



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-313207-22

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### Strategic Housing Development

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

### Location

Cooper's - Lot, Clonmel Road, Cashel, Co. Tipperary

### Planning Authority

Tipperary County Council

### Applicant

J. Osoina Limited

### Prescribed Bodies

Irish Water

Transport Infrastructure Ireland

### Observers

Roger Kennedy

The Trustees of Cashel King Cormacs  
GAA Club

**Date of Site Inspection**

24<sup>th</sup> June 2022

**Inspector**

Rónán O'Connor

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 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 site is located some 800m to the south of Cashel. 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). The site itself comprises of agricultural grasslands which are surrounded by mature hedgerows.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The development will consist of the construction of a residential development comprising of 108 residential units and a two-storey childcare facility with an outdoor play area, all of which will be provided as follows:
  - a) 2 no. detached 4-bed, 2-storey dwellings;
  - b) 26 no. semi-detached 4- bed, 2.5 storey dwellings;
  - c) 2 no. semi-detached 3-bed, two-storey dwellings;
  - d) 38 no. terraced 3-bed, 2-storey dwellings;
  - e) Block A will comprise of 8 no. 2-bed, ground floor apartments and 8 no. 3-bed, duplex apartments, over 3-stories;
  - f) Block B will comprise of 8 no. 2-bed, ground floor apartments and 8 no. 3-bed, duplex apartments, over 3-stories;
  - g) Block C will comprise of 4 no. 2-bed, ground floor apartments and 4 no. 3-bed duplex apartments, over 3-stories.

All apartments are provided with private balconies/ terraces and communal open space. The development also includes the provision of 216 car-parking spaces and

108 bicycle spaces to serve the residential units and creche; public/communal open space; hard and soft landscaping including play equipment and boundary treatment, an ESB sub-station; public lighting; signage; bin stores; internal roads, cycle lanes and footpaths; and all associated engineering and site works necessary to facilitate the development, including the provision of a right-hand turning lane and associated road upgrade works to the proposed vehicular, pedestrian and cycle access and egress to the site via the R692; site works including foul and surface water drainage and the upgrading of infrastructure along the R692 to facilitate the development.

## **4.0 Planning History**

4.1.1. None of relevance.

## **5.0 Section 5 Pre Application Consultation**

5.1.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 01st November 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation required 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 (Ref. ABP-311056-21). The prospective applicant was advised that, 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:

### **1. 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.

5.1.2. The applicant was also advised that 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 6th 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.

## 6.0 Applicant's Statement

- 6.1.1. The application includes a statement of response to the pre-application consultation (Statement of Response to Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each of the issues raised in the opinion.

### **Material Contravention Statement**

- 6.1.2. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Cashel & Environs Development Plan 2009-2015 (As Varied) in relation to the matters of (i) Density and (ii) Specific Objective No. 9 as related to the provision of a GAA Facility.
- 6.1.3. I refer the Board to Section 10.11 of this report which summarises the contents of same and considers the issue of material contravention generally.

## 7.0 Relevant Planning Policy

- 7.1.1. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government's Housing for All Plan which identifies the need to increase housing supply as a critical action.

### **Project Ireland 2040 - National Planning Framework (2018)**

- 7.1.2. The NPF sets out the Governments' high level strategic vision for shaping the future growth and development of the country.

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 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.

### **Section 28 Ministerial Guidelines**

7.1.3. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, from prescribed bodies and from observers on the application, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

## **5.2 Regional**

Regional Planning Guidelines for the South East Region 2010 - 2022

- 7.1.4. 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.
- 7.1.5. 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.
- 7.1.6. 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.'
- 7.1.7. 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).'

7.1.8. 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

7.1.9. 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.

7.1.10. 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.

### **Local Policy**

#### Cashel and Environs Development Plan 2009, as varied.

The application site falls under the remit of the Cashel and Environs Development Plan 2009-2015, as varied. This section sets out the key provisions of this plan, 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 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.

### 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. 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. Map 1A of the varied Plan 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 of the Plan). 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 1 Part 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.

## 8.0 Observer Submissions

8.1.1. 2 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

### Roger Kennedy

- Maps are not in conformity with the land outline.
- The proposed development is not jelling with the zoning objectives
- It is not in conformity with the Master Plan for the area.

- There is no reference to the Industrial zoned land.
- The Amenity zoned land in the Cashel Development Plan should not be used as a green area in the proposal...
- The objectives of Cashel King Cormacs GAA Club are not considered at all.
- The area adjoining the road is subject to flooding and contains a slugaire or sink hole.
- There is no outlet to a watercourse for surface water.

#### The Trustees of Cashel King Cormacs GAA Club

- Location referred to in the pre-planning is incorrect – reference is made to Waller’s Lot rather than the correct reference Cooper’s Lot
- Validity of the subsequent notices is questioned
- Incorrect site area/misleading representation of density/site coverage etc
- Applicants do not appear to be owners of the site
- Inclusion of the amenity zoned land should be referred to clearly in the public notices
- Materially contravenes the Cashel and Environs Development Plan 2009-2015/ignores requirement for a Master Plan
- Proposal is designed in isolation with no attempt to consider the proper distribution of and integration of open spaces and dwelling types
- Would set an unacceptable precedent for the development of the remaining lands
- Amenity zoned lands should not be included as part of the residential proposal
- Would be a loss to the GAA
- GAA Club have planned their future expansion in light of future use and possible ownership of lands
- Club have not purchased an alternative site or additional adjacent lands
- Proposed density is in excess of 40 units /ha
- Loss of amenity lands

- Failure to provide 15% public open space
- Represents an unacceptable departure from the Development Plan and from government guidance and policy documents.
- Zero gain of open space/amenity lands
- For the majority of units there is no access to public open space
- Recommended density for site is 15-20 units/Ha as per Circular Letter 02/2021/does not meet criteria in the Sustainable Residential Density Guidelines
- Proposal is premature pending the preparation of a Master Plan
- Proposal is of poor design
- Lacks any sense of place or identity
- Negative impact on the proper planning and sustainable development of Cashel and its Environs
- Application does not comply with Planning Regulations S.I. No. 271 Articles 297(2)(a) and (i)

## 9.0 Planning Authority Submission

9.1.1. Tipperary County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. I have summarised this submission below.

### Principle of Development

- The application does not address the requirement for a Masterplan/is therefore considered premature
- Development access arrangements and phasing are contrary to Specific Objectives 1 parts b and c) and 12 of the Coopers Lot Masterplan/development will be the first phase of development of the lands and access to this phase is not from the primary access point identified under the Specific Objectives/no phasing plans have been included with the application.
- The development materially contravenes the land use zoning and Specific Objective 9.

- The Planning Authority do not consider it acceptable that amenity zoned lands form part of the public open space calculation for a residential development.
- Do not accept the considerations put forward in the Planning Report that accompanies the application regarding the appropriateness of developing the amenity lands as a car park. The zoning and Masterplan objective set out a clear vision and objectives for the amenity zoned lands, the proposal development would be in direct contravention with these objectives.
- The development layout shows that the existing northern access serving Cashel King Cormac GAA grounds will be cut off as an area of open space and a footpath will be developed between same and the R-692 Regional Road. This is unacceptable.
- The application site includes a small area of lands zoned for Industrial and Employment use (located along part of the site northern boundary). Residential development is not permitted on lands zoned Industrial under the CEDP.

#### Layout, Design and Density

- The Coopers Lot Master Plan attached as Appendix 3 of the CEDP 2009 as varied requires that density shall be approximately 4 no. units per acre, however, the Plan states that every planning application shall be assessed on its individual merits. The site is given as c.4.8 hectares and it is proposed to include for 108 no. units which calculates as 26 no. units per hectare. It is acknowledged that current Government policy seeks to promote higher development density where possible to make efficient use of land. Considerations regarding density must be examined together with the qualitative aspects of the development design and layout.
- Absence of a Masterplan for the Coopers-Lot lands creates difficulties in assessing the acceptability of the proposed layout. The particular concerns in this regard relate to the western and southern areas of the development, connectivity with adjoining development lands and interface with lands zoned for Industry and Employment
- The development layout shows the area south of the proposed entrance onto the R-692 Regional Road will be developed to provide footpaths and open space.

This proposal will cut off the existing entrance serving the Cashel King Cormac GAA club and is unacceptable.

- The scale, height and visual appearance of the dwellings, apartments and creche building are considered acceptable. The layout as proposed satisfies the separation distance standards for multi-unit residential development as set down under the CEPD 2009, as varied in terms of 4m between gables and 22m between opposing first floor window separation distances.
- Required 35m between opposing second floor windows is not satisfied/Private open space provision and boundary treatment proposals appear acceptable/The proposed housing mix within the development is acceptable.
- The overall quantum of public open space is 16.5%, the CEDP requires the provision of 15% of the site area as public open space. The public open space is located on lands zoned for amenity use and on which there is a specific objective to facilitate expansion of the adjoining GAA facilities. The location and layout of the open space is not therefore considered acceptable.
- TIA does not factor in the traffic that will be generated from the Coopers-Lot Masterplan lands of which the site forms part. This presents a concern that the entrance design, alterations to the R-692 Regional Road, road layout and access to adjoining Masterplan lands is not optimum.
- The proposed access point for the development is off the R-692 Regional Road. The speed limit on this section of road is currently 80km/h. The speed limit reduces to 50km/h a circa 100m to the west.
- The Municipal District Engineer (DE) report recommends that a footpath on the R-692 Regional Road should be installed as a minimum 3.8 metres wide shared surface to facilitate future road developments.
- The parking provision for the creche appears to be adequately catered for.
- Section 3.7 of the Engineering Services Report states that surface water drainage is to discharge attenuated flows to the existing surface water swallow hole to the south. This conflicts with proposals as set out on the drainage services drawings/The District Engineer has recommended that an additional a road gully is required on northern end of the footpath on R-692 Regional

Road/The technical reports that accompany the application make no reference to a sink hole being located on the site. This matter requires further investigation at site specific level as does the consequences of impacting the sink hole.

