



An
Bord
Pleanála

Inspector's Report

ABP-310832-21

Development	Retention for a manufacturing shed and sewing station, storage building, septic tank and percolation area and all associated site works. Permission is also sought to relocate site entrance and to provide a new entrance set back from the public road
Location	Gurtacurra, Killea, Templemore, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	20968
Applicant(s)	Sean Mulholland Insulations Ltd.
Type of Application	Against Conditions
Planning Authority Decision	Grant Permission and Retention
Type of Appeal	First Party against Conditions
Appellant(s)	Sean Mulholland Insulations Ltd.
Observer(s)	None
Date of Site Inspection	7 th of February 2022
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The site is located approx. 3.5km north west of Templemore town. As stated on the application form it comprises of a 0.454ha site. Access is on the south side of a third class local road, to the west of the junction with the cross roads. There is a sign on the access road for 'The Devil's Bit'. The general area is rural in nature with the closest house to the site, the family home situated c.90m to the east. There are three other houses in proximity to the site within c.150m of the subject site. Gortacurra riding stables is to the east of the site, with access from the local road.
- 1.2. The existing access has been widened and surfaced. It is proposed that this be relocated further to the west. There is a bend on the road to the west that restricts visibility. The proposed relocated access is to improve visibility to the west. There is an ESB pole close to the proposed access. The access road is narrow, too narrow for two cars to pass. There is hedgerow along the site frontage and a ditch along the application side of the access road.
- 1.3. There are two sheds on site. Building 'A' is in use for manufacturing including the cutting of galvanised steel sheeting. There is a small storage type structure in front of this which is referred to as the 'Sewing Room'. Building 'B' is in use for storage of insulation products and there were several cardboard boxes therein. The sheds are well set back from the road but are visible in the landscape.
- 1.4. The yard area is surfaced with hardcore material. There is parking to the front and rear of the site, that is not marked out. There is adequate vehicle turning area on the site. The septic tank is to the rear of 'Building A' which contains two toilets and a small kitchen/canteen/office area. As per the application form the site is served by a local well.

2.0 Proposed Development

- 2.1. Retention Permission is sought for the following on a site at Gortacurra, Killea, Templemore, Co. Tipperary:
 - (a) a manufacturing shed and sewing station;
 - (b) storage building;

(c) septic tank and percolation area;

(d) all associated site works.

2.2. Permission is sought to relocate the existing site entrance and to provide a new entrance set back from the public road and all associated site works.

2.3. Documentation submitted includes the following:

- A letter has been submitted from HRA Planning providing details including a rationale for the application.
- Consultant Engineer's - Walkover survey and report on Septic Tank and percolation area associated with Industrial/Office Building.
- A letter has been submitted from Marian Mulholland giving permission to Sean Mulholland Insulations to use water well from her house at Gortacurra, Killea, Templemore.
- Letters relative to seeking alternative sites.
- Drawings showing the proposal for retention and the relocated entrance.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 18th of June 2021 Tipperary County Council granted permission for the proposed development and retention development subject to 11no. conditions.

Condition no.2 provides for a temporary permission for 4 years.

Condition nos. 2,3,4 and 8 are subject to appeal. These are detailed conditions and are referred to in the Assessment below.

A copy of the Planning Authority Decision is included on file.

3.2. **Planning Authority Reports**

Planning Reports

The Planner has regard to the locational context of the site, planning history and policy and to the interdepartmental reports. Their Assessment included the following:

- It is the policy of the Council to support small scale rural enterprise in the open countryside. They consider that the development is not small scale.
- They consider the development is not appropriate to such a rural location and would be more suitable on zoned lands.
- There are a significant number of rural dwellings in close proximity.
- A Habitats Directive Assessment Screening Report has been submitted which finds no potential for significant effects.

They requested further information to include the following:

- They do not consider that the proposal complies with the proper planning and development of the area. They advise a temporary permission for the retention of the development for 4 years in order to allow for relocation of the business to a more suitable site. They request a phasing programme for the decommissioning of activities on site and the relocation of the business to a more suitable location.
- The sheds on site should be removed within 4 years or alternatively permission sought to change to agricultural use.
- The applicant is requested to submit a Narrative Report describing and explaining normal daily operations/manufacturing processes carried out on the site with an emphasis on issues that would be of environmental concern.
- Details of the wwts including should it be proposed to use the existing septic tank and percolation area. This to include Site Characterisation Report and regard to the CoP 2009a and the EPA Business Manual.
- A noise management plan relative to impact on neighbouring properties, to include regard to noise sensitive locations and monitoring and mitigation measures.
- To submit details of any signage and lighting proposed, and to ensure it does not impact on residential amenity.
- To submit revised plans for parking provision in compliance with DP standards.

- Submissions should include details in relation to the nature and volume of waste.
- To engage with Irish Water relative to water supply.

Further Information response

Relocation of Business

- They submit that the requirement to cease business operations on site within two years and decommission the site within four years is impractical and unfeasible.
- That the business operations are sustainable and will not impact adversely on the rural area.
- They note other sites have been looked at in neighbouring/nearby towns without success. There are no other suitable sites available.
- The business requires a three phase power supply which ESB provided to the site at a significant cost to the applicant in 2010.
- They submit that a two year timeframe to cease activities on site is unreasonable.
- They provide that they have 24 staff and 5 staff on site at any one time.
- They note the planning history of the buildings on site some in situ since 2010.
- They ask that as a minimum that the buildings on site are granted permission and can be reverted to agricultural use.

Narrative Report on Business Operations

- They note the operations and activities on site and state that they are largely associated with storage of materials.
- They note limited manufacturing of custom made insulation pieces in the workshop on site and the hours of operation Monday – Friday. They provide details of a 5 step manufacturing process.
- That occasionally there is a requirement for lagging jackets and provide details of such operations.

- Details are provided relative to noise from operations.
- The nature of the business is such that deliveries are limited to the site and on average comprise 2 box vans every 2/3 days.
- They note the primary waste from the manufacturing is light gauge metal and provide details of this. Also relative to recycling.
- There is no use of solvents or chemicals nor is there any storage of fuels/chemicals on site. No refuelling occurs on site.
- As no potential environmental impacts occur, no mitigation measures are proposed.

