from the proposed development once operational have been identified as the building services plant, car park/drive thru and delivery noise. It is envisaged deliveries to the development would likely consist of three deliveries per week lasting 30 minutes and it is stated in the NIA they would take place during the day or night.

Building Services Plant

- 7.6.5. The proposed development includes the mechanical and electrical services required to service the building, including condensers and kitchen extract fan. These services would be located on the roof within a 1.9m high plant well. The noise level at the various residential receptor points indicates the noise from the services associated with the building would not be greater than 39 dB $L_{Aeq,T}$ during the day or night, which would be below the existing range of existing background noise levels at night set out in the Council's Noise Action Plan and in the EPA's guidance. Plant selection would be such that there would be no tonal characteristics from the services audible at nearby dwellings.

Car park/drive thru

- 7.6.6. The majority of the car parking spaces would be located along the southern boundary with the drive thru area located to the centre and northern boundary. The closest dwelling to the subject site is R1 immediately to the south. The noise calculations at neighbouring residential properties from the car park/drive thru area be no higher than 53 dB $L_{Aeq,T}$ during the day and 50dB $L_{Aeq,T}$ at House R1 at night. Although this reading would be below the daytime noise criteria it would exceed the WHO guidance of 45 dB at houses Nos. R1, R2 and R3 to the south.
- 7.6.7. The P.A placed a condition (No.3) on the grant of planning permission restricting the operational hours of the development to between 06.00hrs-22.00 hours unless otherwise agreed by the planning authority. The applicants have not stated the

hours of operation of the premises but have not raised any issues regarding the hours of operation in Condition 3 of the P.A's decision.

- 7.6.8. I note it is proposed to erect a 2m high acoustic fence around the southern boundary of the site to reduce noise levels in accordance with WHO guidelines from the car park. However, I consider given the predicted noise levels from the drive thru and the location of the car parking along the southern boundary I would recommend in the event An Coimisiun are minded to grant planning permission, the operational hours of the development are restricted to 22.00 hours at night to protect the residential amenity of the occupiers to the south at night.

Deliveries

- 7.6.9. The delivery area is located to the north of the car park where delivery vehicles would pull into the designated area and then unload their vehicle. Goods would then either be carried or rolled into the main building, before the delivery vehicle leaves the site. It is proposed this would be 3 times a week and last for approximately 30 minutes on a 24/7 basis. The predicted noise levels from delivery vehicles allowing for distances between the residential receptors would have a maximum noise level of 29 dBL_{Aeq,T} at house no. R1, this would be below the WHO for both day and night time levels. Given the deliveries would take 30minutes, 3 times a week, considering the location of the site, I consider this would not impact on residential amenity.

Construction Noise levels

- 7.6.10. The site compound would be located in the north eastern end of the subject site. Construction noise would include noise from site preparation, laying of foundations, general construction work and landscaping works. The construction noise would exceed existing typical day time noise, being 65dB L_{Aeq,T}. Although I appreciate construction works would exceed normal daytime levels of 55dB L_{Aeq,T}, they would be for a temporary period (specified as 12 months in the CEMP).
- 7.6.11. I note migration measures are proposed in the NIA restricting construction hours to 07.00-19.00 hours Mon- Fri and 08.00-13.30 hrs on Saturday, the erection of a construction barrier prior to construction works commencing and the monitoring of noise levels during construction. However, the outline CEMP states the construction hours on site would be from 08.00hrs-18.00hrs Mon-Fri and from 08.00-14.00hrs on Saturdays only, which is in accordance with the P.A (Condition 14 (d)) regarding

construction hours. I consider the hours of construction as stipulated in the P.A condition is reasonable.

- 7.6.12. Although the applicant is proposing a temporary construction noise barrier along the southern boundary, having regard to the proposed construction noise projections, the location of the site compound and the nearest residential receptor, I recommend the conditions attached by the P.A and in the applicant's outline CEMP regarding construction times (and not as proposed in the NIS) are attached in the event of planning permission being granted.

Conclusion

- 7.6.13. I consider the main impacts in terms of noise on residential amenity would be from the use of the car park and deliveries to the site. I would agree with the P.A that the deliveries to the site should only be 3 times a week and for a 30minute duration and consider this reasonable. I consider subject to the premises ceasing operation at 22.00 hours and the erection of a sound barrier to the southern boundary there would be no impacts in terms of noise to the occupiers of the adjoining residential properties.

Odour

- 7.6.14. As part of the appeal submission the first party has submitted an odour assessment which included an odour dispersion modelling assessment, which was carried out in accordance with the EPA's Air Dispersion Modelling Guidance (AG4) 2020 and included the closest 23 residential receptors to the proposed development. Oak Park Meteorological data was used in the assessment with results over a 5 year period used.
- 7.6.15. The modelling indicates the odour from the premises at the closest residential receptor (R1) is predicted to be 0.16 OU_E/m³ as a 98thile of hourly average and 0.18 OU_E/m³ as a 99.5thile hourly average. This is significantly below the EPA AG4 guidelines odour standard based on a Fat Frying/Meat Cooking (Food processing) premises which is classified as a moderately offensive category. The guidelines provide an indicative criterion of 3.0 OU_E/m³ as a 98th %ile hourly average at the worst -case sensitive receptor for such a category.²

² Table A4 of EPA AG4 guidance 2020

7.6.16. The applicant in their Odour Impact Assessment includes further standard measures for such a use including the final discharge height of the vent flue being 6m above ground level, installation of an odour abatement system capable of achieving 90% odour removal, and the installation of grease filters in cooker hoods and doors and windows at the kitchen being closed to prevent a build up of cooking fumes. However, these measures would generally be controlled by the Health Service Executive (HSE) or the Council's environment / enforcement section.

