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Sent: Thursday, June 6, 2024 3:15 PM
To: SIDS
Cc: James Ryan
Subject: ABP 319013-24 - Applicant Submission on Observations Received
Attachments: ABP 319013-24 - Applicant Submission on Observations Received 24.06.06 Final.pdf
Categories: Lauren

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Dear SIDS Team,

Please find attached our response to the observations received as part of the SID application before An Bord Pleanála, ABP reference - 319013-24.

I would be grateful for confirmation of receipt of same.

Many thanks

Aislinn

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6th June 2024

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Rotunda,
Dublin 1,
D01 V902

SLR Project No.: 501.065110.00001

An Bord Pleanála No.: ABP 319013-24

RE: Submission on Observations Received

Dear Sir/ Madam,

Thank you for the opportunity to submit a response to the observations received as part of the SID application before An Bord Pleanála (ABP) reference ABP - 319013-24.

1.0 Introduction

This correspondence relates to the submissions received on the Proposed Replacement of existing energy infrastructure at the Medite facility in Clonmel, Co. Tipperary, An Bord Pleanála (ABP) reference number ABP - 319013-24.

At the time of writing, the agent SLR Environmental Consulting (Ireland) Ltd. (SLR) has been made aware of three observations and on the 10th May 2024 ABP wrote to SLR inviting us as the agent to make a submission on the observations and for this submission to be sent to ABP no later than the 6th June 2024.

It is noted that the purpose of this response is to address the points raised by observations and provide clarification on how issues raised have already been addressed in the Planning Application and EIAR. No new information will be presented as part of this response.

Summary of Observations Received

Observations were received from Transport Infrastructure Ireland (TII), the Environmental Protection Agency (EPA) and the Department of Housing, Local Government and Heritage. A report was also submitted by the Local Authority under Section 37E(4) of the Planning and Development Act 2000, as amended.

In preparing this response, we have carried out a review of each observation and provided a follow up response. This has been provided in the sections 3- 6 below.

2.0 Executive Summary

Three submissions were received by An Bord Pleanála on the Proposed Replacement of existing energy infrastructure at the Medite facility in Clonmel, Co. Tipperary (ABP reference number 319013-24).

It is noteworthy that no objection has been raised to the proposed development in any of the submissions received. Where recommendations have been made, the Applicant is agreeable to the recommendations that have been made, namely:

1. The completion of a more detailed archaeological assessment of the earthwork prior to commencement of construction (and any new landscaping/tree-planting).



2. The completion of a Bat survey prior to the felling of any trees.

3.0 Transport Infrastructure Ireland

It is noted that Transport Infrastructure Ireland (TII) has reviewed the development application documentation in the context of the DoECLG Spatial Planning and National Roads Guidelines for Planning authorities (2012) and recommend that the following provisions apply to any decision;

- The Proposed Development shall be undertaken strictly in accordance with the recommendations of the Transport Assessment. Any recommendations arising should be incorporated as conditions on the permission if granted. The developer is advised that any additional works required as a result of the assessment should be funded by the developer.
- The Proposed Development is located in proximity to a future national road scheme. National road schemes should be protected and kept free from any developments or accesses in accordance with national policy. The applicant should be made aware of the plans for a new road scheme should any permission be granted for the subject application.
- The authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

3.1 Applicant Response

3.1.1 Adhere to Recommendations of the Transport Assessment

The Applicant is agreeable to recommendations outlined by TII and subject to planning permission being granted will carry out the development strictly in accordance with the recommendations of the Transport Assessment, which is included in Chapter 14 of the EIAR submitted with this planning application.

3.1.2 National road schemes - N24 Waterford to Cahir Project

The Proposed Development is located in proximity to a future national road scheme, the N24 Waterford to Cahir Project, and consultation was carried out with the National Roads Design Office prior to submitting the application. This involved a submission on the N24 Waterford to Cahir Project during Public Consultation No. 2 and subsequent meetings with representatives of Tramore House Regional Design Office. At that stage it was noted (by email on 12th August 2023) that there is no direct conflict with the N24 Waterford to Cahir project.

At this stage, the applicant also submitted comments on a 150m wide corridor relating to 'Clonmel Road Link 4' which intersected Medite's registered land but which was not in the vicinity of the Proposed Development. It is understood that the Clonmel Road Link 4 no longer forms part of the preferred transport solution for the N24 Waterford to Cahir Project.

