



An
Bord
Pleanála

Inspector's Report

ABP-320235-24

Development	86 no. residential units including a creche and all associated site works. Natura Impact Statement submitted as part of application.
Location	Hayfield Manor, Bohernamona, Thurles, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	23/60748.
Applicant	Sinead Maher.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Sinead Maher.
Observer(s)	None.
Date of Site Inspection	23 rd December 2024.

30th January 2024.

Inspector

Kathy Tuck.

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.3.45ha, is located at Hayfield Manor, Bohernamona, Thurles, Co. Tipperary and situated approximately c.1.5km to the north-east to the centre of Thurles Town Centre. The subject site forms part of an existing estate which has been partially developed.
- 1.2. The site currently comprises of the floor plate of a number of partially constructed units, manholes and sewers and road infrastructure. The remainder of the site remains undeveloped and is relatively flat in nature falling slightly on the east to west axis of the site.
- 1.3. The lands to the south-east are developed (existing Hayfield Manor Estate) and include for 6 no. houses and offices (formerly permitted as a creche). The site is bounded to the north, west and south by greenfield lands. A ditch runs along the western boundary of the site.
- 1.4. There is an existing residential development on the opposing side of the Bohernamona Road which comprises of 8 detached bungalow houses on individual plots. Access is provided via this estate to a derelict stables and dwelling.

2.0 Proposed Development

- 2.1. This is an application for permission for the provision of 86 no. residential units which comprises 4 no. 2 bed units, 76 no. 3 bed units and 6 no. 4 bed units. Permission is also sought for a two storey c.230sqm Creche; a pumping station which is to be constructed in the northern point of the site; decommissioning of an existing wastewater treatment plant which is located in the south-west corner of the site; removal of derelict infrastructure including manholes, sewers, foundations, roadways etc.
- 2.2. Following a request for further information the unit mix proposed was altered to provide for 10 no. 2 bed units, 57 no. 3 bed units and 19 no. 4 bed units. The overall layout of the development was amended which provided for the open space to be located centrally within the site and the housing units arranged in 6 blocks on the periphery of the site. The creche is located on the northern side of the entrance to the site with the

pumping station located at the north-west corner. The overall units proposed remained unchanged.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority following a request for additional information and clarification of additional information, issued a Notification of Decision to REFUSE Permission on the 27th June 2024 for the following reasons:

1. The application site is located on lands zoned Strategic Reserve under the Thurles and Environs Local Area Plan 2024-2030. This zoning is to reserve long-term strategic and sustainable development sites that may deliver housing within the subsequent plan period (unless a review of the current plan identifies a need for additional lands). Under the land use zoning matrix contained in Table 9.2 of the Thurles and Environs Local Area Plan residential development is identified as not normally permitted. Having regard to the nature of the development, the Strategic Reserve zoning for the site and the requirements of Policy 1.1 of the Thurles and Environs Local Area Plan 2024 that requires that new development proposals within the boundary of the Thurles Local Area Plan 2024-2030 (LAP) are assessed in accordance with the policies, objectives and requirements of the LAP it is considered that the proposed development is contrary to the zoning objectives of the Thurles and Environs Local area Plan 2024 as they relate to this site and is contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and having regard to:
 - The particular limitations in information regarding the adequacy of the storm sewer through which surface waters from the development will drain.
 - The potential need for upgrade works to this drain, and absence of detailed proposals for same.

- The absence of an appropriate assessment of the impact of such works on ecology and the Lower River Suir SAC.

The Planning Authority cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Suir Special Area of Conservation in view of the site's Conservation Objectives. In such circumstances the Planning Authority is precluded from granting approval/permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 The first report of the Planning Officer notes the location of the site, details of the proposed development, relevant planning history of site, details of the Part V, summary of submissions received, relevant local, regional and national planning policy and internal and external reports.

The report noted concerns over a number of issues and as such the following request for further information was made:

Item 1

Site layout – submit a site layout more organic in form/relocate open space/Private open space – amend to meet requirements.

Item 2

Revised House Design and Orientation

Item 3

submit a revised Road Safety Audit taking account of the existing and proposed traffic arrangements/ traffic impact assessment/submit proposal for active travel measures.

Item 4

- submit detailed designs for the proposed pumping station.
- submit revised proposals to extend the foul main to the Mill Road.

Item 5

Submit a revised Design/Sustainability Statement.

Item 6

Submit a Construction Environmental Management Plan.

Item 7

Submit details in relation to proposed lighting for the development.

Item 8

Submit revised landscaping plan with an increased volume of planting proposed, including measures for improved biodiversity opportunities within the site.

Item 9

Submit an invasive species survey of the site.

Item 10

- a. submit proposals for the maintenance of the proposed storm water network including swale, attenuation tanks and proprietary flow control devices.
- b. submit 'design life' details of relevant storm water features.

Item 11

Submit revise Appropriate Assessment Screening –

- a. indirect hydrological pathways to the River Suir via surface and wastewater flows.
- a. The presence of knotweed on the site - no invasive species management plan
- b. No construction management plan.
- c. No detail with respect to the plans and projects considered in combination.

3.2.1.2 The applicant submitted a response to the request for further information on the 23rd of January 2024 and can be summaries as follows:

Item 1 & 2

Supplementary Design Statement dated January 2024 and the revised Site Layout Plan sheet no. '01 Site Layout Plan, rev A.'

Item 3

- a. Engineers report states that the amendments required by the RSA have been incorporated into the design - see attached drawing sheet number 22137-180 (rev 2) 'Proposed Signs, Tactile Paving & Road Markin' prepared by DRA Consulting Engineers.
- b. TIA submitted.
- c. The footpath to the front of the site had been adjusted to provide 3m wide shared surface for cycle and pedestrian use and also provided pedestrian/ cycle future link future riverside walk.

Item 4

The applicant refers the Planning Authority to Engineers report.

Item 5

The applicant refers the Planning Authority to the Architects Supplementary Design Statement.

Item 6

The applicant refers the Planning Authority to the 'Construction Environmental Management Plan'.

Item 7

The applicant refers the Planning Authority to the Public lighting submission.

Item 8

The applicant refers the Planning Authority to the Landscape Layout Plan.

Item 9

The applicant refers the Planning Authority to the Landscape Plan.

Item 10

The applicant refers the Planning Authority to the Landscape Layout Plan.

Item 11

The applicant refers the Planning Authority to amended AA Screening report.

3.2.1.3 The second report of the Planning Officer noted further concern over the information provided with regard the Traffic Impact Assessment, surface water discharge, the

CEMP, roads layout, proposed pumping station and the impact on Natura 2000 sites. As such, a request for the following Clarification of Additional Information was requested:

Item 1

Revised TIA to consider additional permitted and under construction developments in the area.

Item 2

Demonstrate existing storm water infrastructure is in good working order.

Item 3

CEMP needs to be revised to consider:

- a) The applicant is requested to clarify references to the Shannon Estuary
- b) Clarify proposals for the erection of a robust silt curtain (or similar barrier) along the southern boundary to prevent the escape of silt or toxic material from the site, noting the location of the River Suir to the west of the proposed development site.
- c) Outline how phase one construction is to take place having regard to the presence of knotweed on that section of the site.
- d) Having regard to the 1;100 year flood extents, submit details have as to how construction and environmental management is to take place during flood events.

Item 4

Submit revised roads layouts.

Item 5

Phasing schedule should be revised to take account of foul sewer infrastructure which is required to accommodate the dwellings to be constructed in phase 1, and also in order to decommission the existing treatment plant and which is currently proposed as part of phase 2 of the development.

Item 6

Submit a Natura Impact Assessment.

3.2.1.4 The applicant submitted a repose to the request for clarification of additional information on the 3rd May 2025. The response submitted can be summarised as follows:

Item 1

Revised Traffic Impact Assessment submitted.

Item 2

Due to high water levels, it was not practical to cctv the existing storm sewer but suggested that this could be a pre-commencement condition should the application be granted.