Conclusion

7.6.17. The odour smells are predicted to be well below the odour detection level at the nearest house to the subject site (R1). I consider having regard to the proposed location of the kitchen extract vent in the northern end of the building and standard mitigation measures being applied the proposed development is not likely to give rise to odour emissions that would give rise to a nuisance in an established edge of town centre site.

Littering and anti social behaviour

7.6.18. Third parties have raised concerns the proposed development would result in an increase in litter and anti-social behaviour. I note details submitted with the planning application include McDonald's restaurant's litter policy regarding 3 litter patrols per day of their buildings and the Company's Recycling Optimisation Manual which promotes the recycling of waste. The outline CEMP submitted with the planning application seeks to ensure that best waste management practices are implemented during the period of construction of the development and environmental impacts including litter would be subject to regular checkups by the Construction Management Team.

7.6.19. I further note Tipperary County Council's adopted Litter Management Plan 2024-2026, contains procedures for penalties for littering and has a complaint procedure within the Plan if members of the public observe illegal or suspicious litter or waste activities and the Council are proactive in minimising littering and illegal waste activities. However, ultimately the Litter Pollution Act obligates individuals to control litter and it is an offence to litter.

7.6.20. Regarding the proposed development increasing anti-social behaviour I consider the use of the site would provide an active frontage onto this part of Slievenamon Road

and enhance natural surveillance onto the road and onto the River Suir walkway along the southern boundary. The P.A in their planning decision restricted the hours of use of the development to between 06.00-22.00 hours which I consider appropriate for this area located along a main road with residential properties in the immediate locality. However anti-social behaviour is ultimately an issue for the Gardai.

Conclusion

- 7.6.21. The subject site is zoned for mixed use purposes which in principle accepts the business use proposed. The Council's Litter Management Plan provides the Local Authority with the power to deal with litter at businesses premises. I further note the Applicant's company policy on litter. I also consider the proposed development would promote active natural surveillance along this stretch of the N62. I therefore do not consider the proposed development would result in a significant increase in littering or anti-social behaviour to warrant a refusal of planning permission on these grounds in this location.

Lighting

- 7.6.22. There would be a total of eight 6m high columns lights and thirteen 1.05m high bollard lights throughout the subject site. Two of the 6m high column lights would be located along the southern boundary.
- 7.6.23. The application includes an external lighting report that sets out details of projected light spill. According to the lighting report the lighting design would have directional optics and back light louvres to contain the lighting within the boundary of the site and prevent overspill onto neighbouring properties to the west and southern boundaries. I therefore do not consider the residential properties in the immediate area would be impacted by the lighting.

Conclusion

- 7.6.24. The N62 to the west of the site and the TIRR to the north have street lighting at regular intervals along either side of each road. I also noted the Lidl store car park had lighting on columns. I therefore do not consider the proposed lighting for the development would have a significant impact on the residential amenity, given the prevalence of existing street lighting in the area. Nevertheless, I would recommend if An Coimisiun are minded to grant planning permission a similar condition to the P.A

regarding the lighting is attached in the event that complaints are received from neighbouring properties about light spillage. I will further discuss the impact of the lighting on biodiversity in the following section of this report.

7.7. Impact on river walkway, trees and bats

- 7.7.1. Third parties have raised concerns that the proposed development would impact on the river walkway and result in the loss of trees and biodiversity. There is an existing palisade fence extending along the southern boundary of the site. Between this palisade fence and the River Suir walkway is a linear area of mature landscaping containing a number of trees outside the red line area of the subject site boundary.

The canopy of a number of these trees beyond the southern boundary extend over the site's boundary. I noted from my site inspection that this area provides a verdant background to the River Suir walkway and when viewed from the north and south of the appeal site. The applicants have confirmed in their response to the appeal that the area to the south of the appeal site is within separate ownership and that there are no works proposed within this area of land.

- 7.7.2. The application was accompanied by an Arboricultural Report and included an assessment of the trees adjacent to the southern boundary which comprise Ash, Elder, Spruce, Beech, Hawthorn and Birch. It was noted several of the Ash trees are showing symptoms of Ash dieback. It is recommended within this report that the adjoining owner is notified of the condition of the Ash trees and that remedial works, which may include tree removal, are carried out for health and safety reasons. Pruning works are recommended to lift the crown level of the overhanging trees to 3-3.5m above ground level and the works are to be carried out by a qualified arboriculturist in accordance with BS3998:2010-Tree recommendation Works. The depth of tree roots along this boundary is currently unknown. To minimise the impact on the trees, it is recommended within the arboricultural report that prior to the main construction works commencing, a trial trench within the tree root protection areas is carried out to establish the depth of tree roots.
- 7.7.3. The planning application was also accompanied by a Tree Protection Plan which indicates the existing palisade fencing is to be retained during construction works and that all works are to be carried out above the root levels of the trees within the

southern boundary area and under arboricultural supervision. However, I note on the existing site plan (Drawing Ref: 13423_AEW_7140_1003 RevA), this area beyond the southern boundary of the site is indicated to be cut back and 3 trees are shown to be removed beyond the site's boundary which conflicts with the Tree Protection Plan as submitted. I would have concerns that the proposed development could impact on the existing vegetation and trees to the south of the subject site.