There are no further design details available as part of the most recent public consultation for this project (Preferred Transport Solution).

However, it is understood that specific improvements to the N24 as part of the Waterford to Cahir Project may result in indirect impacts to the Medite plant in terms of access to the N24 should a revised junction arrangement be required.

Based on the detailed proposals, which remain unavailable to us, a further traffic assessment would be required to be undertaken by the N24 Waterford to Cahir project team. The applicant will continue to engage with this office throughout the design process of the N24 Waterford to



Cahir Project but without further details is not in a position to assess indirect effects of the project as part of this application. However, effects from the current plans for the national road scheme, to the extent known, have been assessed as far as practicable.

4.0 Environmental Protection Agency

In its observation to ABP, the Environmental Protection Agency (EPA) notes, inter alia, that Medite Europe Limited, Redmondstown, Clonmel, Co. Tipperary was issued an IE Licence on the 7th March 2017 (Register No: P0027-04), that this licence application was accompanied by an Environmental Impact Statement and that the licence may need to be reviewed or amended to accommodate the changes proposed in the SID application.

4.1 Applicant Response

4.1.1 Requirement for licence review or amendment

The observation from the EPA is noted. Should this application be granted permission by ABP, the Applicant will engage fully with the EPA with a view to the EPA considering the requirements or otherwise for a licence review or amendment to accommodate the changes proposed in this application.

5.0 Department of Housing, Local Government and Heritage

In its observation to ABP, the Department of Housing, Local Government and Heritage outlined heritage-relation observations by the Development Application Unit (DAU).

The DAU noted that the EIAR submitted as part of the planning application includes a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the Proposed Development and that the field inspection carried out as part of the assessment has identified a low-relief earthwork in Area 4 of the Proposed Development Site (PDS).

It noted that Section 12.64 of the EIAR proposes that a programme of archaeological monitoring of construction-stage ground works would be sufficient to mitigate the impact to this earthwork site and its associated area of archaeological potential.

The Department advises that more detailed assessment of this earthwork site should be carried out prior to commencement of construction and any new landscaping/tree-planting. The Department advises that this should be done by way of a programme of archaeological geophysical survey and archaeological test excavation within area 4 of the PDS.

The Department also recommended a set of conditions to be attached to any grant of permission.

5.1 Applicant Response

As outlined in Chapter 12 of the EIAR submitted with this application, it is stated that:

"in the worst-case scenario, the development might disturb previously unknown deposits or artefacts without preservation by record taking place in the undeveloped wooded part of Development Area 2 and during tree planting in Development Area 4" and "recommended this area will be archaeologically monitored under licence from the National Monuments Service. Any archaeological material identified during archaeological monitoring should be preserved by record under licence from the National Monuments Service".



The Department advises that this should be done by way of a programme of archaeological geophysical survey and archaeological test excavation within area 4 of the Proposed Development Site.

The applicant will comply with all mitigation measures as set out in Chapter 12 of the EIAR and in the event the application is granted by ABP is happy to accept the imposition of this condition.

6.0 Matters Raised by Tipperary County Council

As provided for under Section 37E(4) of the 2000 Act, the Chief Executive is required to submit a report to An Bord Pleanála setting out the views of the Planning Authority on the effects of the proposed development on the environment and the proper and sustainable development of the area. The report is also required to address all issues identified in the An Bord Pleanála 'Guidelines for Planning Authorities' in respect of Strategic Infrastructure. Accordingly, all the relevant issues to the proposed development have been identified and are assessed in the report.

The strategic infrastructure development application was referred to the following internal departments within Tipperary County Council.

- Tramore House Roads Design Office;
- Roads Capital;
- Chief Fire Officer;
- Municipal District Engineer; and
- Environment and Climate Action.

No report was received from the Chief Fire Officer.

6.1 District Engineer

The correspondence from the District Engineer raised no concerns.

6.2 Tramore House Roads Design Office

The consultation response from the Tramore House Road Design Office, notes that:

the site does not encroach on the Preferred Transport Solution Corridor currently being considered for the N24 Waterford to Cahir project. There is therefore no direct conflict with the project.

