



Development	96 no. houses, a childcare facility, car parking and all associated site development works. A Natura Impact Statement (NIS) accompanies the planning application.
Location	Abbey Farm in the townlands of Inishlounaght and Ballingarrane South, to the south of Cahir Road (R707) and to the west of the Gort Na Manach estate, Clonmel
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2560601
Applicant(s)	Melclon Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Yvonne Dennehy and Eddie Buck Andrew and Margaret Power
Observer(s)	Clancy Homes

Date of Site Inspection

24 March 2026

Inspector

Claire McVeigh

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1.0 Site Location and Description

- 1.1. The subject site, stated area 3.13 ha, is located within the settlement boundary of Clonmel, County Tipperary to the west of the town centre and immediately south of the Cahir Road (R707). The subject site is located to the south of the Poppyfield Retail Park and the Talbot Hotel.
- 1.2. The existing estate 'Gort Na Manach' is located to the east of the subject site and the 'Play and Learn' Creche and Montessori within the estate abuts the internal estate road running parallel to the R707.

2.0 Proposed Development

- 2.1. The proposed development will consist of the following on a site with a total area of c.3.13ha:
 - 96 no. (semi-detached, detached, and terraced) houses comprising 7 no. 2-bed houses, 53 no. 3-bed houses and 36 no. 4-bed houses;
 - A two-storey childcare facility with a total gross floor area of c. 369 sq.m and an associated outdoor play area of c. 257 sq.m;
 - The provision of public open space comprising 3 no. spaces including play equipment, and the provision of private open space for the proposed houses;
 - A total of 206 no. car parking spaces comprising 185. no. residential spaces, 8. no. visitor spaces, 6 no. creche staff parking spaces and 7 no. creche drop off spaces;
 - Vehicular site access to the northeast of the site to the north of the existing residential area of Gort na Manach, and a pedestrian connectivity link along the eastern boundary to the existing residential area of Gort na Manach. Provision for 2 no. potential future access links on the southeastern and western boundaries.
 - The proposed development also includes all associated landscaping and planting, boundary treatments, road and cycle infrastructure, bicycle parking for residents, visitors, and the childcare facility, scooter parking,

EV parking and ducting, public lighting, drainage works, SuDS features and all associated and ancillary site development works.

2.2. A Natura Impact Statement (NIS) has been submitted with the application.

The proposed development of 96 units on a c.3.13ha site results in a density of approximately 31 units per hectare (gross).

2.3. The planning application is accompanied by the following documentation, which it is stated seeks to address the requirements of the Tipperary County Development Plan 2022-2028, Clonmel Local Area Plan 2024-2030 and the Planning and Development Regulations 2001 (as amended):

Cover Letter prepared by John Spain Associates

Completed Online Planning Application Form

Site Notice

Newspaper Notice

Planning Report prepared by John Spain Associates

Letter from Applicant Consenting Agent for Online Upload

Architectural Design Statement prepared by K-Design Studio

Architectural Drawing Pack and Drawing Register prepared by K-Design Studio

Proposed Landscape Plan prepared by K-Design Studio

Part V Layout Drawing prepared by K-Design Studio

Part V Agreement with Tipperary County Council

Infrastructure Design Report prepared by DBFL Consulting Engineers

Traffic and Transport Assessment and Framework Mobility Management Plan prepared by DBFL Consulting Engineers

DMURS Compliance Report prepared by DBFL Consulting Engineers

Road Safety Audit prepared by DBFL Consulting Engineers

Engineering Drawings and Drawing Register prepared by DBFL Consulting Engineers

Public Lighting Report prepared by Coffey Consulting Engineers

Public Lighting Layout prepared by ORS Building Consultants

Public Lighting Calculations Layout prepared by ORS Building Consultants

Public Lighting Reality Contours prepared by ORS Building Consultants

Climate Action Energy Statement prepared by ORS Building Consultants

Operational Waste Management Plan prepared by ORS Building Consultants

Resource Waste Management Plan prepared by ORS Building Consultants

Constructional Environmental Management Plan (CEMP) prepared by ORS Building Consultants

Environmental Impact Assessment (EIA) Screening Report prepared by ORS Building Consultants

Appropriate Assessment (AA) Screening Report prepared by ORS Building Consultants

Natura Impact Statement (NIS) prepared by ORS Building Consulting Engineers.

3.0 Planning Authority Decision

3.1. Decision

On the 9 December 2025 the planning authority decided to grant permission subject to 22 no. conditions.

3.1.1. Conditions

Condition no. 3: Detailed phasing programme to be submitted and agreed prior to commencement of development.

Condition no. 4: At least 4 of the car parking spaces shall be provided with a functioning electric vehicle charging station/point and ducting shall be provided for all remaining visitor and in curtilage car parking spaces.

Condition no. 5: Boundary type G on the northern site boundary shall be replaced with a block wall 1.4 metres in height, capped and rendered on both sides.

Condition no. 6: Construction and Environmental Management Plan (CEMP)

Condition no. 7: Construction Traffic Management Plan.

Condition no. 10: A safety file for the development on completion of the development.

Condition no. 11: A public lighting scheme to be submitted for the written agreement of the planning authority.

Condition no. 12(b) Revised surface water drainage proposals which shall include for underground covered attenuation tanks sized to Met Eireann 100-year event +20% allowable out flow rate 2l/se/ha for the site of 3.12ha.

Condition no. 18: Details of the materials, colours and textures of all external finishes to the proposed development to be submitted and agreed prior to the commencement of development.

Condition no. 19: All proposed bathroom windows shall be glazed in obscure glass and opening sections shall be restricted to top hung joint.

4.0 Planning Authority Reports

4.1.1. Planning Reports

- Initial report (dated 15 August 2025) -

The gross density is 30.6 units per hectare, whilst is at the lower end of the density, is acceptable given the density guidance contained in the Compact Settlement Guidelines 2024 and the previous decision of An Coimisiún Pleanála.

Pedestrian connectivity to the neighbouring estates to the east and future vehicular connection to the zoned land to the south of the site. The layout and open spaces are acceptable to the planning authority.

There are 7 no. house types proposed ranging in size from 67 sqm to 191.4 sqm, the majority of houses proposed are semi-detached.

Further information requested in respect to the proposed provision of visitor car parking spaces and its location throughout the site, details of the surface water discharge and a health and safety risk assessment in respect to the proposed

attenuation pond, pedestrian/cyclist connectivity requires engagement with the local authority to clarify connection to the public footpath and applicant to submit Section (v) of Part B of the Planning Application Form which refers to Childcare facilities.

- Second report (dated 9 December 25) following receipt of further information -

Revised parking provision allowing for 17 no. dedicated visitor spaces, allocated throughout the site and a further 16 no. spaces provided at the creche for use also by visitors is considered to be acceptable.

Notes the report of the district engineer which raises concerns in relation to the attenuation infiltration basins by reason of health and safety and size and recommend that the same be revised to underground attenuation tanks and sized to Met Eireann 100 year event +20% allowable out flow rate 2ltrs/sec/ha for the site 3.13ha and sets out that same can be required by condition.

Revised site layout plan indicating footpath connection in the adjoining estate and letter of consent submitted by the local authority notes and considers the linkage to be acceptable. The completed form B of the application form submitted as unsolicited further information on 2 December 2025, details noted.

Undertook EIA Screening and has determined that EIA is not required.

Is satisfied that the impacts on the Lower River Suir SAC can be ruled out at the screening stage and there are no requirements for a Stage 2 Appropriate Assessment.

4.1.2. Other Technical Reports

- Clonmel Borough District – Senior Executive Engineer

Estate name to be agreed.

Clarification sought whether UE commented on the proposal as wastewater network on Abbey Road was to be upgraded in advance of any further development connecting to the northern interceptor sewer.

Proposed discharge to the surface water network should be limited to 2i/s/hectare and will require a hydro brake from the attenuation system. Detailed calculations to include for a 1/100 year storm and include 10% provisions for climate change when considering rainfall.

Clarification sought on rainfall model source.

Manhole/chamber frame and cover to EN124 2015 group 4 (areas where cars and lorries have access, including carriageway, hard shoulders and pedestrian areas).

Concerns about the depth of attenuation pond. Reference LAWPROs Nature bases Solution Document and Kildare CoCo should not normally exceed 600mm.

Public open space includes the attenuation infiltration basin which reduces the play area and questions if the area of open space is adequate for 96 houses.

Type G timber fence should have hedge planters side similar to the adjacent development of Gort na Manach.

Comments in respect to the raised table junctions and detailed road signage.

Landscaping conditions recommended and landscaped contractor to meet with Tipperary County Council.

- Environment Section

The subject site is not located within a drinking water source protection area.

The site located c.600m north of the lower River Suir SAC and 680m from Marfield Park which is designated Wildfowl Sanctuary (WFS-64) and proposed NHA.

Based on the findings in the AA Screening report, the construction phase may give rise to contaminants such as silt, hydrocarbons, chemicals, noise and dust emissions emanating from site which could have a potential significant effect to the Lower River Suir SAC in the absence of mitigation measures. Site specific mitigation measures are therefore recommended to prevent emissions from site.

Site will use the public foul network following detailed CCTV investigations to confirm condition of sewers from the site through the adjacent estate.

The closest water source is the River Suir (Suir 190) approximately 600m from the proposed development site. Marlfield Lake is c.~680m from the proposed site. This section of the River Suir is located in the Lower River Suir SAC . This section of the Suir has a good status. Without mitigation measures, it is likely that this project could negatively impact surface waters. Due to the proximity and pathways from the proposed site to the River Suir it is important to ensure that proposed site environmental management practices are applied. Due care should be taken to ensure that run off is kept to a minimum and chemicals are stored and used in bunded areas. Mitigation measures to keep run off to a minimum should be included in a construction environmental management plan (CEMP) to be presented before works are carried out and included as a condition of planning permission should the application be approved.

Aquifer Type - Regionally important aquifer- Karstified (Diffuse). Vulnerability - High

As groundwater is likely hydrologically linked to the nearby SW (River Suir), it is likely that this development will have an impact on groundwater during the construction phase.

Mitigations measures need to be specified in the CEMP. It is recommended that these measures are fully implemented as a condition of planning permission should this application be approved.

Given the nature of the proposed works, it is likely that dust will be a nuisance and air quality will be affected during the construction phase. It is recommended that dust prevention measures will be put in place for particulate pollution during the construction phase of the proposed development. It is recommended that these measures are fully implemented as a condition of planning permission should this application be approved.

