



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing) and  
Residential Tenancies Act 2016**

**Inspector's Report on  
Recommended Opinion  
311056-21**

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<b>Strategic Housing Development</b>	108 number residential units, childcare facility and associated site works.
<b>Location</b>	Waller's Lot, Clonmel Road, Cashel, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council.
<b>Prospective Applicant</b>	J. OSOINA Ltd.
<b>Date of Consultation Meeting</b>	01 <sup>st</sup> November 2021
<b>Date of Site Inspection</b>	16 <sup>th</sup> September 2021
<b>Inspector</b>	F. Fair

## 1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority

and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1.1. The proposed development site, which extends to approximately 4.8 hectares, is located at Waller's Lot on the R692, which connects the M8 to Cashel Town centre. The proposed scheme is located some 800m to the south of Cashel, 75 Km east to Waterford and 25 Km east to Clonmel. It is bound to the north, south and west by agricultural lands and it is adjoined to the east by Rockwood and Castle Green residential developments. The GAA Cashel King Cormac's GAA Club is located to the South east of the site.
- 2.1.2. The main access to the site is off the Clonmel Road (R692) to the north-east. The site itself comprises of agricultural grasslands which are surrounded by mature hedgerows.
- 2.1.3. The town is served by two bus stops located on its Main Street about 10-12 minutes by foot walk from the subject site. The areas of Aras Na Ri, Ashwell-Lot and Dun Chormaic are located nearby. Additionally, the site is well served by a range of existing facilities including supermarkets, sports facilities, retail, hospitals, nursing homes, educational facilities as well as employment opportunities.
- 2.1.4. The subject site is distanced 1.25km south from the historical monument Rock of Cashel.

## **3.0 Proposed Strategic Housing Development**

- 3.1.1. The proposed development consists of a residential development consisting of:

- 108 no. residential units (68 no. houses, 40 no. apartments) and associated site works.

3.1.2. The following development parameters are noted: **Table 1**

Parameter	Site Proposal
Site area	4.8 hectares
No. of Units	Total 108 68 no. dwellings (63%) 40 no. Apartments (37%)
Density	27 u/ha
Height	1 – 3 storey
Plot ratio	0.27
Dual Aspect Apartments	100%
Childcare Facility	333 sq. m
Private Open Space	All of residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020
Public Open Space	1.27 ha / 26%
Car Parking Total	240 no. spaces
Bicycle Parking	104
Vehicular Access	It is proposed to provide a new entrance onto the Clonmel Road.
Part V	11 no. units

3.1.3. The unit mix is presented in **Table 2:**

Unit Type	2 Bed	3 Bed	4 Bed	Total Units

Detached house			2	2
Semi-detached house			26	26
Terraced House		40		40
Apartments	20	20		40
Total Units	20	60	28	108

## 4.0 National and Local Planning Policy

### 4.1.1. National

#### **Project Ireland 2040 - National Planning Framework**

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to 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.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. National Policy

Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)

- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2020),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

#### 4.1.2. **Regional Policy**

##### **Regional Planning Guidelines for the South East Region 2010 - 2022**

The Regional Planning Guidelines for the South East Region (SERPGs) set out the long-term strategic planning framework for the development of the South-East Region up to 2022. The Regional Planning Guidelines inform and direct the County Development Plans for each of the local authorities in the South East area.

The SERPGs state that achieving critical mass is fundamental to the social and economic development of the country. Quality housing should be reflected equally in terms of the overall layout of the scheme and its urban design characteristics, the internal layout, form and design of housing and the external architectural form of housing which should relate to the wider urban area of which it is part while facilitating the creation of areas of distinct character.

In this regard, the Guidelines state that a core vision of the RPG's is the following:

- 'Combining the strengths of the cities and towns in the region to achieve sufficient critical mass to compete with larger urban centres in other regions.
- Progress towards an accessible region with efficient and fully integrated transport systems.

- Broadening and strengthening the economic base of the region and seeking to achieve innovation and enterprise in indigenous and emerging industry sectors, such as green/renewable energy, and greater economic competitiveness and growth.
- Providing for world class higher education, research and development and links to the knowledge economy.
- Tackling inequality, educational disadvantage and social deprivation by providing improved public services and social and community infrastructure.
- Maintenance of the character and vitality of rural areas and conservation of the region's characteristic landscape and heritage assets.
- Promoting and supporting the creation of a more sustainable self-sufficient region with greater use of renewable energy resources and development of regional food supplies.'