The National Roads Design Office also made the observation that junction and access improvements along the N24 may form part of the Preferred Transport Solution for the N24 upgrade. Therefore, there may be indirect impacts to the Medite plant in terms of access to the N24 should a revised junction arrangement be required.

6.2.1 Applicant Response

The applicant consulted with Tramore House Roads Design Office as part of the N24 Waterford to Cahir Public Consultation No. 2 on Alternatives and Options and subsequently met with the team in Tramore House. At this stage it was concluded that no direct conflict with the N24 Waterford to Cahir project was identified and as such, the Tramore House Roads Design Office did not have an issue with the proposed development in terms of potential direct conflicts with the solutions for the N24 Waterford to Cahir project.



As part of the subsequent consultation on the Public Display of the Preferred Transport Solution which ended on the 9th of February 2024 it is noted that *junction and access improvements along the N24 may form part of the Preferred Transport Solution for the N24 upgrade, however no further details were made available.*

The applicant remains open to further discussion on the proposals for junction and access improvements along the N24 which may form part of the Preferred Transport Solution however as no further detailed information is available on these proposals detailed design has not been considered as part of this application.

6.3 Roads Capital -Traffic Impact - N24/L2506 Junction

The consultation response of the Roads Capital states:

While the EIAR has deemed the increase in HGV traffic to be insignificant, Roads Capital have noted that there are currently difficulties for vehicles exiting the L2506 onto the N24. The EIAR has not assessed the level of queueing at this junction. The addition of two HGV vehicles will have some impact. This impact needs to be assessed.

6.3.1 Applicant Response:

The response is noted. As determined within the EIAR, the proposed development will generate up to 10 additional trips per day/ 20 two-way movements, thus up to an additional one trip per hour/ two two-way movements. It is also noted there will be no additional light vehicular trips associated with staff, as no additional staff members will be employed during the operational phase of the proposed development.

As set out in the EIAR, the IEMA Guidelines provide two thresholds when considering predicted increases in traffic, whereby a full assessment of the impact is required where:

- the total traffic would increase by 30% or more (10% in sensitive areas); and/or
- the HGV traffic would increase by 30% or more (10% in sensitive areas).

The NRA TTA Guidelines acknowledges similar thresholds but whereby the total traffic would increase by 10% or more (5% in sensitive areas).

The level of additional traffic is minimal and forecast to be just 2 additional vehicle movements per hour. In terms of total traffic, this equates to a 1.4% increase during a peak hour and a daily increase of up to 1.2% on the L2506. The increases in HGV traffic are higher with a forecast 12.5% increase within a peak hour and 6.6% across a working day. The level of impact is therefore within these thresholds and so is not considered to be significant enough to warrant more detailed assessment using junction capacity modelling software.

A full impact assessment of the L2506/N24 junction which would examine more closely the impact of the additional traffic on vehicle queuing and delay was not necessary and thus not undertaken as part of the assessment work.

The EIAR also confirms that a construction stage Traffic Management Plan (TMP) will be submitted to and agreed with the Planning Authority in consultation with the TII, prior to the commencement of development.

The construction stage TMP will avoid peak hours and include a routing agreement and address, amongst other issues, the operation and use of construction traffic accessing the construction site in relationship to the operation of the adopted public road.

The construction stage TMP will therefore outline the areas for consideration when preparing the programme of works and undertaking the site operation, with updating as necessary. This



TMP will ensure the impact on the L2506/N24 junction is fully managed and controlled during the construction phase.

6.4 Proposed N24 Moangarriff to Twomilebridge pavement scheme

The consultation response of the Roads Capital Office also states:

In addition, it is noted that the EIAR does not include the proposed N24 Moangarriff to Twomilebridge pavement scheme. Under the pavement scheme, it is proposed to remove the left filter lane from the eastbound lane of the N24 approaching the L2506 junction. In addition, consideration is also being given to narrowing the junction to prevent two vehicles waiting at the STOP line of the L2506.

6.4.1 Applicant Response:

It is noted that the N24 Moangarriff to Twomilebridge Pavement and Traffic Calming scheme comprises the following proposed works, as set out in the February 2024 Management Report to Council.

"This is a continuation to the east of the Clonmel Inner Relief Road to a point beyond the 60kph speed limit and is approximately 1.6km in length. This scheme involves traffic calming and the inclusion of improved pedestrian and cyclist facilities as well as road pavement strengthening. Preliminary Design is under way along with liaison with TII Road Safety engineers."