- 7.7.4. I therefore recommend that a detailed survey of the trees and their roots are provided before any works commence on the site and that no excavation works impact on the roots of the trees on the adjoining site. However, I would be satisfied that the proposed development could be implemented without impacting on the vegetation beyond the southern boundary.
- 7.7.5. The submitted landscape plan indicates a native hedgerow is to be planted along the southern boundary of the site and a number of new trees are to be planted in the western corner and eastern area of the site. A 2m high acoustic fence is to be erected along the southern boundary behind the native hedgerow. Although the species of the proposed trees are listed in the landscape plan and are native species it is not evident where each species is to be positioned. I would recommend that a revised landscape plan is submitted and agreed by the P.A prior to commencement which clearly indicates the proposed tree locations.
- 7.7.6. The third party in their further response to the first party's response to the appeal have concerns regarding the loss of biodiversity and that the site should be used as a woodland area and has made approaches to the Council in this regard. The site is zoned for mixed use and from my site inspection the subject site is predominantly comprising spoil and spare ground with grass embankments along the west and north boundaries and trees and shrubs beyond the southern boundary. I do not consider the subject site has any biodiversity value.
- 7.7.7. The third party also makes reference to the redevelopment of the former Erin food factory building which contained bat roosts and that bat boxes were required to be provided in the trees surrounding the site, and that some of the boxes were on the proposed site and have raised concerns that they would be removed. There are no buildings or trees on the subject site and on my site inspection I did not observe any bat boxes on the trees to the south of the subject site. However given the proximity

of the site to the river, the adjoining trees and the surrounding residential gardens there is the potential that the trees within the lands to the south may be used by bats for foraging or roosting.

- 7.7.8. The proposed development would involve cutting back some of the tree branches encroaching onto the site's southern boundary, and I have addressed this aspect of the development in the preceding paragraphs. It is proposed to erect 2 lighting columns along the southern boundary of the site, although the lighting details suggest that the lights would be directed away from residential properties which would include the lands to the south of the site.
- 7.7.9. The issue of the impact on bats as a result of the development is a new issue raised by third parties and I note the Department of Housing & Local Government were not notified by the P.A and the application was not accompanied by an ecologist's survey. The planning application for the demolition and redevelopment of the former Erin factory was granted in 2019 (P.A Ref: 18601545) and I note a bat survey was carried out for this development in 2018, which included the subject site and that a mature Ash tree within the treeline to the south of the subject site was a confirmed roost for bats. A derogation licence was granted for this development.
- 7.7.10. Having regard to the precautionary principle and owing to the amount of time which has elapsed since the initial bat assessment, it is recommended that a full roost survey be carried out of the lands immediately to the south of the site next to the proposed river walkway prior to any construction works. In the event where evidence of roosting bats is discovered, no works can take place prior to the receipt of a derogation license from the National Parks and Wildlife Service (NPWS). Where it is anticipated that bat roosting habitat will be compromised as a result of the proposed development and where deemed appropriate by a suitably qualified ecologist, suitable compensation in the form of, for example, bat boxes/ bat bricks will be required to be introduced into the project design.
- 7.7.11. The proposed development the subject of this appeal proposes lighting on the site and in particular 2 columns lights along the southern boundary. I note that these two lighting columns would incorporate lighting louvres/baffles to shield and limit lighting overspill to the south. The colour temperature of the light output from the column lights has been selected at 2700K (warm colour temperature) which would protect

both residential amenity and the biodiversity of the walkway along the southern and eastern boundary of the site. I would recommend that the column lighting has a lighting control system so it goes off at night after closing hours.

Conclusion

- 7.7.12. The River Suir walkway lies beyond the subject site and is not contained within the red or blue line of the appeal site. Subject to the conditions as suggested in the preceding paragraphs regarding the trees along the walkway being protected during the construction works, I do not consider the development would impact on the use of the walkway or its overall setting. I further consider that the proposed development would promote an element of natural surveillance along this walkway which currently does not exist.
- 7.7.13. Although the pruning of lateral branches will be necessary, no trees are required to be removed to facilitate the development. However I consider it necessary to ensure the roots of the trees on the adjoining site would not be impacted during construction works, and recommend a condition in this regard in the event An Coimisiun are minded to grant planning permission.
- 7.7.14. Overall I consider the development will therefore have a neutral impact on the visual appearance and character of the site and local surrounding area. Subject to conditions attached to the planning permission regarding a bat survey and the lighting being switched off after closing hours I do not consider the proposed development would impact on residential amenity or the biodiversity of the area.

7.8. Other Issues

- 7.8.1. The third party makes reference to a previous enforcement matter on the lands (P.A Ref: TUD20-116). The planner's report relating to the appeal development makes no reference to any current planning enforcement associated with the site. An Coimisiun sought details from the P.A relating to this matter. The P.A have stated in response that P.A Ref: TUD 20-116 as referenced by the third party, is not relevant to the subject site and refers to lands south of the appeal site. A warning letter was issued on this matter and the P.A decided not to proceed with an Enforcement Notice.
- 7.8.2. Nevertheless, compliance with previous planning permissions falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000,

(as amended). It is not a function of the Board and will not be addressed as part of this appeal.

- 7.8.3. Third parties have made reference to the letter from An Coimisiun regarding the first party's response to the appeal. I note the third party and all observers to the appeal were notified of the first party response by An Coimisiun.