An Invasive Species Management Plan and Control Plan detailing measures to prevent the spread of invasive species on site and to adjacent lands prior to construction be implemented. Good construction site hygiene included in the

CEMP will be employed to prevent the introduction and spread of invasive alien plant species.

Proposal for lighting was not included in the documents provided; therefore, no assessment can be made. Mitigation measures should be considered during the construction phase taking account of sensitive receptors.

Based on the information submitted, the desktop study and site visit carried out regarding the overall plan while considering the location in relation to protected areas and sensitive receptors, there does not appear to be any environmental impediment to granting of this planning application provided the below FI is received and approved or recommendations are adhered to

A Construction Environmental Management Plan be presented before works are carried out and that mitigation measures specified in the CEMP are fully implemented as a condition of planning should this application be approved.

An Invasive Species Management and Control Plan be implemented prior to construction.

Adhere to mitigation measures as specified in the NIS

- Housing Division

The Part V Agreement in principle submitted with this application is agreeable to the Housing Section.

Option – Housing units proposed:96

Total transferable to Tipperary County Council 10

No units to be transferred to Tipperary County Council for social housing purpose pursuant to this agreement in principle Unit Block 3:5,6,13, 14 Unit Block 6: 1,2,3 and Unit Block 5:1,2,3.

4.2. Prescribed Bodies

None.

4.3. Third Party Observations

There were four submissions received from the following Yvonne Dennehy, Gavin & Leona O'Dwyer, Laois Power and Philip Quigley.

In summary the issues raised include:

- Water supply and pressure.
- Traffic pressure, safety concerns about roundabout at Poppyfields.
Request that the safety and capacity audit of the area during school term and over a period of at least one week (24 hours per day) would need to be completed to understand the significant safety concerns with the access at this existing roundabout.
- Creche in addition to existing creche will add to noise and traffic congestion. Concerns that the existing estate road will be used to drop off children to the creche to avoid congestion at the main entrance.
- Overshadowing and overlooking.
- Loss of light concerns - a shadow study should be provided to illustrate light reduction is less than 20%.
- Site layout is unsatisfactory proposing links to the existing housing development, already at capacity, comprises the privacy and overall residential integrity by reason of the increased activity. A separate entrance should be provided for.

In response to the further information response that was deemed significant, the following additional submissions were made:

- Concerns that the issues raised in the previous observation have not been addressed particularly in respect to the proposed site layout and inappropriate position of the creche and access arrangements through the already saturated housing estate with no amendments or mitigations made.
- Concerns about saturation of childcare services in a confined area.

5.0 Planning History

Subject site:

Planning register reference: 18/601378 ABP-305237-19 Permission refused for the construction of 74 number residential units and all associated ancillary development

works at Abbey Farm, Inishlounaght and Ballingrane, Cahir Road, County Tipperary.
The reason for refusal:

“It is considered that the proposed development, both in terms of the density proposed and the layout which excludes connectivity to adjoining zoned land to the south would represent an inappropriate and suboptimal design response to the site resulting in unsustainable use of serviced land within the development boundary of Clonmel. The Board further considered that the proposed development would be contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), issued by the Department of the Environment, Heritage and Local Government in May 2009, which seek to promote higher densities in urban areas and sustainable patterns of urban development and also to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013. The proposed development would set an undesirable precedent for similar developments in the area and would, therefore, be contrary to the proper planning and sustainable development of the area”.

Planning register reference: 06/550178 Permission granted (March 2007) for the construction of 65 houses consisting of 10 detached houses, 46 semi-detached houses and 9 terraced townhouses and all associated site works, access to the proposed development will be through previously approved development Planning Ref. 05/43.

Adjacent estate Gort na Manach

Planning register reference: 19/600097 Permission granted for the completion of infrastructural work commence under previous permissions no. 05/43 and 07/107 and to construct 22 no. two storey houses complete with external works and site development works.

Planning register reference: 17/601211 Permission refused to extend the duration of planning permission 07/550107 on the basis that the proposal did not satisfy the requirements of Section 42 (1A)(a) (ii)(IV)(B) of the Planning and Development Act 2000 (as amended)

Planning register reference: 09/550028 Permission granted to construct single store extension to the rear of houses nos. 53, 54, 55, 56, 57, 60 and 61 all at Gort Na Manach, Abbye Farm, Cahir Road, Inishlounaght, Clonmel.

Planning register reference: 07/550107 Permission granted to alter the layout and proposed house types on part of the site and to incorporate the total number of houses from 72 to 74 (Existing planning permission ref. no. 05/43) all at Gort Na Manach, Abbey Farm, Cahir Road, Inishlounaght, Clonmel.

Planning register reference: 06/550110 Permission granted to retain and complete single storey extension to the rear of houses nos. 7, 17, 21 and 22 in development under construction at Gort Na Manach, Cahir Road, Clonmel, Co. Tipperary.

Planning register reference: 05/550043 Permission granted to construct 72 houses and a childcare facility, complete with external works and site development works, the proposed development will be accessed from the Poppyfield Roundabout and will comprise 9 detached two storey 5 bedroom houses, 27 detached two storey 4 bedroom houses, 26 semidetached two storey 4 bedroom houses, 10 detached dormer type 4 bedroom houses and a single storey childcare facility.

Planning register reference: PA 2499 Permission granted for the construction of 27 houses, site development and external works and Inishlounaght.

6.0 Policy Context

6.1. Proposed variation No. 1 (Public consultation from 20 March to 4pm 20 April 2026)

The Proposed Variation is to align the Tipperary County Development Plan 2022-2028, with the 'NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities' issued under Section 28 of the Planning and Development Act, 2000 (as amended), which were published to give effect to the National Planning Framework First Revision (2025).

The Proposed Variation consists of amendments to the Written Statement (Volume 1); the Settlement Guide and Settlement Plans and Serviced Land Assessment (Volume 2); and the Development Management Standards (Volume 3 Appendix 6); and can be summarised as follows:

Part A: Volume 1 (Written Statement) & Volume 3 (Appendix 6 - Development Management Standards)

- A revised updated Core Strategy (Volume 1);
- New policies and amendments to existing policies to support and facilitate residential development (Volume 1);
- Associated updates to text narrative (Volume 1 and 3);

Part B: Volume 2 - Settlement Guide, Settlement Plans, and Serviced Land Assessment

- Inclusion of Zoning Maps for Key Towns (Clonmel, Nenagh and Thurles) and District Towns (Carrick-on-Suir, Roscrea, Tipperary Town, Cashel, Cahir and Templemore), previously contained in Local Area Plans / Town Development Plans. This will result in all zoning maps for the County being contained within the Tipperary County Development Plan.
- Amendments to the zoning maps of 24no. settlements to take account of the revised updated Core Strategy including:
 - 3no. Key Towns - **Clonmel**, Nenagh and Thurles
 - 6no. District towns - Carrick-on-Suir, Roscrea, Tipperary Town, Cashel, Cahir and Templemore
 - 3no. Local Towns - Ballina, Newport and Fethard
 - 12no. Service Centres (Population over 400 persons) - Ardfinnan, Ballyclerihan, Borrisokane, Borrisoleigh, Clogheen, Cloughjordan, Holycross, Killenaule, Kilsheelan, Mullinahone, Portroe and Two-Mile-Borris
- Standardised zoning objectives are applied to all zoning maps.
- A revised, updated zoning matrix to reflect that all zoning maps for the County are now contained in the Tipperary County Development Plan.

- An Appendix to the Residential Serviced Land Assessment to take account of proposed zoning changes for each of the 24no. settlements.
- Associated updates to text narrative.

I highlight to the Commission that the subject site remains with its current zoning as new residential in the proposed variation.

Under the Variation it is stated that the Key Towns of Clonmel, Nenagh and Thurles will accommodate 24% of the (Urban Growth 66%) growth. Table 2.4 sets out the Core Strategy Table for Clonmel.

6.2. Tipperary County Development Plan 2022-2028

Volume 1 - Written Statement

Section 5.3 Residential Development in Towns and Villages (Excerpt of) 'New residential development will be required to take cognisance of the prevailing scale and pattern of development in the area, and be of a design, layout and scale presenting a high-quality living environment. In line with the Core Ambition of this Plan, and the Development Management Standards set out in Volume 3, new development will be expected to support accessibility, connectivity, active travel and the '10-Minute Town' concept and be of an appropriate density to achieve this.

Policy 5-2 Facilitate residential development, in accordance with the policy and objectives for residential development for towns and villages, as set out in Volume 2, in the relevant LAPs (and any review thereof) and as set out in the relevant Development Plan for each town (and any review thereof⁴²) and the Development Management Standards...

Policy 5-5 Support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with the following:

- a) New residential development shall meet the relevant Development Management Standards as set out in Volume 3.
- b) New residential developments of 10 or more units shall be accompanied by a 'Sustainability Statement', and a 'Statement of Housing Mix'.

c) New development shall be of an appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DHLGH, 2009), and any amendment thereof, and shall demonstrate that all opportunities for connectivity and linkages have been explored and incorporated in accordance with the 10-Minute Town concept and supporting active travel options.

d) Residential development in rural settlements shall be appropriate to the scale, character and infrastructural capacity of the settlement in which it is to be located.

Volume 3.

Section 6.6 Childcare New childcare facilities are acceptable in principle in areas with a proven demand for childcare, and where they are located to reduce the need for unsustainable traffic movements. Appropriate locations include residential areas, also in close proximity to, or within places of employment, educational institutions and places convenient to public transport nodes in line with the '10-Minute Town' concept.

6.3. Clonmel and Environs Local Area Plan 2024-2030 (In effect on 25 March 2024) including Clonmel Local Transport Plan (now subject to Variation No. 1 of the Tipperary County Development Plan as noted above)

The subject site is zoned 'New Residential in land parcel referenced as no. 11 in the Serviced Land Assessment (SLA) which sits just outside the 10min cycle time analysis. Lands to the south of the subject site are also zoned 'New Residential' and lands further south fronting onto the Marfield road are zoned 'Town Environs'

This LAP has been prepared to underpin the Core Strategy of the TCDP and its Core Ambition to deliver 'Vibrant, Living Towns driving the Regional and Local Economy'.