#### Flood Risk

- An Engineering Services Report and a Specific Flood Risk Assessment has been prepared by O'Connor Sutton Cronin Consultant Engineers. The report concludes that the site is not at risk of flooding from external sources or as a result of the proposed development. The report however highlights recurring flooding on the Clonmel Road and town cemetery during periods of heavy rain, the extent of this flooding is illustrated indicatively on Figure 4.5 of the report. The indicative flood extents shown on Figure 4.5 encroach onto the site. Further investigations of this source of flooding is required to ascertain the frequency and depth of flooding and extent of site area that will be impacted by same. This may present implications for the development proposed.

#### Archaeology

- An Archaeological Assessment prepared by IAC Archaeology has been prepared as part of the application. The Planning Authority is satisfied with same.

#### AA/EIA

- The Planning Authority wish to highlight that the site outline as set out in the EIA Screening report is not consistent with the application site boundary as presented on the drawings submitted with the application. The same issue arises with the AA screening report. This issue also arises in the Archaeology Report, Planning Report, Statement of Consistency with Planning Policy Report and Community and Social Infrastructure Audit report.

#### Part V

- A Part V agreement letter in principle has been submitted as part of the application. It is proposed that 11 no. units would be transferred in principle.

#### Taking in Charge



- The area proposed to be taken in charge should be limited to the roadways and footpaths. The Council will not take in charge the large open space area or margins along the roadside.

## Conclusion

1. The development is proposed in the absence of any Masterplan for the Coopers-Lot lands. The preparation of a Masterplan is a key element in developing a plan led development framework for the lands that incorporates and articulates the land use zoning, policies and Specific Objectives for the lands as outlined under the Cashel and Environs Development Plan 2009, as varied. The applicant does not address the requirement for a Masterplan for the lands and is considered premature pending the development of a Masterplan. Permitting the development of the lands in the absence of a Masterplan is considered ad hoc and piecemeal.

2. The development access arrangements and phasing are contrary to Specific Objectives 1 parts b and c) and 12 of the Coopers Lot Masterplan. The development will be the first phase of development of the lands and access to this phase is not from the primary access point as required under the Masterplan. No phasing plans have been included with the application. The Planning Report submitted with the application notes that the development has allowed for linkage with the wider masterplan lands and will not hinder future link routes on the wider Masterplan lands. This approach to addressing the Masterplaning and Phasing requirements for the lands is not considered acceptable.

3. The CEDP includes for amenity zoned lands north of the Cashel King Cormac GAA club to facilitate club expansion. Specific Objective 9 of Cooper's Lot Masterplan specifically requires that lands designated amenity north of the existing GAA facility will provide for expansion of the GAA facility and will provide additional car-parking and pedestrian access to the GAA facility. The development materially contravenes the land use zoning and Specific Objective

The Planning Authority do not consider it acceptable that amenity zoned lands form part of the public open space calculation for a residential development. Furthermore, the Planning Authority do not accept the considerations put forward in the Planning Report that accompanies the application regarding the appropriateness of developing the amenity lands as a car park. The zoning and masterplan objective set

out a clear vision and objectives for the amenity zoned lands, the proposal development would be in direct contravention with these objectives.

Specific Objective 1 b) of the Appendix 1 Part 4 of the CEDP sets out a requirement for access and provision of additional car-parking for existing Cashel King Cormac GAA grounds and access and provision for existing cemetery car-park to the satisfaction of the Council. With regard to access to the GAA facilities, the development layout shows that the existing northern access serving the GAA facilities will be cut off as an area of open space and a footpath will be developed between same and the R-692. This is unacceptable.

The absence of a Masterplan for the Coopers-Lot lands creates difficulties in assessing the acceptability of the proposed layout. The particular concerns in this regard relate to the western and southern areas of the development, connectivity with adjoining development lands and interface with lands zoned for Industry and Employment.

There are concerns with the presence of a sink hole and flood risk impacts to the lands that require further detailed investigation.

The application site includes a small area of lands zoned for Industrial and Employment use (located along part of the site northern boundary). Residential development is not permitted on lands zoned Industrial and Employment under the CEDP.

Statement in Accordance with Section 5 (b) (ii)

The development as proposed is not considered to be consistent with the policies and objectives of the Cashel and Environs Development Plan 2009, as varied as they relate to the subject lands.

#### Planning Authority Recommendation

9.1.2. The Planning Authority recommends that permission is **REFUSED** for the following 2 no. reasons:

1. Under the Cashel and Environs Development Plan 2009, as varied (CEDP) the application site forms part of a landbank identified as requiring a Masterplan to guide the development of the Coopers Lot Masterplan lands. Appendix 3 of the CEDP and

the land use zoning of the CEDP set out clear objectives for the development of the subject site and associated landbank.

Having regard to:

- The absence of a Master Plan setting out proposals for the co-ordinated development of the landbank from which the site is taken.
- The uncertainty with how the proposed development relates to the wider development of the landbank. • The fact that the development will form the first phase of development of the CoopersLot Masterplan lands which is in direct contravention of the Specific Objectives for the lands as set down under the CEDP.
- The fact that the development includes for the development of public open space on lands zoned amenity use under the CEDP which is in direct contravention of Specific

Objective 9 of Appendix 1 Part 4 of the CEDP.

- The fact that residential development is not permissible on lands zoned Industry and

Employment.

- The ad hoc and piecemeal approach to the development of the landbank.

It is considered that the proposed development for the above stated reasons would be contrary to the requirements of the Cashel and Environs Development Plan 2009, as varied, for the development of this area and accordingly would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the proposed development which is vulnerable to flood risk, the evidence of recurring flooding of the public roadway and part of the site and lack of detailed information in relation to this source of flood risk the Planning Authority is not satisfied that the development would not give rise to significant flood risk issues. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **Internal Reports**

#### Tipperary Cahir Cashel District Engineer

- No objection – items below need to be addressed.

- The footpath on the R692 should be installed as a minimum 3.8m wide shared surface to facilitate any future road developments.
- Install Additional road gully on northern end of footpath on R692.
- The Taking in Charge drawing shows centre line marking. This is marking is not shown on the road marking drawings (1200 and 1201).
- What is the future plan for the southern unused portion of the landholding?
- Only roads and footpaths should be taken in charge. There are large amounts of landscaped areas including a playground area shown to be taken in charge. Grass areas separating the road and footpath should not be taken in charge either.

#### Elected Members

9.1.3. Summary of the views of the Elected Members as expressed at the Tipperary-Cahir-Cashel Municipal District Meeting on Monday 23rd May 2022.

#### Cllr Declan Burgess

- Expressed there are a number of flaws with the application.
- Highlighted the importance of getting the plan right for the community, poorly planned development leads to later issues.
- Noted that the size of site wrongly referenced - section of land zoned for industrial use.
- Amenity zoned lands for GAA facility is inappropriate and ignored given their purpose as stated under the Cashel and Environs Development Plan 2009, as varied. Referred to amenity zoned land adjacent to the Cashel King Cormac's GAA pitch which was zoned to allow for the expansion of the GAA facilities.
- Considered that a Masterplan is required for the lands and needed for the area. The development is premature in the absence of a Masterplan and should be a strategic area of the town while also acknowledging the need for housing.
- Adequate open spaces should be provided for and there needs to be a minimum of 15% open space maintained in the development which should not include the amenity zoned land and same should not be used for residential purposes.

- Key entrances for highly trafficked days are two entrances to the car park in front of Leahy Park, Cashel King Cormac's GAA Grounds and with the proposed development, one of these entrances will be lost including a pedestrian access which is of concern.
- Request for ABP to refuse the application
- Local Authority need to highlight flaws the community will be faced to deal with – “we have to get it right”.

Cllr Roger Kennedy

- Not against housing in the area, however, considers proposal inappropriate and not in conformity with the Development Plan and Masterplan.
- Incorrect to use amenity zoned lands as open space for development and shouldn't be used as part of the development.
- Section of land zoned industrial use which is not commented on.
- There is a sink hole located at the roadside of the site. As there is no river through Cashel to drain surface waters, underground drainage and sink holes are an important access for waters to escape. Concern with any impact on the sink hole.
- The area is subject to flooding after a period of heavy rain, the road at this location and lands on which the development is proposed have experienced flooding. This concern has not been adequately addressed in the application. It was noted that the road in front of the proposed site floods and the land inside the site entrance is also low.
- Loss of entrance to the GAA club is a concern.
- Mapping of site not consistent across documentation submitted with the application.
- Access issues to car park need to be considered when ABP are assessing the development.

Cllr Michael Fitzgerald

- The proposal is a significant development for Cashel and in the present housing crisis climate, however, comments made by Councillor Roger Kennedy in relation to the amenity space and water problems are acknowledged.
- Unhappy to oppose the development of housing and not comfortable with people on housing lists.
- Commentary of Irish Water that development can be serviced is positive.
- Requests an application for a scaled down development.
- Potential to be examined to address the concerns with the development.
- Issues raised with GAA and entrances can be worked out.

## 9.2. Prescribed Bodies

### Irish Water

- Water connection is feasible subject to upgrades
- Wastewater connection is feasible subject to infrastructure upgrades – extend the length of the Irish Water wastewater network by approximately 400m/no confirmation that a gravity connection is feasible/pumped rising main extension and suitably sized pumping station on the applicant's site may be required.
- Conditions requested.

### Transport Infrastructure Ireland

- No observations to make.