8.0 Appropriate Assessment

- 8.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Suir SAC (002137) in view of the conservation objectives of this site and an Appropriate Assessment under the provisions of Section 177U was required.

- 8.2. Following an examination, analysis and evaluation of the Natura Impact Statement (NIS) and all associated material submitted, I consider that adverse effects on the integrity of the Lower River Suir SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

- 8.3. My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- The effectiveness of the mitigation measures proposed, and planning conditions to ensure the mitigation measures are carried out accordingly.
- The proposed development would not affect the attainment of the conservation objectives or prevent or delay the restoration of favourable conservation conditions for the qualifying species and habitats for the Lower River Suir SAC.

- 8.4. Please refer to Appendix 4 of this report for Appropriate Assessment.

9.0 Water Framework Directive

- 9.1.1. The River Suir is located c.45m from the eastern boundary of the site.

- 9.1.2. The proposed development comprises a single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with all associated site works.
- 9.1.3. No water deterioration concerns were raised in the planning appeal.
- 9.1.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively
- 9.1.5. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development.
 - Lack of direct hydrological connections.

Conclusion

- 9.1.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

Having regard to the above assessment, I recommend that planning permission be granted for the following reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the Key town status of Thurles within the RSES, the mixed use zoning objective for the site in the Thurles & Environs Local Area Plan, and the location and proximity of the site to the Thurles shopping centre to the north, it is considered that, subject to compliance with the conditions set out below, the

proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of flood risk, traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 18th day of February 2025 and by the further particulars received by An Coimisiun Pleanala on 29th day of May 2025, 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The opening hours of the proposed development shall be confined to 06.00-22.00 hours, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

4. (a) Proposed lighting must comply with the Guidance Note GN08/23 Bats and Artificial Lighting at Night, published by Bat Conservation Trust and the Institution of Lighting Professionals (2023). Lighting shall be directional and avoid areas of

hedgerows and trees that could be used by commuting and foraging bats, and nesting birds.

(b) All lighting shall be switched off at the site by 2200 hours (10 pm) and no lighting shall be left on overnight or lit during daylight hours when not required. Any security lighting shall be fitted with motion sensors and automatic timers to ensure that lighting is on for brief periods and does not disturb wildlife.

(c) A bat monitoring survey to be completed at the appropriate time of year by a suitably qualified ecologist following installation of the lighting on the site. If the lighting is found to be causing an impact to commuting or foraging bats, additional mitigation must be put in place by the applicant. The post monitoring report and mitigation measures shall be submitted to the planning authority for review and written agreement.

(d) A post monitoring bat survey shall be conducted at the appropriate time of year to see whether the screening mitigation is effective, or if further screening is required. The post monitoring report and mitigation measures shall be submitted to the planning authority for review and written agreement.

(e) In the event that the Planning Authority receives complaints from neighbouring properties about light spillage the Planning Authority may request the carrying out of a survey, by a suitably qualified person, of light emanating from the lights permitted by this permission. In the event that it is found that the lighting is resulting in an unacceptable nuisance, the operator of the facility shall take such steps as are required to adequately address this issue.

Reason: To conserve bats and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011) and the Wildlife Acts (1976-2021) and residential amenity.

5. a. Prior to the commencement of the development details of the materials, colours and textures of all external finishes and all signage (including totem and banner signage) and the boundary details along the north and west boundary of the site shall be submitted for the written agreement of the Planning Authority.

b. No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without a prior written approval of the planning authority whether or not such development would otherwise constitute exempted development.

Reason: In the interests of orderly development and the visual amenities of the area.

6. During the operational phase of the proposed development the noise level shall not exceed:

(a) 55 dB(A) rated sound level between the hours of 0700 to 2200, and

(b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location or at any point along the boundary of the site.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing:

(i) An accurate tree, hedge and shrub survey of the lands to the south carried out by an arborist or landscape architect. The survey shall show the location of each tree, together with the species, height, girth, root and crown spread, and condition of each tree and measures to protect those trees to be retained shall be submitted to, and agreed in writing with the planning authority before any work commences on site.

(ii) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following the submission of a qualified arborist's report, shall be replaced with agreed specimens.

(iii) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than

1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed, unless otherwise agreed in writing by the planning authority.

(iv) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(v) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.

(vi) Details of screen planting which shall not include cupressocyparis x leylandii.

(vii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) A timescale for implementation including details of phasing.

(c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and to protect any trees and planting during the construction period.

8. All plant, including any generator units, shall be sited in a manner so as not to cause nuisance at sensitive locations due to noise or odour. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: To protect the amenities of property in the vicinity of the site.

9. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. (a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

(b) No surface or storm water run-off shall be allowed to discharge onto the public road or to adjoining properties.

(c) The surface water drainage system shall be revised to incorporate nature based sustainable drainage measures that shall be integrated with the soft landscaping and tree planting proposals. Details of these measures shall be submitted for the written agreement of the Planning Authority prior to commencement.

Reason: In the interest of public health.

11. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connections to the public water supply and wastewater collection network.

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

12. The proposed parking spaces for cars shall be clearly delineated on the ground reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other waste associated with the proposed development
Circulation routes for traffic and pedestrians shall be clearly demarcated on the ground and shall be kept clear at all times.

Reason: In the interests of orderly development and of the visual amenities of the

area.