6.4. Relevant National or Regional Policy / Ministerial Guidelines

• *Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness.*

Aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. To build the number of homes needed in this timeframe, an

estimated €20 billion in development finance will be required each year. To reach this level of delivery, the State will continue to commit significant funds towards the provision of social and affordable homes. Government has committed in excess of €9 billion in funding for housing through the Exchequer, the Land Development Agency (LDA) and the Housing Finance Agency in 2026. The remaining required funding will need to come from investment by the private sector to support homeownership and a well-functioning private rental market.

Reaching the housing 300,000 target will only be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies (AHBs), the Land Development Agency (LDA) and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. Central government will provide the policy, regulatory and funding frameworks to support housing delivery.

- *National Planning Framework First Revision (April 2025).*

National Policy Objective 7 Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 11 Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*

(i) Description of Settlement

Key Towns are identified in the RSEs, while Large Towns are identified at a county level. The strategy for Key Towns and Large Towns is to

support consolidation within and close to the existing built-up footprint. The key priorities for the growth of Key Towns and Large Towns in order of priority are to: (a) plan for an integrated and connected settlement overall, avoiding the displacement of development generated by economic drivers in the Key Town or Large Town to smaller towns and villages and rural areas in the hinterland, (b) strengthen town centres, (c) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality, (d) realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development, and (e) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement

(ii) Table 3.5 - Areas and Density Ranges Key Towns and Large Towns (5,000+ population)

Key Town / Large Town - Suburban/Urban Extension Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)

• **Regional Economic and Spatial Strategy Southern Regional Assembly (2024)** *Issues Paper (March 2026) for the new Regional Spatial and Economic Strategy for 2027-2040 out on public consultation until Friday 22 May 2025 at 5pm.

Clonmel is categorised as a Key Town – Large population scale urban centre functioning as self-sustaining regional drivers.

RPO 17 Clonmel

- a. To support Clonmel as a self-sustaining regional economic driver and as a key location for investment and choice in the region, to support the enhanced development of Clonmel based on its strategic location relative to Limerick-Shannon, Cork and Waterford MASP areas, as well as its role as a centre of employment and economic activity within the region;
- b. To develop Clonmel's economic synergies and potential within the Limerick Waterford east west axis through improvements and upgrading of the N24 Waterford Limerick strategic route and improvements in public transportation;
- c. 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;
- d. To support planned place-making initiatives identified – redevelopment of Kickham Barracks and Clonmel Flights of Discovery;
- e. To support the continued development of Clonmel as a Tourist Centre in Irelands Ancient East and Munster Vales;
- f. To support the delivery of the infrastructural requirements identified for Clonmel subject to the outcome of the planning process and environmental assessments;
- g. It is an objective to continue to realise the potential economic benefits of higher education activity in Clonmel and to support existing higher education providers—noting also the potential collaboration with the future TUSE—in further enhancing the impact of higher education on the town and wider region

6.5. Natural Heritage Designations

The subject site is located 0.6km from Proposed Natural Heritage Areas: Marlfield Lake [Site code 001981] and 0.6km from the Special Area of Conservation: Lower River Suir SAC [Site Code: 002137].

7.0 EIA Screening

7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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.

8.0 The Appeal

8.1. Grounds of Appeal

Two third party appeals have been received namely from Yvonne Dennehy and Eddie Buck Andrew and Margaret Power, both sets of appellants are residents in the existing residential estate Gort Na Manach which adjoins the subject site.

Whilst there is overlap and commonality in the grounds of appeal in both submissions for clarity and specificity to the respective appellants' properties, I shall set out a summary of each.

Yvonne Dennehy and Eddie Buck (9 Gort Na Manach):

- Overarching concern regarding the potential impact on safety, residential amenity and integrity of the existing residential estate as a result of the proposed site layout by reason of the position of the crèche and unacceptable access arrangements through the already saturated housing estate were not sufficiently considered and addressed by the planning authority.
- Concerns relating to the proposed creche include - that the proximity of the proposed creche to the existing early years facility would result in an over saturation of childcare services in a confined area. Second facility likely to exacerbate ambient noise levels.

- Proposed connection through an existing housing development is unacceptable. Concerns that motorists may divert into the existing residential estate to drop off/collect children to the proposed creche would result in increased vehicular movements. Impact of increased traffic on the safety of children currently living in the existing estate.
- Overshadowing concerns, no shadow analysis provided.

Andrew and Margaret Power (10 Gort Na Manach):

- Noise impact of the proposed creche on adjoining residential property. Concerns that the proposed outdoor play area is located directly onto the western boundary wall of no. 10 Gort Na Manach which already abuts the outdoor play area to the north with the 'Play and learn' Montessori. No substantive detail regarding operational noise impacts from the proposed creche or consideration of cumulative impacts in terms of protecting residential amenity.
- Proposed crèche location adjacent to planned pedestrian access point may lead to motorists diverting through the existing residential estate to drop off/collect children through the existing estate. Request that the proposed creche is relocated to a less intrusive position within the site.
- Proposed pedestrian and cycle link proposed for the cul-de-sac between no. 10 and no. 20 Gort Na Manach would give rise to potential anti-social behaviour with groups attracted to the new communal space within the development. Impact on privacy and amenity. The cul-de-sac currently serves as a safe play area for young children and converting it into a throughfare would remove this amenity and compromise safety. Requests that the pedestrian and cycle link should be removed.
- Traffic audit was carried out during the school holidays and outside peak hours and as such does not reflect real world conditions. Impact of the proposed development in terms of increased vehicular movements on the existing roundabout would lead to increase in congestion and risk to traffic safety.

For clarity I highlight that the appellants Andrew and Margaret Power refer to an Environmental Impact Assessment Report (EIAR) accompanying the application. In this respect, there is no EIAR submitted with this application, an EIA Screening report is included with the application documentation and the references to same correspond with this document.

8.2. Applicant Response

The applicant has responded to both third party appeals in a combined submission and is supported by following appendices:

Appendix 1 – Copy of An Coimisiún Pleanála correspondence attaching the third-party appeals submitted.

Appendix 2 – Tipperary County Council Notification of decision to grant permission.

Appendix 3 – Technical note in relation to transport items prepared by DBFL Consulting Engineers.

Appendix 4 – Technical Note in relation to noise impacts prepared by ORS building consultants.

Appendix 5 – Shadow analysis diagrams prepared by K-Design Studio.

- Pedestrian permeability through Gort Na Manach:

In respect to the issues raised relating to pedestrian connectivity the applicant states that enhanced permeability is a core element of effective urban design and spatial planning. The proposed connection will not just benefit the residents of the proposed residential development but also the residents of Gort Na Manach. The pedestrian route is designed with a high degree of passive surveillance, noting the proposed Type A1 house with front façade facing onto the footpath. States that the childcare facility would add further day time passive surveillance and that the route would be well lit and landscaping designed to ensure that secluded areas are avoided.

Adequate creche car parking spaces proposed, increased from 13 no. to 16 no. spaces to allow for drop off and pick up at the creche and as such would mitigate against people using the cul-de-sac at Gort Na Manach as an area to park and walk to drop off their children to the crèche. In addition, the likelihood of the creche being used by residents of the proposed development and Gort Na Manach would minimise

the number of car movements likely to be generated by the crèche with a proposed capacity of c. 38 children.

- Positioning of the creche with impact on noise and residential amenity:

Noting the appellants request for relocation of the creche to the north western edge of the site, it is put forward the proposed creche at its current location is considered to be the most appropriate, with regard to the wider site layout, being close to the northern portion of the site, close to the main vehicular access, to provide for an appropriate road layout within the site and promote the safety of the future resident population. Appendix 4 ORS Technical Note reviews the EPA modelled noise extent for the area and concludes that the addition of a relatively small number of children playing in the proposed creche is considered unlikely to give rise to any significant increase in overall noise levels. A 1.95m high blockwork rendered wall is proposed between the creche and the neighbouring residential development of Gort Na Manach which would provide appropriate screening, sense of privacy and diminish a certain level of noise emissions.

- Shared access through Gort Na Manach and Traffic Congestion:

In respect to the concerns relating to the shared access through Gort Na Manach and traffic congestion the applicant has included a technical note prepared by DBFL Consulting Engineers concluding that the proposed development would not result in any significant impact in terms of traffic congestion on the surrounding road network.

The traffic audits were undertaken in May 2022 and are representative of typical weekday conditions when schools are operational and traffic is representative of normal commuter, education and business activity. The existing traffic flows at the Poppyfields Roundabout were based on survey data from a third party permitted development [(TCC Reg. Ref: 22448) and were thoroughly reviewed to ensure they accurately reflected the current conditions in line via the recognised TII growth rates as a conservation worst case scenario. Therefore, it is stated that there is no gap in the information submitted addressing road safety risks.

- Overlooking and Overshadowing:

In response to the concerns raised regarding overshadowing K-Design Studio have prepared a shadow analysis diagram showing shadowing currently and shadowing

with the proposed development on 21 March which illustrates that the shadow conditions are not materially impacted by the proposed development. There is no shadow impact on 9 Gort Na Manach as a result of the proposed development.

- Over Saturation of Childcare Services in a Confined Area:

Table: 1 of the applicant's submission sets out the existing childcare facilities closest to the subject site to illustrate that apart from the Play and Learn Creche & Montessori the nearest childcare facilities (Clever Cloggs Community Childcare and Busy Bees) are located c1.62km. It is stated that the proposed crèche is intended to provide childcare services resulting from the proposed development and can also help to future proof services for when lands further to the south are developed. The applicant does not agree that the provision of an additional c. 38 no. childcare spaces at this location would result in an over saturation of services.

8.3. Planning Authority Response

- None

8.4. Observations

One observation has been received from Clancy Homes owners of lands to the immediate east/southeast of the subject site.

- The current application proposes a vehicular connection and that no consultation or agreement has been made in this respect.
- Request that a condition of permission be included to require the submission of a revised layout to replace the proposed southeastern vehicular access with a access road to the southern boundary, resulting the removal of two houses (Type B, No's 7/5 and 7/6 at the centre of the southern boundary).

8.5. Further Responses

In response to the request for further submissions or observations in relation to the applicant's appeal response, under section 131 of the Planning and Development Act 2000 (as amended) the following further responses received are summarised as below:

Yvonne Dennehy and Eddie Buck

Considers the observations made in respect to low density and lack of connectivity in the previously refused 2018 application are not relevant to the current proposal which has been prepared under the current policy and should be considered on its own merits.