Item 3

Revised CEMP submitted.

Item 4

Refer to drawing 22137-180-3 – indicating revised internal road layouts

Item 5

Confirm that the Pumping Station works are to be included in Phase 1.

Item 6

NIS report submitted dated April 2024 prepared by Openfield.

As part of the response to the request for Clarification of Further Information the applicant within the cover letter contended that the proposed development would provide additional needed dwellings which will be age friendly dwellings suitable for elderly living accommodation.

The applicant has also submitted a letter of support from Rehab Care including an outline of housing requirements for their clients with additional needs

3.2.1.5 The third report of the Planning Officer noted that the Thurles Local Area Plan 2024 came into effect on 25th March 2024 following the issuing of the request for CFI and the NIS (issued on the 27th February 2024). Under the adopted Thurles LAP 2024 the application site is zoned Strategic Reserve. Residential development is identified as not normally permitted on lands zoned Strategic Reserve.

The Planning Officer stated in this instance that no exceptional circumstances would justify development of these lands and considered that the zoning of the lands precludes a grant of permission.

In assessing the Clarification of Additional Information, the report stated with regard to the amended Traffic Impact Assessment submitted that concerns were had over the existing quantum of zoned land and permitted development and that the proposed development in addition to these may result in negative impacts on traffic flow in the town. It was concluded that the existing infrastructure may not have the capacity to adequately serve same.

With regard to item 2, concern remains over the condition of the surface water pipe and the impact on ecology which was not fully evaluated. It is further noted that part of the pipe is outside of the red line boundary of the site.

With regard to item 3, the report notes that the CEMP has been amended and no longer makes any references to the Shannon Estuary, however the proposed silt curtain are located on lands outside the application site boundary. The revised report includes mitigation measures to be put in place to minimise impacts of sediment, concrete or other toxic pollutants on water quality .

With regard to item 4 and item 5, the responses submitted were considered to be acceptable.

The assessment of the Natura Impact Assessment considered that the construction phase of the development presents the greatest potential for impacts on the Lower River Suir SAC through the escapement of pollutants (silt laden waters, hydrocarbons and other pollutants) to the river suir. While mitigation measures proposed were considered to be acceptable the Planning Authority considered that there was limitations in the information (and mitigation) on the works to the surface water pipe which extends outside the application site boundary. The report stated *“works may be required to the surface water outfall pipe that connects the site to the river suir. There is uncertainty over whether this pipe is adequate and whether upgrade or rehabilitation works to same and its outfall into the River Suir is required. This matter has not been adequately addressed in the documentation submitted with the application. The upgrade of this pipe presents potential for significant effects on the river suir, the nature and extent of which require further evaluation.”*

In conclusion of the assessment of the NIS the Planning Authority stated that consider the limited information provided on works associated with the surface water pipe, they were not fully satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir SAC in light of its conservation objectives.

As such the recommendation set out within the final Planning Report recommended that permission be refused in line with the Chief Executive Order issued on the 27th June 2024.

3.2.2. Other Technical Reports

District Engineer:

The first report requests the following further information;

- Details of proposed active travel measures.
- Road safety audit
- TIA - taking into account likely increased traffic congestion on Bohernamona Rd/Mitchel Street and measures to mitigate the impact.
- maintenance plan for the proposed storm water network.
- details of sizing and capacity of existing storm water network.

The final report notes that the capacity of the road network to deal with the increase in volume has not been addressed adequately noting the current approved level of development and the proposed increase from this development.

3.3. Prescribed Bodies

Uisce Eireann – No objection subject to condition.

3.4. Third Party Observations

The Planning Authority received 1 no. submission which is notify them of a planning application which is to be lodged on the adjoining site. The submission sets out details on the aspects of the proposed development including proposed cycleway and access to amenity facilities locally, details in relation to proposed pumping station and connectivity to public system in Mill Road to cater for surface water for their own future

proposed development.

The Planning Officer in their report notes that at the time of assessment no application had been lodged on any adjoining site.

4.0 Planning History

4.1. Subject Site

PA Ref 09/510725 Permission GRANTED for the relocation of the existing entrance, the change of use of the existing office building to a creche and the construction of 89 no. dwelling houses consisting of 37 no. detached dwelling houses and 52 no. semi-detached dwelling houses and all associated site works.

PA Ref 09/510226: Permission GRANTED for 6 no. semi-detached houses and all associated site works. These 6 no. houses are to replace 8 no. terraced units on site no.'s 152-159 which were granted under 06/51/1246.

PA Ref 06/511246 Permission GRANTED for new entrance, 166 No. dwelling houses, 10 No. serviced sites, 6 No. domestic garages, creche, office building and all associated site works.

4.2. Within the Vicinity

PA Ref 21279 Permission GRANTED for 50 residential units (phase 2), public and private open space, private and visitor car parking spaces, associated drainage and infrastructure works, all tree planting and landscaping and earthworks, all roads, footpaths, cycle paths, public lighting and associated works and service at lands to the north of Mitchel Street, Thurles Townparks and Bohernamona, Thurles, Co. Tipperary

PA Ref 201172 Permission GRANTED for 75 no. residential units (phase1) public and private open space, private and visitor car parking, creche building to cater for 35. no. children, pumping station, all

associated works and at lands to the north of Mitchel Street, Thurles Townparks and Bohernamona, Thurles, Co. Tipperary

PA Ref 20882: Permission GRANTED for a new dwelling with garage, entrance and septic tank and percolation area with all associated site work and permission to demolish existing dwelling structures on same site.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure, in particular to higher functioning towns such as Thurles. NPOs for appropriately located and scaled residential growth include:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being; and
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2. Section 28 Ministerial Planning Guidelines.

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically).

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

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

According to the results from the 2022 Census, Thurles has a population of 8,185 people and as such in accordance with Section 3.3.3 of the Guidelines identify areas with a population greater than 5000+ people are consider to be a Key Towns and Larger Towns. Table 3.5 of the guidelines states that Key Town / Large Town - Suburban/Urban Extension should aim to achieve a density of 30-50 units per hectare (net).

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 in relation to separation distances (16 m above ground floor level),
2. SPPR 2 in relation to private open space (2-bed 30 m² ; 3-bed 40 m² ; 4+bed 50 m²),
3. SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and
4. SPPR 4 in relation to cycle parking and storage.

Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional

circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines);
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021); and
- Design Manual for Urban Roads and Streets, 2013, update May 2019 (DMURS).

5.1.3. Housing for All - a New Housing Plan for Ireland (September 2021)'.

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes: - To purchase or rent at an affordable price, - Built to a high standard in the right place, - Offering a high quality of life.

5.2. Regional Planning Policy

5.2.1. Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (RSES).

The Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2020-2032 identifies Thurles as one of fourteen 'Key Towns' in the region, and one of four in the Mid-West sub region. The strategic framework in the RSES focuses on enhancing the strong network of towns in the region, with targeted population growth of 30% for the Key Towns. Specifically relating to Thurles, the RSES identifies that ABP-309294-21 Inspector's Report Page 10 of 43 the town has significant potential for services and enterprise-based employment growth with an associated demand for residential development.

5.3. Climate Action Plan 2024

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.4. National Biodiversity Plan 2023-2030

The National Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030. The plan strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

The plan has identified 5 objectives which include for:

1. Adopt a Whole-of Government Whole-of-Society Approach to Biodiversity;
2. Meet Urgent Conservation and Restoration Needs;
3. Secure Nature’s Contribution to People
4. Enhance the Evidence Base for Action on Biodiversity; and
5. Strengthen Ireland’s Contribution to International Biodiversity Initiatives.

5.5. Local Planning Policy

5.5.1. Thurles and Environs Local Area Plan 2024-2030

Land Use Zoning

The subject site is zoned under the objective SR -Strategic Reserve within the current Local Area Plan, which was adopted on the 25th March 2024. The Strategic Reserve Objective refers to sites that may deliver housing within the subsequent plan period (unless a review of the current plan identifies a need for additional lands). Table 9.2 of

the LAP sets out the zoning matrix which notes that residential development is ‘not normally permitted’ under the SR -Strategic Reserve Objective.