## 10.0 **Assessment**

10.1.1. The main planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Flood Risk/Site Services
- Traffic and Transportation
- Design and Layout/Mix

- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Planning Authority's Submission
- Material Contravention

## 10.2. Principle of Development

### Zoning

- 10.2.1. I note there is some disagreement between the Planning Authority and the applicant in relation to the zoning of the land. The Planning Authority, in their submission on the application, make reference to a portion of the site, on the northern boundary, that is zoned 'Industrial and Employment (IE)'. The Planning Authority note that residential development is not permissible within the I/E zoning. Furthermore, the Planning Authority do not consider it acceptable that amenity zoned lands form part of the public open space calculation for a residential development. The PA are of the opinion that the proposed development materially contravenes the land use zoning for the site.
- 10.2.2. The applicant's Planning Report (Section 6.2.2 refers) states that no development will take place within the 'Amenity – A' Zoned lands nor within the 'Industrial & Employment' zoned lands. Fig. 13 of the report has an overlay of the site boundary on the zoning maps, which indicates that the application site boundary does not overlap the Amenity Zoned lands or the 'Industrial and Employment (IE)'. The Architectural Design Statement states that the site is zoned 'R1 New Residential' and 'A – Amenity Open Space' with an overlay map indicating same. I note that this does not tally with that map provided within the Planning Report.
- 10.2.3. In relation to same, I am of the view that it is likely, having regard to Map 1 of the Cashel and Environs Development Plan 2009-2015, (hereinafter referred to as the Cashel and Environs Plan), and having regard to the application documents, including the site location plan and the proposed layout plan, that the site encompasses the 'R1 New Residential Zoning' and 'A Amenity Zoning'. I note that Map 1 of the Cashel and Environs Plan is not to scale, however it is possible to possible to infer that the proposed site boundaries incorporates some of the northern portion of the lands zoned 'A- Amenity'. I consider it also possible to infer that the

site does not encompass those lands zoned 'Industrial & Employment', as the application site boundaries appear to have been deliberately determined to exclude these lands, including any lands zoned 'Industrial & Employment' located to the north of the site. I accept it is not possible to be definitive on this matter, given that the zoning map is not to scale, however a reasonable conclusion can be made that the application site does not, in fact, encompass those lands zoned 'Industrial & Employment', notwithstanding the view of the Planning Authority, and I am satisfied that the Board can proceed to a determination on this basis.

10.2.4. In conclusion, I am of the view that, as per Map 1 of the Cashel and Environs Plan, the subject site encompasses the following land zoning designations;

*'R1 – New Residential' – 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.*

10.2.5. Appendix 1 – Use Class Matrix of the Cashel & Environs Development Plan 2009-2015 (As Varied), indicates that residential development is permitted on this zoning. The proposed residential use and childcare facility are permitted in principle under the 'R1 - New Residential' land use zoning objective pertaining to the subject site.

*A – Amenity - Preserve and enhance Recreation and Amenity areas. Residential is not permitted on the Amenity zoning.*

10.2.6. It is proposed to provide public open space on the portion of the site zoned 'A- Amenity'. Open space is not listed in Appendix 1 – Use Class Matrix of the Cashel & Environs Development Plan 2009-2015 (As Varied). Section 9.1 Land Use Zoning Objectives state that the Land-Use Zoning Matrix is intended as a general guideline in accessing the acceptability or otherwise of development proposals, although the listed uses are not exhaustive. I am of the view that a public open space area, providing an amenity to the surrounding area, would be in line with the 'Amenity' zoning objective. However, I note that a Specific Objective of the Coopers Lot Master Plan applies to this area of the site, as discussed below.

#### Site Specific Objectives and Designations

10.2.7. Map 1 of the Cashel and Environs Plan indicates that the site is within the boundary of the Coopers Lot Master Plan Boundary. Appendix 1 Part 4 'Coopers Lot Master Plan' of the Cashel and Environs Plan sets out that the Coopers Lot Masterplan 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. Appendix 1 Part 4 sets out 13 no. Specific Objectives for this Masterplan Area, which relate to access to the masterplan lands, provision of cycle and vehicular routes, phasing, bus route provision, provision of a new slip road, gateway development adjacent to the Clonmel Road, mobility and accessibility, density, provision for the expansion of the GAA Facility, protection of residential amenity, drainage requirements and design standards. I have considered compliance, or otherwise, with the 13. No. objectives above in the relevant sections of this report (this section, Transport, and Design)

#### Specific Objective 9 – Expansion of the GAA Facility

10.2.8. This objective states the following:

*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.*

10.2.9. The applicants have not provided for this expansion and have stated that, given the current location of the Tipperary County Council car-park adjacent to the GAA lands and the cemetery opposite, consideration should be given to the extension of this car park rather than the creation of new car-parking on amenity zoned lands. It is submitted that the provision of a large open space area provide a more appropriate use of amenity lands. It is further stated that there is a considerable amount of industrial zoned lands to the east and south of the GAA lands which would better facilitate car-parking arrangements. The Material Contravention Statement also contends that the provision of car parking on the amenity zoned lands is not permitted in the land use zoning matrix.

10.2.10. The Planning Authority have recommended refusal of this application and Recommended Reason for Refusal no. 1 refers to *inter alia* the non-compliance with Specific Objective 9 of the Coopers Lot Masterplan, which specifically requires that lands designated amenity north of the existing GAA facility will provide for expansion of the GAA facility and will provide additional car-parking and pedestrian access to the GAA facility.

10.2.11. The submission from The Trustees of Cashel King Cormacs GAA Club state that the GAA Club have planned their future expansion in light of future use and possible ownership of lands and that the Club have not purchased an alternative site or additional adjacent lands.

10.2.12. I note that Specific Objective 9 refers to the both the expansion of the GAA facility *and* (my emphasis) to provide additional car parking and pedestrian access to the GAA facility. The applicant has contended that car parking is not appropriate in the Amenity Zoned lands and is also not a permitted use within these Amenity Zoned lands. It is also stated that the GAA do not own the lands. The applicant has not set out any argument as to why the lands cannot be utilised for the expansion of the GAA facility itself (i.e. playing/training pitches/clubhouse facilities etc), aside from the land ownership issue. There is no evidence on file that alternative provision has been provided for the expansion of the GAA Club and I note the submission from the club itself stating that they have not purchased an alternative site or additional adjacent lands. I see no planning justification for non-compliance with Specific Objective 9 of the Cooper's Lot Masterplan, and in this instance the expansion of the GAA club, as specifically required by the objective, is not provided for. I have considered the contents of the Material Contravention Statement (see detailed discussion of same in Section 10.10 below) and I am not of the view that the provisions of Section 37(2)(b) would apply in this instance. In relation to the parking provision associated with the GAA club, should it have been provided, I am of the view that this would likely be ancillary to the overall amenity use, and I do not share the view of the applicant that the amenity zoning would not allow for such ancillary parking.

#### Other Specific Objectives of the Coopers Lot Master Plan

10.2.13. I have considered below how the application complies, or otherwise, with the remaining Specific Objectives as set out in the Appendix 1 Part 4 Coopers Lot Master Plan of the Cashel and Environs Development Plan 2009, as varied. 13 no. Specific Objectives Apply. These are as follows:

#### Specific Objective 1

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.*

*1 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.*

*1 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.*

#### Specific Objective 12

*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.*

10.2.14. The Planning Authority has stated that the development access arrangements and phasing are contrary to Specific Objectives 1 parts b and c) and 12 of the Coopers Lot Masterplan. The Planning Authority further note that the development will be the first phase of development of the lands and access to this phase is not from the primary access point as required under the Masterplan and that no phasing plans have been included with the application.

10.2.15. In relation to Specific Objective 1a, I note that Figure 4 of the Coopers Lot Masterplan, and Map 1 'Landzoning, Strategic Development Objectives and Master Plans' of the Cashel Plan indicates an indicative road objective and associated roundabout, which provides an access from the Clonmel Road. From my observations of the surrounding area, as part of my site visit, it would appear that a primary access route from the Clonmel Road has already been provided with the location of the roundabout broadly in line with that indicated on the map. This provides for access and exit from the Motorway Service Station, which has also been developed on the Masterplan Lands. This can also serve to bring forward development on the lands adjacent to this road, and I am of the view that this primary access has already been provided, and the secondary access onto the

Clonmel Road, as provided by the applicant, is acceptable. The Traffic Impact Assessment (TIA) and Road Safety Audit has been prepared for the development by O'Connor Sutton Cronin Consultant Engineers. I have considered the issue of Traffic and Transportation in Section 10.4 of this report. In relation to same, the TIA has not considered the impact of the development of the entire Master Plan area, although the significant reserve capacity of the proposed access junction is cited as allowing for the future development of the masterplan lands. In relation to same, I note the TIA analysis indicates that the Access Road/R962 roundabout is currently at 65% capacity during AM peak hours, and at 79% capacity during PM peak hours. While there is potential that future development of the masterplan lands may start to impact on the performance of the existing primary access and the secondary access proposed here, I am of the view that such matters can be considered and assessed should adjacent sites come forward for development at a future date.

10.2.16. In relation to Specific Objective 1b, this states that access to and provision of parking for the *existing* (my emphasis) GAA facilities are to be provided to the satisfaction of the Council. Specific Objective 1b is not determinative in where this parking is to be provided (although I note that Specific Objective 9 is, as discussed above). As noted above the applicant has stated that consideration should be given to the expansion of the existing car park, or the provision of parking on the industrial zoned lands to the east and south of the GAA lands. The current access to the GAA club is via the council car parking to the south-east of the applicant's site. There is a current secondary access which appears to be closed at the northern end of the car park, which is also via the car park. The proposed site layout plan indicates that this is to be permanently closed, and the Council has objected to this. I am of the view that the arrangements for this secondary access point should be agreed via the applicant and the Council, and as such the proposed closing up of this access is somewhat premature in my view. As such I am of the view that the proposal is contrary to Specific Objective 1b of the Cashel and Environs Plan.