Significant issue with respect to permeability and connectivity from the site was not highlighted or sufficiently addressed during the public consultation for the current application. Concerns among residents that they were not presented with the full planning context.

Do not agree with the applicant that the access route through Gort Na Manach would not be used as an alternative to drop off children to the creche by reason that this route would avoid the bottleneck at the existing Montessori.

Andrew and Margaret Power

The applicant's noise discussion acknowledges some outdoor play noise but relies on broad assumptions within site specific evidence for our unique situation where an existing creche adjoining one rear boundary and the proposed creche would adjoining the opposite boundary. No cumulative assessment carried out.

The applicant's response makes reference to EPA modelled noise extents and concludes that the noise from the new creche will generally sit below background. This interpretation comes without any prediction or measurement at our property boundary.

No details have been provided on the proposed session lengths for playtime or daily scheduling to allow interest parties understand how often and for how long play outside (noise from outdoor play areas is intermittent, impulsive and characterised by sudden peaks which are far more noticeable and intrusive even where background noise exists) would occur at their boundaries.

The proposed 1.95m high blockwork wall as presented has not been demonstrated as an acoustic solution for a play yard placed directly on a shared boundary.

There is an obligation to protect existing residential amenity where new outdoor play yard would sit directly on the boundary.

No reasoning or explanation is provided in respect to the appellants suggested alternative location for the proposed creche to the northwestern corner of the subject site. The appellants contend that locating the facility at the entrance to the development would reduce interaction between crèche related traffic and residents within the estate, beneficial in terms of safety and amenity point of view.

Concerns that the design of the proposed opening between the proposed site and Gort Na Manach is not shown clearly and how it would be managed so it would not cause problems for the existing residents. There are concerns that it would result in a blind corner risk beside their home. The proposed connection adds very little in terms of real benefit given the proximity to the main entrance to the new estate whilst it impacts significantly (losing quiet feel and everyday safety of the cul-de-sac) on the front of no. 10 and the homes in close proximity within Gort Na Manach.

Does not agree with the applicant that the pedestrian/cycle link won't be used as a shortcut or set-down spot for parents dropping off to the crèche.

Recommended amendments if the pedestrian link is deemed necessary:

- Make the entrance full width splayed at the opening so that you can see clearly both ways, no high wall and no singular access route.
- Good lighting plan, no seating or planting that creates places to linger.
- Creche management in respect to the use of the pedestrian link to discourage set-downs at the cul-de-sac.

The shadow analysis presented indicates that the property will experience significant additional overshadowing as a result of the proposed development, particularly at 3pm on 21 March when the front garden of no. 10 would be substantially overshadowed and the northwest portion of the rear garden (where a greenhouse has been in place for almost 20 years). The shadow analysis demonstrates that the proposal would result in an unacceptable loss of residential and garden amenity at No. 19 Gort Na Manach. Considers that a significant contributing factor to the over shadowing would be the proposed double storey crèche in close proximity to their boundary wall, which further justifies its relocation.

9.0 Assessment

9.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Site layout including proposed pedestrian/cyclist connectivity, proposed crèche location and proposals for future access to lands to the south /east.
- Traffic impacts including proposed pedestrian and cycle link
- Overshadowing impacts

9.2. Principle of development

9.2.1. The subject site is positioned within the settlement boundary for Clonmel town (a designated Self-Sustaining Regional Driver in the RSES) on its western edge (referred to as the residential neighbourhood area 'West of Town Centre' Figure 6-3 Clonmel Local Area Plan 2024-2030). I highlight again for the Commission that the development plan for Tipperary is now subject to a proposed Variation No. 1 (please refer to section 6.1 of my report) currently on public consultation.

9.2.2. The subject lands are zoned 'New Residential', and for clarity the current Variation no. 1 does not suggest any change to the zoning, in which the objective is to provide for new residential development as described as: "*New residential areas/town extensions to ensure the provision of high quality and connected new residential environments. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities*". As such I am of the opinion that the proposed residential and creche development is acceptable (refer to Land Use Zoning Framework section 9.0 of Clonmel and Environs Local Area Plan 2024-2030) in principle subject to consideration of the against the key indicators of quality design and place making.

- 9.2.3. As part of the proposed Variation no. 1, at the time of writing this report the public display has just ended (20 April 2026), new land use zoning maps for Clonmel are proposed to replace the zoning maps contained in the Clonmel and Environs Local Area Plan 2024-2030 are proposed to be inserted into the Tipperary Development Plan. An additional portion of land (2.83ha) is proposed to be changed from Town Environs zoning to New Residential zoning (ID C_1 Variation no. 1). This portion of land has road frontage along the Marfield Road and abuts the existing New Residential land use zoning south of the subject site.
- 9.2.4. The lands immediately to the south of the subject site are currently zoned new residential and given that the plan seeks to ensure the provision of high quality and connected new residential environments I am of the opinion that future connectivity must be facilitated within the residential scheme subject to the appeal. I shall address this issue further in section 9.3 of my report.

9.3. Site layout including proposed pedestrian/cyclist connectivity and proposed crèche location

- 9.3.1. The site layout is structured around three areas of public open space which incorporate proposed nature-based drainage solutions (infiltration basins) and equate to approximately 13% of the subject site (as revised following response to further information). The quantum of open space is in line with Policy and Objective 5.1 in respect to Public Open Space of the Sustainable and Compact Settlement Guidelines, however, I highlight to the Commission that there is an issue with respect to the appropriately applicable greenfield runoff rate which has resulted in concerns being raised by the District Engineer. It is stated in the second planner's report, following receipt of further information in respect to the surface water management proposals, that the District Engineer (report dated 2/12/2025) has raised concerns in relation to the attenuation infiltration basins by reason of their size and also health and safety design issues. The response from the applicants (letter prepared by DBFL Consulting Engineers) indicates that a runoff rate (Q_{bar}) of 10l/s in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) was agreed with Tipperary County Council as the adopted rate given that the alternative 2l/s would result in a net loss of developable area. Given the concerns raised by the District Engineer following receipt of the further information, the planning authority

attached condition no. 12 requiring the provision of underground covered attenuation tanks as an alternative. In the event the Commission is minded to grant permission I recommend that this issue could be addressed by condition requiring this issue to be agreed in writing.

- 9.3.2. A creche is proposed to the northern section of the site adjacent to the eastern boundary of the site and backing onto both the play area for the 'Play & Learn' Montessori building and the side elevation/rear garden to no. 10 Gort Na Manach. The proposed site layout includes for connections to the existing residential estate Gort Na Manach. The first connection is the proposed main entrance to the site off the internal estate roadway to the northern boundary. Secondly a pedestrian/ cycle link only is proposed to connect to the existing pedestrian pathway running to the front of no. 10 Gort Na Manach. Furthermore, an indicative future connection is indicated to access lands to the east of the subject site and south of the Gort Na Manach estate.
- 9.3.3. Previously the Board (now Commission) refused planning permission for a similar less dense housing development based on both its density and the layout which excluded connectivity to the adjoining zoned land to the south. (Please refer to section 5.0 of my report for detail) The subject application has attempted to address these issues by increasing the density proposed on the subject lands and also by proposing a future connection to the lands directly east/southeast of the subject site.
- 9.3.4. I note the observation received from Clancy Homes, as owners of the lands immediately east/southeast of the subject site, raises concerns that such a vehicular connection proposed without consultation and agreement would significantly impact on the development potential of their lands resulting in the loss of residential units along the shared boundary to facilitate access. An alternative link due south from the subject site is put forward by the observer, which would result in the removal of two no. houses (Type B Nos 7/5 and 7/6) in a central position effectively extending the proposed internal access roadway southwards in a straight line. I highlight to the Commission that at the time of writing my report from my search of Tipperary ePlan no application has been made in respect to these lands east of the subject site, however, the observers state that they will be making an application in the coming weeks. An indicative site layout plan has been appended to the observation.

9.3.5. The development of these land parcels within this 'west of town centre' neighbourhood (as per the Clonmel & Environs Local Area Plan) appears to be occurring in a piecemeal manner without consultation between the parties or set against background of a framework/masterplan ensuring connectivity for each parcel within the zoned 'New Residential' lands. In the absence of an application, given the purpose of the zoning objective is to ensure the provision of high quality and connected new residential environments, set against a level of uncertainty in respect to the future development of lands both the east and the south of the subject site, I am of the view that it would be reasonable to include for both a link to the south and to the east (as currently proposed). Noting the lands to the southern section of the subject site sits within proposed Phase 2 of the construction plan I am of the opinion that to omit two no. units by condition to facilitate a vehicular connection to the south and to retain the indicative future link to the east would enable options for connectivity in the future without negatively impacting upon the development potential of either the lands to the east or south of the subject site without a significant reduction in the net density of the subject site. In this respect I consider that to omit proposed unit no's 7/10 and 7/9 would enable the development to connect with the lands to the south, allow for a designed curvature in the access roadway to naturally slow traffic speed, and would allow for a layout that would not exclude the option of a connection in the future to lands immediately east. In the event the Commission is minded to grant permission it is recommended that a condition be attached in this regard.

9.3.6. Both third party appellants raise concerns with respect to the proposed pedestrian and cycle link at the cul-de-sac location. The concerns relate primarily to the lack of detail in respect to the creation of the opening and the visibility and safety of use of same. Whilst I acknowledge their concerns with respect to creating places that people may 'hang around' I note that the proposed unit A1 Nos3/1 fronts onto the proposed pathway and would provide built in passive surveillance of the route. I do, however, have concerns that the amenity landscaped section to the north of the proposed pathway would be bounded by a perimeter 2m high wall of the proposed creche and on this side would not be sufficiently overlooked. As such, I am of the view that the proposed positioning of the creche does not adequately respond to the future proposed pedestrian/cycleway.