Population Growth and Housing

Section 2.4.2 of the LAP identifies that in line with the NPF, it is planned to deliver a population growth of 30% by 2031- it will be necessary to cater for a population of an additional 2,117 persons within the lifespan of the LAP. This projected population growth would result in an estimated requirement for approximately 784 additional housing units. It is further stated that there is a lack of ‘live’ residential planning permissions to the north of the town, and west of the River Suir which is the most appropriate location for development in terms of wastewater servicing.

Section 2.4.3 of the LAP state with regard to the Strategic Reserve zoning objective that *“development of these areas in a piecemeal or discordant way would prejudice the sustainable future development of the town. New development in lands zoned Strategic Reserve will not therefore generally be permitted. Where exceptional circumstances apply that would justify the development of these lands within the lifetime of the Plan, the applicant will be required to demonstrate how the remaining lands within the ‘Strategic Reserve’ land use zoning could be developed sustainably and cohesively.”*

Relevant Policies and Objective

- Policy 1.1 Assess all new development proposals within the boundary of the Thurles Local Area Plan 2024-2030 in accordance with the policies, objectives and requirements of the Tipperary County Development Plan 2022-2028 (and any review thereof), and this LAP. Where conflicts arise, the Tipperary County Development Plan 2022-2028 (and any review thereof) shall have primacy in decision-making.
- Policy 2.3 Require new development to incorporate best practice in low-carbon and energy efficient planning and techniques, as reflected by the policies and objectives of the TCDP and this LAP, and in accordance with the TCC Climate Action Plan 2024 - 2029 (and any review thereof).
- Policy 3.1 Support compact growth through:

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

Section 5.3.1– Residential Development

The subject site is located within the 'East of Town Centre' as identified on Figure 10 – Thurles Neighbourhoods. The LAP states:

“The area to the east of the River Suir has extended its pattern of residential development further east rather than north and south of the N75 thus resulting in a reliance on car trips, this is exacerbated by the through traffic travelling on the national road with only one river crossing into Liberty Square. The planning authority will work with the Active Travel team in putting in place walking, cycling and public transport options from this area to the town centre. The Council will support the delivery of a segregated active travel route from Mitchell Street to the train station serving the schools in this area to the north (route provided in LTP Appendix 2). The Council will seek to consolidate development in this area, and further expansion of the town to the east of Lognafulla on greenfield lands will not be facilitated over the lifetime of this LAP.”

Policy 5.1 Support new development and growth in the town and within the identified 'Neighbourhoods', in accordance with the principles for each 'Neighbourhood' as set out in Section 5.3.1 (as set out above), ensuring appropriate residential densities on central areas in accordance with the relevant planning guidelines.

Policy 5.3 Require new development proposals relating to housing, public realm, amenity, accessibility and public transport etc. to be designed in accordance with 'Universal Design' and 'Age Friendly' principles, in particular in relation to the provision of rest and dwell spaces in the town centre.

Section 6 Transport and Connectivity

- Policy 6.1 Support new development that will improve accessibility and movement within Thurles, reduce dependency on private car transport, increase permeability in the town, and encourage the use of energy efficient forms of transport through the promotion of walking, cycling and public transport.
- Policy 6.3 Require that new developments are designed to comply with Design Manual for Urban Roads and Streets (DoT, 2019 and Supplementary Advice Notes) including making provision for pedestrian and cycle infrastructure and enhancing connectivity and accessibility to the town and providing universal access (in particular for persons with disabilities, reduced mobility and older people) where a whole journey approach is considered.
- Policy 6.4 Support the sequential development of lands zoned for development, and to ensure that provision is made for the orderly expansion into areas that may be zoned in the future. In assessing new planning applications, and on a case-by-case basis, the Council may require the maintenance of a corridor to provide for future connectivity with adjoining un-zoned lands.

Section 8 Infrastructure, Energy and Utilities

- Policy 8.1 Support the use of renewable energy technologies at appropriate scales in residential, commercial and community developments and support the principle of on-site energy generation for self consumption, subject to other planning and design criteria.
- Policy 8.3 Require new development to ensure it would not adversely affect a water body's ability to meet its objectives under the Water Framework Directive, individually, as a result of the proposed development, or cumulatively, in combination with other developments.
- Policy 8.4 Require that all development proposals in Thurles integrate SuDS, and nature-based solutions, as part of an overall sustainable urban drainage and urban greening approach (refer also to Section 3.5 of the accompanying SFRA, "Sustainable Urban Drainage Systems and

Surface Water Guidance and Strategy”), unless they are demonstrated to be operationally unfeasible to the satisfaction of the Council.

Policy 8.6 Require new development proposals to safeguard the strategic function of the Thurles Waste Water Treatment Plant.

5.5.2. Tipperary County Development Plan 2022-2028

Chapter 2 of the County Plan identifies Thurles as a ‘Key Town’ with a unique strategy for the growth. The key socio-economic considerations for the area, and a town profile plan (including walking and cycling proximities to the town centre, compact growth area, key infrastructure and areas at flood risk) are also outlined.

Section 4.3.3 of the County Plane notes that the relatively compact nature of the town and its suitability to support a ‘10-minute town concept’ and active travel is evident. Thurles is a strategically located urban centre of significant influence in a sub-regional context, with excellent road and rail linkages with Limerick, Dublin and Cork.

- Thurles Strategy for Growth

Thurles is identified as a ‘Key Town’ to grow by 30% and is a strategic employment location, with the potential to benefit from Tipperary’s proposed role as an emerging centre for the bioeconomy, harnessing the employment and economic potential of the Lisheen Thurles National Bioeconomy Campus. In line with the Thurles Town Centre Renewal Strategy 2021, the town will develop as an attractive place for those who wish to live in a rural and affordable town, and yet be well connected to Dublin and Cork via the road and rail networks. This connectivity will also support the role of the town as a regional centre of education and learning, and as a centre for national standard sporting facilities. The Council will work with the community to support more sustainable transport patterns, active travel and modal shift. The Core Strategy has outlined a population and housing projection and a maximum residential land zoning allocation. The Thurles Town and Environs Development Plan 200929 will remain applicable to its Plan area, until a detailed assessment and review of land zoning will be carried out in line with the NPF ‘Methodology for a Tiered Approach to Land-zoning’ to inform the preparation of a new Thurles and Environs LAP.

Relevant Policies and Objective

- 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 thereof) and the Development Management Standards set out in Volume 3.
- Policy 5-3 Require that residential schemes proposed on lands zoned for residential use, or a mixture of residential and other uses, comply with Part V of the Planning Act (or any amendment thereof).
- 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.
- Policy 5-7 Ensure that new residential development accommodates housing for a range of specialised needs, including those of the elderly, and contain appropriate mix of housing types and sizes. New housing shall

incorporate the principles of Lifetime Adaptable Homes and Universal Design to cater for groups with specific needs in the county, as informed by a 'Statement of Housing Mix' as part of a 'Sustainability Statement' where applicable.

Policy 5-8 Support the provision of specialised residential accommodation facilities for the elderly, such as age-appropriate homes, independent and assisted living units, day-care facilities, nursing homes and specialised care units (e.g. dementia specific units) in towns and villages, where they can readily connect with the services and amenities of the local community.

Policy 5-9 Require that climate change actions and measures⁴⁵ be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity⁴.

Objective 5-9 Support Government policy and targets under "Rebuilding Ireland: Action Plan for Housing and Homelessness" 'Housing for All', a New Housing Plan for Ireland, (Government of Ireland, 2021) (and any review thereof) and local authority actions that contribute to delivery of affordable housing and social housing, reduction of homelessness and building of homes on public lands.

Volume 3 – Development Management Standards

5.6. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.8.39km to the east and c.4.436km to the north of the Lower River Suir SAC (site code 002137).