13. The development shall include all necessary junction signs, stop sign and road markings and barriers within and at the entrance to the site details of which shall be agreed in writing with the Planning Authority, prior to development commencing.

Reason: In the interest of orderly development and traffic safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to proposed access arrangements for construction vehicles, swept path analysis for such vehicles, hours of working, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: in the interest of the proper planning and sustainable development of the area.

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured

and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: in the interest of the proper planning and sustainable development of the area.

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

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

18. The developer shall pay to the planning authority a financial contribution in respect of infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

6th August 2025

12.2. Appendix 1 - Planning Authority Conditions

Consideration of P.A conditions		
ACP Ref:322465 P.A Ref: 2460829		
P.A condition No.	Subject	Included/Modified/Excluded in Schedule of conditions & reasons
1.	Plans & particulars	Included condition 1- modified
2.	Direction of lighting	Condition 4 Modified to include no bat disturbance & lights to be switched off at end of operation
3.	Operating hours 06.00-22.00 hrs unless otherwise agreed by P.A	Included condition 3
4.	Detail of materials etc to be agreed by P.A prior to commencement	Modified Condition 5 includes details of signage & boundary treatment to be agreed by P.A.
5.	Service cables to be underground	Included condition 14
6.	Car parking to be delineated & not used for storage	Included condition 12
7.	Junction & stop signs etc & barrier to be agreed prior to commencement with P.A	Included condition 13
8.	Noise levels not to exceed 55dB LAeq,T at nearest sensitive location during operation of development	Condition 6- modified standard ABP condition re noise
9.	(a)Banner frames on nw & w ends of site to be omitted Details of banner frame at entrance to be agreed with P.A (b) All lighting for signage to be agreed with P.A	Excluded as it is included in ABP condition 5
10.	(1) No surface or storm water to discharge into public road. (2) Surface water to discharge into surface water sewer. (3) Revised drainage layout to be submitted & agreed with P.A re SuDs measures.	Included condition 10
11.	Details of ventilation, air conditioning and mechanical equipment to be agreed with P.A prior to commencement and incorporate noise & odour measures.	Included in conditions 8 & 9
12.	Prior to commencement site investigation works to determine tree root & spread.	Included & modified in condition 7 – standard ABP landscaping condition
13.	Prior to commencement revised boundary treatment for western & northern boundary- omit timber post & rail.	Excluded included in Condition 5.

14.	Construction & demolition works & hours of works.	Included in condition 17
15.	Development contributions	Included in condition 18

12.3. Appendix 2 - Form 1 - EIA Pre-Screening

Case Reference	ABP-322465-25
Proposed Development Summary	Construction of a restaurant, drive thru and takeaway and associated works.
Development Address	Land at Slievenamon Road and Thurles Relief Road, Thurles, Co. Tipperary.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Part 10(b)(iv)- Infrastructural Projects</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use) .</p> <p>The site has an overall area of 0.36ha and is located within an existing built-up area but not in a business district. The site area is below this threshold.</p>
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

12.4. Appendix 3 Form 2 - EIA Preliminary Examination

Case Reference	ABP- 322465-25
Proposed Development Summary	Single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises and associated works.
Development Address	Land at Slievenamon Road and Thurles Relief Road, Thurles, Co. Tipperary.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>This is an application for a restaurant, drive thru and takeaway and associated works (gfa=478.8m²). The area of the site is given as 0.397ha and is located within a mixed use zoning within Thurles LAP boundary.</p> <p>There are no demolition works involved, and there is no identified risks of accidents or disasters, nor is there any obvious risks to human health that result from the proposed development.</p> <p>Given the size of the overall development and site area the proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is located to the south of Thurles town centre (c.500m) The prevailing context of the area is residential to the west and south and commercial to the north.</p> <p>The Lower River Suir SAC is located c.2.4km the site and the River Suir is c.45m to the eastern boundary from the site.</p> <p>The site is located adjacent to Flood Zone A & B. SSFRA submitted which indicates the proposal would not cause any flooding. GSI mapping indicates the site is underlain by Made Ground.</p> <p>Third parties have raised concerns regarding bats in the treeline area to the south of the site.</p> <p>There is no evidence of archaeology within or close to the site. There are no sites of cultural significance within or close to the site.</p> <p>The proposal would therefore be unlikely to have an impact on areas of environmental sensitivity.</p>

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the location of the subject site noise, dust and vibration emissions are likely during the construction phase.</p> <p>However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts. Impacts on the surrounding road network at construction stage can be mitigated by way of adherence to a CEMP.</p> <p>No significant impacts on the surrounding road network are considered likely at operational stage.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

12.5. Appendix 4: Appropriate Assessment Screening/Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The proposed development would comprise the construction of a single storey drive-thru restaurant and associated works. The development would have a gfa of 478.8m². Detailed description of proposal in 2.0 of this report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>Habitat survey carried out 26/3/2024 indicates 80% of the site is spoil & bare ground. There is a treeline area along the southern boundary of the site with a drainage ditch close to the southern boundary that connects to the River Suir to the east. Development separated from the River Suir (45m) by amenity grassland and public walkway. No invasive or protected habitats or species identified.</p> <p>Currently rainwater percolates to groundwater through the soil and indirectly to River Suir. SuDS measures proposed to ensure run off rate equates to existing greenfield rate.</p> <p>A silt fence will be installed between the areas of construction works and southern boundary of the site for the duration of the construction phase to prevent excess silt runoff from the construction site getting into the drainage ditch. The silt fence will be maintained for the duration of these construction works.</p> <p>Storm water to discharge into existing public water storm water manhole which runs parallel to southern boundary. Hydrobrake flow restrictor to be installed to limit discharge and storm water will flow through an underground attenuation tank and bypass fuel/oil separator to remove hydrocarbons & silt within site.</p> <p>Foul water to connect to public network at the municipal treatment plant for Thurles. Foul drainage network to</p>

	discharge into an existing Uisce Eireann foul drain located in the N62.
Screening report	Yes the screening report concluded on the basis of the best scientific knowledge available, the possibility of significant effects on the Lower Suir SAC could not be excluded and an NIS was required.
Natura Impact Statement	An NIS has been included within the application by OPENFIELD Ecological Services.
Relevant Submissions	No