Wastewater Treatment System

- Site testing was conducted by Consulting Engineers as per the EPA Code of Practice 2009a and the findings are submitted in the Site Characterisation Form as included in the attached response.
- They provide details noting the existing drainage system on site includes a septic tank and percolation area. They note that the Consulting Engineers confirm that the existing system, as per previous inspections, is deemed to be adequate for treatment on site.

Noise Management Plan

- There is little noise generated from the site, with a forklift perhaps the loudest piece of machinery on site.
- They provide that the machinery used in the cutting and bending process does not generate any excessive noise.
- Note is had of noise levels. It is submitted that the applicant adopts best environmental practices in order to mitigate any potential disturbance emanating from the site. They include details, including hours of operation etc.

Signage and Lighting

- There is no company signage proposed in respect of the development proposal.
- They provide details of external lighting requirements.

Revised Plans for Parking

- They provide details of onsite car parking provision – staff parking only as customers/visitors do not frequent the site.
- They submit that there is no requirement for any HGV parking on the site, as no vehicles of this nature are used by the company.
- It is their preference to maintain existing trees and grass on site given the setting of the site in the rural area, insofar as possible.

Storage of Wastes on Site

- The primary waste from the manufacturing operations is light gauge metal cuttings. They provide details of the handling of such waste.
- General waste and cardboard are collected and stored in refuse bins at the rear of the manufacturing unit. Details are given of the disposal of waste.
- Wastewater is disposed of within the curtilage of the site via a septic tank treatment system and a percolation area and drainage system.

Confirmation of Feasibility from Irish Water.

- They attach a Report from Irish Water on this issue. The report determined that the water connection is feasible and does not require any infrastructural upgrade by Irish Water.

Planner's Response

The Planner had regard to the F.I submitted and provides a response to each of the issues arising. In summary this includes the following:

Temporary Permission

- They do not consider that the development complies with the proper planning and development of the area but would consider a temporary 4 year permission in order to allow for the relocation of the business to a suitable site. They request that a detailed phasing programme be submitted for the

decommissioning of the activities on site and the relocation of the business to a suitable location.

Narrative Report

- They note that a detailed Narrative Report has been submitted outlining the nature of the business. This also outlines the activities on site, largely associated with the storage of materials and a limited manufacturing.
- They note that it is submitted that there are no potential environmental impacts, therefore no mitigation measures are proposed.

Waste Water Treatment

- They have regard to the submission of a site suitability assessment, carried out in March 2021 and the conclusions of this report.

Noise related issues

- The applicant has supplied a detailed description of the processes on site and hours of operation.
- They note that a Noise Management Plan has been submitted to confirm that there is little noise generated on the site.

Other issues

- They note that the applicant has confirmed that there is no signage on site and that there is no proposal for further lighting on the site.
- They note details of car parking submitted.
- That waste management proposals have been set out, including for segregation of waste and collection arrangements for same.

Conclusion

- They consider it appropriate to allow for the retention of the development for a period of 4 of years in order to allow for the relocation of the business to a suitable location and will require this by condition.
- That a phasing programme for the decommissioning of activities on site and the relocation of the business to a suitable location will be required by conditions. This should include for the phasing out of the business in the

current location with all manufacturing/processing on site to cease within 2 years.

- That the sheds on the site should be removed within 4 years or alternatively permission sought for a change of use to agricultural use.
- They have regard to the details submitted regarding other issues such as noise, lighting and storage, services and infrastructure etc.
- They provide that the proposed development including the F.I has been screened as to the requirement for AA and it has been determined that AA is not required. They refer to the attached Screening Report.
- Having examined the plans and particulars submitted with the planning application and the foregoing matters, they recommend that temporary permission be granted subject to conditions.

3.3. Other Technical Reports

Environment Section

They note that the applicant has not submitted any site suitability test results (CoP 2009a) in relation to the proposed wwts. That the site lies in close proximity to the zones of contributions in relation to Templemore PSS and other localised water sources. Detailed information of the system will be required.

That sufficient details of the manufacturing business have not been submitted.

Regard to be had to the EPA: Business Manual 1999 when making a submission e.g. proposed schedule of wastewater loadings to wwt system including water consumption records.

District Engineer

They comment that this will result in an improvement of the existing entrance and do not object subject to conditions regarding surface water drainage.

3.4. Prescribed Bodies

Irish Water

They advise that the proposed connection to Irish Water network can be facilitated at this time.

3.5. Third Party Observations

None noted on file.

4.0 Planning History

The Planner's Report notes that there is no planning history relevant to the subject site. They have regard to permission granted for houses on adjoining lands.

Enforcement

TUD-8-162 – Warning letter and Enforcement Notice issued in respect of unauthorised development comprising extension to existing industrial shed, construction of industrial shed with assoc. concrete and stone yard, 3 no. containers and 1no. cabin.

5.0 Policy Context

5.1. Development Plan

The North Tipperary County Development Plan 2010-2016 (as varied and extended 2017 edition) is the relevant plan. This notes that Tipperary County Council was established on the 1st of June, 2014, following a decision in 2011 by the Department of Environment, Community and Local Government (DECLG) to amalgamate North and South Tipperary County Councils. This document is Variation No. 2 of the North Tipperary County Development Plan 2010 and was made by Tipperary County Council on the 14th December 2015. Under Section 11(B)(1) of the Planning and Development Act 2000, (as amended) the Council cannot commence the review of the North and South Tipperary County Development Plans and the preparation of a new, single County Development Plan, until the new Regional Planning Guidelines, have been made by the Regional Assemblies.

Section 2.4 provides the Strategic Core Aims of the Plan (as varied). These include:

Strategy for Settlement: To promote the development of a strong network of towns as regional and county level drivers of growth and to revitalise villages which will support rural communities.

Economic Development: To secure development of the county, by fostering competitiveness, efficiency and innovation in all sectors in order to provide employment opportunities and secure prosperity for all citizens in the county.