6.0 EIA Screening

The development does fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set

out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against the decision by Tipperary County Council to refuse permission. The grounds of appeal are as follows:

Response to refusal reason 1 - Land Use Zoning

- At the time when the application was originally lodged the subject site had the benefit of a long-standing Residential zoning -Change made after further information and clarification of further information sought.
- NIS request was only made at clarification stage which did not permit sufficient time for compliance before the adoption date of LAP.
- Strategic Reserve designation demonstrates that the subject lands were considered appropriate for residential development.
- Recognise the logic to localised area planning - some sites identified for development cannot be developed. Some sites may be more suitable and readily available for development – this site being one.
- Sufficient special characteristics exist within the subject site and with the subject application that would permit the development as sought to progress at this time.

Response to reason no. 2

- Application had input from full design team - fully comprehensive and all concerns raised by the Planning Authority were satisfactorily addressed. The second reason for refusal with regard to 'limitations in information' is not warranted.

- The assessment with regard to the surface water storm drain is considered to be incorrect for the following reason:
 - Expert assessment demonstrates that upgrade works required are highly unlikely;
 - Intension to replace existing uncontrolled surface water run off with a series of SUDs features will significantly lower discharge to the existing surface water sewer and subsequently river – overall situation will be improved.
 - Letter dated 24th June 2024 from Open field Ecology Services reiterates that the NIS submitted did give regard to the potential effects arising from works to the storm sewer pipe should they be required to the Natura 2000 sites with particular reference to the River Sur SAC.
- It is proposed to de-commission the on site private wastewater treatment plant and install a new pump station which will accord with Uisce Eireann's standards. A rising main will then discharge into the foul sewer in Thurles which has demonstrated capacity to manage water generated – eliminating any potential to discharge directly into the river.

GROUND OF APPEAL:

Ground 1: Power of the Board to Grant Permission

- The Board has discretion and powers to grant permission for the proposal – established under the provisions of the Planning and Development Acts 2000, (as amended) and clarified under several court judgements.
- The Board needs to consider the applicant under Section 34(2)(ba) of the Planning and Development Act 2000 as amended and Section 37(2)(b) of the Planning and Development Act 2000 as amended for the following reasons:
 1. National Planning Framework
 - Section 2.2 - Overview of the NPF Strategy
 - Section 2.6 - Securing Compact and Sustainable Growth
 - Section 4.5 - Achieving Urban Infill/ Brownfield Development.

- Section 9.2 - Resource Efficiency and Transition to a Zero Carbon Economy
 - National Policy Objective 20 (referenced as Objective 11 in appeal
 - National Policy Objective 25 (referenced as Objective 16 in appeal submitted).
2. Housing for All
- Housing Policy Objective 19: Address Vacancy in housing
 - Section 5.1: Ensure Environmental Sustainability
3. Regional Spatial and Economic Strategy (RSES)
- RPO 34 – Regeneration, Brownfield and Infill Development

Ground 2: Development and completion of a Ghost Estate in the interest of proper planning and sustainable development

Hayfield Manor is the last remaining ghost estate in Thurles. Proposal will overcome:

- Removal of private temporary wastewater treatment plant – not operating properly and poses an environmental risk. Uisce Eireann are in support of the new proposed wastewater treatment system.
- Provide for improved storm water discharge system which includes for SUDS.
- Provide for a much needed landscaped, play area and upgraded footpath.

Ground 3: Housing need in Thurles

- ERSI have predicted that Ireland will require 53,000 new homes a year to keep up with population up to 2023 - drew up a distinction between structural demand and pent-up demand.
- Thurles has seen a significant reduction in units being constructed on foot of the global financial crisis which has exasperated the gap between the supply and demand of housing.

- Housing projections within the County Plan and the Thurles LAP based upon an assumption that Thurles will need to accommodate a population growth of 10,057 by 2023 - actual number being required is much higher.
- In regard to the potential extent nature and location of these home a number of considerations would seem to be relevant to the development potential of these lands:
 - *Private Residential Development*

Dun Lia was the last private housing development built in Thurles back in 2006 as such there is a clear demand for housing.
 - *Third Level Education*

Currently 1000 students attending TUS and Mary Immaculate College campuses – both having plans to expand requiring additional housing supply.
 - *Public Transport*

Thurles strategically located for growing numbers of people divining work between office and home. Well served by public transport – direct trains from Dublin/Cork/Limerick.
 - *Population Demographics*

Thurles has a higher than the county and national average of people over the age of 65.

19.3% of the Thurles population is over 65 – old age dependency rate is 30.93%

The new LAP states: *Bearing this in mind, age-friendly development practices and suitable elderly living accommodation will be important considerations in the future growth and development of the town.*
 - *Zoning Considerations*

Town first approach adopted by the County in deciding appropriate location for re-zoned land.

147 vacant units identified in Thurles Town – 63 are residential.

- Having regard to the above it is contended that:
 - Development provides for a creche and a mix of unit types – perfectly suited to cater to variety of people and households identified in the LAP. Subject site is ready and looking to be developed with a capacity to bring much needed housing on the short-term market.
 - Rehab care – who operate on a site opposing the subject site – have an immediate need to units within the area. Potential co-location adjacent to the Rehab Care Facility – site is suited to provide units.
 - Key objective of the LAP – develop sites close to services and support sustainable energy plans. Subject site is 450m to the north of a proposed greenway.

Ground 4: Pattern of Development

- The site is clearly sequentially appropriate to develop to promote residential development in a compact and concentric pattern.
- The Site is located between 1km and 1.5km from the centre of Thurles Town.
- Why the Local Authority when assessing comparable suitability of lands in its service lands assessment, does not give more weight to the nature of the subject site in terms of its brownfield and legacy issues and its closer proximity/accessibility to existing community/public facilities.

The appeal has been accompanied by the Following:

- Appendix 1 - a copy final decision, the request for additional information and the clarification for additional information.
- Appendix 2 - extracts from the Thurles & Environs Local Area Plan 2024-2030 (policy 1.1 and Table 9.2).
- Appendix 3 -correspondence from Rehab Care, DRA Consulting Engineer, Openfield Ecological Services, and Uisce Eireann.

7.2. Planning Authority Response

No response received.

8.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Context.
- Principle of Development.
- Second reason for refusal.

8.1. Context

- 8.1.1. Between the initial application being lodged with Tipperary County Council and the date it issued its decision, there was a change in Land use zoning pertaining to the subject site. The Thurles Local Area Plan 2024-2030 came into effect on the 25th March 2024 and therefore, was in effect on the date the Planning Authority made its decision. My assessment is based on the policies and objectives of the Thurles Local Area Plan 2024-2030.
- 8.1.2. The planning authority first reason for refusal was on the basis that the proposed development is located on lands which are subject to Strategic Reserve (SR) zoning objectives of the site as outlined in the Thurles Local Area Plan 2024-2030, which was in effect when the decision was made by the Planning Authority, and I address this in section 8.2 below.
- 8.1.3. The planning authority was broadly satisfied with the overall quality of the proposed development, the crux of the reason for refusal related to outstanding issues pertaining the limited information provided within the Natura Impact Assessment submitted. It was further noted that any grant of permission would constitute a contravention of the Thurles Local Area Plan 2024-2030.
- 8.1.4. The proposed development comprises the provision of 86 no. residential units, a crèche and upgraded wastewater treatment plant at Hayfield Manor, Bohernamona, Thurles, Co. Tipperary. I have reviewed the application documentation and information submitted with the appeal, the submissions by the local authority,

documentation lodged at application and appeal stage and I broadly concur with the assessment of the Planning Authority that the amended design and layout submitted in response to the request for additional information, on the 23rd of January 2024, is acceptable. Further issues in the Further Information request have been addressed at application stage by the planning authority. However, the concerns raised relating to the impact the proposed development may have upon Natura 2000 sites within the vicinity and the conflicting information provided with regard to the use of the existing surface water pipe were not adequately addressed and formed the second reason for refusal. I have addressed this issue fully within section 8.3 of this report.