Additional Information

The River Suir flows from the north and passes approximately 45m from the eastern site boundary. There is a drainage ditch to the southern boundary of the site which flows into the River Suir. The River Suir is not a part of any Natura 2000 site at this point. The boundary of the Lower River Suir SAC is approximately 2.4km (south west) from the development site at its nearest point as the crow flies. Following the flow of the river this distance is over 4km. The status of the River Suir in this location under the WFD has been assessed as 'poor' for the most recent 2016-2021 monitoring report.

Step 2: Identification of relevant European sites using the Source-Pathway-Receptor Model

The site is not located within a European site and the closest site is the Lower River Suir SAC, circa 2.4km from the boundary of the site. This SAC was screened in due to its proximity to the site and the potential hydrological pathway via surface water. I agree with this conclusion.

European Site (code)	Qualifying Interests (QI's)	Distance from proposed development	Ecological Connections	Consider further in screening (Y/N)
Lower River Suir SAC (002137)	15 QI's ³	2.4km south west of site	Hydrological connection due to proximity and surface water run off &	Yes

³https://www.npws.ie/sites/default/files/protected_sites/conservationobjectives/CO000036.pdf (accessed 3/7/2025)

			waste water discharge to River Suir	
Step 3: Describe the likely significant effects of the project (if any, alone or in combination on European Sites)				
Site Name Qualifying Interest's		Possibility of significant effects (alone) in view of the conservation objectives of the site		
		Impacts	Effects	
Lower Suir SAC (002137) Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Water courses of plain to montane levels [3260] Hydrophilous tall herb fringe communities[6430] Old sessile oak woods [91A0] Alluvial forests [91E0] Taxus baccata woods of the British Isles [91J0] Freshwater Pearl Mussel [1029] White-clawed Crayfish [1092] Sea, Lamprey [1095] Brook Lamprey [1096] River Lamprey [1099] Twaite Shad [1103] Salmon [1106] Otter [1355]		Direct: No direct impacts site not within SAC Indirect: Surface & groundwater water run off containing contaminants during construction & operation phase Airborne dust during construction. Discharge to WWTP & increase in loading	<ul style="list-style-type: none">• Possibility of deterioration in water quality impacting habitats & species• Changes to habitat quality & function.	
Yes		Likelihood of significant effects from proposed development (alone)		
		If No, is there likelihood of significant effects occurring in combination with other plans or projects?		

Step 4: Conclude if the proposed development could result in likely significant effects on a European site
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lower River Suir SAC (002137)
Proceed to AA Stage II
Screening Determination Significant effects cannot be excluded In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination will give rise to significant effects on the Lower River Suir SAC in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment Determination

Appropriate Assessment
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, Section 177V of the Planning and Development Act 2000, as amended, are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a single storey restaurant single storey drive-thru restaurant (gfa 478.8m²) at land at Slievenamon Road and Thurles Relief Road, Thurles, Co. Tipperary, in view of the relevant conservation objectives of the Lower River Suir SAC (002162) based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none">• Natura Impact Statement prepared by OPENFIELD Ecological Services (Sept 2024)• Engineering Planning report prepared by Malone O'Regan (September 2024)• Site Specific Flood Risk Assessment by IE Consulting (August 2024)• Noise Impact Assessment by RSK (September 2024)• Arboricultural Impact Assessment & Method Statement by Charles McCorkell (September 2024)• Outline Construction Environmental Management Plan by Martin Reddin Ltd (30th August 2024)• Accessible information on the NPWS website.• Accessible information on the EPA website. <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and submitted documentation and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
<p>Submissions/Observations</p> <p>No submission in relation to AA- concern raised regarding loss of trees. This is addressed elsewhere in the main body of this report.</p>

Lower River Suir SAC (site code: 002162)**Summary of Key issues that could give rise to adverse effects (from screening stage)**

- **Water quality degradation (construction & operational phases)**
- **Dust/Air quality control (construction phase)**
- **Habitat/species loss or fragmentation**
- **Loading to the WWTP**

Qualifying Interest features likely to be affected	Conservation Objectives, Targets & Attributes (summary)	Potential adverse effects	Mitigation measures (summary) Step 4. Mitigation measures in NIS
Atlantic salt meadows [1330]	Restore favourable status Area stable or increasing	None anticipated due to significant hydrological distance between site & QI. (Refer to Map 3 of NPWS conservation objectives)	N/A
Water courses of plain to montane levels [3260]	Maintain favourable status Area stable or increasing and no decline, subject to natural processes. Maintain appropriate hydrological regimes including river flow, groundwater discharges and tidal regimes. Maintain appropriate water quality to support the natural structure and functioning of the habitat.	Release of sediment to surface water during construction	Best practice measures during construction in outline CEMP.
Mediterranean salt meadows [1410]	Restore favourable status Area stable or increasing Habitat not recorded in Lower Suir SAC (McCorry & Ryle 2009)	No effect	N/A
Hydrophilous tall herb fringe communities [6430]	Maintain favourable status No decline in habitat area or distribution; maintain the hydrological regime,	Release of sediment to surface water during construction.	Best practice measures during construction in outline CEMP.