10.2.17. In relation to Specific Objective 1c, secondary access has been provided onto the Clonmel Road, to the north of the GAA grounds and this is in line with this objective.

Specific Objective No. 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.*

10.2.18. The Planning Authority have not raised a specific objection *per se* to the any potential non-compliance with this objective, although they have raised a general concern in relation to the absence of a masterplan. I have considered the requirement, or otherwise for a masterplan, in Section 10.9 below.

10.2.19. The applicant has stated that the design of the proposed development has allowed for provision of the extension of internal pedestrian, vehicular and cyclist routes through the scheme to the wider masterplan lands. I am satisfied that this is the case, as far as is applicable to this current application, with the main access road within the development allowing for extension to the west towards the Old Cork Road. I am satisfied that this Specific Objective has been complied with.

#### Specific Objective 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.*

10.2.20. The proposed development is providing a footpath along the eastern boundary of the site and is also providing a crossing to provide a link to the existing footpath on the opposite side of Clonmel Road. This will provide, in part, the facilitation of this objective (see further discussion of same in Section 10.4 of this report).

#### Specific Objectives No. 7 and 8

*7. New residential development may be accessed from the Clonmel Road to the north of the GAA facility however will also adjoin the primary access outlined on the Coopers Lot Master Plan. Direct pedestrian/cycle access to the town centre shall be provided to the north of the GAA facility. Density shall be approximately 4 units/acre.*

*8. Focus on mobility and accessibility throughout the site with a specific reference to direct and safe pedestrian and cycle access through all parts of the site, and towards the Town Centre.*

10.2.21. I have considered the issue of density below. The proposal provides for residential development accessed from the Clonmel Road to the north of the GAA facility. The wider Masterplan development may see residential development adjoining the primary access (which has already been provided) although this is not applicable here (of note however is that these lands adjacent to the primary access are zoned Industrial & Employment, within which residential is not permitted). A pedestrian crossing has been provided and additional footpath facility has been provided and a potential link to the GAA facility is indicated on the site layout plan. This would provide pedestrian access to the town centre via the pedestrian crossing. Indicative links have also been provided to the west and north of the site which would allow for the development of pedestrian and cycle access to these lands, should they come forward for development at a future date.

Objective 11 – Drainage/Flood Risk/Way Leave

10.2.22. I have considered the above issues in Section 10.3 below.

Specific Objective 12

*Objective 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.*

10.2.23. The application is not accompanied by a phasing plan for the entire Masterplan Lands, although a site specific phasing plan has been submitted. The masterplan objective envisages Phase 1 of development to occur from the point of the primary access to the masterplan site from the Clonmel Road. The primary access and roundabout has been provided to the south of the site and some development within the masterplan area has occurred in the form of a motorway service station. The location of the extension to the existing sports facility is not specified in this objective, but Objective 9 refers to the specific location of same. This has not been provided. New gateway development is envisaged on the site to the north-west of the existing services, not on the subject site.

*Objective 13 The Master Plan shall incorporate a design statement to set out appropriate standards for design and finishes for all proposed buildings, landscaping boundary treatment etc.*

10.2.24. I have discussed the need, or otherwise, for a masterplan to be submitted, in Section 10.9 below. The applicant has submitted a Design Statement and a Material and Finishes Report that address the above requirements, although it is limited to the application site.

Specific Objectives 2, 5, 6 and 10

*2. Shuttle bus facilities will be required for integrated tourism development (New Hotel) to provide linkage with the Town Centre.*

*5. Lands shall be reserved to provide for a new slip road onto the N8 National Route. A buffer zone shall be provided along the entire length of the N8 By-Pass to the requirements of the Council and the NRA.*

*6. Provision of a gateway development (for example Hotel) of high quality design, adjacent to the Clonmel Road.*

*10. New employment and industrial development will not impact negatively on adjoining amenity. The use of planting, buffering, appropriate siting and design and layout shall be considered.*

10.2.25. The above objectives are not applicable to this proposed development.

Phase 1 and Phase 2 Residential Lands

10.2.26. Map 1A of the Cashel and Environs Development Plan 2009, as varied illustrates the location of Phase 1 and Phase 2 new residential lands. The subject site is located on Phase 2 lands. The Plan states that proposals for multi-unit residential development on new residentially zoned lands designated as Phase 2 shall be subject to a Justification Test, as outlined in Section 9.8 of the Plan. This Justification Test is as follows:

*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.*

10.2.27. In response to the above, the applicant has identified six distinctive sites that are designated Phase 1 Zoned Lands which broadly corresponds with Map 1A referred to above (Section 7 of the Planning Report refers). This considers the likelihood or viability of each site coming forward for residential development. I am satisfied that the justification as set out in Section 7 of the Planning Report, as relates to Parts A, B and C, is satisfactory, and I am of view that the this element of the justification test has been complied with. In relation to Part D, the applicant has set out that the subject site is readily serviceable, and the application details how the site is to be serviced. The Planning Authority have not raised an 'in-principle' objection to residential development on Phase 2 lands. In relation to Part E, the application has set out that there is sufficient demand for housing in the area, and I am satisfied that the information as set out in Section 7 of the Planning Report illustrates a proven demand for same. In relation to Part F, the anticipated growth of the Southern region, and of Cashel is put forward as justification for the development of Phase 2 lands, and I am satisfied with same.

10.2.28. In conclusion then, I am satisfied that the requirements of the Justification Test, as relates to the development of Phase 2 lands, have been complied with and the development of residential use on this site is acceptable, notwithstanding its status as Phase 2 lands.

Density



10.2.29. The proposal proposes a density of approximately 26 units/ha (net). Specific Objective 7 of the Cooper's Lot Masterplan states that *inter alia* residential development shall be provided at approximately 4 units/acre. In relation to sites zoned New Residential (R1), density on such zoned sites will be determined by the nature of the site and proximity to the town centre, as per Section 9.1 'Land Use Zoning Objectives' of the Cashel and Environs Development Plan 2009, as varied. In addition, it is stated that 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. 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. In central sites maximum densities of 30-40 dwellings per hectare may be appropriate for mainly residential or mixed-use schemes.
- Edge of Centre Sites: Any site zoned for existing/new residential development that adjoins the area zoned for town centre. At edge of centre sites with high quality design and layout, maximum densities of 25-30 dwellings per hectare with a variety of dwelling types will be appropriate.
- Edge of Town: Any site zoned for new residential/existing residential use that does not adjoin the area zoned for town centre. At edge of town sites densities of approximately 10 dwellings per hectare (4 dwellings per acre) will be considered appropriate.

10.2.30. The Planning Authority have not objected explicitly to the density proposed. The Planning Authority have stated, in their submission on the application, acknowledge the specific density referred to above, however, the PA note that the Plan states that every planning application shall be assessed on its individual merits. It is acknowledged that current Government policy seeks to promote higher development density where possible to make efficient use of land. The Planning Authority is of the opinion that considerations regarding density must be examined together with the qualitative aspects of the development design and layout. In this regard, the Planning Authority note that the absence of a Masterplan for the Coopers-Lot lands

creates difficulties in assessing the acceptability of the proposed layout, with particular concerns relating to the western and southern areas of the development, connectivity with adjoining development lands and interface with lands zoned for Industry and Employment.

- 10.2.31. In relation to national policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.32. In relation to Section 28 Guidelines, I note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020) which state, with respect to location, that apartments are most appropriately located within urban areas. Having regard to the level of public transport service relative to the site and the proximity of the site relative to Cashel town, I am of the view that the site lies within a 'peripheral and/or less accessible urban location' as defined within the Apartment Guidelines. The Guidelines state that such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net).
- 10.2.33. In relation to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Having regard to the location of the site, and the population of the town of Cashel (c4,422 as of 2016) I am of the view that the site can be classified as an 'Edge of Small Town Village'. While the Guidelines set out a density of 15-20 dwellings per hectare may be applicable to such sites, it is also set out within the follow up Government Circular on Residential Densities in Towns and Villages (NRUP 02/2021) that there is clear scope for greater variation in density in small towns. Having regard to the nature of surrounding residential development and to the relatively larger population of Cashel (where small towns villages range from a population of 500 to 6,000), I am of the view that the proposed density of 26 units/ha is appropriate in this context, and I note also that the Planning Authority have not objected, in principle, to this density.

10.2.34. I am satisfied then the proposed density is acceptable, and while I am of the view that it would materially contravene the approximate density figure as set out in Specific Objective 7 of the Coopers Lot Masterplan (Appendix 1 Part 4 of the Cashel Plan), such a contravention is justified having regard to the considerations as set out in Section 10.10 'Material Contravention' of this report.

### 10.3. Flood Risk/Site Services

#### Flood Risk

- 10.3.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring 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”.
- 10.3.2. The Planning Authority has recommended refusal on this application for two no. reasons, once of which relates to flood risk. The Planning Authority highlights recurring flooding on the Clonmel Road and town cemetery during periods of heavy rain, as referred to in the Flood Risk Assessment, with the indicative flood extents shown on Figure 4.5 of same encroaching onto the site. The PA set out that further investigations of this source of flooding is required to ascertain the frequency and depth of flooding and extent of site area that will be impacted by same.
- 10.3.3. A Site-Specific Flood Risk Assessment (SFRA) has been submitted with the application. This sets out that there are no watercourses or OPW drains in the immediate vicinity of the site. A swallow hole is located to the south of the site with a series of drains that discharge to this swallow hole. Previous flooding event appear to have occurred on the Clonmel Road and town cemetery during periods of heavy rain, the extent of which is indicated as encroaching into the application site. It is further set out that the road is not impassable during this flooding although there are no recorded flood levels or depths. A report on same is included in Appendix C of the SFRA.
- 10.3.4. The SFRA notes there are no reported incidents of groundwater flooding in the vicinity of the site, nor is there any fluvial or tidal risk identified with the site. PFRA

mapping indicates that pluvial flooding occurs on the lower points of the site (Fig 4.6 refers). It is set out that the proposed surface water network will manage any risk of pluvial flooding.