Section 5.4 refers to Strategic Development. Reference is had to Policy ED2:

It is the policy of the Council to seek to harness opportunities to attract investment, and as such, will consider employment generating developments of a national or regional scale at locations in the county that may not be identified as a location for employment purposes in the Plan (as varied), subject to the demonstration of a need to locate in a particular area and in compliance with normal planning standards.

Section 5.6.2 and Policy ED9 support Enterprise in the Open Countryside.

It is the policy of the Council to support and facilitate the provision and/or expansion of appropriate small scale rural enterprise in the open countryside within residential sites and in vacant or derelict buildings. Development proposals will be required to meet the following criteria:

- a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;
- b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area.
- c) The development shall comply with the development management standards set out in Chapter 10.

Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will seek to encourage its re-location to a more suitable location on zoned land within towns and villages.

Section 5.6.3 and Policy ED10 refer to Non-Conforming Uses in cases where authorised commercial activities operate at locations which are not compatible with current planning objectives:

It is the policy of the Council, where commercial/industrial/agricultural enterprises exist as non-conforming but long established uses, to support their continued operation and expansion provided such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.

Section 9.6.2 and Policy T19 refer to Storm Water Disposal.

It is the policy of the Council to require the implementation of Sustainable Drainage Systems (SuDS) as an integral part of the design of new developments to reduce the generation of storm water run-off, and to ensure that all storm water generated is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system.

Policy TI12 refers to Noise Emissions

It is the policy of the Council to ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2013, the Development Management Standards set out in Chapter 10 and relevant standards and guidance that refer to noise management.

Chapter 10 provides the Development Management Standards

Policy DM1: Development Standards It is the policy of the Council to require proposed development to comply with the relevant standards identified in Chapter 10 Development Management Standards.

Table 10.1 provides the Sightline Requirements.

Figure 10.1 Safe Access Sightlines.

Section 10.9.5 Parking and Cycling Provision

All new developments will normally be required to provide adequate off-street car parking facilities, cycle facilities and suitable manoeuvring space.

Table 10.2 – Minimum Car Parking Standards.

5.2. EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

This Code of Practice (CoP) is published under Section 76 of the Environmental Protection Agency Act, 1992 (as amended).

Its purpose is to provide guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

This CoP replaces the previous Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) issued in 2009. This CoP applies to site assessments and subsequent installations carried out on or after 7th June 2021. It provides that the 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

5.3. EPA Wastewater Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999

The purpose of this manual is to provide guidance in the selection, operation and maintenance of small wastewater treatment systems (i.e. for population equivalents between 10 - 500).

5.4. EU Water Framework Directive

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

5.5. Natural Heritage Designations

The following Natura 2000 sites are within 15kms of the subject site:

SAC 000934 Kilduff Devilsbit Mountain – this is the closest within 3.3kms of the site.

SAC 001858 Galmoy Fen

SAC 002137 Lower River Suir

5.6. EIA Screening

Having regard to the nature and scale of the development proposed for retention, and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the retention development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

HRA Planning have submitted a First Party Appeal on behalf of Sean Mulholland Insulations Limited, in respect of four conditions attached to the Council's decision to grant retention permission. These are condition nos. 2, 3, 4 and 8. Their Grounds of Appeal are as follows:

Appeal against Conditions

- They note that Schedule one of the Council's permission, considered that the development complies with the policies and objectives of the North Tipperary CDP 2010 (as varied) and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.
- Notwithstanding this Schedule two attached 11no. conditions. They note condition no.2 is for a temporary permission of 4years.
- They applicants seek the removal of condition no.2, relative to the 'temporary permission' and in the event that it is not removed condition nos. 3, 4 and 8.
- They submit that Mulholland Insulations operates restricted and limited practices on site such that the extent and nature of the business can operate in harmony with the rural setting, in accordance with the proper planning and sustainable development of the area.

- The full decommissioning of the development and restoration of the site to agricultural use prior to the expiration of the four year period is impractical and unfeasible.
- Condition nos. 3, 4 and 8 require significant infrastructural works to the operations of the development as proposed.
- It is submitted to the Board that ordinarily these conditions would be acceptable, if planning permission was granted without condition no. 2 and planning permission was not restricted to a temporary four year period.
- They contend that having regard to the limited time period and temporary 4 year period under condition no.2 that the substantial works required to comply with condition nos. 3, 4 and 8 are not warranted or justified.

Enforcement issues

- They note that construction of the storage shed in 2018 did attract a Warning letter and Enforcement Letter from the Planning Authority and that it is that letter that triggered the subject application.
- The business has operated satisfactorily for a period of 11 years with its existing access and water supply arrangements, which can function for a further 4 years under existing arrangements, in accordance with the proper planning and sustainable development of the area.
- Part of the manufacturing shed and sewing room have been in place for in excess of 7 years and this is statute barred from enforcement proceedings. Irrespective it was considered appropriate to include such works in the planning application as proposed.

Business Background and Operations

- Details are given of the on-site operations noting limited activities on site. They provide details of Mulholland Insulation Thermal Insulation Company. They note that the activities on site are largely associated with the storage of materials.

- The site is primarily used to facilitate administration, management of the business and to store pre-made insulation materials on site pending commencement of a contract.
- The operating hours of business are 08.00 to 16.30 hours Monday to Friday.
- The machinery used to cut and bend the light gauge metal occurs in the manufacturing shed, behind closed doors and does not generate excessive noise. There is little noise from the operations on site.
- They note that the manufacturing operation follows a five-step process. They also note the occasional requirement for lagging jackets and provide details.
- They observe that excessive noise is not generated and note details of this.
- The nature of the business is such that deliveries are limited to the site and on average comprise 2no. box vans every 2/3 days.
- The primary waste from the manufacturing operations is light gauge metal. They provide details of the segregation and collection of waste.
- There is no use of solvents or chemicals nor is there any storage of fuels/chemicals on site.

Development Proposal

- Planning permission is sought to relocate the existing site entrance and to provide a new entrance set back from the public road and all associated works.
- The application includes proposals to relocate the existing entrance to the site further west, in order to achieve better sightlines.
- Although part of the manufacturing shed and the sewing station were constructed in 2010, the applicant now seeks to regularise all activities and buildings on the site.
- They provide details of the construction and operations on site. This includes that the septic tank and percolation installed on site in 2014 is in good working order.