- 9.3.7. An interlinked concern from the appellants is the location of the crèche abutting their shared side boundary (no. 10 Gort Na Manach). I would agree with the appellants that the proximity of the creche and its associated external play space when considered in conjunction with the existing Creche and Montessori and its play space would lead to cumulative impacts in terms of noise given the existing residential property would be surrounded on both its northern and eastern boundaries by childcare facilities. I am of the opinion that the proposed crèche could be located on the opposite side of the proposed public open space area (no. 2), essentially flipping the layout whilst retaining the creche in a prominent location adjacent to the proposed public open space and close to the main entrance of the subject site to assist with legibility. In this revised position the proposed creche would not impact on existing residential amenities and would not result in a blank façade onto the landscaped amenity space adjoining the pedestrian route. In respect I am of the opinion that the housing units (within Urban Block 2 Type A nos. 13, 14, 15 and 16) could be flipped to be placed in the creche location and a Type A1 unit be provided to ensure both passive surveillance from both the north and south of the proposed east/west pedestrian and cycle route connecting the existing and proposed residential estates. In the event the Commission is minded to grant permission this issue could be addressed by condition.
- 9.3.8. On balance, I am of the view that a pedestrian /cyclist link is important for the permeability of the area to encourage people to walk or cycle and could provide a useful short cut for residents in Gort Na Manach walking their children to the creche or for children going to play in the playground. I shall address the appellants concerns with respect to increased traffic movements and parking adjacent to their properties in the cul-de-sac in section 9.4 below. I consider that the detailed design can be agreed by way of condition to ensure that the opening is detailed in respect to landscaping, both hard and soft, and a lighting plan to ensure clear visibility along the route in conjunction with the proposed change to the site layout to reposition the creche to the site's western boundary and provide an appropriate response to the redesigned Type A1 unit fronting the northern edge of the pedestrian route.
- 9.3.9. In respect to the planning authority's preference that boundaries to open space areas are finished in a block wall capped and rendered on both sides (as per recommended condition no. 5) to address same along the northern boundary, I

would not agree that in this instance that such a boundary would be the most appropriate given the existing site context as edge of town, the existing boundary of trees and hedgerow and the immediately adjoining front boundary treatment of Gort na Manch which has a timber post and rail fence with planted hedge. Noting the report from the Senior Executive Engineer (Clonmel Borough District) dated 9 July 2025 I would agree that a condition requiring the provision of a hedge to the inside line of the timber fence to similar to that of Gort Na Manach would allow for appropriate visual consistency and a landscaped softening of the boundary to the proposed new residential estate. In the event the Commission is minded to grant permission a revised condition is recommended.

9.4. Traffic impacts (including proposed pedestrian and cycle link)

- 9.4.1. A Traffic and Transportation Assessment (TTA), a stage 1 Road Safety Audit (RSA) and a DMURS compliance report were submitted in support of the planning application. In response to the third party appeal the applicant has submitted a Technical Note prepared by DBFL Consulting Engineers (Appendix 3 to the response documents). These documents indicate that during the weekday peak hour periods traffic conditions and associated delays are not overly problematic, representing typical peak hour traffic conditions with no material prolonged issues, at the R707 Poppyfields Roundabout. The Technical Note acknowledges that during afternoons on a Saturday and Sunday traffic flows tend to be higher as influenced by the neighbouring retail park. It is put forward in the technical note that these retail weekend peak hour periods do not have the same time (or day) as the proposed residential and crèche peak hour periods.
- 9.4.2. In respect to concerns of increased congestion and road safety risks arising from the addition of 96 no. residential units and a childcare facility at the main entrance and Poppyfields Roundabout the response document states that the supporting assessments, as noted above, indicate that the proposed development would result in approximately 1-1.2 additional vehicle movements every minute on average distributed across both the inbound and outbound directions during the peak hour period. Under the TTA the worst-case scenario (i.e. 15 years post opening of the development) demonstrates that the highest demand during PM peak equates to an annual average daily traffic (AADT) of circa 20,420. The technical notes sets out that

the Poppyfields Roundabout, which has an inscribed circle diameter (ICD) of approximately 30m and flared approaches on both of the R707 Cahir Road arm, has an operational capacity 'in the order of 30,000' AADT per day. As such, I would concur with the findings of the TTA which is stated to be undertaken in accordance with the corresponding TII and NTA guidance and using traffic surveys undertaken in May 2022 stated to reflect typical weekday conditions when schools are operational and traffic is representative of normal commuter, education and business activity, where the predicted traffic impact is less than both the 5% (on congested networks) and 10% (on uncongested networks) thresholds, that the impact on the operational performance on the roundabout and surrounding local road network would not be considered material. To the appellant's point that the traffic assessment was undertaken during school holidays, it is acknowledged in the technical note submitted in response that the planning submission reports are dated June 2025 but that this reflects the reports submission date only and not the timing of the earlier May focused traffic surveys. In respect to the duration of the traffic survey work undertaken I accept, as set out in section 2.5.1 of the technical note, that the survey represents the highest traffic flows of the day and since the network has been demonstrated to accommodate the development under this worst-case scenario there is no requirement to monitor over a longer period. I note that the proposed vehicular entrance to the subject site utilising the internal estate road does not directly pass any existing private house entrances and therefore, as stated in the technical note, would not result in additional vehicular movements directly past existing dwelling units.

- 9.4.3. I highlight to the Commission that Clonmel and Environs Local Area Plan (2024-2030) includes the active travel proposal AT43 Cahir Road and Western Road for the provision of segregated cycle facilities along Cahir Road and Western Road as far as Queen Street. (see Table 6-2 Summary of Active Travel Measures. Segregated cycle facilities and Figure 6-17: Active travel measures with number referenced). The technical note submitted in response to the appeal outlines that given the function of the Cahir Road as a regional road carrying the primary flow of traffic through the area, and its arterial function that it is reasonable to expect that delivery of the active travel proposals would be prioritised by the local authority and as such the roundabout forms part of a corridor that is planned for future safety and active

travel enhancements which will further address the appellants concerns regarding road safety at this location.

- 9.4.4. Concerns have been raised that there may be an increase of vehicular movements and parking within the cul-de-sac outside no. 9 and 10 Gort Na Manach as a result of creche users taking an alternative drop off to avoid congestion at the existing Montessori. The applicant suggests that there is no logical reason why creche users would park in Gort Na Manach to drop-off/pick up given the shorter distance via the proposed new internal roadway and the availability of dedicated creche parking spaces. The appellants do highlight that congestion occurring at the existing Montessori may be a factor in Creche users using the cul-de-sac as an alternative place to park and then walk to the creche. This may be likely, but I am of the view that in the majority of cases the creche users, not already residents of either Gort Na Manach or the proposed new estate, would travel directly to the dedicated drop-off /pick up parking spaces and utilise visitor parking spaces as necessary. As already set out above I am of the opinion that the proposed creche should be repositioned to the western boundary of the site and, if the Commission is minded to attach such a condition in the event of a grant of permission, the likelihood of crèche users parking in the cul-de-sac of Gort Na Manach to walk across the public open space area (no. 2) to the creche would be further reduced.
- 9.4.5. In conclusion on these points, I am satisfied that the proposed development would not result in a material change to the traffic movements within Gort Na Manach estate, on the surrounding local road and at the entrance/ Poppyfields roundabout junction such that would give rise to significant traffic impacts and / or increase roads safety risks.

9.5. Overshadowing impacts

- 9.5.1. In response to the appeal the applicant has submitted shadow analysis of the development on no. 9 Gort na Manach, but I note that this analysis also includes the adjoining properties. Comparing the existing condition on 21st March 9am, 12pm and 3pm with the proposed development in place the shadow conditions are not materially impacted at no. 9 Gort na Manach. A change in the shadow conditions at no. 10 Gort na Manach is evident at 3pm where the front garden and section running

along the side shared boundary (north-western portion) would be in shadow with the proposed development in place. The appellant, owner of no. 10 Gort na Manach, raises concerns about the impact of this shadowing on their residential and garden amenity, whilst acknowledging that they can't attribute the overshadowing solely to the double storey creche they are of the view that this impact would further justify its relocation within the scheme.

- 9.5.2. As already set out in my assessment I am of the view that the proposed creche should be relocated to the western boundary of the site in order to protect existing residential amenities, provide by the provision of housing units in its place greater passive surveillance to the proposed pedestrian /cycle route and having regard to the shadow analysis submitted would potentially ameliorate overshadowing as a result of the proposed development on the existing residential properties.

10.0 **Appropriate Assessment**

Appropriate Assessment Conclusion: Integrity Test

- 10.1. The proposed residential development, incorporating a childcare facility, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 10.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Suir SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 10.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account the report of the Environment Section Tipperary County Council I consider that adverse effects on site integrity of the Lower River Suir SAC 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.
- Effectiveness of mitigation measures (detailed in NIS and accompanying Construction and Environmental Plan (CEMP)) proposed including

supervision and monitoring and integration into the CEMP ensuring smooth transition of obligations to eventual contractor

- Application of planning conditions to ensure application of mitigation measures.

The proposed development would not affect the attainment of conservation objectives for the Lower River Suir SAC.

11.0 Water Framework Directive

- 11.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 11.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 11.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 11.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

12.0 Recommendation

- 12.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

13.0 Reasons and Considerations

- 13.1. Having regard to the zoning objective of the subject site, its location within the settlement boundary of the self-sustaining Key Town of Clonmel within the

designated '*West of town centre*' neighbourhood, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development, is therefore, in accordance with the proper planning and sustainable development of the area.

14.0 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 the 9 day of October 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: To clarify the plans and particulars for which permission is granted.

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 proposed development shall be amended as follows:
 - a. The proposed creche shall be repositioned adjacent to the western boundary (within urban block 2), where currently the proposed four no. Type A dwellings (nos. 13, 14, 15 and 16) are indicated on the site layout plan P24-199K-02-ZZZ-DR-KDS-AR-3103 Revision P-02.01. The proposed four no. dwellings shall be repositioned adjacent to the eastern boundary in the location of the creche and area of proposed public open space (amenity space) (within urban block 3 adjacent to the boundary with Gort na Manach) immediately north of the proposed

- pedestrian footpath/cycle way. The proposed house type shall be modified from a Type A to Type A1, for that unit positioned north of the proposed pedestrian pathway/footpath and revisions made to the boundary details adjoining the shared boundary with Gort Na Manach.
- b. Revised design details shall be provided illustrating the proposed pedestrian pathway between the proposed new residential estate and the existing estate (Gort Na Manach).
 - c. Two of the proposed dwellings within urban block no. 7 (Type B no. 10 and Type B no. 9) shall be omitted and the internal roadway be extended through this area up to the southern boundary. For clarity this permission is for 94 houses and a creche only.
 - d. All roads and footpaths and cycleways, where applicable, shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development, permeability and protection of residential amenity.

4. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record

[archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a

service connection(s) to the public water supply and/or wastewater collection network.