- 8.1.5. Having regard to the foregoing I do not propose to carry out a de-novo assessment of the proposed development and my assessment shall focus on the principle of development, the reasons for refusal and the appellant's attempt to address to overcome the reasons for refusal.

8.2. Principle of Development

- 8.2.1. The subject site is located within the development boundary of the Thurles Local Area Plan 2024-2030 (LAP) which was adopted on the 25th March 2024, during the Planning Authority's assessment period of the subject appeal. The subject site is zoned under objective SR -Strategic Reserve which refers to sites that may deliver housing within the subsequent plan period (unless a review of the current plan identifies a need for additional lands). Residential development is identified under table 9.2 – the zoning matrix of the LAP as being 'not normally permitted'.
- 8.2.2. Section 2.4.3 of the LAP states with regard to the Strategic Reserve zoning objective that *"Development of these areas in a piecemeal or discordant way would prejudice the sustainable future development of the town. New development in lands zoned Strategic Reserve will not therefore generally be permitted. Where exceptional circumstances apply that would justify the development of these lands within the lifetime of the Plan, the applicant will be required to demonstrate how the remaining lands within the 'Strategic Reserve' land use zoning could be developed sustainably and cohesively."*
- 8.2.3. Further more, Policy 1.1 of the LAP requires that the Planning Authority *"Assess all new development proposals within the boundary of the Thurles Local Area Plan 2024-*

2030 in accordance with the policies, objectives and requirements of the Tipperary County Development Plan 2022-2028 (and any review thereof), and this LAP. Where conflicts arise, the Tipperary County Development Plan 2022-2028 (and any review thereof) shall have primacy in decision-making.”

- 8.2.4. Having regard to the change in the land use zoning the Planning Authority refused planning permission stating that ‘....having regard to the nature of the development, the Strategic Reserve zoning for the site, and the requirements of Policy 1 .1 of the Thurles and Environs Local Area Plan 2024, it is considered that the proposed development is contrary to the zoning objectives of the Thurles and Environs Local area Plan 2024.’
- 8.2.5. From the outset of my assessment and on foot of a review of the Thurles Local Area Plan 2024-2030 and the land use zoning pertaining to the subject site, I consider that to permit the proposed development would contravene the land use zoning as identified within Thurles and Environs Local Area Plan 2024.
- 8.2.6. The appellant states within their appeal that at the time when the application was originally lodged the subject site had the benefit of a long-standing Residential land use zoning and that the subject site had been the subject of a previous grant of permission for residential development. It is further contended that the lands were re-zoned to ‘Strategic Reserve’ after the request for clarification of further information was made by the Planning authority. The lands were re-zoned to ‘Strategic Reserve’ after the request for clarification of further information was made by the Planning authority. The applicant further states that the request to submit a Natura Impact Assessment and the time it took to prepare such, did not permit sufficient time for submission of the response to the request prior to the adoption of the new LAP.
- 8.2.7. The appellant has requested that the Board utilise their power as set out under Section 37(2)(a) and (b) of the Planning and Development Act 2000 (as amended). The argument set out by the Appellant considers that they have demonstrated that the development of the subject lands would comply with the four criteria set out under Section 37(2)(b) of the Act.
- 8.2.8. It is contended that the delivery of housing is a national priority and that the test set out under criteria (i) of Section 37(2)(b) of the Act is met by the delivery of housing on

a brownfield site which is considered good planning and will not create an undesirable precedent.

- 8.2.9. The Appellant further states that the test under criteria (ii) is met, in that the Thurles LAP 2024-2030 under the Zoning Matrix of the LAP states that “...*it is a guide (in principle) of the acceptability or otherwise of the specified land-uses in each zone.*” It is contended that the LAP is conflicting in that it does not explicitly state that residential is not permitted on Strategic Reserve lands but instead states ‘*not normally permitted*’. The Appellant considers that this is unclear and conflicting which is further compounded by the Core Strategy of the Tipperary County Development Plan 2022-2028 which seeks to develop brownfield sites.
- 8.2.10. With regard to criteria (iii), the Appellant states that the National and RSES policy context which seeks to develop brownfield lands. Criteria (iv) is considered to be met given the pattern of development within the area and the that the lands are sequentially positioned alongside existing dwellings and zoned lands. The appellant has set out, within their appeal submission, the relevant sections of the RSES and the National Planning Framework which all support the development of underutilised infill/brownfield serviced sites which are well connected.
- 8.2.11. In the first instance, the appellant is relying on the site being categorised as a brownfield site to satisfy the criteria required for the Board to consider the proposal under Section 37(2)(b) of the Planning and Development Act 2000 (as amended). Notwithstanding the planning history pertaining to the subject site and its status as a ‘Ghost Estate’, I note from undertaking a site visit that a large part of the site, that being the majority, is greenfield in nature. While there are approximately 9 no. floor plates of units located along the eastern boundary of the site and a partially contrasted entrance road, I do not consider these works give rise to justify the subject site as being brownfield in nature. While I note that there is an emphasis within planning policy at both national and regional level to delivery housing, I consider that this has to be achieved on zoned lands which are appropriate for development and in a sustainable manner.
- 8.2.12. With regard to issues raised over the land use zoning matrix, I consider that the wording of such is not conflicting with the uses identified or with the contents of the Tipperary County Plan. The language within the LAP around the SR – Strategic

Reserve land use zoning has allowed for leniency in terms of the uses permitted. Furthermore, the flexibility will also allow for the future development of lands if considered to be required during the review of the plan. This is discussed further within section 7.1.13 of my assessment. I further note that the LAP is aligned with the Core Strategy of the Tipperary County Development Plan and this has been set out and identified within section 2.1 and figure 4 of the LAP.

- 8.2.13. The appellant has stated that there will be anomalies where some sites identified and zoned for development within the LAP may not be developed for one reason or another within the Plan period and there may be sites not included within the residential zoning which may be more suitable and readily available for development – this site being one. I consider that this is an assumption made by the Appellant with no evidence provided that supports such.
- 8.2.14. Table 9.1 of the LAP provides for a description for each of zoning objectives and states with regard to the SR -Strategic Reserve Zoning objective - “*Sites that may deliver housing within the subsequent plan period (unless a review of the current plan identifies a need for additional lands)*. As such, the LAP has allowed for instances where sites which have been identified for residential development and are not developed, that during the review period, if the unit numbers identified within the plan are not being met then at that time, SR- Strategic Reserved zoned sites can be considered to be brought forward for development to meet the housing targets identified within the LAP.
- 8.2.15. I note the location of the subject site which is on the periphery of Thurles LAP area. The site is located c.2.7km to the north-east of Thurles Railway Station and c.2km from the Town Centre. The front boundary of the site is currently served with a footpath. However, there are currently no active travel connection links from the subject site into the centre of Thurles Town Centre.
- 8.2.16. Figure 12 of the LAP has identified proposed Active Travel Routes which are to be delivered within the lifetime of the plan. While I note that there is an indicative proposed pedestrian route, the site will not be served with access to a cycle way or greenway within the immediate vicinity. I do not accept the appellants statement that the subject site is well located in terms of connectivity. I consider that there are more appropriate

sites which are located within the town centre which offer more appropriate connectivity links to the existing services and the Train Station.

8.2.17. The applicant is seeking permission for 86 no residential units on a site with a stated area of 3.45ha resulting in a density of with a density of 24.9 dwellings per ha. able 3.5 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) identifies that urban extension sites, that are greenfield in nature and located at the edge of the built footprint of the Town should aim for densities in the range of 30 -50 units per ha. While I note that the Planning Authority accepted the density proposed as being acceptable, I do not agree as it falls outside of the range identified in table 3.5 of the compact guidelines and therefore not represent a sustainable use of the lands.