The SERPGs have taken account of all of the foregoing developmental issues, demographic changes and the topography of the region, and divided the South East Region into six smaller sub-areas where specific issues associated to the area have been identified. The subject site is located within Cashel Town, which is located within 'Sub-Area E - South Tipperary and North County Waterford'. The principal issues associated with 'Sub-Area E - South Tipperary and North County Waterford' are identified as the following:

- 'Functioning urban network.
- Pivotal role of Clonmel on the Waterford – Limerick Atlantic Gateways Transport Corridor.
- Strong links to adjacent region - Influence of Limerick City - Strategic role of Tipperary Town to be developed.
- Population growth area; however, declining population in upland and remote areas.
- Internal roads network and public transport require improvement.
- Economic, Social and Cultural infrastructure to be improved.

- Sustainable Rural Development.
- Sensitive landscapes.
- Pressure on landscape for development of sustainable energy resources (e.g. wind farm development).
- Pressure on local road infrastructure from heavy vehicle transport (e.g. agricultural and forestry related traffic).'

With particular reference to Cashel, the Guidelines state that as a 'District Town', the development role for the settlement is the following:

'Towns with populations between 1,500 and 5,000 that perform an important role in driving the development of a particular spatial component of the overall region.'

### **Regional Spatial & Economic Strategy for the Southern Region**

The 'Regional Spatial and Economic Strategy' (RSES) was published by the Southern Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the National Planning Framework for the period 2019-2031. The RSES identifies regional assets, opportunities, pressures and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Southern Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment and infrastructure capacity.

In conjunction with the NPF, the RSES predicts the Southern Region to experience continued population growth over the period 2019-2031 with a predicted increase between 280,000 and 343,500 additional people up to 2031. Cashel is identified as a 'Town & Village' under the RSES, where it states that,



“Towns and villages of above 1,500 which provide a housing, employment or service function. The category is broad and ranges from large commuter towns to more remote towns and villages.”

The RSES states that the ‘Towns & Villages’ are to be identified as part of the local development plan. However, the RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets for ‘Towns & Villages’. The key Regional Policy Objectives applicable to Cashel and the development proposal is the following;

#### RPO 26 – Towns and Villages

It is an objective:

- a. To strongly support strengthening the viability of our towns and rural settlements, as a key objective of the RSES, including the protection of essential rural services such as post offices, shops, and medical facilities;
- b. To seek investment and initiatives that deliver smart technologies, revitalisation of mixed-use town and village centre streets, and pilot initiatives for regional good practice in renewal and re-use of buildings;
- c. To seek investment, the timely delivery and the sustainable delivery of holistic infrastructures in towns and villages to support their service role along the Region’s tourism corridors consistent with the settlement hierarchies as set out in relevant development plans;
- d. To ensure that development plans tailor the appropriate planning response by reference to the scale, nature and location of the settlement. Local authorities will identify settlements which can play an enhanced role at sub-regional level to drive the development of their area;
- e. To support the development of guidelines for cluster housing development within the existing footprint of our rural settlements;
- f. To support co-ordination between local authorities, Irish Water and other stakeholders to deliver investment in the sustainable development of water and

wastewater and other infrastructure for towns and villages, prioritising retrofitting and improvement in the quality of existing services;

g. To seek investment in the sustainable development of a “New Homes in Small Towns and Villages” initiative in the Region and the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create “build your own home” opportunities within the existing footprint of rural settlements. Local authorities should identify and prioritise the provision and implementation of serviced sites within towns and villages as an objective of development plans. These programmes shall ensure a sustainable and appropriate spread of development between towns and villages within their areas.

#### 4.1.3. **Local Policy**

Cashel and Environs Development Plan 2009, as varied.

The application site falls under the remit of the Cashel and Environs Development Plan 2009, as varied (referred to as C&EDP 2009 as varied, hereafter). This section sets out the key provisions of the C&EDP 2009 as varied, that apply to the development.

##### Land Use Zoning

The majority of the application site is zoned for New Residential (Phase 2) land use the objective of which is; “To provide for New Residential development”.

Density on such sites will be determined by the nature of the site and proximity to the town centre.

Part of the application site is zoned Industrial and Employment land use the objective of which is to; “Provide for Industrial and Employment and related uses”.

Part of the application site is zoned Amenity land use the objective of which is to; “Preserve and enhance Recreation and Amenity areas”.

