



An
Bord
Pleanála

Board Order ABP-320235-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 23/60748

Appeal by Sinead Maher care of Arnold Leahy Architects Limited of 1 Crescent Villas, O'Connell Avenue, Limerick against the decision made on the 27th day of June, 2024 by Tipperary County Council to refuse permission.

Proposed Development: Residential development consisting of 86 number residential units (consisting of five number detached houses, 60 number semi-detached houses and 21 number terraced houses), including a two-storey 230-square-metre creche and a pumping station, decommissioning of an existing wastewater treatment plant, removal of derelict infrastructure and all associated site works, all at Hayfield Manor, Bohernamona, Thurles, County Tipperary.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

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 Local Area Plan residential development is defined as not normally permitted under the Strategic Reserve Objective. Having regard to the nature and scale of the proposed development, which is seeking to deliver 86 number 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, would be contrary to Policy 1.1, and would conflict with the provision of Section 2.4.3 of the Thurles Local Area Plan 2024-2030. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the lack of clarity in the Natura Impact Assessment and in the plans and particulars submitted with the planning application, relating to a number of issues in the proposed development, specifically:
 - (a) whether works are required to the existing surface water drain serving the site and outfall to the River Suir,
 - (b) whether works in (a) above would require mitigation for the purposes of the protection of a Natura 2000 Site,
 - (c) whether works in (a) above and associated mitigation works in (b) above can be executed by the applicant as they are potentially outside of the application site boundary, and

- (d) the failure to consider an existing ditch which is located adjacent to the western boundary of the application site,

it considered that it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code: 002137) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.



Tom Rabbette

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

Dated this 27th day of Feb. 2025.