Whilst, therefore, it is noted that the junction arrangement has yet to be completed in detail, it is concluded that the proposed design will need to continue to accommodate existing movements as well as the pavement improvements.

The impact of the proposed Medite development, once completed, will not only be extremely limited, as assessed above, but also any additional traffic will generally tend to arrive from the east, on the basis of the assignment set out above, and hence will not be affected by the loss of the left-turn filter.

It should be noted that SLR, on behalf of the applicant, submitted support for the principle of these accessibility improvements in a submission on the Draft Clonmel Local Area Plan 2024-2030 made in September 2023. At this stage in the Local Area Plan process no detail was available on the N24 Moangarriff to Twomilebridge Pavement Scheme.

6.5 Workforce Mobility Management

The consultation response of the Roads Capital Office also states:

"Tipperary County Council also notes that no consideration of workforce mobility management was provided in the EIAR. This should be included as a mitigation measure to address potential traffic impacts".

6.5.1 Applicant Response:

The EIAR confirms that a construction stage Traffic Management Plan (TMP) will be submitted to and agreed with the Planning Authority in consultation with the TII, prior to the commencement of development.

The TMP will avoid peak hours and include a routing agreement to address the following main areas of concern:

- Contractor parking whereby all such parking shall be within the curtilage of the site and not on the surrounding road network.



- Movements and control of all deliveries (where all loading and unloading shall be undertaken on site); and
- The control of dust, mud, and debris to ensure none is deposited onto the public road.

The purpose of the TMP will therefore be to control the operation and use of construction traffic accessing the construction site in relationship to the operation of the adopted public road. The TMP will therefore outline the areas for consideration when preparing the programme of works and undertaking the site operation, with updating as necessary. The scope of the TMP can be extended as appropriate to accord with best practice.

Once construction of the development is complete, and as confirmed within the EIAR, there will be no change from the current situation in terms of the total number of employees on site each day between 8am to 6pm Monday to Friday, the numbers of which are detailed within the description of the development.

As there will be no change from the current situation during operation, the completion of a mobility management plan is not considered necessary in the context of the EIAR as no significant effects have been identified. Nonetheless, the Applicant would give further consideration to the preparation of workforce mobility management plan should this be considered appropriate by An Bord Pleanála.

6.6 Environment and Climate Action Section (Tipperary County Council)

This report from the Environment and Climate Action Section concluded that:

- *The proposal will not result in pressures on the Natura 2000 sites identified;*
- *It is stated that the site is licensed by the EPA and mitigation measures and emission limit values for the site are conditioned in the associated EPA Licence;*
- *There are no impacts to groundwater;*
- *Potential dust emissions have been identified in the construction phase of the proposed development;*
- *Given that the nature of the development is a replacement boiler, it is considered unlikely that noise nuisance to potential receptors is likely to occur at this site;*
- *Given the nature of the development, it is considered unlikely that light nuisance is likely to occur from the proposed development;*
- *The site is not subject to flooding;*
- *Based on the information submitted and the desktop study performed 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 recommendations are adhered to; and*
- *The report recommends in conclusion that the proposal be granted planning permission subject to a condition being attached requiring that the mitigation measures identified in Chapter 8 of EIAR are implemented to limit dust emissions during the construction phase.*

6.6.1 Applicant Response:

The comments from the Environment and Climate Action Section of Tipperary County Council are noted and welcomed.



6.7 The Principle of Development

Tipperary County Council considers the proposed development to be consistent with the current energy and planning legislation and policy, which seeks to realise cuts in greenhouse gas emissions and increase the share of electricity generation from renewable sources to address concerns with regards to climate change. Due to the scale of the proposal, the project is of strategic economic and social importance to the Region and the State. The project will assist in meeting national renewable energy targets and will also result in significant reductions in carbon emissions from electricity generation and reduce the reliance on imported fossil fuels and will assist in the transition from the dependency on fossil fuels to energy generation from renewable sources.

At a local level, the site is located within an area which is zoned for general industrial use in the Clonmel and Environs Local Area Plan 2024. As such, there is no land use objection to the proposal as it is consistent with the land use zoning objectives for the site.