#### Site Services – Surface Water

- 10.3.5. The proposed development is to be served by a gravity surface water drainage network discharging to an attenuation tank onsite before discharging at a controlled rate (limited to greenfield run-off) to the existing surface water network on the public road to the east. It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development, and provide independent connections to the surface water and wastewater sewer networks respectively. The proposed surface water network has been designed to allow for an additional 20% increase in rainfall intensity, to allow for Climate Change projections, in accordance with the GDSDS. The surface water network is to typically comprise a gravity pipe network, with Sustainable Drainage Systems incorporated including pervious paving, trapped road gullies, silt traps, fuel separator, geocellular storage systems and a flow control device.

#### Wastewater Drainage

- 10.3.6. The existing site is currently greenfield, with no existing wastewater discharge to the public wastewater infrastructure. A new wastewater connection, serving the proposed residential development, is to be provided to the existing wastewater network in the Clonmel Road to the North. The wastewater from each dwelling is to connect via a private inspection chamber, to the new gravity pipe network within the development, which has been designed in accordance with the Irish Code of Practice for Wastewater Infrastructure. This pipe network discharges to a new wastewater pump station, which is located at the north-eastern boundary of the development. This pump station and storage will be designed in accordance with the Irish Water Code of Practice for Wastewater Infrastructure. 24-hour emergency storage will be provided as part of this pump station infrastructure. The storage provided with this pump station will have sufficient capacity to allow for future development of the site to the west of the proposed development. This pump station is to discharge to the existing wastewater network located in the Clonmel Road.

#### Water Supply

- 10.3.7. There is an existing watermain pipe located on the Clonmel Road. It is proposed to provide a connection to this existing main.

#### Conclusion on Flood Risk/Site Services

- 10.3.8. I am satisfied that the site is not subject to tidal, fluvial flooding or groundwater flooding. In relation to pluvial flooding, from overland flow, the SFRA reports that the undeveloped site is subject to such flooding on the lower areas of the site. I note the existing topography of the site, which has a depression of 117.75m OD in the centre of the site (Dwg No. PL-002 refers). However, I am satisfied that the proposed surface water proposals will ensure no such flooding will occur once the site has been developed, in particular noting the finished levels of the site, which are generally between 120.4 and 121.9 m OD.
- 10.3.9. However, I share the concerns of the Planning Authority, in relation to the reported pluvial flood events reported in Appendix C of the SFRA, which has impacted on the adjacent graveyard, the Clonmel Road and the eastern portion of the site, after periods of heavy rainfall. The report on same in Appendix C of the SFRA does not indicate that a flood depth nor does it indicate the frequency or probable causes of these flood events, nor are any possible remedies to alleviate this flooding discussed in the report. I have examined the mapping available on the OPW run website 'Floodinfo.ie'. This carries the same information as contained in Appendix C of the SFRA. While flood depths are not stated, it is stated that the road does not become impassable, indicating that flood depths are not significant. However, I share the view of the Planning Authority that further investigations are required into the frequency, extent and source of this flooding, as well as possible remedies for same. There is no information in relation existing levels on the Clonmel Road. There are limited works to the Clonmel Road, as detailed in the engineering drawings, and it is indicated that the finished road level will be between 120.2 and 120.9 m OD, which is similar to the finished levels of the eastern portion of the site, post-development, and as such it is likely that, should flooding occur on the road post development, the eastern portion of the site, at least, will also flood. In particular I note the finished floor levels of the crèche (120.69m OD) and of the proposed terraced houses to the east of the site (c120.854m OD), which would indicate, although it is not definitive, that they may be subject to flooding, should it occur. In addition, the impact of this proposed development on the possible extent of flooding should also be

investigated, with the change in levels of the site having the potential to impact same, both on this site itself and on adjoining sites. I have considered the possibility of imposing a condition in relation to this particular issue, in the form of a revised SFRA, as per the provisions of Section 5.22 of 'The Planning System and Flood Risk Management Guidelines'. However, the degree of uncertainty is too large, in my view, for this issue to be resolved by way of condition, given the scarcity of information available in relation to this source of flooding. As such, I recommend that the application be refused on this basis broadly in line with the Planning Authority's recommended reason for refusal No. 2.

10.3.10. In relation to the proposed site services, Irish Water have not raised any objections to the foul water or water supply proposals as set out in the application documentation. The Planning Authority have not raised an in principle objection to the surface water proposals for the site. I am satisfied that the principle of the proposed surface water and foul water design is appropriate for the site, and any detailed technical requirements, such as those raised in the Drainage Report from the Planning Authority, can be agreed with the Planning Authority.

#### 10.4. **Traffic and Transportation**

##### Vehicular/Pedestrian/Cycle Infrastructure/DMURS

10.4.1. The proposed access is off the Clonmel Road (R692). The current speed limit is 80 kph at the point of access. The applicant has set out that it is intended to reduce this speed limit to 50kph at a point in the future. However, adequate sight lines have been provided for both an 80 kph limit and a 50 kph limit. A signalised pedestrian crossing is proposed on the R692 Clonmel Road. This crossing links with the existing footpath along the northern side of the R692 which connects directly to Cashel Town. A footpath is also proposed along the entirety of the development boundary with the R692 and continuing approximately 40m east of the boundary. A segregated cycle track is proposed along the main access road within the development with the roads within the development considered to be sufficiently low speed and low trafficked to make a shared street design the most appropriate option in line with DMURS.

10.4.2. Within the development itself the design speed for the roads is 30 kph. The DMURS Statement of Compliance sets out features within the Development, including that

carriageway widths have been minimised throughout the development and incorporating bends along the main access road and raised pedestrian crossings to reduce vehicle speeds.

- 10.4.3. In relation to the acceptability of the measures proposed above, I note the following. There is little detail of the proposed controlled crossing of the R692 and, should the Board be minded to grant permission, additional details of same should be provided by way of condition. In relation to the proposed footpath provision on the eastern boundary of the site, the Stage 1&2 Road Safety Audit highlights concerns in relation to the termination of same at the northern boundary of the site, and recommend it is terminated at the crossing instead. In relation to same, I am of the view that the provision of same can facilitate a potential expansion along the western side of the R692 and I am of the view that it should be facilitated as proposed by the applicant. The footpath in any case does not terminate onto the road itself, rather it terminates at the grass verge along the side of the R692.

#### Car and Cycle Parking

- 10.4.4. A total of 216 no car parking spaces have been proposed. Applying the standards as per Table 9.7 of the Cashel & Environs Development Plan 2009-2015 (As Varied) generates a demand of 219 car parking spaces for the residential element. It is proposed to provide a total of 216 car parking spaces as part of the development proposal. A total of 108 cycle spaces are proposed.
- 10.4.5. The applicants refer to the parking standards within Design Standards for New Apartments (2020) and state that the provision, for the duplex units, is in line with same.
- 10.4.6. The Planning Authority have raised no objections to the level of car parking proposed and I am satisfied that, given the location of the proposed development, in a less accessible urban location, the proposed quantum of car parking is acceptable.

#### Impacts on the surrounding road network.

- 10.4.7. The TTA has considered the impact of the development proposal on the following 4 no. junctions:
- Junction 1: Upper Friar Street / Upper Green / Dean Ryan Terrace
  - Junction 2: Access Road / R692 Roundabout;

- Junction 3: M8 / R692 Roundabout;
- Junction 4: R692 / R688 Roundabout.

10.4.8. Three no. assessment years are considered, namely base year 2020, year of opening (assumed to be 2024) and a design year (year of opening +15 – 2039). A ‘do-nothing’ and ‘do-something’ scenarios are considered, with medium range TII factors assumed (with reference to the appropriate guidance document - Transport Infrastructure Ireland (TII) Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections, May 2019).

10.4.9. Utilising the TRICS database expected AM and PM peak traffic generation from the proposed development is set out, with the AM peak generating 19 inbound movements and 45 outbound movements, with the PM peak generating 33 inbound and 23 outbound movements. Trip distribution has been derived from the traffic survey data. The analysis showed that all junctions considered did not experience an increase of over 10% of existing traffic movement, with only Junction 3 marginally exceeding the 5% threshold. I concur with the conclusions in the TTA that the 10% threshold applies to this junction, as it is not in a congested location. As such, I concur with the conclusion in the TTA that the impact on the surrounding road network is negligible.

10.4.10. The TTA considers further the impact of the proposed entrance junction the road network, and notes also the potential of this junction to serve future development on adjacent lands. The analysis indicates that the new entrance operates with significant reserve capacity and will have a negligible operation on the external road network, with no queuing experienced.

10.4.11. Having regard to the conclusions of the TTA, I am satisfied that any impacts on the surrounding road network will be acceptable, in terms of additional traffic volumes.

## 10.5. Design and Layout/Mix

10.5.1. As summarised in the Architectural Design Statement the proposed development consists of the following:

- 108 no. residential units and a 2-storey creche and outdoor play area which will be located at the development`s entrance, fronting onto the R692.
- The 68 Dwelling Units will be divided as follows:



2x 4 Bed, 2 storey, Detached Dwellings; 26x 4 Bed, 2 1/2 storey, Semi Detached Dwellings; 40 x 3 Bed, 2 storey, Terraced Dwellings.

- 40 apartment units will be divided as follows:

Block A: 8x 2 Bed units & 8 x 3 Bed Duplex Units; Block B: 8x 2 Bed units & 8 X 3 Bed Duplex Units; Block C: 4 x 2 Bed units & 4 x 3 Bed Duplex Units.