	vegetation composition in accordance with objectives for positive and negative indicator species.		
Old sessile oak woods [91A0]	Restore favourable status Area stable or increasing. Not located in this area (Refer to Map 4)	No effect	N/A
Alluvial forests [91E0]	Restore favourable status Not located in this area (Refer to Map 5)	No effect	N/A
Yew woods of the British Isles [91J0]	Restore favourable status Area stable or increasing. Woodland is known to occur at Cahir Park	No effect	N/A
Freshwater Pearl Mussel [1029]	Restore favourable status No records of this species in River Suir at this section or downstream of this section. Found on the Clodiagh system. (Refer to Map 6 Clodiagh freshwater pearl mussel))	Lies outside catchment of QI	N/A
White-clawed Crayfish [1092]	Maintain favourable status-water quality at least Q3-4 at all sites. There is no reduction in habitat and absence of alien crayfish. (Map 7)- down stream of site	No effect due to dilution in River Suir.	N/A
Sea Lamprey [1095], Brook lamprey [1096], River Lamprey [1099]	Restore favourable status. Healthy population structure and no decline in distribution of spawning beds >50% of sampling sites positive.	Release of sediment to surface water during construction & operation	Best practice measures during construction in outline CEMP
Twaite Shad [1103]	Restore favourable status This species is found in estuarine waters only. No	No effect	N/A

	decline in extent and distribution of spawning habitat.		
Salmon [1106]	Restore favourable status Size of stock measures as 'conservation limit' exceeded. No decline in the no. of spawning beds- water quality at least Q4 at all sites.	Release of sediment to surface water during construction & operation	Best practice measures during construction, including silt fencing, oil & fuel storage tanks, prevention of run off from stockpile area.
Otter [1355]	Maintain favourable status No significant decline in extent of terrestrial/estuarine/ freshwater/lake habitat. No significant decline in couching sites or holts; no decline in available fish biomass.	Potential for disturbance and degradation of water quality. Otter habitat not identified.	Noise & vibration levels in accordance with best practice measures during construction.

Assessment of issues that could give rise to adverse effects in view of conservation objectives:

(a) Water quality degradation

The site is not within a designated conservation site. During the construction phase there are potential sources of pollution to River Suir via drainage to southern boundary and due to proximity of river. The presence of fuels, lubricants and other chemicals from construction activities have the potential to impact water quality within the Lower Suir SAC.

Mitigation measures & conditions

Proposed mitigation measures include:

- Good practice, standard construction methodologies to reduce surface water run-off during construction

- Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.
- A silt fence will be installed between the areas of construction works and southern boundary of the site for the duration of the construction phase to prevent excess silt runoff from the construction site getting into the drainage ditch. The silt fence will be maintained for the duration of the construction works.
- All run off is to be intercepted on site.
- Foul and storm water to connect to existing public system.
- Surface water will discharge to an attenuation tank proper to discharge.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

(b) Dust/Air Quality control

Mitigation measures & conditions

Proposed mitigation measures include:

- The discharge of wash-down from construction vehicles.
- Movement of material minimised to reduce degradation of soil structure & airborne dust.
- Provision of an adequate water supply for effective dust/particulate matter suppression/mitigation.

(c) Habitat loss/species loss or fragmentation

The site is 2.4km from the Lower River Suir SAC. Given the separation distance from the subject site and SAC there is no pathway for direct loss or disturbance of habitats or species listed as qualifying interests or other semi-natural habitats that may act as ecological corridors for important species associated with them. Indirect pathway via surface and ground water into Lower River Suir SAC.

Mitigation measures & conditions

- As outlined above via Best Practice measures in outlined CEMP.

(d) Loading to the WWTP

Waste water is to be collected and discharged into the public sewer. Uisce Éireann's WWTP Plant register (accessed 25/7/25) indicates Thurles WWTP (D0026) has spare capacity available. AEP Annual report dated 2024 indicates the WWTP has a capacity of 15,000 P.E and is compliant with the ELV's set in the Wastewater Discharge Licence. The discharge from the wastewater treatment plant

does not have an observable negative impact on the Water Framework Directive status. I am satisfied that there will be no significant impacts on water quality to the Natura 2000 site from the proposed development discharging into the public WWTP.

In-combination effects:

With regard to potential in-combination effects, I have reviewed the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and the Tipperary County Council's planning register. I consider the closest and largest plan or project is the completion of the Thurles Inner relief Road. However this was subject to an NIS and mitigation measures have been outlined for this development. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Having regard to the nature of the proposed development, to the separation from such developments and to the implementation of mitigation measures, I am satisfied that the in-combination impact of this project, and any other plan or project, will not affect the overall integrity of the European Sites.

Findings & Conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in-combination with other plans and projects, will not adversely affect the integrity of the Lower River Suir SAC.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of the Lower River Suir SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower Suir SAC (002137).in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required. Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Lower Suir SAC (002137) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The effectiveness of mitigation measures proposed and planning conditions to ensure the mitigation measures are carried out accordingly.
- The proposed development would not affect the attainment of the conservation objectives or prevent or delay the restoration of favourable conservation conditions for the qualifying species and habitats for the Lower Suir SCA (002137).