6.7.1 Applicant Response

Tipperary County Council has considered the Proposed Development in relation to consistency with policy at a national, regional and local level. The Applicant notes that the Proposed Development is considered compliant with all relevant planning policies.

6.8 Comments On Environmental Impact Assessment Report

In relation to the EIAR submitted with the planning application, the Local Authority notes the development proposed and has no comments in respect of the majority of the chapters of the EIAR including Chapters 2, 3, 4, 6, 8,9, 10, 11, 12, 13, 15, and 16. With respect to these chapters the potential impacts are noted and the mitigation measures are deemed acceptable.

In relation to Chapter 5, Biodiversity, subject to the implementation of mitigation measures set out in the EIAR, Tipperary County council is satisfied that the proposed development would not give rise to significant direct, indirect or cumulative effects on biodiversity within the site and surrounding area. However, it is also recommended that a condition with respect to a further bat survey of the wooded area to the south to be undertaken prior to the commencement of works.

In relation to the assessment on water set out in Chapter 7, Tipperary County Council has reviewed the details submitted. It is noted that emissions from the subject facility are monitored and managed under licence issued by the EPA and emissions to water are governed by this licensing process. Tipperary County Council is satisfied that the impacts on water had been identified and adequate mitigation measures put in place to offset identified impacts.

In relation to Chapter 14, traffic, it is noted that the EIAR was reviewed by the District Engineer, Roads Capital and the National Roads Design Office (Tramore House). The District Engineer raised no concerns, and the comments made by the Roads Capital (regarding the L2506 / pavement scheme) and the National Roads Design Office (regarding the N24 Waterford to Cahir upgrade project) are already set out in this submission at sections 5.1-5.4 above.

6.8.1 Applicant Response

The Applicant notes the assessment relating to the EIAR in the context of all environmental factors and associated chapters. In the context of the biodiversity chapter, the Applicant would be agreeable to conditions in relation to a further bat survey of the wooded area.

Comments in relation to traffic are also noted. The applicant has commented on the issues raised already, at sections 5.1 – 5.4 above. As there will be no change from the current situation during operation, the completion of a mobility management plan is not considered necessary in the context of the EIAR as no significant effects have been identified.



Nonetheless, the Applicant would give further consideration to the preparation of workforce mobility management plan should this be considered appropriate by An Bord Pleanála.

6.9 Natura Impact Statement

Tipperary County Council is not of the opinion that the proposed development will have a significant negative effect on the ecology of the area and does not represent a significant threat to protected or qualifying species of nearby SAC.

However, given the proximity of the site to the River Anner, Tipperary County Council requests that details of environmental monitoring and surface water monitoring programs are assessed and confirmed by competent person from a technical point of view in terms of specification and design.

6.9.1 Applicant Response

The Applicant notes the assessment relating to the Natura Impact Statement.

Firstly, as the Board will be aware, when undertaking its AA, the relevant legal test is whether the project alone or in combination with other plans and projects will adversely affect the integrity of the relevant European sites.

In relation to TCC recommendation that the specification and design of environmental monitoring and surface water monitoring programs be assessed and confirmed by a competent person from a technical point of view, we confirm that this has already been done. SLR is a competent person insofar it has the relevant technical expertise in this regard, and it advised on the monitoring that is detailed in the EIAR. Furthermore, any monitoring that is required by the industrial emissions licence is similarly assessed and confirmed by a competent person, in this case the competent person being the EPA.



7.0 Conclusion

An Bord Pleanála has confirmed that the Proposed Development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning & Development Act, 2000 (as amended), and, as a result, is considered to be a Strategic Infrastructure Development.

As set out in the introduction to this response, this submission summarises the observations received on this SID planning application from prescribed bodies, addressing issues such as traffic and cultural heritage.

Comments and observations submitted by Tipperary County Council are also noted and welcomed; in particular the local authority conclusion that:

"It is the considered view of Tipperary County Council, based on the information submitted and the detailed assessment provided above, that permission be granted for the subject development. The key issues which the Planning Authority deem relevant are set out as points of note listed above, which the Board may wish to investigate further."

As is apparent from the above, no objection has been raised to the proposed development by any of the prescribed bodies. Insofar as minor recommendations have been made, we confirm that Medite has no objection to them.

Thank you for your consideration of this planning application. We look forward to the forthcoming stages of this planning application process in due course.

Regards,

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