- Residents Communal Open Space Area with outdoor play equipment proposed between blocks A and B. Public open space is also provided throughout the scheme and will comprise 6,969m<sup>2</sup> in area.
- Building heights range from 1 to 3 storeys.

#### 10.5.2. Local Policy on design include:

*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.*

- 10.5.3. The Design Statement evaluates the proposal against the criteria in context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide and it is stated that the proposal complies with same. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.

*Criteria 1 Context – How does the development respond to its surroundings?*

- 10.5.4. The site is an edge of town site, and lies to the south-east of established suburban style housing estates, which consist mainly of two storey dwelling semi-detached dwelling houses). The layout of the proposal is generally in keeping with the surrounding development style, and in keeping with the layouts of housing estates

generally, although the height of the 3 no. 3 storey duplex blocks are higher than the immediately surrounding two-storey housing developments. However, these higher elements are set away from the surrounding residential development. As such I am of the view that sufficient reference has been had to the immediate context of the site.

*Criteria 2 Connections - How well connected is the new neighbourhood?*

10.5.5. The site adjoins the R692, which facilitates access to Cashel Town Centre and to the M8. It is also linked to the town centre by way of a pedestrian walkway along the R692, and is approximately 1km walk from the town centre. In terms of public transport, there are bus stops within the town centre that serve Dublin, Cork , Thurles, Clonmel and Portlaoise. The proposed layout incorporates a pedestrian crossing to the existing footpath, as well as facilitating potential future pedestrian connections to adjoining sites. I am satisfied that the site reasonably well connected by way of pedestrian linkages, although I note that there is no public transport provision serving the immediate site. However, these services are accessible within the town itself.

*Criteria 3 Inclusivity - How easily can people use and access the development?/*

*Criteria 9 Adaptability How will the buildings cope with change?*

10.5.6. The proposal provides a wide range of dwelling types facilitating a wide range of potential occupiers. The majority of the units exceed the minimum standard for unit size and can be adapted to follow the needs of the future residents.

10.5.7. The proposed housing mix is as per the table below

| <b>Unit Type</b> | <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>4 bed</b> | <b>Total</b> |
|------------------|--------------|--------------|--------------|--------------|--------------|
| House            | 0            | 0            | 40           | 28           | <b>68</b>    |
| Duplex           | 0            | 20           | 20           | 0            | <b>40</b>    |
| <b>Total</b>     | <b>0</b>     | <b>20</b>    | <b>60</b>    | <b>28</b>    | <b>108</b>   |

10.5.8. In terms of adaptability, the broad range of units within the site allows for upsizing and downsizing while retaining community links. The houses have been provided with rear gardens will allow for future extensions.

10.5.9. *Criteria 4 Variety - How does the development promote a good mix of activities?*

Given the nature of the proposal as a Strategic Housing Development, the proposal is by definition limited in terms of the mix of uses that can be provided. However, a crèche of 333 sq. m, has been provided, as well as a variety of open spaces, Overall, therefore a good mix of activities has been provided.

10.5.10. *Criteria 5 Efficiency - How does the development make appropriate use of resources, including land?*

I have considered the issue of the quantum of development, in terms of density, in Section 10.2 above, and have concluded that overall the quantum of development is appropriate for the site context, and makes efficient use of the residential zoned land. The Sustainability & Energy Report sets out a number of energy efficient measures that have been incorporated into the design, which will ultimately reduce the overall light and heat demand of the finished units. The proposal also provides. EV charging points.

*Criteria 6 Distinctiveness - How do the proposals create a sense of place?/Criteria 12 Detailed Design - How well thought through is the building and landscape design?*

10.5.11. In relation to the materials proposed, the Materials and Finishes Report sets out the approach to same. A mix of render, stone, slate and brick are proposed as the principal elevational materials. I have no objection to the materials proposed, and I consider that there are of sufficient quality and draw sufficient reference to the prevailing materials in the surrounding developments.

*Criteria 7 Layout - How does the proposal create people friendly streets and spaces?*

10.5.12. The proposed development has been designed to address and provide passive surveillance over the street network and areas of open space. Front doors are directly accessed from the street. Traffic speeds throughout the development are controlled by way of street design.

*Criteria 8 Public Realm - How safe, secure and enjoyable are the public areas?*

10.5.13. A total of 6,969 sq. m. of public open space is proposed to be provided to the south-east of the proposed development and the majority of same is overlooked the proposed dwellings, providing passive surveillance of same.

*Criteria 10 Privacy and Amenity – How does the scheme provide a decent standard of amenity?*

10.5.14. I have discussed compliance with this criteria in detail in Sections 10.7 (in terms of neighbouring amenity) and 10.6 (in terms of residential standards). In general however it is consider that the amenity space provided for each unit is sufficient in quality and quantity, and I note that 100% dual aspect units are provided. Duplex units are provided with private patios, balconies or terraces.

*Criteria 11 Parking - How will the parking be secure and attractive?*

10.5.15. The quantum of parking is discussed in Section 10.3. In terms of compliance with Criteria 11, I note that the proposed car parking will be easily accessible to residents and that the spaces are overlooked by residents and pedestrians. Quality materials are used for parking areas and secure cycle parking facilities are provided.

Height

10.5.16. Specifically in relation to the heights proposed, I note that national policy on heights, the National Planning Frameworks supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.

10.5.17. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers).

10.5.18. Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. However, in this instance, there is no restriction within the Development Plan in relation to the

heights proposed here and the Planning Authority have not objected to the heights proposed. However, given that the proposed 3 elements proposed are generally higher than prevailing building height (which is generally 2 storey housing), the criteria contained with Section 3.2 of the guidelines are an appropriate framework within which to address the issue of height, and the impact of the development on architecturally sensitive areas, protected views and on visual amenity.

10.5.19. At the scale of the town, I have considered the accessibility of the site above, and while the site is not well served by public transport, it is within walking distance of Cashel Town Centre, via an existing pedestrian footpath. In relation to impacts on architecturally sensitive areas, on key landmarks and on key views, I note the Planning Authority have not raised concerns in relation to impacts on any specific ACA, Conservation Area or on any Protected Structures, or in relation to any particular view. The application is accompanied by Archaeological Assessment which concludes there is potential for previously unknown features and/or deposits of archaeological significance to survive below the current ground level, and it is stated that impacts on same may result as a result of the proposed development. It is recommended that geophysical surveys, targeted archaeological testing be carried out prior to construction going ahead, with further mitigation necessary depending on the results of same. I am satisfied that such mitigation measures should be conditioned, if the Board are minded to grant permission.

10.5.20. The proposal is also accompanied by a Landscape and Visual Impact Assessment (LVIA). I note that there is one view listed in Appendix 7 of the Cashel and Environs Plan that potentially could be impacted upon (View 10 – Views from Clonmel Road (R688) and Friar Street from Clonmel Road roundabout to the Rock). Policy ENV 15 seeks to protect these views. The LVIA states that, while the Rock of Cashel is partially visible from the elevated roundabout on the motorway off ramp, located to the south east of the site, it is screened from views along the frontage of the site. The report concludes that listed views towards the Rock of Cashel from this road will not be impacted by the development as the existing townscape screens the Rock at this location and no other negative visual impacts are recorded at the operational stage of the development. I concur with same and note it is not possible to view the Rock of Cashel from any points along the frontage of the site. The development is located to the west of the Clonmel Road, and views from Clonmel Road towards the

Rock of Cashel, from those points where it is visible, will not be impacted by this proposed development.

- 10.5.21. The Planning Authority has not raised any concerns in relation to the impacts on the landscape, or visual impacts generally. While there will be a visual impact from both longer and some shorter views, I am not of the opinion that this will be negative, given the relatively low-rise nature of the development and the design quality of same. The development will read as an extension to the existing housing developments to the north-west of the site. In addition, the retention of the majority of the hedgerows bordering the site, and the incorporation of the large area of open space, will soften the visual impact on the landscape.
- 10.5.22. At the scale of the district/neighbourhood/street, I am of the view that the proposal responds well to the context of the site, as considered above. The crèche building, with frontage along the Clonmel Road provides an element of streetscape along this road. In relation to the materials proposed, I have considered these above. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below in section 10.6, and I have concluded the proposal complies with this criteria.
- 10.5.23. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light, with appropriate and reasonable regard taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.6 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.6 below. I have considered the issues of

surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.7 below, and I am satisfied that there will be no adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.5.24. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I am not of the view that the height is such that any specific technical assessments such as wind study or telecommunications study is required nor are the heights, at a maximum of 3 storeys, such that at a specific bat or bird collision study/assessment is required.

#### **10.6. Residential Amenities/Residential Standards**

10.6.1. The submission from the Planning Authority raises concern that the required 35m between opposing second floor windows is not satisfied, as per Table 9.3 of the Cashel and Environs Plan. While the Planning Authority note that a sufficient quantum of public open space has been provided, it is set out that the provided public open space is located on lands zoned for amenity use and on which there is a specific objective to facilitate expansion of the adjoining GAA facilities. As such the Planning Authority is of the view that the location and layout of the open space is not therefore considered acceptable.

10.6.2. Observer concerns have also raised the issue of the public open space being provided on lands zoned for amenity use.

#### Daylight and Sunlight to the proposed units

10.6.3. The BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for ADF that designers/developers should strive to achieve, with various rooms of a proposed residential unit, and these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well-daylit living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. However, Section 5.6 of the BS8206 – Part 2: 2008 Code of Practice for Daylighting states that, where one room serves more than

one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%.