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

7. (a) Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works.
- (b) The site shall be landscaped in accordance with a comprehensive scheme of landscaping and public open spaces shall be designed to cater for a range of active and passive recreation needs including play, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The proposed northern boundary (Type G) timber fence shall have hedge planted to the inside face similar to the adjacent development of Gort na Manach.
- (d) The Landscape Architect shall submit a landscape completion record to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

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 residential and visual amenity.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of proposed

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

Reason: In the interest of amenity and public safety.

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

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

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

11. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

12. 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 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 environmental protection, residential amenities, public health and safety.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday 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 residential amenities of property in the vicinity.

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

Reason: In the interests of visual amenity.

16. (a) The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

17. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

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

19. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

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

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

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Claire McVeigh

Planning Inspector

29 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500527-TY-25
Proposed Development Summary	96 no. houses, a childcare facility, car parking and all associated site development works. A Natura Impact Statement (NIS) accompanies the planning application.
Development Address	Abbey Farm in the townlands of Inishlounaght and Ballingarrane South, to the south of Cahir Road (R707) and to the west of the Gort Na Manach estate, Clonmel, County 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, no further action required.
(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)	
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.	

<p>EIA is mandatory. No</p> <p>Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 2 Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.</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:

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500527-TY-25
Proposed Development Summary	96 no. houses, a childcare facility, car parking and all associated site development works. A Natura Impact Statement (NIS) accompanies the planning application.
Development Address	Abbey Farm in the townlands of Inishlounaght and Ballingarrane South, to the south of Cahir Road (R707) and to the west of the Gort Na Manach estate , Clonmel, County 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>The proposed development comprises the construction of 96 houses and a two-storey childcare facility. There are 3 no. areas of public open space proposed incorporating infiltration/detention basins.</p> <p>The development due to its size, nature and phasing has a modest footprint, comes forward as a standalone project on a zoned greenfield site, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident</p>

	<p>and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<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>	<p>The proposed development is located on the edge of Clonmel (c. 2.5km west of the town centre and Clonmel train station) and within the settlement boundary. The development site is removed from sensitive natural habitats, is bounded by extensive agricultural lands to the west and south and to the east is bounded by densely grouped residential units within a number of housing estates and commercial units to the north of the R707.</p> <p>As set out in the NIS the primary habitat type of the subject site is arable crops and a linear drainage ditch with some hedgerow delineates the western boundary.</p> <p>The nearest waterbody to the site is the River Suir (WFD designation: Suir_190) located ca. 600m south of the proposed development.</p> <p>The EPA map viewer indicates that the site is underlain by the Clonmel groundwater body, which is classified as a regionally important karstified aquifer. No karst features are present in close proximity to the proposed works, with the nearest feature being an enclosed depression (IE_GSI_Karst_40K_1285) located ca. 4.2km north of the site.</p> <p>The subject site is approximately 600m from the Special Area of Conservation: Lower River Suir SAC [Site Code: 002137]. Please refer to Appendix 3 and section 9.0 of my report in respect to the Appropriate Assessment of this Natura 2000 site.</p>

	<p>OPW Flood maps indicate no risk of coastal or groundwater flooding within the boundary of the site. OPW maps indicate that closest past flood event was recorded ca. 760m southwest of the site (ID-13162, Clonmel, Marfield on 14/11/2014. Source: River).</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 modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<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>
<p>There is significant and realistic doubt</p>	

<p>regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:**

DP/ADP: _____ **Date:**

(only where Schedule 7A information or EIAR required)

Appendix 3: Appropriate Assessment

1.0 Appropriate Assessment

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

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

1.2. Compliance with Article 6(3) of the EU Habitats Directive

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

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

1.3. Screening the need for Appropriate Assessment

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed housing development with childcare facility in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment and Natura Impact Statement (NIS) has been prepared by ORS on behalf of the applicant. In addition, I have had regard to the submitted report of the Environment Section Tipperary County Council which recommends that the mitigation measures as specified in the NIS are adhered to.

The objective information presented in these reports informs this screening determination.

Description of the proposed development

It is proposed to construct 96 no. houses and a two-storey childcare facility. As set out in the submitted NIS a number of sustainable drainage system (SuDS) measures are proposed to be implemented as part of the stormwater design for the project. Permeable paving will be implemented on driveways and car spaces to enhance stormwater management. Upon contact with the permeable surface, runoff will either infiltrate into the subgrade, recharging the groundwater or will be collected via a perforated pipe before discharging into a nearby surface water network. The primary benefits of permeable paving include its ability to control both the quantity and quality of surface water runoff.

Infiltration basins will serve as both storage and treatment facilities while promoting groundwater recharge. The side slopes of the infiltration/detention basins will be constructed at a maximum of 1:4.5 and a minimum slope of 1:6. Under normal conditions, the basins will typically remain dry. However, during extreme rainfall events, they are designed to fill to the specified water depth, which considers a 100-year return period and incorporates climate change projections. The retention period of the water will allow pollutants to settle and be filtered before it percolates into the ground. Overflow control systems have also been incorporated to manage exceedance flows.

I have provided a detailed description of the development in my report (Section 2.0) and detailed specifications of the proposal are provided in the NIS and other planning documents provided by the applicant.

Consultations and submissions

No submissions raised issues related to screening for appropriate assessment and the AA process.

European Sites

The development site is not located within or directly adjacent to any Natura 2000 site. The development site lies within c.600m of the Lower River Suir [002137].

The submitted Screening Determination for Appropriate Assessment identifies the Natura 2000 sites within the project zone of influence (Table 3.3 of the submitted NIS section 3.8) as including:

- Lower River Suir SAC (002137).
- Nier Valley Woodlands SAC (000668)

- Comeragh Mountains SAC (001952)

It is stated within the submitted screening by ORS that there are no direct pathways established between the proposed development site and the Natura 2000 sites identified. Table 3.3 of the submitted screening for Appropriate Assessment and Natura Impact Statement (NIS) screens in the Lower River Suir SAC having due consideration to the precautionary principle as the construction of the development may lead to migration of pollutants off site via surrounding surface water systems in the absence of mitigation.

The planning authority in undertaking Screening for Appropriate Assessment sets out that they are satisfied that a stage two Appropriate Assessment can be screened out having regard to the previous determinations with respect to AA screening on site, noting the inclusion of SuDS as opposed to the previously proposed attenuation tank, and they reference section 5.3.1 of the submitted NIS that no specific mitigation measures beyond routine inspection and maintenance of the proposed drainage system is recommended. I note for the Commission that in their decision to grant permission the planning authority attached condition no. 12 (b) requiring revised surface water drainage proposals to include underground covered attenuation tanks rather than the proposed infiltration/detention basins.

I acknowledge that the applicant has taken a precautionary approach to screening in the Lower River Suir SAC. Notwithstanding the planning authority's view, which refers principally to the operational stage, noting that site specific mitigation measures are set out in section 5.1 and 5.2 with respect to the construction stage to avoid /reduce the likelihood and significance of potential effects on the Natura 2000 site identified I am of the opinion that a stage 2 Appropriate Assessment is required.

There is no ecological justification for a wider consideration of sites, and I am satisfied that the Lower River Suir SAC is the only European site of relevance which could be impacted by the proposed development applying the source-pathway-receptor model.

European Site	Qualifying Interests	Distance	Connections
<p>Lower River Suir SAC</p> <p>https://www.npws.ie/protected-sites/sac/002137</p> <p>Conservation Objective Series (March 2017)</p>	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and</p>	<p>c.600m SE of the proposed development site.</p>	<p>Indirect hydrological connectivity.</p>

	<p>Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>		
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Table 1.1

Likely impacts of the project.

The development lands are not located within or directly adjacent to any Natura 2000 site.

The submitted Natura Impact Statement (NIS) outlines that taking a conservative approach, in a worst-case scenario and in the absence of mitigation, an accidental pollution event of a sufficient magnitude during construction or operation, either alone or in-combination with other pollution sources, could potentially affect the surface or ground water quality in the SAC to an extent that undermines the conservation objectives of its qualifying interests. A reduction in water quality of the River Suir has the potential to affect the aquatic habitats and natural conditions that are required to

maintain the favourable conservation condition of the qualifying interests of the Lower River Suir SAC.

Likely significant effects on the European sites in view of the conservation objectives

Based on the information provided in the Natura Impact Statement (NIS), 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 the following impacts:

- Deterioration of water quality and the wetland components of European Sites.

An examination and analysis of the potential for other plans and/or projects to act in combination with the proposed project to have a significant effect on any European site within its zone of influence is considered in 4.3.7 of the NIS.

I concur with the applicants' findings that such impacts could be significant when considered on their own and in combination with other projects and plans in relation to pollution related pressures on qualifying interest habitats and species.

Overall Conclusion

Screening determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Suir SAC (002137) in view of the conservation objectives of a number of qualifying interest features of that site.

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

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed residential development in view of the relevant conservation objectives of the Lower River Suir SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by *ORS* and its Appendices
- Report of the Environment Section Tipperary County Council

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 mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

No issues raised in the submissions/observations.

European sites

Lower River Suir SAC (Site Code 002137)

Summary of key issues that could give rise to adverse effects:

- (i) **Deterioration in surface water quality during construction phase and increased surface water runoff during operational phase.**

Refer to Table 4.1 of the submitted NIS.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes (as relevant summary)	Potential Adverse effects	Mitigation measures (Summary) See NIS section 5.0.

The submitted NIS considers this European site further in Table 4.4 to identify the features of qualifying interest with the potential to be adversely impacted as a result of the proposed development and the potential impacts are examined with respect to the conservation objectives of the Natura site set out in sections 4.3.2 – 4.3.6 with potential cumulative effects examined in section 4.3.7.