## **Chapter 3.0 Housing**

This chapter aims to assess housing trends and set out a framework for new housing development in Cashel.

### **3.3 New Residential Development**

The incorporation of revised population projections for Cashel as set out in the RPGs requires the management of lands zoned for 'New Residential' use. As stated above there is a need for 16ha of lands zoned for New Residential use to cater for projected growth to 2015. In order to secure the provision of the required area of land for new residential development in accordance with the National Spatial Strategy and the RPGs, Phase 1 and 2 'New Residential' lands have been identified. The attached Map 1A illustrates the location of Phase 1 and Phase 2 new residential lands. The council will facilitate housing development on lands zoned for new residential use identified as Phase 1. Proposals for multi-unit residential development on new residentially zoned lands designated as Phase 2 shall be subject to a Justification Test (Refer to Section 9.8). This provision shall not be applied so as to act to prevent the orderly and sustainable development of Cashel or to disadvantage those seeking to reside in the town.

**Policy HSG 1: New Residential Development** It is the policy of the Council to facilitate housing development on new residentially zoned lands identified as Phase 1 on Map 1A. Proposals for multi-unit residential development on new residentially zoned lands designated as Phase 2 on Map 1A shall be subject to a Justification Test to demonstrate that the development of additional land is capable of being accommodated in the receiving environment and complies with the development management requirements of this Development Plan. All new development proposals shall be in accordance with the development management standards, design statements and other guidelines of the Cashel and Environs Development Plan 2009 –2015.

Proposals for new residential development will be assessed on their merits; however, the following minimum requirements shall be provided for new residential development on lands zoned for residential use:

(1) The Council will require a sequential approach to the development of land, with densities highest on land close to the Town Core Area and density decreasing on lands extending outwards from the Town Centre.

(2) Density Guidelines are set out in Chapter 9: Development Management Standards, in assessing the application of appropriate densities on individual sites the Council will apply the following principles:

- Central Sites: Sites located in the area zoned for town centre use.
- Edge of Centre Sites: Any site zoned for existing/new residential development that adjoins the area zoned for town centre.
- Edge of Town: Any site zoned for new residential/existing residential use that does not adjoin the area zoned for town centre

(3) Compliance with Chapter 9 Development Management Standards for all development.

(4) Provision of a Development Impact Assessment (DIA) as set out in Section 9.8 for multi unit proposals of 4 units or greater. All multi unit residential proposals on Phase 2 new residential lands will be subject to both DIA and a Justification test.

(5) Provision of a phasing plan for the overall development which shall ensure that the main infrastructural services, amenity areas and community facilities are developed as part of Phase 1.

#### **4.3.3 Approach Roads and Gateway Development**

The M8 Cashel By-Pass has provided new opportunities to establish gateway development on the main approach roads to the town, at Coopers Lot, Deerpark and the Cork Road. Where lands have been zoned for development, gateway features shall be incorporated into the development where appropriate, as identified on Map 1 and shall be of high quality design and finish.

#### **Policy ENV 8: Approach Roads and Gateway Development**

It is the policy of the Council to seek high quality gateway development and design, and visual improvements that reflect Cashel's Heritage Town status as part of new developments adjacent to approach roads to the Town.

**4.3.4 Entry and Gateway Improvements** The improvement of all approach roads to the town is essential if Cashel is to improve the town's environment and develop the tourism product. Such improvements include the use of high quality boundary treatment for new developments, public art, signage, landscaping and tree planting. The Council will encourage a uniform approach to boundary treatment incorporating natural stone walls, tree planting and improved signage along all approaches to the town.

### **Policy ECON 2: Key Employment Master Plan Areas**

It is the policy of the Council to facilitate the development of lands identified on Maps 1 and 2 at Coopers Lot and Waller's Lot for appropriate employment uses as part of Master Plans to be prepared by the relevant landowner(s) to the agreement of the Planning Authority, and in compliance with the key parameters set out in Appendix 3 Master Plans and Chapter 9 Development Management Standards.

## **Chapter 7: Community and Social**

The Council will require that proposed developments accurately assess the needs for childcare facilities as part of a planning proposal and will require the provision of "pooled" purpose built facilities and expansion of existing facilities, whether community or private, where appropriate. Developers of residential developments in excess of 74 dwelling units are required to consult with the South Tipperary County Childcare Committee regarding the appropriate provision of childcare places as part of the preplanning process. Evidence of such consultation will be required at planning application stage.