- 10.6.4. The applicants have submitted a 'Daylight & Sunlight Assessment' (dated September 2021). This considers *inter alia* daylight provision to the proposed units. Block A is considered and it is found that of the 56 no. rooms assessed, all 56 meet the BRE criteria. Given Blocks B and C have similar floor layouts, I am satisfied that these would also meet BRE Criteria, and this is to be expected in a relatively low-rise development of this nature.
- 10.6.5. In relation to sunlight levels to the proposed living rooms, while there is no analysis of sunlight levels is provided, I note the orientation and relatively low-rise nature of the proposed units, which are generally east-west in orientation, and limited to a maximum of 3 storeys, which, in my view, will allow sufficient access to sunlight for the majority of the units. Where north facing windows have been provided, such as to the rear of housing units 1-20, I note the main living areas are served by windows that have a southern orientation. Overall, given the orientation of the proposed blocks, I am satisfied that the acceptable levels of sunlight will be achieved to the living rooms in the proposed development in recognition of BRE criteria.
- 10.6.6. In relation to sunlight to the proposed amenity spaces, the BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The report considers sunlight to three main areas of open spaces (S1, S2 and S3) within the scheme, with all of the areas being well above the recommended 50% target set by BRE, with 100% of all the area of each space capable of receiving 2 hours of sunlight on March 21<sup>st</sup>.
- 10.6.7. Having regard to above I consider the overall the level of residential amenity is acceptable, having regard to internal daylight provision and sunlight provision to amenity areas, and having regard to the overall levels of compliance with BRE Targets.

#### Public Open Space/Play Areas

- 10.6.8. The Cashel & Environs Development Plan 2009-2015 (As Varied) states that a provision of at least 15% of site area for public open space is to be encouraged. The



proposed development provides for 16.5% (c.0.6969ha) public open space which includes outdoor play areas for children. The quantum provided is therefore acceptable. However, as per the detailed discussion in Section 10.2 above, lands to the north of the GAA club, where the proposed public space is located, are designated for the expansion of the club, as set out in Specific Objective 9 of the Coopers Lot Masterplan. As such I share the view of the Planning Authority that the location of the public open space is not appropriate given this specific objective. However I am not of the view that the zoning of this area of the site, as A-Amenity, would necessarily preclude the provision of an area of public open space at this location, and I do not consider the provision of same as contravening the A Amenity Zoning.

- 10.6.9. In relation to communal open space areas, associated with the duplex units, this is located between Blocks BA and BB and is easily accessible from all 3 no. duplex blocks. An approximate provision of 550sq. m of communal open space (soft landscaping) is indicated on the plans provided, exceeding the standards set out in Appendix 1 of the Design Standards for New Apartments (updated December 2020) (the required provision is 220 sq. m).

#### Separation Distance

- 10.6.10. Section 9.7 of the Cashel and Environs Plan refers to 'Multiple Unit Residential Development. Within this section of the plan, Table 9.3 'Minimum Standards for Multiple Unit Residential Development' of the Cashel and Environs Plan states that *inter alia* a minimum separation distance of 35m between directly opposing transparent windows at second floor level should be provided for. In this instance, where there are directly opposing second floor windows, a minimum distance of 22m should be providing for. I am of the view that, while the proposal does not meet the standard as set out in the plan, the separation distance is one that is common in other such housing developments and is sufficient in my view to ensure that no material overlooking or loss of privacy will result. Furthermore, the separation distance is as per the 22m distance cited in the Sustainable Residential Development Guidelines (2009). Section 9.7 of the Plan states that the Council will 'apply the guidelines contained in the Planning Guidelines on Sustainable Residential Development in Urban Areas 2008 (DEHLG) or any amendments thereto

as appropriate'. As such I am of the view that the 22m figure cited above is the appropriate standard to apply to this development.

#### Private Amenity

10.6.11. The houses, duplex and apartment units are provided with either a terrace or garden area, or balcony of sufficient size and which meet or exceed standards.

#### Dual Aspect

10.6.12. 100% of the proposed duplexes within the scheme are dual aspect, in excess of the 50% required by the SPPR 4 of the Apartments Guidelines, for intermediate sites such as this one.

#### Mix

10.6.13. I have considered the mix of units in Section 10.3 above and I am satisfied that an appropriate mix has been provided.

#### Floor Area

10.6.14. The duplex floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

### **10.7. Surrounding Residential Amenity**

10.7.1. The nearest residential dwellings are located to the west and north-west of the site at Castle Green Crescent. The submitted Daylight and Sunlight report rules out any impact on same and it is stated that their main windows do not face towards the proposed development. I concur with the conclusions of the Daylight and Sunlight report in that there will be no impact on adjoining dwellings. I note that the nearest residential dwelling No. 15 Castle Green Crescent at least 26m from the nearest proposed dwelling (proposed unit No. 4), with rear windows facing in a southerly direction away from the development. Applying the criteria in Section 3.2.2 of the BRE Guidelines (in relation to impact on sunlight), I note that the development may well fall within 90 degrees of due south of the existing rear windows of No.15 but, given the distance from the proposed development, it is likely that the proposed development passes the 25 degree test (i.e. the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room). In relation to daylight, again it is likely the 25 degree tests for daylight is also passed, notwithstanding that the separation distance is

slightly than three times the height of the new building above the centre of the main window being measured<sup>1</sup>. In relation to potential overshadowing of rear gardens, the shadow diagrams submitted with the Daylight and Sunlight report rule out any overshadowing of same.

10.7.2. I am satisfied also that there is no overlooking impacts or loss of privacy as a result of this proposed development, given the orientation of the windows and separation distance referred to above.

10.7.3. In relation to visual impact, it is clear that that development will be visible from surrounding rear gardens. However as noted above, it will read as an extension to existing housing development and I am not of the view that the visual impact will be negative. I note that the site is designated for residential development and, given the overarching national and regional support for compact growth, a development of scale is appropriate for this site.

## 10.8. Ecology/Trees

10.8.1. The site is a greenfield site, with mature hedgerow and trees forming the boundary of the site. The landscaping details indicate that all of this current boundary is to be retained. The application is not accompanied by an Ecological Impact Assessment (EclA), notwithstanding references to same in the 'Statement of Consistency' document. I note however that the hedgerows and trees are to be retained, and the habitats that they provided subsequently retained. The habitat that is provided on the site is ubiquitous throughout the country and there is no evidence that the site is of particular ecological sensitivity. I am satisfied that, if the Board were minded to grant permission, potential impacts on ecology could be mitigated by the submission of further detail in relation to hedgerow and tree protection. In relation to any potential impacts on pNHA's or NHA, I note the nearest such site is some 4.7 km west of the application site (Knockroe Fox Covert pNHA) and as such potential impacts on same can be ruled out.

## 10.9. Planning Authority's Reasons for Refusal

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<sup>1</sup> Assuming the centre of any main window at ground floor is approx.1.5m above the ground, and noting that the proposed two storey dwelling house is c.9.8m in height – ie.  $3 \times 9.8\text{m} = 29.4\text{m}$  – the separation distance is approximately 26m

10.9.1. The Planning Authority have recommended that the application be refused for 2 no. reasons as set out below.

Recommended Reason for Refusal No. 1

*Under the Cashel and Environs Development Plan 2009, as varied (CEDP) the application site forms part of a landbank identified as requiring a Masterplan to guide the development of the Coopers Lot Masterplan lands. Appendix 3 of the CEDP and the land use zoning of the CEDP set out clear objectives for the development of the subject site and associated landbank.*

*Having regard to:*

- The absence of a Master Plan setting out proposals for the co-ordinated development of the landbank from which the site is taken.*
- The uncertainty with how the proposed development relates to the wider development of the landbank. • The fact that the development will form the first phase of development of the Coopers Lot Masterplan lands which is in direct contravention of the Specific Objectives for the lands as set down under the CEDP.*
- The fact that the development includes for the development of public open space on lands zoned amenity use under the CEDP which is in direct contravention of Specific Objective 9 of Appendix 1 Part 4 of the CEDP.*
- The fact that residential development is not permissible on lands zoned Industry and Employment.*
- The ad hoc and piecemeal approach to the development of the landbank.*

*It is considered that the proposed development for the above stated reasons would be contrary to the requirements of the Cashel and Environs Development Plan 2009, as varied, for the development of this area and accordingly would be contrary to the proper planning and sustainable development of the area.*

10.9.2. In relation to the above recommended reason for refusal I note the following. In relation to the requirement for a masterplan to be submitted, I am of the view that it is not entirely clear that applicant is, in fact, required to submit a masterplan. The site is within the defined Coopers Lot Masterplan Area, as set out in Appendix 1 Part 4 of the Cashel Plan. However, the Plan does not require the applicant to submit a Masterplan with an application. Policy requirements in relation to other defined

Masterplan Areas include Policy HSG 2 (Deerpark) which requires the applicant to prepare a masterplan to the written agreement of the Council. In relation to the St. Patricks Rock Masterplan, it is proposed that the Council prepare a Master Plan for St. Patricks Rock Area (Section 4.8 – A1 and Appendix 3 - 1 refer).

- 10.9.3. Policy 'ECON 2: Key Employment Masterplan Areas' of the Cashel Plan refers to Coopers Lot Masterplan Area and it is stated that *'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'*. As such this would indicate that applications for employment uses would require the submission of a masterplan at application stage (although again it not an explicit requirement to do so at application stage). The applicant has noted in the submitted Planning Report that a Masterplan for Coopers Lot has not been developed to date by landowners.
- 10.9.4. In conclusion, while I am of the view that it may have been useful to have submitted an indicative masterplan for the entire site to accompany this current application on this specific site, this is not an explicit policy requirement of the Cashel and Environs Plan and I am not of the view that the absence of a masterplan should form part of any reason for refusal.
- 10.9.5. In relation to phasing of the development of the masterplan lands, Specific Objective 12 refers to same, and states that *inter alia*, Phase 1 to incorporate primary access to the site from the Clonmel Road, provision of land to provide for extension to existing sports facility, new gateway development and main infrastructural services. I have given consideration to same in Section 10.2 above.
- 10.9.6. In relation to Specific Objective 9 of the Coopers Lot Masterplan, I have given detailed consideration to this issue in Section 10.2 above, and I am of the view that non-compliance with same constitutes a substantive reason for refusal of the application, as per my recommendation in Section 13 'Recommended Order' below.
- 10.9.7. In relation to the zoning of the lands, I have given detailed consideration to this issue in Section 10.2 above and I have concluded that it is unlikely that the application site includes any of those lands that are zoned 'Industry and Employment I/E'.