Compliance with Planning Policy

- The proposed development employs 25 no. people and is important to the town of Templemore. There is a need for the business to provide local employment in the Templemore area. It complies with policy ED2 of the North Tipperary CDP 2010-2016 as varied.
- Section 5.6.2 recognises that the viability of start-up enterprises is often dependent on the use of a home base. They also note Policy ED9 relative to the expansion of small-scale businesses.
- The development proposals do not have an adverse impact on the residential, environmental and rural amenity of the area.
- The structures on site are set back and are an appropriate scale and do not detract from the rural setting or the landscape character of the area.
- A new entrance is proposed to the site to facilitate enhanced access and egress in accordance with the relevant development management standards.
- They submit to the Board that contrary to the opinion of the planning authority as stated in the Planner's Report dated 17th of June 2021, the proposed development is small scale in nature employing just 5no. people on site. The remaining employees work remotely. The business grew from a residential site and currently adjoins the family home.
- They submit that there is adequate planning policy in the existing CDP to support the development proposal and that a condition limiting permission to 4 years is not necessary or justified.

Precedent

- Planning permission has been granted for several businesses operating in the rural countryside and in cases where such operations are not commercially linked to the site or to rural activities. They provide examples of such.
- They note that within the vicinity of the site there are also a number of commercial operations in the rural area, north of the application site.
- These businesses were considered by the PA having regard to site specific considerations. This highlights that the planning process was more flexible in

the past, notwithstanding the location of such businesses in the rural area, on unzoned land.

- The same flexibility should be afforded to the proposed development currently under consideration.

Consideration of Alternatives

- The Planner's Report on file suggests that a 4 year permission is offered to provide time for the applicant to source an alternative site. They note that the applicant has attempted to do so for the last 12 months. This search was undertaken in conjunction with the Enterprise Board and Tipperary County Council and has proved difficult.
- A number of the sites mentioned are under the control of the Council and it has not been refuted by the PA that the position as stated in the First Party Appeal is incorrect. They provide details of these sites in the Tipperary area. This includes that the applicant has considered these sites to be either locationally unavailable/unsuitable or too expensive.
- The Applicant has proactively sought alternative sites and buildings over the last 12 months in conjunction with the Enterprise Board. To date no suitable sites or buildings have been identified and this has reinforced the need to continue to operate from the subject site.

Appeal against Conditions

- The proposed development can operate in harmony with its rural surroundings. That it has done so for the last 10 years with no unacceptable impacts and should be permitted in compliance with Policy ED9 of the CDP.
- On this basis it is requested that Condition 2(i) & (ii) are removed from the grant of permission.
- They submit that Conditions 3, 4 & 8 allow for works which are unnecessary and unviable in respect of a permission which has been granted for the continued operation of a business for less than 4 years, taking into account the need to also remediate the site within the 4 year period.

- Should Condition no.2 be removed then such works can be undertaken as requested under Condition nos. 3, 4 and 8. If this Condition is to be applied they ask the Board to remove the latter.
- Similarly, they ask that should Condition no.2 remain in place that Condition no.8 be removed. The existing water supply to the site has functioned in an efficient and sustainable manner since the business commenced operations in 2010.

Conclusion

- The applicant's business has already operated from this site in excess of 10 years without any complaints arising from noise and disturbance. This demonstrates that it can operate in harmony with the surrounding area.
- The applicant is seeking to regularise activities and to provide an improved access to the site, in an attempt to stabilise the business and to continue providing employment in the area.
- There is adequate policy in the North Tipperary CDP 2010 -2016 as a varied , to support the development proposal and to grant permission without the need or justification for condition no.2.
- Dependent on the outcome of condition no.2, the Board is invited to use its discretion in relation to condition nos. 3, 4 & 8 and the necessity for undertaking such excessive infrastructural works.

6.2. Planning Authority Response

None noted on file.

6.3. Observations

None noted on file.

7.0 Assessment

7.1. Policy Considerations and Retention issues

- 7.1.1. The issue for consideration is whether the business usage/operations of the site and these associated buildings proposed for retention would be considered to be acceptable in this location on un-zoned lands in the rural area c.3.5km northwest of the town of Templemore and in the interests of proper planning and sustainable development. Regard is had to first principles and the issue with a retention application is whether the development use/buildings proposed for retention would have been permitted in the first place had the works not been carried out (i.e being unauthorised) prior to obtaining a planning permission.
- 7.1.2. The North Tipperary Development Plan 2010 -2016 (as varied and extended) includes the Core Strategy with core aims to support the Strategy for Settlement and Economic Development. Section 5.6.2 refers to Enterprise in the Open Countryside – Policy ED9 refers (as quoted in the Policy Section above). This refers to support in general for small scale development compatible to the rural area and includes:
Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in a rural context, the Council will seek to encourage its re-location to a more suitable location on zoned land within towns and villages. It is noted that the Planning Authority does not consider the subject retention development to be a small-scale rural enterprise. That if permission has been sought in the first instance that it would not be considered under Policy ED9. It is of consideration that the enterprise has expanded and is of a scale that it would most appropriately be located on zoned lands.
- 7.1.3. It is of note that the Planning Authority recommends a temporary permission for a period of 4 years be granted to allow for a relocation of the business to a suitable location – Condition no.2 refers. The Planner’s Report contends that this should include for the phasing out of the business at the current location with all manufacturing processing/storage on site to cease within 2 years. They provide that the sheds on site should be removed within 4 years, or alternatively permission sought for change to agricultural use. Therefore, they did not consider the scale of the proposed retention development to be an appropriate long-term use or to be a

small enterprise in compliance with Policy ED9. Enforcement proceedings have been taken relative to the unauthorised use. Condition no. 2 provides for the satisfactory restoration of the site within 4 years having regard to the proper planning and development of the area.

- 7.1.4. The First Party submits that there is adequate planning policy within the CDP to support the proposed retention development on a site-specific basis, having regard to the enterprise and to the employment generated by the business and it being in accordance with the proper planning and development of the area. They provide that Mulholland Insultations operate restricted and limited practices on site such that the extent and nature of the business can operate in harmony with its rural setting, in accordance with the proper planning and sustainable development of the area. It is submitted to the Board that the business has already been operating from the site for in excess of 10 years with no unacceptable impacts. That the operations should be permitted to continue in the open countryside in accordance with Policy ED9 of the Development Plan.
- 7.1.5. It is also noted that this application seeks planning permission to relocate the existing site entrance and to provide a new entrance set back from the public road and all associated site works. This is a new issue and is to facilitate a new safer access for the development proposed for retention.
- 7.1.6. Regard is had further in this Assessment below, to planning policy and to the documentation submitted including the background and rationale relative to the operations of the proposed retention development. Also, to the issues raised in the First Party Appeal against conditions, including the appropriateness of a condition relative to a temporary permission in this case.

7.2. Background and Rationale

- 7.2.1. HRA Planning have submitted details with the application, regarding the proposed retention. This is reiterated in their F.I response which includes a Narrative Report on the Business Operations. They provide that the purpose of this application is to rationalise the development in the context of the overall development of the site and to demonstrate how this is supported by relevant planning policy in accordance with the proper planning and sustainable development of the area.

- 7.2.2. Details submitted include that the business first commenced in the family home, located immediately east of the site in 2009. In 2010 a local farmer sold the applicant some land to facilitate the operation of a business, removed but yet linked to the family home. A small manufacturing shed was constructed and the business commenced operating from the site in 2010. In 2014, an extension was constructed to the manufacturing area to include an ancillary office, bathrooms and staff area. A septic tank and percolation area were constructed and a potable water supply was secured from an existing well which served the family house. They provide that this supply continues to the present day.
- 7.2.3. The business further expanded and a storage shed was constructed in 2018, separate to the manufacturing shed. In this respect it is noted that in January 2019 the Council issued a Warning Letter in respect of unauthorised development comprising an extension to an existing industrial shed, construction of industrial shed with associated concrete and stone yard, 3no. containers and 1no. cabin. The First Party provide that this led to the subject retention application. That part of the manufacturing shed (total area now 232sq.m) and the sewing station (20.2sq.m) have been in place for in excess of 7 years and this is statute barred from enforcement proceedings. Irrespective of this it was considered appropriate to include such works in the planning application as proposed. In this respect, it is of note that the issue of Enforcement is within the remit of the Council rather than the Board.
- 7.2.4. They submit that the business 'Mulholland Insulations', is a leading Irish Thermal Insulation Company specialising in Hot and Cold Insulation, Lagging and Cladding. Insulation materials are sourced from manufacturers and suppliers throughout the country and whilst most products are delivered directly to the customers site, some products are stored on site pending commencement of a contract. In addition, some custom-made insulation pieces are manufactured in the workshop on site. They provide that most contracts are insulated on the site of the client.
- 7.2.5. They note that the nature of the business is such that most activity takes place off site, with the subject site used for administration, storage and small scale manufacturing/cutting of custom made pieces. With a total staff of 25 persons, only 5no. staff work on site at any one time. They submit that the majority of staff either work on customer site's or work remotely from home. They provide that the business

is as important for the town of Templemore, as other businesses would be to larger towns and cities. In this respect they refer to Policy ED2 of the CDP 'Employment Generating Development of a National or Regional Scale.

- 7.2.6. Details submitted provide that the nature of the business is such that a three power supply is required to service the site. That the ESB provided the power supply to the site, as significant cost, in 2010. That this service is a significant factor in any relocation consideration, as not all sites benefit from a three phase power supply.

7.3. Appeal Against Conditions

- 7.3.1. Section 139 of the Planning and Development Act 2000 as amended would apply as this relates only to appeals against conditions. Section 139 (c) provides that where: *the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.*

- 7.3.2. In this case it is noted that there is no Third Party Appeal or Observations. As noted in the First Party Appeal this is an appeal against Condition nos. 2,3,4 and 8 of the Council's permission Reg.Ref. 20968. These are in summary:

Condition no.2:

(i) This permission to retain the development on site shall apply for a period of 4 years from the date of this order (18th of June 2021). Full decommissioning of the development and restoration of the site to agricultural use shall be carried out before that date.

(ii) Within 6 months of this grant of permission a fully worked up program for the phased decommissioning of the site and restoration of the site for agricultural use, shall be submitted for the written agreement of the Planning Authority.

Criteria (a) to (f) are listed relative to the restoration of the site to be carried out.

Reason: To clarify the permission and to ensure the satisfactory restoration of the site having regard to the proper planning and development of the area.

Condition no.3: Within 3 months of the date of this order the vehicular access shall be relocated as proposed. This includes details of the new entrance to include that it be recessed 5m from the existing roadside boundary and to have a minimum

opening width of 3m. The height of splay walls not to exceed 1.2m and a cattle grid to be included...Surface water drainage along the road frontage also to be provided.

Reason: In the interests of traffic safety.

Condition no.4: Within 3 months of the date of this order, the roadside boundary shall be setback behind the required sight triangle, taken at a point 4.5m from the road edge at the centre of the proposed access to a point 70m away to the west and 90m to the east at the nearside road edge (as shown on Drwg. No. 2005-30-01 submitted on the 31st of August 2020). Criteria (a) to (d) are included...

Reason: In the interest of traffic safety and in the interest of visual amenity.

Condition no.8: Within 3 months of the date of this order the developer shall enter into a water connection agreement with Irish Water.

Reason: In the interests of public health and for the well being of the occupant(s) of the development.

7.3.3. The First Party seeks the removal of Condition no.2 (i) and 2(ii) from the decision to grant permission for the retention development as proposed. In the event that Condition no.2 is not removed and this permission remains temporary in nature then the applicant also seeks the removal of Condition nos. 3, 4 and 8 of the Council's permission. As noted above these latter conditions refer to works involving the proposed new access and to facilitate a water connection. The applicant considers that if this permission is only for a temporary period pending the relocation of the business and the restoration of the site to agricultural use that it is impractical and unfeasible to have to do these works on the subject site.

7.3.4. They provide that the business has satisfactorily operated for a period of eleven years with its access and water supply arrangement. That such infrastructure and access arrangements can continue to function for an additional 4no. years under the existing arrangements, in accordance with the proper planning and sustainable development of the area. Should Condition no.2 be removed then such works can be undertaken as requested under Condition nos. 3, 4 and 8. If Condition no. 2 regarding the temporary permission, is to be applied they ask the Board to remove the latter.

Temporary Permission

- 7.3.5. It is noted that the applicant did not apply for a Temporary Permission and this is not something they have agreed to. Their preference is for full retention and permission to be granted. Having regard to the Planner's Report, the Planner considers that the scale of the development for retention is inappropriate by virtue of activity on site in the rural context. They provide that the Council will seek to encourage the re-location of the business to a more suitable location on zoned lands within towns and villages. They consider it appropriate to allow for the retention of the development for a period of 4 years in order to allow for the relocation of the business. They also recommended that there be a phasing programme for the decommissioning of activities on site and the relocation of the business to a suitable location and that this be conditioned – Condition no. 2 refers.
- 7.3.6. Regard is had to the Development Management Guidelines 2007. Section 7.5 refers to the application of Temporary permissions. This includes that the grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan. Secondly that it is undesirable to impose a condition involving the removal or demolition of a structure that is clearly intended to be permanent. In addition, that it must be remembered that the material considerations to which regard must be had in dealing with applications are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area. That if the amenities will certainly be affected by the development, they can only be safeguarded by ensuring that it does not take place.
- 7.3.7. In this case this business has been developed and expanded on this site without the benefit of planning permission. It is considered that if the site were undeveloped and it was presented as an application in the first place that it would need to be ascertained that the principle of development would comply with planning policy ED9 (Enterprise in the Open Countryside), relative to the appropriateness of such a scale of development in the unserved rural area.

7.3.8. Having regard to these issues I am concerned about the appropriateness of the inclusion of a condition relative to a 'Temporary Permission'. Therefore, I would recommend, that taking into account the particulars of this case and the documentation submitted that the application should be considered 'de novo'.

7.4. Retention of Development and Operations

7.4.1. The Site Layout Plan shows the layout of the site, proposed new access and parking areas marked out. The site area is given as 0.45ha. The location of the buildings proposed for retention are shown set further back on the site and these are as follows:

- a) a manufacturing shed - Building A (area 232m²) and sewing room – (20.2m²)
- b) storage building – Building B (284m²)

7.4.2. Building A includes a staff/office area, 2 wcs, small store and manufacturing area. The Floor Plans show colour coded the areas of the shed constructed in 2010 and in 2014. The elevations show that it is 4.73m to ridge height. The front elevation includes a roller shutter door. All external finishes are to be retained and this is described as 'dark sheeting as indicated'. The FFL is given as 131.59.

7.4.3. The Site Layout Plan shows the location of the sewing room container (which is shown adjacent to but detached from the frontage of Building A. Side elevations of these buildings have also been shown. In view of its location this container is seen in the context of Building 'A'.

7.4.4. Building B was constructed in 2018 and is described as a 'Storage Building'. It is the larger newer building and is located close to the south-western corner of the site. This building is slightly higher than Building A and is shown c. 5.86m to ridge height. It includes one roller shutter door in the front elevation. The FFL is given as 132.32. Similarly, all external finishes are to be retained and this is described as 'dark sheeting as indicated'.

Operations on Site

7.4.5. The First Party provide details of the operations of Mulholland Insulation Thermal Insulation Company specialising in Hot and Cold Insulation, Lagging and Cladding. They submit that the company does not engage in any complex process, but rather

provides a service, fitting insulation materials sourced from manufacturers and suppliers throughout the country and Europe, some products are stored on site pending commencement of a contract.

7.4.6. They note that the activities on site are largely associated with the storage of materials. A limited number of custom-made insulation pieces are manufactured in the workshop on site. The company manufactures pipe duct cladding for the mechanical industry out of light gauge metal. The operating hours of the business are 08.00 to 16.30 hours Monday to Friday. The manufacturing operation follows a five step process:

- The pipe and duct cladding measurements are gathered by employees on the site of the client.
- The measurements are sent to the workshop and a flat sheet of light gauge metal is ordered from external suppliers and delivered to the site.
- Once the light gauge metal is delivered to the site, a machine on site is used to cut the metal into patterns according to the received measurements.
- When the metal patterns have been cut out, the metal is then rolled and formed into bends, tees and meters for the client.
- Once this process is complete, the finished product is then delivered to the client's site for fitting.

Occasionally there is a requirement for size specific lagging jackets and they note these may be sourced externally, delivered to the site and sewed into a client specific product, which is then fitted externally on the client's site.

7.4.7. It is located inside the open plan area of the manufacturing building 'A', alongside an ancillary office and staff welfare facilities. It is submitted that the loudest machinery used on site is a forklift. That the activities on site do not generate substantive noise emission. The machinery used to cut and bend the light gauge metal occurs in the manufacturing shed, behind closed doors and does not generate excessive noise. Accordingly, there are no noise surveys/records attached to the site. That the overall development does not exceed LAeq.T of 55dB during the period 09.00 to 18.00 hours Monday to Friday, where T is 1 hour. Condition no.10 of the Council's permission relates to noise restrictions. It is noted that the shed does not appear to

be insulated and if the Board decide to permit, in view of the proximity to residential, I would recommend the inclusion of a noise related condition.

- 7.4.8. The primary waste from the manufacturing operations is light gauge metal. This waste is segregated into metal skips. Details are given of waste collection and disposal off-site at the United Metals Recycling facility. General waste and cardboard are collected and stored in refuse bins at the rear of the facility. They note that the waste is disposed of at Tipperary Recycling, Roscrea. The company has an account with this facility and a record is kept of all waste. They provide that there is no use of solvents or chemicals nor is there any storage of fuels, chemicals on site. Further, no refuelling occurs on site.

7.5. **Wastewater treatment system**

- 7.5.1. It is proposed to retain the existing septic tank and percolation area. As noted on the Site Layout Plan, this is located in the yard area to the rear of 'Building A'. The First Party provide that the extensions carried out in 2014 necessitated the installation of a septic tank and percolation area on site and connection to existing well, located on the family homestead. The as constructed septic tank and percolation area is to accommodate waste generated from staff welfare facilities including a small kitchenette and two toilets. They refer to the Consulting Engineers Report confirming that, the system installed in 2014, is in working order as per the 2009 EPA Code of Practice.
- 7.5.2. Regard is had to the Council's Environment Sections concerns relative to proximity to water sources and the underlying aquifer. Having regard to this issue, as part of their F.I request the Planning Authority noted that the site lies in close proximity to the Zones of Contributions in relation to Templemore PSS and other localised water sources. They requested that details of testing carried out be submitted as per the EPA: Code of Practice 2009a and that a Site Characterisation Report be submitted. That regard to be had to the EPA: Business Manual 1999.
- 7.5.3. As noted in the Policy Section above this CoP document has now been replaced by the EPA Code of Practice for Waterwater Treatment and Disposal Systems Serving Single Dwellings (2021). This includes: The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or

where planning permission has been applied for before that date. It is noted that this retention application was made to the Council on the 31st of August 2020, and granted on the 18th of June 2021. The septic tank and percolation system was installed in 2014, so therefore the 2009 CoP still applies.

- 7.5.4. The Site Characterisation Form provides that the site suitability assessment, which was carried out in March, 2021, to accommodate a p/e of 4 people. It notes that the aquifer is locally important and the vulnerability is high and the groundwater protection response is R1. Part 2, Annex B of the CoP 2009 has regard to the latter. Table B.2 provides the Response Matrix for on-site Treatment Systems. The R1 response provides that a wwts is: *Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).*
- 7.5.5. Table 6.2 of the 2009 EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and “in cases where $3 < P > 75$ the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay...” The ‘T’ and ‘P’ test values given should be within this range.
- 7.5.6. The F.I response from HRA Planning noted that site testing was conducted by Consultant Engineers as per the EPA Code of Practice 2009a, and the findings are submitted in the Site Characterisation Form which is included. This notes previous site suitability tests in the area and provides that the existing system on site was previously examined. Targets on site are Ground Water and Surface Water. This provides in summary, the following:
- Groundwater was encountered on-site at a depth of more than 1200mm below ground level.
 - Rock type: Limestone
 - The average T-Value was 27.67/25mm
 - The average P-Value was 12.44/25mm

The site testing concluded that the site indicates medium quality for wastewater treatment and the existing system comprising of a septic tank and percolation area, as per previous inspections, is deemed to be adequate for treatment on the site.

- 7.5.7. While the Site Characterisation Form provides that the proposed water supply is from the existing mains, the application form provides that it is via a private well. In this respect the Site Layout Plan shows a line of water connection from the neighbouring well from the adjoining site. It is noted that a letter of consent has been provided by the applicant's mother, entitling the business to connect into the existing well serving the family home. A pre-connection form from Irish Water is also provided. Condition no.8 of the Council's permission provides that the developer enter into a water connection agreement with Irish Water.

7.6. Access and Road Network

- 7.6.1. The site is currently served by an access to the local tertiary road at the north-eastern corner of the site. There is a cross-roads to the east and the site is served by a network of narrow local roads. The access while partly surfaced is not adequately splayed or fully made up. It is not in good condition and this along with this part of the access drive are potholed in part. It is noted that there is a bend in the road to the west of the site. Sightlines at the existing entrance are inadequate.
- 7.6.2. Planning permission is being sought for a relocated entrance to the site from the local road L-7065. As shown on the Site Layout Plan, it is proposed to relocate the existing entrance to the site further to the west, more centrally along the site frontage, in order to achieve improved sightlines. It is provided, that this is to be designed in accordance with relevant standards and set back from the public road. This would result in the closure of the existing substandard access.
- 7.6.3. The Site Layout Plan shows that with the works propose that a 70m sight 'triangle' will be available to the west. This will necessitate the removal of roadside frontage boundary hedgerow, part of which appears to be outside of the site. It is noted that a letter of consent for such works has not been submitted from the adjoining landowner. A 90m sight 'triangle' is shown to the east. Table 10.1 of the CDP provides the Sightline Requirements relevant to the type of road. This includes that for local roads greater than 4.25m wide it is 90m and for local roads less than this

and all tertiary roads it is 70m. Figure 10.1 shows Safe Access Sightlines and Fig. 10.2 Forward Visibility Requirements.

- 7.6.4. The District Engineer notes that the proposed relocated entrance will be an improvement on the existing entrance. He recommends that the existing roadside drain be piped and that the pole be moved in line with the new boundary. The First Party provide that the existing access functions in a safe manner, but as stated in the report from the District Engineer, the works as proposed in the application would make a safer entrance. Condition nos. 3 and 4 of the Council's permission are relevant to the new entrance and it is recommended that if the Board decides to permit that similar type conditions be included.
- 7.6.5. There is currently an un-marked on-site parking area in the yard at the site frontage and to the rear of Building 'A'. The Site Layout Plan shows that much of the frontage area will be included in landscaping and that 6no. spaces will be marked out close to the eastern site boundary. No parking is shown to the rear of Building 'A', an area which was parked on the day of the site visit. While the First Party provides that there are 25no. staff employed they also state that there are only 5no. staff on site at anyone time. That the nature of the business is such that deliveries are limited to the site and on average comprise 2no. box vans every 2/3 days. Therefore, that traffic to and from the site is relatively low. They do not refer to any associated HGV traffic and provide there is no requirement for such.
- 7.6.6. Condition no.6 of the Council's permission provides for a restriction of the nos. of staff on site to 5 persons. It notes that any increase in staff may require alterations to staff welfare facilities, effluent treatment system and parking provision, which may require prior permission by the Planning Authority. I would have concerns about the enforceability of this condition. Also, that in view of the expanded nature of the business that it is feasible that associated traffic to and from the site has the potential to be higher and that additional comings and goings could have an impact on the rural area served by a narrow road network.

7.7. Planning Precedent

- 7.7.1. The First Party refer to the issue of Planning Precedence and note that permission has been granted for several businesses operating in the rural countryside and in

cases where such operations are not intrinsically linked to the site or rural activities. They refer to a number of commercial operators in the rural area, including Hennessy Metals on the Dunkerrin Road, that is some distance to the north of the application site.

- 7.7.2. They provide that while they recognise that all of the businesses, they refer to, were considered by the planning authority having regard to site specific considerations they consider that they nonetheless highlight that the planning process has been flexible in the past. This is notwithstanding the location of such businesses in rural areas on unzoned land. They request that the same flexibility be afforded to the proposed development currently under consideration.
- 7.7.3. It is submitted that the applicant is seeking to regularise activities and to provide an improved access to the site, so as to stabilise the business and to continue providing employment in the area. The First Party submits that the business has already operated from this site in excess of 10 years without any complaints arising from noise or disturbance. That this in itself demonstrates that the business operation can function in harmony with the surrounding area. They consider that it is in accordance with policy in the North Tipperary CDP 2010-2016 (as varied) to support such proposals and to grant permission as necessary.
- 7.7.4. Having regard to the issue of precedent, it is noted that each application is considered on its merits, taking into account the nature and scale of development, the locational context, planning history and policy. The planning history or scale of enterprises relevant to the businesses referred to in the documentation submitted, has not been included and is not of consideration in this application. The issue is whether it is appropriate to further a precedent for locating such scale of non-conforming use on unzoned land in the rural area.

7.8. **Consideration of Alternatives**

- 7.8.1. The First Party note that having regard to their site-specific requirement, the applicant has attempted to identify suitable sites to facilitate relocation over the last 12 months. That this search has been undertaken in conjunction with the Enterprise Board and Tipperary County Council. That the market is constantly monitored, but securing an alternative site is proving extremely difficult. They note that sites in and

around the towns of Templemore, Roscrea, Thurles and Nenagh have been considered. Summaries of such sites are included, and they provide details as to why these sites are unsuitable to facilitate their needs/requirements. They submit that the applicant has proactively sought alternative sites and buildings over the last 12 months in conjunction with the Enterprise Board. To date no suitable sites or buildings have been identified and this has reinforced the need to locate on the subject site.

- 7.8.2. Section 5.4 of the North Tipperary CDP refers to Strategic Development. This includes that the Council has ensured sufficient land has been zoned across each settlement tier for industrial, business and commercial purposes to continue to support economic development. This provides that the Plan (as varied) also recognises that some employment generating development, of a national or regional scale, may have specific landuse requirements outside of these locations and provision is made for the consideration of these developments in the county subject to the proper planning and development of the county.
- 7.8.3. However, while regard is had to this consideration of alternatives, I would consider that it is not exhaustive. It has not been established that the proposed retention development needs to operate in the rural area or is site specific. It is not related to agriculture nor site dependant on being located within this rural area. Having regard to the documentation submitted, I would consider that it has not been justified as to why it is necessary for the development to be retained on the subject site in the open countryside. I would consider that, taking into account the nature and scale of the business that it could be more appropriately located elsewhere on zoned land.
- 7.8.4. It is of note that Section 5.6.3 and Policy ED10 – Non Conforming Uses, refers to expansion of authorised commercial activities, it is noted that the development proposed for retention is currently unauthorised. This Policy includes that where commercial/industrial/agricultural enterprises exist as non-conforming but long established uses, that their continued operation and expansion can be supported provided: *such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.*

- 7.8.5. Account is taken of the expansion of the development now proposed for retention that has occurred since it was first started on this site in 2010. In this respect while the business has expanded, the Board may decide that in view of the length of time that the unauthorised operations have been taking place on the site relative to this business that a permission, rather than a temporary permission could be granted.
- 7.8.6. However, if first principles were applied, the development would not be permitted on this site, rather than on appropriately zoned land. It would not be considered under Policy ED9 as a small-scale enterprise in the open countryside. Having regard to Policy ED10, the development is currently unauthorised and therefore would not constitute the expansion of an authorised commercial activity. I would have concerns that in view of the nature and scale of operations as described in the documentation submitted, that it could not be said without reservation, that this is an activity appropriate to or dependant on the rural area and that it would not have an adverse impact on the environment, amenities of adjoining properties or be visually detrimental to the character of the area or result in traffic hazard.

7.9. **Screening for Appropriate Assessment**

- 7.9.1. While an AA Screening Report has not been submitted with the application, the Council include a 'Habitats Directive Screening Report' with the Planner's Report. This notes the following Natura 2000 Sites within a 15km distance of the site:
- SAC 000934 Kilduff Devilsbit Mountain – this is the closest within 3.3kms of the site.
 - SAC 001858 Galmoy Fen
 - SAC 002137 Lower River Suir
- 7.9.2. The Habitats Directive Screening Report, provides that there is no source -pathway- receptor connectivity between the development proposed for retention and any of these European sites. That there is no hydrological links to the Natura 2000 sites. It concludes that an AA Assessment is not required and there is no potential for significant effects on Natura 2000 sites.
- 7.9.3. Having regard to the scale and nature of the development proposed for retention and the location of the site in the rural area and the separation distance to the nearest

European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the location of the site in the rural area on unzoned and unserviced land outside of a designated settlement, and to the nature and scale of the business operations on the site, it is considered that it has not been satisfactorily demonstrated in the documentation submitted with the application and the appeal, that the retention of the development on the site would constitute a small scale rural enterprise or that it would not be more appropriately suited to zoned land within towns or villages. As such the proposed retention would not comply with Policy ED9 of the North Tipperary County Development Plan 2010 (as varied and extended). It would be contrary to the proper planning and sustainable development of the area.
2. The proposed retention of the buildings and the works specified to facilitate the business operations including for the relocation of the vehicular access would result in the authorisation and consolidation of the commercial activities on site. It has not been demonstrated in the documentation submitted that this retention application would not result in a loss of amenity or be detrimental to the environment, or would not result in traffic hazard, taking into account the proliferation of wastewater treatment systems in the area and the additional traffic generated to serve the said business operations on this narrow rural road network. The development proposed for retention would, therefore not comply with Policy ED10 of the North Tipperary County Development Plan 2010 (as varied and extended) and would, represent random uncoordinated development in the rural area that would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

20th of April 2022