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	<p>To restore the favourable conservation condition of Atlantic salt meadows (Glauco Puccinellietalia maritimae) in Lower River Suir SAC</p> <p>Habitat area - Area stable or increasing, subject to natural processes, including erosion and succession.</p> <p>Habitat Distribution - No decline or change in habitat distribution,</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Potential to negatively affect structure or distribution of vegetative structure in the absence of mitigation.</p>	Mitigation measures for the protection of water quality during the construction and operational phases required.
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	<p>subject to natural processes. Physical structure: sediment supply - Maintain natural circulation of sediments and organic matter, without any physical obstructions</p> <p>Physical structure: creeks and pans - Maintain creek and pan structure, subject to natural processes, including erosion and succession.</p> <p>Physical structure: flooding regime - Maintain natural tidal regime</p> <p>Vegetation structure: zonation - Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p> <p>Vegetation structure: sward height - Maintain structural variation within sward</p> <p>Vegetation structure: vegetation cover - Maintain more than 90% of the area outside of creeks vegetated</p> <p>Vegetation composition: typical species and subcommunities - Maintain range of sub-communities with typical species listed in McCorry and Ryle (2009)</p> <p>Vegetation composition: negative indicator species – <i>Spartina anglica</i> - No</p>		
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	significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1% where it is known to occur		
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	<p>To maintain the favourable conservation condition.</p> <p>Habitat area, Kilometres, Area stable or increasing</p> <p>Habitat distribution, Occurrence, No decline, subject to natural processes.</p> <p>Hydrological regime: river flow, Metres per second, Maintain appropriate hydrological regimes.</p> <p>Hydrological regime: groundwater discharge. Metres per second. Maintain appropriate hydrological regime.</p> <p>Hydrological regime: tidal influence. Daily water level fluctuations-metres. Maintain natural tidal regime.</p> <p>Substratum composition: particle size range. Millimetre. Maintain appropriate substratum particle size, range, quantity</p>	<p>Migration of contaminants from site into nearby River Suir watercourse via hardstanding surfaces and local storm water network.</p> <p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation.</p> <p>Migration of contaminants through the surface layer reaching the underlying groundwater receptor.</p> <p>Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation.</p>	Mitigation measures for the protection of water quality during the construction and operational phases required.

	<p>and quality, subject to natural processes.</p> <p>Water quality. Various. Maintain appropriate water quality to support the natural structure and functioning of the habitat.</p> <p>Typical species. Occurrence. Maintain typical species in good condition, including appropriate distribution and abundance.</p> <p>Floodplain connectivity. Hectares. Maintain floodplain connectivity necessary to support the typical species and vegetation composition of the habitat.</p> <p>Fringing habitats. Hectares. Maintain marginal fringing habitats that support the typical species and vegetation composition of the habitat.</p>		
<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p>	<p>To maintain the favourable conservation condition.</p> <p>Habitat area. Hectares. Area stable or increasing, subject to natural processes.</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>

	<p>Habitat distribution: Occurrence. No decline, subject to natural processes.</p> <p>Hydrological regime: Flooding depth/height of water table.</p> <p>Vegetation composition: positive indicator species. Number of species at a representative number of monitoring stops. At least three positive indicator species present.</p> <p>Vegetation composition: Positive indicator species. Number of species at a representative number of monitoring stops. At least three positive indicator species present.</p> <p>Vegetation composition: Non-native species. Percentage cover at a representative number of monitoring stops. Cover of non-native species not more than 1%.</p> <p>Vegetation composition: Negative indicator species. Percentage at a representative number of monitoring stops. Cover of non-</p>	<p>levels affecting regular hydrological regime, in the absence of mitigation.</p> <p>Potential pollutant emissions affecting typical species compositions.</p>	
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	<p>native species not more than 33%.</p> <p>Vegetation composition: scrub, bracken and heath. Percentage at a representative number of monitoring stops. Cover of scrub, bracken and heath not more than 5%.</p> <p>Vegetation structure; Height. Height (cm) at a representative number of monitoring stops. Herb height at least 50cm.</p> <p>Physical structure: bare soil. Percentage at a representative number of monitoring stops. Cover of bare soil not more than 10%.</p> <p>Physical structure: Grazing and disturbance. Square metres in local vicinity of a representative number of monitoring stops. Area of the habitat showing signs of serious grazing or disturbance less than 20m².</p>		
<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0].</p>	<p>To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Lower River Suir SAC</p>	<p>The nearest portion of this habitat area associated with the Lower River Suir SAC is located ca. 6km downstream of the subject site. Measures to prevent the risk of translocation of</p>	

	<p>Habitat area - Area stable or increasing, subject to natural processes, at least 29.3ha for sites surveyed.</p> <p>Habitat distribution - No decline.</p> <p>Woodland size - Area stable or increasing. Where topographically possible, "large" woods at least 25ha in size and "small" woods at least 3ha in size.</p> <p>Woodland structure: cover and height - Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and well-developed herb layer</p> <p>Woodland structure: community diversity and extent - Maintain diversity and extent of community types</p> <p>Woodland structure: natural regeneration - Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy</p> <p>Woodland structure: dead wood - At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter</p> <p>Woodland structure: veteran trees - No decline</p>	<p>invasive species to/from site are proposed to ensure no spread of invasives downstream to affect this qualifying interest.</p>	
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	<p>Woodland structure: indicators of local distinctiveness - No decline</p> <p>Vegetation composition: native tree cover - No decline. Native tree cover not less than 95%</p> <p>Vegetation composition: typical species - A variety of typical native species present, depending on woodland type, including oak (<i>Quercus petraea</i>) and birch (<i>Betula pubescens</i>)</p> <p>Vegetation composition: negative indicator species - Negative indicator species, particularly non-native invasive species, absent or under control</p>		
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>To restore the favourable conservation condition.</p> <p>Habitat area. Hectares. Area Stable or increasing, subject to natural processes, at least 32.9ha for site surveyed.</p> <p>Habitat distribution. Occurrence. No decline. Surveyed locations shown on map 5.</p> <p>Woodland size. Hectares. Area stable or increasing.</p>	<p>This qualifying interest is located sufficiently downstream (>30km) that potential significant effects resulting from the proposed development are considered unlikely.</p>	<p>No specific mitigation measures for the protection of this qualifying interest are proposed.</p>

	<p>Woodland structure: cover and height. Percentage and metres. Diverse structure with relatively closed canopy containing mature trees; subcanopy layer with semi-mature trees and shrubs; and well-developed herb layer.</p> <p>Woodland structure: community, diversity and extent. Hectares. Maintain diversity and extent of community types.</p> <p>Woodland structure: natural regeneration. Seedling: sapling: pole ratio. Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy.</p> <p>Hydrological regime: flooding depth/height of water table. Metres. Appropriate hydrological regime necessary for maintenance of alluvial vegetation.</p> <p>Woodland structure: dead wood. M³ per hectare; number per hectare. At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater</p>		
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	<p>than 40cm diameter (greater than 20cm diameter in case of alder).</p> <p>Woodland structure; veteran trees. Number per hectare. No decline.</p> <p>Woodland structure: indicators of local distinctives. Occurrence. No decline.</p> <p>Vegetation composition: native tree cover Percentage No decline. Native tree cover not less than 95%.</p> <p>Vegetation composition: typical species Occurrence A variety of typical native species present, depending on woodland type, including alder (<i>Alnus glutinosa</i>), willows (<i>Salix spp.</i>), oak (<i>Quercus spp.</i>), ash (<i>Fraxinus excelsior</i>) and birch (<i>Betula pubescens</i>).</p> <p>Vegetation composition: negative indicator species</p> <p>Occurrence Negative indicator species, particularly non-native invasive species,</p>		
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	absent or under control.		
Taxus baccata woods of the British Isles [91J0]	<p>To restore the favourable conservation condition of Taxus baccata woods of the British Isles* in Lower River Suir SAC</p> <p>Habitat area - Area stable or increasing, subject to natural processes</p> <ul style="list-style-type: none"> • Habitat distribution - No decline • Woodland size - Area stable or increasing • Woodland structure: cover and height - Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and herb and bryophyte layer • Woodland structure: community diversity and extent - Maintain diversity and extent of community types • Woodland structure: natural regeneration - Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy • Woodland structure: dead wood - At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter • Woodland structure: veteran trees - No decline • Woodland structure: indicators of local 	<p>Migration of contaminants or invasive species from site into nearby River Suir watercourse via hardstanding surfaces and local storm water network.</p> <p>Migration of contaminants through the surface layer reaching the underlying groundwater receptor.</p>	<p>Measures to prevent the risk of translocation of invasive species to/from site are proposed to ensure no spread of invasives downstream to affect this qualifying interest.</p>

	<p>distinctiveness - No decline</p> <ul style="list-style-type: none"> • Vegetation composition: native tree cover - No decline. Native tree cover not less than 95% • Vegetation composition: typical species - A variety of typical native species present, including yew (<i>Taxus baccata</i>) and ash (<i>Fraxinus excelsior</i>) • Vegetation composition: negative indicator species - Negative indicator species, particularly non-native invasive species, absent or under control 		
<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	<p>To restore the favourable conservation condition of Freshwater Pearl Mussel in Lower River Suir SAC</p> <p>Distribution - Restore distribution to 10.4km.</p> <p>Population size - Restore population to at least 10,000 adult mussels</p> <p>Population structure: recruitment - Restore to at least 20% of each population no more than 65mm in length; and at least 5% of each population no more than 30mm in length</p> <p>Population structure: adult mortality - No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation.</p> <p>Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation.</p> <p>Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>

	<p>Suitable habitat: Extent - Restore suitable habitat in more than 8.8km in the Clodiagh system and any additional stretches necessary for salmonid spawning</p> <p>Suitable habitat: Condition - Restore condition of suitable habitat</p>		
<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p>	<p>To maintain the favourable conservation condition.</p> <p>Distribution Occurrence No reduction from baseline. See map 7.</p> <p>Population structure: recruitment Occurrence of juveniles and females with eggs Juveniles and/or females with eggs in all occupied tributaries.</p> <p>Negative indicator species Occurrence No alien crayfish species.</p> <p>Disease Occurrence No instances of disease.</p> <p>Water quality EPA Q value At least Q3-4 at all sites sampled by EPA.</p> <p>Habitat quality: heterogeneity</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation.</p> <p>Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation.</p> <p>Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>

	Occurrence of positive habitat features No reduction in habitat heterogeneity or habitat quality.		
Petromyzon marinus (Sea Lamprey) [1095]	<p>To restore the favourable conservation condition.</p> <p>Distribution: extent of anadromy Percentage of river accessible Greater than 75% of main stem length of rivers accessible from estuary.</p> <p>Population structure of juveniles Number of age/size groups At least three age/size groups present.</p> <p>Juvenile density in fine sediment Juveniles/m² Juvenile density at least 1/m².</p> <p>Extent and distribution of spawning habitat m² and occurrence No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat Number of positive sites in 3rd order channels (and greater), downstream of spawning areas More than 50% of sample sites positive.</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation.</p> <p>Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation.</p> <p>Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	Mitigation measures for the protection of water quality during the construction and operational phases required.