### **Policy CS 4: Childcare Facilities**

The Council will require the provision of high quality, affordable childcare facilities at easily accessible central locations in association with housing and other development and will consult with the County Childcare Strategy to identify the most suitable locations and to determine the specific needs of the community.

### **9.8 Development Impact Assessment (DIA)**

New residential development proposals (which are subject to the provisions of Part V of the Planning and Development Acts 2000 – 2010) shall be accompanied by DIA to be submitted at Planning Application stage. All multiple unit residential development proposals on Phase 2 lands shall be accompanied by both DIA and a Justification Test.

DIA requirements: Scoping for DIA should consider the impact of the proposed development on the visual qualities and distinctive characteristics of the town, a sequential approach to housing density based on the location of the site, phasing of the development, existing housing vacancy rates and unit types in the Plan area. DIA will also consider the capacity of schools and childcare places, capacity of community facilities, open space, retail and other commercial uses, trip generation, car parking, pedestrian movements and general traffic safety and infrastructure such as waste and surface water treatment/disposal and water supply, in order to ensure social capital and infrastructure projects are provided in a timely, orderly and planned manner. Where constraints are identified in the assessment, the developer will be required to identify mitigating measures to address deficits and the Council will require that the assessment is submitted as part of the planning application. The Council will assess each development on its own merits, having regard to the statutory requirements of the development, the nature and use(s) proposed, the range of existing services available and having regard to other relevant policies and standards of the Cashel and Environs Development Plan 2009-2015. Developers are encouraged to consult with the local community as part of the preparation of the Development Impact Assessment.

Justification Test in respect of Phase 2 lands: In addition to the requirements of DIA, the Council will consider new multiunit residential development on lands zoned Phase 2 only where one or more of the following circumstances apply:

- A. All phase 1 lands have been fully developed, or;
- B. All phase 1 lands have been fully committed to development (i.e. where planning permission has been granted and where construction is underway), or,
- C. In the case where all phase 1 lands have not been committed, it shall be proven that those uncommitted lands are unavailable for development or unserviceable.

AND

where the justification test demonstrates the following;

- D. The Phase 2 lands are readily serviceable and
- E. There is a proven demand for new development based on a demonstrated lack of availability of housing and of potential infill sites for residential purposes on lands zoned for town centre or existing residential use and/or
- F. There is an overriding justification for development on phase 2 lands based on changed economic circumstances that may require the release of additional lands to cater for increased population numbers.

#### **Appendix 4 Coopers Lot Master Plan**

General: Coopers Lot is located southeast of Cashel town adjacent to the Clonmel Road (R668). The lands extend westwards to adjoin the Old Cork Road (L5416). The total land area identified is circa 51.5 ha and is level and predominantly in agricultural use. The site incorporates an existing sports facility and adjoins new residential development to the north and the N8 Cashel By-Pass along its south-eastern boundary. The Coopers Lot MP area is of strategic importance to the future economic development of Cashel and will provide for new employment and gateway development and new residential development on the Clonmel Road approach to the town.

#### **Proposed Development**

Land zoning: Industry and Employment, Residential (Phase 2) and Amenity.

Development: High quality Industry, Employment and Tourism, incorporating

gateway development. New residential neighbourhood in northern part of Master Plan area adjoining amenity and sports area. High quality landscaping and design throughout Master Plan area.

Guidelines: Master Plan will address the requirements of the Cashel and Environs Development Plan and the following Specific Objectives:

13 Specific Objectives Apply: Of Note:

1. Identification of access onto the Clonmel Road. New access must provide for the following:
  - a. Primary access shall be from Clonmel Road as indicated. A Traffic Impact Assessment will be required at Master Plan stage that will identify the impact of the development of the entire Master Plan area on the road network and traffic movements of the area.
  - b. Access and provision of additional car-parking for existing GAA facilities and access and provision for existing cemetery car-park to the satisfaction of the Council.
  - c. Secondary access to the Master Plan area will be onto the Clonmel Road, north of the GAA grounds; this will facilitate residential development and shall be overlooked by the GAA grounds and by proposed new development on lands zoned for residential development.
2. New local link routes (both cycle and vehicular) shall be provided to facilitate access from the Clonmel Road (R668) through the Master Plan Lands to the Old Cork Road (R5416). In the interest of the protection of its carrying capacity, access onto the Old Cork Road shall not be permitted until linkage onto the Clonmel Road is fully complete to the satisfaction of the Council. The phasing of the road networks shall be clearly set out in the Master Plan.
3. Shuttle bus facilities will be required for integrated tourism development (New Hotel) to provide linkage with the Town Centre.
4. A study will be carried out of the feasibility for the provision of a footpath /cycle link from the site and to the Town Centre along the Clonmel Road.
9. Lands have been designated amenity to the north of the GAA facility. These lands will provide for expansion of the GAA facility and will provide additional car-



parking and pedestrian access to the GAA facility. All new development in this area shall incorporate passive supervision of adjoining public amenity area.