8.2.18. In conclusion, I consider that the proposed development would contravene the land use zoning objective pertaining to the subject site under which residential development is 'not normally permitted'. Furthermore, I do not consider that the justification set out by the Appellant would allow the Board to consider this application under S. 37(2)(b) of the Planning and Development Act 2000 (as amended) Act.

8.2.19. Given the substantive reason for refusal with regard to the material contravention of the land use zoning and density not being in compliance it the requirements of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), I have not addressed the quality of design or layout of the proposed development in my assessment. As set out in section 8.1.4 of this report, concerns with regard to the overall layout were raised by the Planning Authority as part of the request for additional information. The applicant submitted an amended layout on the 23rd of January 2024 which overcame concerns raised as such the layout was considered to be acceptable.

8.3. **Second Reason for Refusal**

8.3.1. The Appellant has stated that the assessment by the Planning Authority with regard to the surface water drain is considered to be incorrect given that an expert assessment was presented which clearly demonstrated that upgrade works required are highly unlikely and it is contended that the intention to replace the existing uncontrolled surface water run off with a serious of SUDs features which will

significantly lower discharge to the existing surface water sewer and subsequently River Suir, in turn the overall situation will be improved. As such it is the applicant view that the second reason for refusal with regard to 'limitations in information' is not warranted.

- 8.3.2. The appeal submission has also been accompanied by a letter from the consultant which was responsible for preparing the Natura Impact Assessment (NIS) which reiterates that mitigation measures identified within the NIS will ensure no pollution effects will arise to the Lower River Suir SAC.
- 8.3.3. The Planning Authority undertook their own review of the NIS submitted and consider that having regard to the limited information on works associated with the surface water pipe, the condition of which has not been examined and the uncertainty on whether the applicant has control of the lands to access and undertake works to this pipe and to erect the silt fencing, they were not fully satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir SAC in light of its conservation objectives.
- 8.3.4. I have undertaken a full review of the Appropriate Assessment Screening reports and Natura Impact assessment associated and submitted as part of the subject application within Section 8.0 and Appendix 3 of this assessment. The subject site is not located within or is not adjoining any Natura 2000 Sites. However, the River Suir is located c.120m to the west of the subject site. While not part of the Lower River Suir SAC, at this location, it is noted that the Suir river flows into the Lower River Suir SAC at a distance of approximately 6km to the south (following the path of the river).
- 8.3.5. I note that there is an existing surface water drain running from the subject site to the River Suir, part of which traverses' lands which are outside of the red line boundary of the subject site. It is stated on page 6 of the NIS that "*The surface water drainage system will require no works at, or near, the River Suir.*" The NIS goes on to further state (on pg 7) that "*the condition of this pipe is unknown and investigation works will be undertaken at construction stage. In a worst-case scenario, this pipe may need to be repaired or replaced entirely, which would create a potential for sediment to reach the River Suir, and so the SAC downstream.*" I consider that these two statements are contradictory. The appellant is in the first instance asserting that the subject pipe is in working condition and then stating that works may be required.

- 8.3.6. If works are required, they have not therefore been considered as part of the assessment and as such it is unclear what impact they may have upon the River Suir and furthermore the Lower River Suir SAC and its conservation Objectives. While I note that the NIS goes on to provide for a specific mitigation measure relating to these works, this relies upon the installation of silt curtains on lands which are not within the red line associated with the subject application.
- 8.3.7. The mitigation measure states *“In the event that remedial works are required/or new storm sewer pipe is required from the existing storm manhole to the discharge point at the River Suir, a silt curtain is to be installed as per drawing 22137-190. In addition, the outfall point will be blocked and sealed for the duration of works to prevent any loss of silt to the River Suir during this phase”*.
- 8.3.8. The appellant also submitted a CEMP as part of the response to the clarification of additional information which has set out a number of mitigation measures for the construction period which all align with that included within the NIS. However, the drawing included, Fluvial Flood Extent and Associated works, indicates the inclusion of the aforementioned Silt Curtains again on lands which are outside the control of the applicant.
- 8.3.9. Furthermore, the River Suir at this location is identified within the water directive as being of unsatisfactory quality. Given the limited information available as to the current condition of the surface water pipe which outfalls to the river, I would have concern that this could cause a further deterioration of the water quality of the River Suir.
- 8.3.10. As such, with regard to the limited information provide to me I cannot clearly ascertained that the proposed development, individually or in combination with other plans or projects, even after the implementation of mitigation measures set out, would not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137). I consider that an inspection of the subject surface water drain running from the subject site to the River Suir should have been undertaken any ay work required considered as part of the NIS prepared. Furthermore, consent from the adjoining land owner should have been obtained in order to undertake any upgrade works required or to implement the mitigation measure set out under point (h) of the NIS submitted.
- 8.3.11. Furthermore, I note that one of the qualify interests of the Lower River Suir SAC (Site Code 002137) is the presence of Atlaninc Salmon. Atlantic Salmon are known to travel

upstream to breed and spawning could therefore be occurring at the point of the River Suir which is located c.120m to the west of the subject site. This has not been considered as part of the NIS submitted.

- 8.3.12. The NIS states (pg 6) that there is no water course on or adjoined to the development site. From undertaking a site visit I observed there to be an open ditch which directly abuts the western boundary of the site. The ditch had a water flow in it. I further note that the land immediately to the west were also subject to flooding at the time of inspection.
- 8.3.13. The lands located immediately to the west of the subject site have been identified as benign located within Flood Zone A within the SFRA included within the Thurles Local Area Plan 2024-2030. These lands directly adjoin the River Suir which as noted are connected to the Lower River Suir SAC. There is no reference within the NIS submitted to this ditch and implications it may have in terms of its connectivity to the River and furthermore the Lower River Suir SAC.
- 8.3.14. Overall in conclusion, I am of the opinion that the information set out within the Appropriate Assessment submitted to the Planning Authority is considerably limited and as such it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, even after the implementation of mitigation measures set out, would not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137). This conclusion is based on:
- Conflicting information provided with regard to the current status of the surface water/ storm drain which discharges into the River Suir which it is intended to utilise to service the subject site;
 - Absence of any assessment of the potential impact any upgrade works which may be required to the surface water/ storm drain may have upon the ecology of the Lower River Suir SAC; and
 - No reference to the existing ditch which is located directly adjacent the western boundary of the subject site.

I consider that there remains a reasonable scientific doubt as to the absence of adverse effects on the integrity of on Lower River Suir SAC (Site Code 002137) and

as such the Board is precluded from granting permission for the proposed development.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

9.1.1. I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report (and NIS) have been submitted on behalf of the applicant and the objective information presented in the Screening Report informs this screening determination.

9.1.2. Background

The applicant submitted an Appropriate Assessment Screening Report for the proposed development to the Planning Authority on the 20th September 2023. On foot of a review the Planning Authority were not satisfied and raised concern over a number of issues that had with the assessment. The applicant then submitted a second revised AA screening report to the Planning Authority on the 23rd of January 2024. Again, the Planning Authority raised a number of concerns and requested that the applicant further revise the AA screening and also submit a Natura Impact Assessment. A final AA screening Report together with a Natura Impact Assessment was submitted to the Planning Authority on the 3rd May 2024.

I am satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. My review is based upon the the applicant's 'Screening for Appropriate Assessment' submitted to the Planning Authority on the on the 3rd May 2024 and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.

9.1.3. The AA Screening Report dated the 3rd of May 2024 notes that the subject site is not within, or directly adjacent to any Natura 2000 Site. The report identified 1 no. European Site which the subject site was within the catchment of that being the Lower River Suir SAC (site code: 002137). The reason this SAC was identified was because the River Suir is located approximately 120m from the western site boundary. The

River Suir is not a part of any Natura 2000 site at this point. South-east of Thurles, the River Suir enters the Lower River Suir SAC. The boundary of the SAC is approximately 4.3km from the site at its nearest point as the crow flies. Following the flow of the river this distance is over 6km.

- 9.1.4. It is stated on Page 12 of the Screening report that there will be no direct loss or disturbance of semi-natural habitats that may act as ecological corridors to Natura 2000 sites and that there are no pathways for construction pollutants to enter the River Suir and so very little risk that pollutants could reach the SAC.
- 9.1.5. The Screening report recognises that there are no direct, surface hydrological pathway between the development site and the River Suir however there are indirect hydrological pathways to the River Suir via surface, ground and wastewater flows. The report therefore concludes that potential for significant effects on the Lower River Suir SAC cannot be ruled out due to water pollution during the construction phase and the risk of spread of Japanese Knotweed.
- 9.1.6. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the qualifying interests of the Lower River Suir SAC (site code 002137) 'alone' in respect of effects associated with the deterioration of water quality in the River Suir which is located c.120m to the west of the subject site. While not part of the Lower River Suir SAC, it is noted that the Suir river flows into the Lower River Suir SAC at a distance of approximately 6km to the south (following the path of the river).
- 9.1.7. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. **Supplementary Reports / Studies**

Construction Environmental Management Plan

A CEMP was submitted to the Planning Authority on the 23rd January 2024 and on the 3rd May 2024. My assessment relates to the CEMP submitted on the 5th May 2024. It addresses environmental protection and waste management and sets out mitigation measures. The Plan sets out environmental control measures for re-

fuelling and hazardous materials storage; soil excavation; air quality; noise and vibration; and construction traffic management.

Mitigation measures included with regard to the construction phase and pollution prevention which are in keeping with those set out within the NIS. However, I do not consider that the management plan has considered concisely how upgrade works to the surface water pipe will be undertaken in the event they are require. While drawing no. 22137-190 (Fluvial Flood Extent and Associated works) has indicated the use of silt traps, I note that these are to be located on lands which is outside the redline associated with the subject application. No letter of consent has been included to indicate that such works can be undertaken. As such, I consider that the CMEP submitted requires further amendment to consider the issues raised.

Invasive Species Plan

The applicant has made reference to the location of Japanese Knotweed being located at two central points on the subject site. An update Invasive Species Plan was submitted to the Planning Authority on the 5th May 2024. Two Stands of Japanese Knotweed were identified to be on site during a site inspection undertake as was noted in AA Screening Report. Both of the strands of Japanese Knotweed are 1 to 2 sq.m in size with visible crowns. The strands are located within each other's 7 meter buffer zones allowing for 1 large buffer zone.

The plan goes on to set out details of how the Japanese Knotweed is to be treated and removed. This has also been included within the mitigation measures identified within the NIS and also within the CEMP.

9.3. Stage 2 - Appropriate Assessment

- 9.3.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of Lower River Suir SAC (Site Code 002137) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Board. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed

development is set out on page 4, under Step 1, of the NIS and the potential impacts from the construction and operational phases are set out on page 7 and 8 of the NIS, under Step 2.

9.3.2. Relevant European Sites

In the absence of mitigation, the potential for significant effects could not be excluded for:

- Lower River Suir SAC (Site Code 002137)

I have reviewed the Conservation Objectives listed for the Natura Site on the NPWS website (www.npws.ie). The table below provides for a summary of the information provided within the NIS and the site integrity test. This information has been compiled from the information contained in the NIS and the NPWS Website.

Lower River Suir SAC (Site Code 002137)			
		Summary of Appropriate Assessment	
Special Conservation Interest (SCI)	Conservation Objectives	Potential Adverse Effects	Mitigation measures
Freshwater Pearl Mussel	To restore the favourable conservation condition of Freshwater Pearl Mussel in Lower River Suir SAC,	No records of the Freshwater Pearl Mussel along section of the River Suir adjacent to site or directly downstream of Thurlas.	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction

			practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.
White-clawed Crayfish	To maintain the favourable conservation condition of White-clawed Crayfish in Lower River Suir SAC	River Suir does provide habitat for White-clawed Crayfish.	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.
Sea/Brook/River Lamprey	To restore the favourable conservation condition of Sea Lamprey in	River Suir does provide habitat for Sea/Brook/River Lamprey	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species

	Lower River Suir SAC		Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.
Twaite Shad	To restore the favourable conservation condition of Twaite Shad in Lower River Suir SAC	only found in estuarine waters - does not lie within the zone of influence of this project.	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away

			from drains and appropriate storage of chemicals.
Atlantic Salmon	To restore the favourable conservation condition of Atlantic Salmon in Lower River Suir	River Suir does provide habitat for Atlantic Salmon	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.
Otter	To maintain the favourable conservation condition of Otter in Lower River Suir SAC	River Suir does provide habitat for Otters.	Mitigation measures are set out on page 14 to 16 under Step 4 of the NIS and also within the Construction Environmental Management Plan and Invasive Species Plan which all accompanied the application. The measures are designed to protect water quality during the construction and operational phases. They

			include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.
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9.3.3. Integrity Test

The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.

The applicant is proposing to utilise an existing surface water storm sewer pipe which discharges into the River Suir to service the site. There is a discrepancy within the information provided within the NIS submitted as to the current adequacy of this pipe and if works are required to update such.

I note that a specific mitigation measure has been included in the NIS to overcome issues in the event that remedial works are required for the surface water pipe, which will limit any impact. However, I do not consider that the NIS submitted, appropriately considered the impact any upgrade works to this piece of infrastructure would have upon the Lower River Suir SAC. Notwithstanding the distance from the subject site to the Lower River Suir SAC and the mitigation which has been included, I consider that an assessment of upgrade works and the impact they may have upon the conservation objective of the Lower River Suir SAC is required.

Furthermore, I note that there is an open ditch directly abutting the western boundary of the subject site which has an active water flow and is on lands which are identified as being within Flood Zone A within the SFRA included within the Thurles Local Area Plan 2024-2030. These lands directly adjoin the River Suir which as noted are connected to the Lower River Suir SAC. There is no reference within the NIS submitted to this ditch and implications it may have in terms of its connectivity to the River and furthermore the Lower River Suir SAC.

Following the appropriate assessment, the consideration of mitigation measures proposed, and the absence of consideration and assessments of certain parts of the project, I am not able to ascertain with confidence that the project would not adversely result in habitat fragmentation and disturbance to species which are QIs / SCI's of Lower River Suir SAC. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.4. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lower River Suir SAC (Site Code 002137).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, even after the implementation of mitigation measures set out, would not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137). This conclusion is based on:

- Conflicting information provided with regard to the current status of the Surface water/ storm drain which discharges into the River Suir which it is intended to utilise to service the subject site;
- Absence of any assessment of the potential impact any upgrade works which may be required to the Surface water/ storm drain may have upon the ecology of the Lower River Suir SAC; and
- No reference to the existing ditch which is located directly adjacent the western boundary of the subject site.

I consider that there remains a reasonable scientific doubt as to the absence of adverse effects on the integrity of on Lower River Suir SAC (Site Code 002137) and as such the Board is precluded from granting permission for the proposed development.

10.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. The subject site is located within the boundary of the Thurles Local Area Plan 2024-2030 where it has been zoned under Objective SR – Strategic Reserve. The objective of the Strategic Reserve seeks to deliver housing within the subsequent plan period (unless a review of the current plan identifies a need for additional lands). Under the current LAP residential development is defined as not normally permitted under the Strategic Reserve Objective. Therefore having regard to the proposed development which is seeking to deliver 86 no. residential units and the requirements of Policy 1.1 and Section 2.4.3 of the Thurles Local Area Plan 2024-2030 it is considered that the proposed development would be contrary to the land use zoning pertaining to the subject site, Policy 1.1 and Section 2.4.3 of the Thurles Local Area Plan 2024-2030 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the information set out within the Natura Impact Assessment submitted which is considerably limited in nature, it is considered that it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, even after the implementation of mitigation measures set out, would not adversely affect the integrity of the Lower River Suir SAC (Site Code 002137) in view of the site's Conservation Objectives.

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

Kathy Tuck
Planning Inspector

19th February 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320235-24		
Proposed Development Summary	86 no. residential units including a creche and all associated site works. Natura Impact Statement submitted as part of application.		
Development Address	Hayfield Manor, Bohernamona, Thurles, Co. Tipperary.		
5. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
6. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
No			Tick if relevant. No further action required
7. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q4
8. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Preliminary examination required (Form 2)
9. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320235-24
Proposed Development Summary	86 no. residential units including a creche and all associated site works.
Development Address	Hayfield Manor, Bohernamona, Thurles, Co. Tipperary.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.	
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	The proposed development is for 86 no. dwelling houses. The site has been identified as a ghost estate and currently comprised of 9 no. floor plates of dwellings previously permitted. The proposed development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants
Location of development	The subject site is located along the western side of the Bohernamona, Thurles, Co. Tipperary. The site is currently a greenfield site which was subject to previous grant of permission under PA Ref 09/510725. This permission was instigated on site but not completed. There is currently c. 9 floor plates of dwellings on site and the start of a haul road. The River Suir is located c. 120m to the west of the subject site. While not part of the Lower River Suir SAC, it is noted that the Suir river flows into the Lower River Suir SAC at a distance of approximately 6km to the south (following the path of the river).

	There is a connection present which would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The application has been accompanied by a Natura Impact Assessment which was submitted as response to clarification to additional information stage.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Y
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	Y
There is a real likelihood of significant effects on the environment.	EIAR required.	N

Inspector: _____

Date: _____

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the Construction of 86 no. residential units including a creche and all associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located c.8.39km to the east and c.4.436km to the north of the Lower River Suir SAC (site code 002137).

The River Suir is located c. 120m to the west of the subject site. The River Suir at this point is not part of the SAC however it does flow into the SAC at a distance of approximately 6km to the south (following the path of the river).

The proposed development comprises the construction of 86 no. residential units which comprises 4 no. 2 bed units, 76 no. 3 bed units and 6 no. 4 bed units. Permission is also sought for a two storey Creche which has a stated area of 230sqm, a pumping station which is to be constructed in the northern point of the sit, decommissioning of an existing wastewater treatment plant which is located in the south-west corner of the site, and the removal of all derelict infrastructure which is currently in place no site which includes for manholes, sewers, foundations and roadways.

The lands located to the south-east of het subject site are developed, know as the Hayfield Manor Estates and including 6 no. houses and offices (formerly permitted as a creche). This development also formed part of this previously permitted development. The site is bounded to the north, west and south by greenfield lands. There is an existing residential development on the opposing side of the

Bohernamona Road which comprises of 8 detached bungalow houses on individual plots. Access is provided via this estate to a derelict stables and dwelling.

The site is located within Flood Zone C as per the SFRA included within the Thurles Local Area Plan 2024-2030. The western boundary of the site is formed with lands which have been included within Flood Zone A as per the SFRA. The application was accompanied by a Flood Risk Assessment.

Step 2: Potential impact mechanisms from the project

The applicant has applied the source-pathway-receptor model in determining possible impacts the effects of the proposed development comprising 86 dwelling houses, a crèche and 1 no. pumping station and associated site works and identified:

- Potential indirect link to Lower River Suir SAC (Site Code 002137).

There is potential for indirect impacts from the project arising from:

- Deterioration of water quality from pollution of surface water during site preparation and construction phase through the release of silt/hydrocarbons/oil into the adjoining watercourse via the Surface Water/Storm Water drain which discharges into the River Suir.
- Potential spread of Japanese Knotweed.

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

The proposed development will not result in any direct effects such as habitat loss on any European site.

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

- Habitat loss/ fragmentation/alteration
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- Changes in water quality and resource

The application site is not located within or adjacent to any European site. There is a potential indirect hydrological connection arising in the form of surface water discharge to River Suir at construction and operational stages. It is noted that the River Suir at this location does not form part of a Natura 2000 Site. However, it does connect into the Lower River Suir SAC (Site Code 002137) 6 km to the south.

The foul sewer water would be collected and treated on site where it will then be sent via a rising main to the public network system. As such a pumping station is required on site.

While the Planning Authority did not raise concerns regarding the operations of the pumping station in its planning assessment, it did raise concern over the appropriate assessment determination and considered that it should have regard to the limited information on works associated with the surface water pipe, the condition of which has not been examined and the uncertainty on whether the applicant has control of the lands to access and undertake works to this pipe and to erect the silt fencing, they were not fully satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir SAC in light of its conservation objectives

I consider surface waters from the proposed development will ultimately drain to Lower River Suir SAC (Site Code 002137) and may indirectly have an impact. Therefore, the European site with qualifying interests, which are potentially linked to the proposed development is Lower River Suir SAC (Site Code 002137) and could be impacted as follows:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Groundwater pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Riparian vegetation from the potential spread of Japanese Knotweed

Step 3: European Sites at risk

A indirect pathway exists from the subject site to Lower River Suir SAC via the River Suir which is locate 120m to the west of the subject site and flows south for 6km where it forms part of the Lower River Suir SAC .

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

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality, siltation via surface water, construction related pollutants during construction phase	In direct pathway via Suir which is locate 120m to the west of the subject site and flows south for 6km where it forms part of the Lower River Suir SAC.	Lower River Suir SAC	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]

Lower River Suir SAC

Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries

including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford.

Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow, it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

The site is a Special Area of Conservation (SAC) selected for the following habitats: Atlantic Salt Meadows, Floating River Vegetation, Hydrophilous Tall Herb Communities, Old Oak Woodlands Alluvial Forests and Yew Woodlands.

The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species including Freshwater Pearl Mussel (*Margaritifera margaritifera*), White-clawed Crayfish, Salmon, Twaite Shad, three lamprey species – Sea, Brook and river Lamprey, and Otter. This is one of only a three known spawning grounds in the country for Twaite Shad.

Step 4: Likely significant effects on the European site(s) 'alone'

The habitats within the site are not of value for qualifying species of the Natura 2000 sites. The site itself does not provide suitable habitats/environments for these species. No ex-situ impacts on qualifying species are therefore considered likely.

The application was accompanied by an invasive species assessment which noted the presence of Japanese's Knotweed being located centrally within the site. The applicant states that this will be professionally removed.

Table 2: Could the project undermine the conservation objectives 'alone'				
Lower River Suir SAC (Site Code 002137)	Conservation Objectives	Could the conservation objectives be undermined (Y/N)?		
		Deterioration of water quality through pollution		
Freshwater Pearl Mussel	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		
White-clawed Crayfish	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		
Sea/Brook/River Lamprey	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		
Twaite Shad	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		
Atlantic Salmon	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		
Otter	To restore the favourable conservation condition of Brook lamprey in the Lower River Suir	Y		

The table above includes QIs which could potentially be considered at risk from the project and is not all the QIs for which a relevant site may have been designated.

The subject site is located 120m to the east of the River Suir. The applicant is proposing to utilise an existing surface water/storm water pipe which discharges into the River Suir.

This river is considered as being a hydrological pathway connecting the proposed development to a Natura 2000 site - Lower River Suir SAC (002137). The River Suir joins the main part of the Lower River Suir SAC c.6km to the south of the site.

Having regard to the foregoing I consider the proposed development has the potential to undermine the conservation objectives of the wetland habitat at Lower River Suir SAC.

I conclude that the proposed development would have a likely significant effect 'alone' on – the QI for which of the Lower River Suir SAC is designated, from effects associated with contaminated surface water discharge. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time. Proceed to AA.

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

No significant in-combination or cumulative effects are identified in relation to potential effects associated with other plans or projects. This has been considered and set out on page 8 and 9 of the NIS submitted.

Subject to appropriate drainage and wastewater treatment requirements being implemented for developments/projects within the immediate vicinity then there will be no significant adverse effects due to the proposed project as a result of any in combination effects with these individual planning applications.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the QI of the Lower River Suir SAC 'alone' in respect of effects associated with the deterioration of water quality through pollution.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.