12.10. Appendix 5 Water Framework Directive Screening (WFD)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322465-25	Townland, address	Land at Slievenamon Road and Thurles Relief Road, Thurles, Co. Tipperary.
Description of project		Construction of a restaurant, drive thru and takeaway and associated works.	
Brief site description, relevant to WFD Screening,		<p>The site is a former brownfield site associated with the Erin food factory. The nearest watercourse is the River Suir located c.45m to the east of the site. This river flows in a north/south direction past the site.</p> <p>The most recent analysis from the Thurles Bridge monitoring station (code: RS16S020600), taken in 2023 and upstream of the development site, showed Q3 status. The status of the River Suir through Thurles has been assessed as 'poor' for the most recent WFD (2016-2021) monitoring report.</p> <p>Ground water vulnerability is moderate. Site is underlain by Made Ground with alluvium deposits mapped beyond to the eastern boundary, and ground water encountered at 1.38m depth. High ground water level – precludes the use of infiltration measures. Soakaways & permeable paving unsuitable due to soil composition.</p> <p>Storm water to connect to an existing public storm water network which extends from the south west corner to the east, parallel to the southern boundary. Storm water network would have hydrobrake flow restrictor installed to limit discharge from the site to 1.9l/s. Prior to discharge from the site, the storm water would flow through an underground attenuation tank and a bypass fuel/oil separator to remove hydrocarbons & silt. The attenuation tank would have a volume of 115m³, to accommodate a 100 year storm event.</p>	
Proposed surface water details		Connecting to existing public surface water mains.	
Proposed water supply source & available capacity		Public connection. No response from Uisce Eireann to application.	

	<p>A pre-connection enquiry application was submitted for the water connection (Appendix E of engineering report). UE confirm a connection is feasible without upgrades.</p> <p>Water demand for the proposed development is specified as 22.6m³/d. Uisce Eireann water capacity register for Thurles/Borrisoleigh (accessed 8/7/25) capacity available subject to Level of Service improvement required.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Development would employ approx. 40 staff/day and 60 customers/hour which would equate to 12 litres/person/day. Foul water to flow via gravity before connecting to foul water drainage network located in the N62 to west of development. Existing wastewater network traversing the site will require diversion.</p> <p>No response from Uisce Eireann to planning application. A pre connection enquiry application was submitted for the foul water loading to Uisce Eireann (Appendix E of engineering report). UE have confirmed that the waste water connection is feasible subject to upgrades.</p> <p>Uisce Eireann WWTP capacity register for Thurles WWTP (D0026) states it has spare capacity (accessed 8/7/25) and capacity PE of 15000. The WWTP is compliant with the ELV's set in the Wastewater Discharge. WFD ecological status is moderate. A deterioration in water quality has been identified, however it is not known if it is not caused by the WWTP.⁴</p>
Others?	Site lies within Flood Zone C.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	45m	Suir IE_SE_16S020900_070	Moderate	At Risk	Ag, UR, UWW	Hydrologically connected to surface watercourse.

⁴ <https://leap.epa.ie/docs/161de153-5f7c-41d3-bbd1-f5c0d9a287de.pdf>

Groundwater waterbody	Underlying site	Templemore IE_SE_G_131	Good	At Risk	Unknown, Agric	No- poorly draining soils offer protection to groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
	CONSTRUCTION STAGE						
1.	Surface	Suir IE_SE_16S020900_070	Yes – via surface water run off & WWTP	Hydrocarbon spillages/ Siltation	Best practice construction practices CEMP	No	Screened out
2.	Ground		Yes via drainage and surface water but poor drainage characteristics	As above	As above	No	Screened out
OPERATIONAL PHASE							
1	Surface	Suir IE_SE_16S020900_070	None	Hydrocarbon spillages	SuDs features	No	Screened out
2.	Ground	IE_SE_G_167	None	Hydrocarbon spillages	SuDs features	No	Screened out
DECOMMISSIONING PHASE							
3.	NA						

Stage 2: Assessment							
Details of mitigation to Comply with WFD Objectives							
Surface Water							
Development /Activity e.g Culvert, bridge, other crossing, diversion, outfall etc.	<u>Objective 1:</u> <u>Surface</u> <u>Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:</u> <u>Surface</u> <u>Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:</u> <u>Surface</u> <u>water</u> Protect, enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential & good surface water chemical status	<u>Objective 4:</u> <u>Surface</u> <u>Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1,2,3 &4? (If answer is no, a development cannot proceed without a derogation under art.4.7)		
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3	Describe mitigation required to meet objective 4:			
Construction works	Best Practice Construction methods	Site specific best practice construction methods	Site specific best practice construction methods	Site specific best practice construction methods	Yes		

Operational Stormwater drainage	Suds measures & connection to stormwater network	SuDs features & connection to network	SuDs features & connection to network	SuDs features & connection to network	Yes
Details of mitigation to Comply with WFD Objectives Groundwater					
Development/Activity e.g abstraction, outfall, etc.	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2:</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1,2,3 &4? (If answer is no, a development cannot proceed without a derogation under art.4.7)	
Construction works	Best Practice construction methods	Best Practice construction methods	Best Practice construction methods	Yes	
Operational	N/A				