12. A detailed phasing plan will be required, with Phase 1 to incorporate primary access to site from the Clonmel Road (R688), provision of land to provide for extension to existing sports facility, new gateway development and main infrastructural services.

## 5.0 **Planning History**

None of relevance.

## 6.0 **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant that a Section 247 pre-planning meeting took place with Tipperary County Council (TCC) on the 19<sup>th</sup> January 2021. The minutes of the meeting are attached to the file.

## 7.0 **Submissions Received**

Irish Water (report dated 23<sup>rd</sup> August 2021)

Report confirms that a Confirmation of Feasibility has been issued to the applicant advising that connection(s) are feasible subject to the following contingencies:

In respect of Water:

In order to facilitate the proposed development, the existing 100mm diameter watermain shall be upsized to 150mm diameter. A watermain upgrade of approximately 400 meters would be required and the costs of the upgrade shall be borne fully by the developer.

In respect of Wastewater:

There is no Irish Water wastewater infrastructure adjacent to the site. In order to accommodate the proposed connection at the Premises, upgrade works are required to extend the length of the Irish Water wastewater network by approximately 400m.

The Developer will be required to survey Upper Green Road to determine the exact location of the wastewater infrastructure. Irish Water currently does not have any plans to commence upgrade works to its network(s) in this area. The applicant will be required to fund these upgrades works as part of a connection.

## 8.0 **Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

## 9.0 **Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Planning Report
- Statement of Consistency
- Sunlight and Daylight Assessment
- Archaeological Assessment
- Screening Report for Appropriate Assessment
- Community and Social Infrastructure Audit
- Material Contravention Statement
- Environmental Impact Assessment Screening Report
- Part V Indicative Costings

- Engineering Services Report
- Construction & Demolition Waste Management Plan
- Site Specific flood risk assessment
- Traffic Impact Assessment
- Combined stage 1 & 2 road safety audit
- A3 Visual Brochure
- Sustainability and Energy Report
- Utility Report
- Public Lighting Report
- Urban Design Statement
- Housing Quality Assessment

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## 10.0 **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Tipperary County Council, submitted copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 6<sup>th</sup> September 2021.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application.

- The principle of the development is not considered acceptable.

- The proposal is premature pending the preparation of a Masterplan and associated Phasing plan for the overall landbank and the delivery of the primary access from the Clonmel Road.
- In the absence of a justification test it cannot be established if the principle of the proposal on residential (Phase 2) lands is acceptable.
- The principle of placing open space serving the residential development on lands zoned for industry and employment use is not acceptable and is considered to Materially Contravene the Cashel & Environs Development Plan 2009, as varied.
- The principle of locating OS on amenity zoned lands may be considered - this however, would be contrary to SO No. 9 contained in Coopers Lot Master Plan
- Prejudice the delivery of the masterplan objectives for the site.
- Density is considered acceptable.
- The positioning of building blocks and public amenity space limits permeability and connectivity.
- Layout and design does not create individual character areas, distinctiveness, sense of place.
- POS is not centrally designed or easily assessable to all units.
- Roads, access and circulation queried.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

## 11.0 Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft Teams on the 01<sup>st</sup> November 2021, commencing at 02.30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with Cashel & Environs Development Plan 2009, as varied.

- Principle of development of Phase 2 lands.
- Justification test
- Mat Con Issues – Zoning & Density
- Development Impact Assessment

2. Design and Layout

3. Transportation & Connectivity

4. Open Space and Landscaping

5. Issues Raised in the CE Report

6. AOB

11.1.1. In respect of compliance with Cashel & Environs Development Plan 2009, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification is required in relation to principle of the development on Phase 2 lands.
- Justification for principle of putting open space, serving the residential use, on lands zoned to ‘provide for industrial and employment and related uses.’
- Justification of locating public open space on lands identified under specific local objective 9 of the Coopers Lot Masterplan for expansion of the GAA facility.