<p>Lampetra planeri (Brook Lamprey) [1096]</p>	<p>To restore the favourable conservation condition.</p> <p>Distribution Percentage of river accessible Access to all water courses down to first order streams.</p> <p>Population structure of juveniles Number of age/size groups At least three age/size groups of brook/river lamprey present.</p> <p>Juvenile density in fine sediment Juveniles/m² Mean catchment juvenile density of brook/river lamprey at least 2/m².</p> <p>Extent and distribution of spawning habitat m² and occurrence No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat Number of positive sites in 2nd order channels (and greater), downstream of spawning areas More than 50% of sample sites positive.</p>	<p>As above</p>	<p>As above</p>

<p>Lampetra fluviatilis (River Lamprey) [1099]</p>	<p>To restore the favourable conservation condition.</p> <p>Conservation Objectives as per Brook Lamprey above.</p>	<p>As above</p>	<p>As above</p>
<p>Alosa fallax fallax (Twaite Shad) [1103]</p>	<p>To restore the favourable conservation condition of Twaite Shad in Lower River Suir SAC</p> <p>Distribution: extent of anadromy - Greater than 75% of main stem length of rivers accessible from estuary</p> <ul style="list-style-type: none"> • Population structure: age classes - More than one age class present • Extent and distribution of spawning habitat - No decline in extent and distribution of spawning habitats • Water quality: oxygen levels - No lower than 5mg/l • Spawning habitat quality: Filamentous algae; macrophytes; sediment - Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plants) growth 	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p> <p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation. Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation. Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>
<p>Salmo salar (Salmon) [1106]</p>	<p>To restore the favourable conservation condition.</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase.</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>

	<p>extent of anadromy Percentage of river accessible 100% of river channels down to second order accessible from estuary.</p> <p>Adult spawning fish Number Conservation limit (CL) for each system consistently exceeded.</p> <p>Salmon fry abundance Number of fry/5 minutes electrofishing Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 minutes sampling.</p> <p>Out-migrating smolt abundance Number No significant decline.</p> <p>Number and distribution of redds Number and occurrence No decline in number and distribution of spawning redds due to anthropogenic causes.</p> <p>Water quality EPA Q value At least Q4 at all sites sampled by EPA.</p>	<p>Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation. Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation. Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	
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<p>Lutra lutra (Otter) [1355]</p>	<p>To maintain the favourable conservation condition.</p> <p>Distribution. Percentage positive survey sites. No significant decline.</p> <p>Extent of terrestrial habitat. Hectares. No significant decline. Area mapped and calculated as 116.17ha above high-water water (HWM) and 726.61ha along river banks.</p> <p>Extent of marine habitat. Hectares. No significant decline. Areas mapped and calculated as 712.27ha.</p> <p>Extent of freshwater (river) habitat. Kilometres. No significant decline. Length mapped and calculated as 382.31km.</p> <p>Couching sites and holts. Number. No significant decline.</p> <p>Fish biomass available. Kilograms. No significant decline.</p> <p>Barriers to connectivity. Number. No significant increased.</p>	<p>Changes in natural hydrology and water quality resulting from sediment or pollutant-laden runoff reaching waterbody during construction phase. Changes in the quantity of surface water outflows beyond greenfield levels affecting regular hydrological regime, in the absence of mitigation. Potential to negatively affect the substratum composition and water quality due to silt-laden runoff emissions in the absence of mitigation. Potential pollutant emissions and changes in water quality affecting typical species compositions and trophic levels.</p>	<p>Mitigation measures for the protection of water quality during the construction and operational phases required.</p>
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

Lower River Suir SAC

(i) Deterioration in surface water quality during construction phase and increased surface water runoff during operational phase.

Construction activities can generate sediments, oils, chemicals, and wastewater that, if unmanaged, may run off into nearby streams, rivers, wetlands, or infiltrate into groundwater. The nearest waterbody to the site is the River Suir (WFD designation: Suir_190) located ca. 600m south of the proposed development. According to GSI groundwater maps, the site overlies a regionally important aquifer - karstified (diffuse) (Rkd). This aquifer is capable of supplying regionally important supplies (e.g. large public water supplies). The groundwater vulnerability index of the entirety of the site is described as high.

A pollution incident of significant magnitude - such as surface water runoff during construction, accidental oil or fuel spills or leaks, or heavy rainfall carrying silt, sediment, or other pollutants - could enter the surface water drainage system and be transported to downstream European sites. This has the potential to impact the aquatic and marine environments of these sites, either alone or in combination with other water quality pressures, to a degree that may compromise the conservation objectives of Lower River Suir SAC.

In the absence of mitigation, disturbance to aquatic species may be possible as a result of contamination and deterioration in water quality resulting from surface water emissions from site. This may affect habitat suitability within the River Suir for species such as salmon and freshwater pearl mussel.

Translocation of invasive species is possible during development as a result of transfer of soils/materials as well as vehicle movements to/from site. Rhizomes of highly invasive species such as Japanese Knotweed have the potential to migrate from site via surface water networks, thereby leading to downstream effects on the Lower River Suir SAC, in the absence of mitigation

Impacts to water dependent and nutrient sensitive Annex 1 habitats and aquatic species of the Lower River Suir SAC and as a result of deterioration in water quality or changes to in-situ hydrological regimes were found, in the submitted NIS, not to result in adverse effects due to the proposed protection measures around construction practices.

Adverse effects at operational phase are not considered likely.

Mitigation measures and conditions

Mitigation measures (See section 5.0 of the submitted NIS) include the appointment of an Environmental Clerk of Works (ECoW) to oversee the implementation of and adherence to the mitigation measures proposed within the project Construction Environmental Management Plan (CEMP) and NIS. In addition, the mitigation measures include that during the pre-construction & construction phase, silt outflows to surface water drainage infrastructure (gullies, drains, etc.) along the 'Gort na Manach' roads to the east, in the existing residential estate and may be mitigated using sandbags or silt fencing, where suitable.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS (see section 4.3.7 and table 4-2). I am satisfied that the applicant has demonstrated that no residual adverse effects would remain post the application of mitigation measures.

Findings and 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, would not adversely affect the integrity of Lower River Suir SAC in view of the conservation objectives.

Based on the information provided, I am satisfied that adverse effects arising from proposed development can be excluded. No direct impacts are predicted.

Indirect impacts would be temporary in nature and mitigation measures are described to prevent deterioration in water quality or changes to in-situ hydrological regimes. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented. No significant in combination effects are predicated.

Reasonable scientific doubt

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

Site Integrity

The proposed development would not affect the attainment of 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.

Appropriate Assessment Conclusion: Integrity Test

The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Suir SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account the report of the Environment Section Tipperary County Council I consider that adverse effects on site integrity of the Lower River Suir SAC 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.
- Effectiveness of mitigation measures (detailed in NIS and accompanying Construction and Environmental Plan (CEMP)) proposed including supervision and monitoring and integration into the CEMP ensuring smooth transition of obligations to eventual contractor.

- Application of planning conditions to ensure application of mitigation measures.

The proposed development would not affect the attainment of conservation objectives for the Lower River Suir SAC.

Appendix 4: Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	500527-TY-25	Townland, address	Abbey Farm in the townlands of Inishlounaght and Ballingarrane South, to the south of Cahir Road (R707) and to the west of the Gort Na Manach estate , Clonmel, County Tipperary.
Description of project		96 no. houses, a childcare facility, car parking and all associated site development works. A Natura Impact Statement (NIS) accompanies the planning application.	
Brief site description, relevant to WFD Screening,		<p>The nearest waterbody to the site is the River Suir (WFD designation: Suir_190) located ca. 600m south of the proposed development. The Suir flows from the southwest to the east past Clonmel town, where it is adjoined by a number of tributaries along its course beyond Carrick on Suir and Waterford town centre, where it eventually discharges into the sea at Passage East ca. 54km southeast of the proposed site.</p> <p>According to GSI groundwater maps, the site overlies a regionally important aquifer - karstified (diffuse) (Rkd). This aquifer is capable of supplying regionally important supplies (e.g. large public water supplies). The groundwater vulnerability index of the entirety of the site is</p>	

		<p>described as high. The hydrogeological setting at the northern portion of the site is described as moderate permeability subsoil overlain by poorly drained (gley) soil whilst the majority of the site is described as moderate permeability subsoil overlain by well-drained soil.</p> <p>The EPA map viewer indicates that the site is underlain by the Clonmel groundwater body, which is classified as a regionally important karstified aquifer. Additionally, no karst features are present in close proximity to the proposed works, with the nearest feature being an enclosed depression (IE_GSI_Karst_40K_1285) located ca. 4.2km north of the site.</p>				
Proposed surface water details						
Proposed water supply source & available capacity						
Proposed wastewater treatment system & available capacity, other issues						
Others?						
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	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

				risk, review, not at risk		
River Waterbody	600m (S)	River Suir SUIR_190 IE_SE_16S0226 00	Good	Not at risk	None identified	Surface water run-off
River Waterbody	700m (W)	Husseystown River SUIR_180 IE_SE_16S0224 00	Good	Not at risk	None identified	Surface water run-off
River Waterbody	680m (W)	Marfield Lake SUIR_180	Not listed on the WFD register			
River Waterbody	1km (NE)	Clonmel 16 Stream Suir_190 IE_SE_16S0226 00	Good	Not at risk	None identified	Surface water run-off
Groundwater Waterbody	Underlying site	Clonmel groundwater body IE_SE_G_040	Good	At risk	Nutrients (Ag, unknown)	The hydrogeological setting at the northern portion of the site is described as moderate permeability subsoil overlain by poorly drained (gley) soil

							whilst the majority of the site is described as moderate permeability subsoil overlain by well-drained soil.
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	Waterbody 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.
1.	Surface	As above	Existing via surrounding surface water drainage systems.	The construction of this development may lead to migration of pollutants off site via surrounding surface water drainage systems in the absence of mitigation.	Mitigation measures as per Section 5.0 of the NIS.	No	Screened out.

2.	Ground	As above	Drainage	The construction of this development may lead to migration of pollutants off site via drainage in the absence of mitigation.	Mitigation measures as per Section 5.0 of the NIS.	No	Screened out.
OPERATIONAL PHASE							
3.	Surface	As above	None	None	None	No	Screened out
4.	Ground	As above	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA