



Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22/36

Appeal by Denis and Noirin Dunne and others care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Eddie and Deirdre Ormond of Mullinarinka, Clonmel, County Tipperary against the decision made on the 19th day of October, 2022 by Tipperary County Council to grant subject to conditions a permission to Caoimhin Campbell care of Europlan Personnel Services Limited of Parkview House, Beechill Office Campus, Clonskeagh, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of one number industrial unit with a floor area of 4,910 square metres, 13 number car parking spaces and all associated services at Gurtnafleur, Powerstown, Clonmel, County Tipperary. Further public notices were received by the planning authority on the 29th day of August, 2022.

Decision

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

Reasons and Considerations

Having regard to the provisions of the Clonmel Local Area Plan 2024-2030, and the zoning for Light Industry and Employment, the location of the site adjacent to employment uses and the scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of June, 2022 and the 29th day of August, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the Natura Impact Statement submitted on the 29th day of August, 2022 shall be implemented in full.

Reason In order to protect the conservation objectives of the Lower River Suir Special Area of Conservation.

3. The development shall be used for the purposes of the warehousing/storage of goods only unless a change of use planning permission has been granted.

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

4. A detailed layout plan, to a scale not less than 1:500: that delineates all proposed boundary treatments both within and bounding the site in colour shall be submitted for the written agreement of the planning authority prior to commencement of development indicating the following:

- (a) Detailed proposals for the boundary treatment for the entire site indicating boundaries that are to be retained and new boundaries.
- (b) Details of all trees to be retained.
- (c) Details of locations of any gates into adjoining agriculture lands.

Reason: In the interest of visual amenity.

5. Details of the materials, colours, and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Prior to the commencement of development, the developer shall submit revised plans, drawings and calculations including for the following details for the written agreement of the planning authority:

- (a) The main site roadway and manhole cover levels along same revised such as that there is a minimum 1% longitudinal gradient on the access road.
- (b) The capacity of the proposed attenuation tank informed by a revised by a revised calculation of the area that will be drained to same. Calculations to show that surface water discharge will be limited to greenfield run off rates.
- (c) The location of hydro break manholes and petrol interceptor tanks.
- (d) Longitudinal sections from the proposed storm water network serving the development to the proposed surface water outfall.
- (e) Detailed layout plan and longitudinal section drawings showing the foul line from the F1 to the outfall laid to as not to impact on an existing surface 225 millimetres surface water sewer located in the grass margin. The level of the existing storm sewer to be shown.
- (f) A revised services report that includes all the changes/requirements and supporting calculations.

Reason: In the interests of orderly development and public health.

- 7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

8. The site entrance to be located as per details received on the 15th day of June, 2022 as further information. The adjoining roadside boundary walls within the required sight lines triangle shall be lowered if required and vegetation between the road edge and existing boundary wall such that 90-metre sight lines are available in both directions from the entrance to the nearside road edge from a two metre set back at the centre of the entrance. The recommendations of the Road Safety Audit shall be incorporated into the development.

Reason: In the interests of traffic and pedestrian safety.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed, or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Noise resulting from operations effecting nearby existing or permitted noise sensitive locations shall not exceed the background level by 10 dB (A) or more or exceed the EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities) limits, whichever is lesser (as measured from the façade of the nearest existing or permitted noise sensitive locations).

- (a) Daytime (07:00 to 19:00) – 55 dB L_{Ar,T} (rated noise level, equal to L_{Aeq} during a specified time interval *EPA NG4),
- (b) Evening (19:00 to 23:00) – 50 dB L_{Ar,T}, and
- (c) Night-time (23:00 to 07:00)- 45 dB L_{Ar,T}

as measured from the façade of the nearest existing or permitted noise sensitive locations. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (d) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations

Reasons: In the interest of clarity and in the interest of residential amenities.

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

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



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 17th day of April 2024.