- Further elaboration and clarification in relation to specific objectives of the Masterplan being adhered to.
- Clarification sought on a timeframe for the carrying out of the future proposed Coopers Lot Masterplan.
- Further justification for development of Phase 2 lands. There is a requirement to carry out a justification test and Development Impact Assessment (DIA).
- Further justification in terms of sequential development approach of the lands.
- Further consideration to ensure any material contraventions are advertised.

11.1.2. In relation to design and layout, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further elaboration required for the public open space strategy and quantum and quality of communal open space.
- Further consideration in respect of roads layout proposed, at the access / entrance off the Clonmel Road and through the site. There is a need to adhere to the principles of DMURS. Section 4.4 of DMURS makes reference to the use of roundabouts at junctions.
- Further consideration of units (in particular the apartment units) turning corners, where appropriate and providing passive surveillance of open spaces.
- Further justification for the access arrangements, layout and design proposed.
- Further consideration of provision of a pedestrian and cycle path on the development side of the Clonmel Road to link up with the commercial / light industrial park to the north.
- Analysis and assessment of the proposed development in terms of a traffic impact assessment.

11.1.3. In relation to transportation and connectivity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Transportation and connectivity issues were discussed in full under the foregoing Item 2 of the agenda, see above.
- It was noted that there is cross over of issues between agenda items.
- No further issues relating to traffic and connectivity were raised by the parties.

11.1.4. In relation to open space and landscaping, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration and justification of the proposal in terms of location of public open space. Again, this matter was addressed under Item 2 design and layout, see above.

11.1.5. In relation to issues raised in the CE report, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Further consideration that the connectivity concerns and roads infrastructure items raised in the PA's report is fully addressed at application stage.
- Further consideration that surface water drainage, water supply and wastewater items raised in the Irish Water (IW) report and the PA's report are fully addressed at application stage.

11.1.6. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application.

- All drawings, reports and documentation should relate to one another and be consistent throughout.

## 12.0 Conclusion and Recommendation

- 12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements: confirmation of agreements for delivery of key infrastructure, i.e. the western distributor north south link road and east west link road via Fishers Cross back into the town of Newtownmountkennedy, in tandem, with delivery of housing, overall phasing and development strategy and cycle and pedestrian linkages through the site, as sets out in the Recommended Opinion below.
- 12.1.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.



12.1.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

### 13.0 Recommended Opinion

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

13.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### Development Strategy

- (i) Further clarity with regard to how requirements in the statutory plan and the specific objectives of the Coopers Lot Masterplan for an integrated, sequential development is to be delivered in relation to the following:

- a. Justification test and Development Impact Assessment for development of Phase 2 lands.
- b. a detailed phasing plan.
- c. the access onto the Clonmel Road (which may need to be upgraded to cater to the development of the Masterplan lands.
- d. new local link routes (both pedestrian and cycle) which have cognisance of DMURS.
- e. feasibility for the provision of a footpath / cycle link from the site to the town centre along the Clonmel Road.
- f. provision of land to provide for extension to existing GAA sports facility.

## 2. Delivery of Roads Infrastructure

- (i) Clarification at application stage as to the provision of pedestrian and cycle connectivity from the development site to Cashel town centre. Any impediments to such connections should be clearly identified and proposals submitted as to how such impediments are to be overcome.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

2. A Traffic and Transportation Impact Assessment.
3. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
4. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to change in levels, compliance with Development Plan standards and planting details.
5. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
  - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
  - (ii) Impact to any neighbouring properties.
6. A response to all matters raised within the Drainage Planning Report and the Transportation Planning report included in the CE Opinion submitted to ABP on the 6<sup>th</sup> September 2021.
7. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with arrangement and quality of surface water discharge.
8. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
9. An AA screening report, which inter alia, considers potential impacts on all of the Qualifying interests (QI's) of all Natura 2000 sites identified as being within the zone of interest.

10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
11. Site Specific Construction and Demolition Waste Management Plan.
12. Details of public lighting.
13. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

13.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. The Minister for Culture, Heritage and the Gaeltacht,
5. The Heritage Council
6. An Taisce — the National Trust for Ireland
7. Fáilte Ireland
8. Tipperary County Childcare Committee.

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Fiona Fair  
Senior Planning Inspector  
05.11.2021