10.9.8. In relation to the 'ad-hoc' development of the masterplan lands, I share the view of the planning authority that a co-ordinated development of the entire landholding would be most appropriate method of developing these lands. However, I am also aware that the statutory plan guiding the overall development of these lands is some 13 years old, with limited development on the lands to date. As such I am of the view, that a standalone development that conforms to the general principles of the masterplan objectives, which provides indicative infrastructure linkages to same, and does not preclude the development of other lands within the masterplan area, is acceptable, and I am not of the view that this particular development could be considered 'ad-hoc', notwithstanding the substantive recommended reason for refusal set out below.

Recommended Reason for Refusal No. 2.

*Having regard to the nature of the proposed development which is vulnerable to flood risk, the evidence of recurring flooding of the public roadway and part of the site and lack of detailed information in relation to this source of flood risk the Planning Authority is not satisfied that the development would not give rise to significant flood risk issues. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

10.9.9. I have considered the issue of flood risk in Section 10.3 above, and have concluded that the application should be refused broadly in line with the Planning Authority's recommended reason for refusal.

**10.10. Material Contravention**

10.10.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the

proposed development'. As noted in Section 10.2, I do not consider that the proposal materially contravenes the zoning objectives that pertain to the site.

10.10.2. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.10.3. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Cashel & Environs Development Plan 2009-2015 (As Varied) in relation to the matters of (i) Density and (ii) Specific Objective No. 9 as related to the provision of a GAA Facility.

#### Density

10.10.4. Specific Objectives No. 7 of the Coopers Lot Masterplan states that:

*New residential development may be accessed from the Clonmel Road to the north of the GAA facility however will also adjoin the primary access outlined on the Coopers Lot Master Plan. Direct pedestrian/cycle access to the town centre shall be provided to the north of the GAA facility. Density shall be approximately 4 units/acre (which approximates to 10 units/ha)*

10.10.5. This Specific Objective specifies an approximate residential density that the Masterplan Lands shall be developed at. The proposed residential density is 26 unit/ha. The Planning Authority are not of the view that the proposal represents a material contravention of this objective, citing other areas of the plan that allows each proposal to be assessed on its merits.

- 10.10.6. Other relevant Plan provisions on density include Section 9.7 – Density’ of the Cashel & Environs Development Plan 2009-2015 (As Extended) which sets out the General Density Parameters for different locations within the Cashel Development Plan Area. For edge of town sites such as this one, densities of 10 dwellings per hectare are considered appropriate.
- 10.10.7. Notwithstanding the view of the Planning Authority, I am of the view that the proposal represents a material contravention of the Cashel & Environs Plan (namely Specific Objective 7 of the Coopers Lot Master Plan as contained in Appendix 1 Part 4 of the Cashel & Environs Development Plan 2009-2015, as amended, and Section 9.7 Density of the Cashel & Environs Development Plan 2009-2015, as amended), given the approximate density cited in the Plan, and the absence of a cross-reference to other relevant policies on density, which would allow the proposed density to be considered on its merits.
- 10.10.8. The applicant’s Material Contravention Statement sets out that there are conflicting objectives in the plan and the density parameters do not outline with National Policy and Section 28 Guidelines.
- 10.10.9. I have set out my considerations of the proposal, as relates to the relevant criteria of 37(2)(b) of the Planning and Development Act, below. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), the current application has been lodged under the Strategic Housing legislation and the development is strategic in nature and relates to matters of national importance (the delivery of housing). The proposal represents the regeneration of an important site within the Coopers Lot Masterplan Area, and makes a contribution to the housing stock, of some 108 units, and therefore seeks to address a fundamental objective of the Housing Action Plan, and Housing for All, and such addresses a matter of national importance, that of housing delivery. Therefore, having regard to the considerations above, should the Board be minded to materially contravene the provisions of the Cashel & Environs Development Plan 2009-2015, as amended, as relates to matter of density, in principle, it can do so having regard the criteria of 37(2)(b)(i).
- 10.10.10. In relation to National Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Objectives 27, 33 and



35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

10.10.11. In relation to Section 28 Guidelines, The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. In general, the accessibility of the site helps to define the appropriate density for that site. General increased in density, such as that proposed here, are supported by the two documents referred to above.

10.10.12. In relation to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and as noted in Section 10.2 above, these Guidelines set out that a density of 15-20 dwellings per hectare may be applicable to sites such as this one. However, it is also set out within the follow up Government Circular on Residential Densities in Towns and Villages (NRUP 02/2021) that there is clear scope for greater variation in density in small towns. Having regard to the nature of surrounding residential development and to the relatively larger population of Cashel (where small towns villages range from a population of 500 to 6,000), I am of the view that the proposed density of 26 units/ha is appropriate in this context, and is supported, in principle, by the Sustainable Residential Development in Urban Areas (2009) and the follow up Government Circular on Residential Densities in Towns and Villages (NRUP 02/2021). Therefore, should the Board be minded to invoke the material contravention procedure, as

relates to the provisions of the Cashel and Environs Plan 2009-2015, as amended, namely Specific Objective 7 of the Coopers Lot Master Plan as contained in Appendix 1 Part 4 of the Cashel & Environs Development Plan 2009-2015, as amended, and Section 9.7 Density of the Cashel & Environs Development Plan 2009-2015, as amended, I consider that the provisions of Section 37(2)(b)(i) and (iii) of the Planning and Development Act, as amended, have been met.

Specific Objective No. 9 as related to the provision of a GAA Facility

10.10.13. As outlined above in Section 10.2, I am of the view that the proposal materially contravenes the above Specific Objective. The applicants have put forward a justification for same in the Material Contravention Statement, which sets out that parking is not permitted in the Amenity Zoned Lands, and that Specific Objective 9 conflicts with the zoning objective for the site. It is also set out that the lands would be better served as public open space rather than car parking.

10.10.14. I have set out my consideration of this issue in Section 10.2 above, and I am of the view that there is no planning justification for the material contravention of the Cashel Plan. In this regard, I reiterate the provisions of Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board *may* (my emphasis) decide to grant a permission for a proposed strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. In relation to same, it is my recommendation that the Board refuse the application on the basis of this material contravention of the plan and I further recommend that the provisions of Section 37(2) of the PDA 2000, as amended, should not be applied here.

## 11.0 Environmental Impact Assessment (EIA) Screening

11.1.1. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units

- Urban Development which would involve an area greater than 2 hectares in the case of a business district\*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

- 11.1.2. It is proposed to construct 108 residential units, a crèche and associated site works. The number of residential units is well below the threshold of 500 dwelling units noted above. The site has an overall area of 4.78 ha and hence falls below the area threshold of 10 hectares that applies to 'other parts of a built-up area' and 20 hectares 'elsewhere'. The site is not a business district and therefore the threshold of 2 Ha is not applicable in this instance. The site is a greenfield site, located adjacent to existing residential uses. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed in Section 12 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Tipperary County Council upon which its effects would be marginal.
- 11.1.3. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted EIA Screening Report (dated March 2022) includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant

impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including *inter alia*:

- Appropriate Assessment Screening Report
- Archaeological Assessment
- Landscape and Visual Impact Assessment
- Site Specific Flood Risk Assessment
- Urban Design Statement
- Building Lifecycle Report
- Photomontage Document
- Engineering Services Report
- Traffic Impact Assessment
- Construction & Demolition Waste Management Plan

11.1.4. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I note that the applicant has submitted a 'Statement in Accordance with Article 299B (1)(b)(ii)(II)(C)'. (Appendix A of the EIA Screening Report). This notes that the following assessments / reports have been submitted: -

- A Statement of Screening for Appropriate Assessment, a Construction Management Plan and an Engineering Services Report have been submitted with the application, in support of the Habitats Directive (92/43/EEC) and in Support of the Birds Directive (2001/147/EEC).
- A Statement of Screening for Appropriate Assessment, a Construction Management Plan, a Construction & Demolition Waste Management Plan, an

Engineering Services Report and an Operational Waste Management Plan in support of the Water Framework Directive (2000/60/EC).

- A Traffic Impact Assessment & Mobility Management Plan and a Construction & Demolition Waste Management Plan in support of the Clean Air for Europe (CAFE) Directive (Directive 2008/50/EC).
- A Construction & Demolition Waste Management Plan in support of the Environmental Noise Directive (2009/49/EC).
- A Statement of Consistency and Material Contravention Statement in support of the SEA Directive (2001/42/EC).
- A Site Specific Flood Risk Assessment have been submitted, which was undertaken in response to the EU Floods Directive (2007/60/EC).

11.1.5. In relation to the above the above I note that the references to a Construction Management Plan, an Operational Waste Management Plan and a Mobility Management Plan are erroneous and in fact these documents have not been submitted with the application. Notwithstanding I am not of the view that the omission of these documents has a material bearing on my conclusions as relates to EIA Screening.

11.1.6. In addition to that set out in the applicant's 299B Statement I note the following:

- An Sustainability & Energy Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings
- A Construction & Demolition Waste Management Plan has been submitted in support of Directive EU 2018/850 on the landfill of waste and in support of Directive 2008/98/EC;
- A Building Lifecycle Report has been submitted, in support of Directive 2012/27/EU on energy efficiency, in support of Regulation EU 2018/842 relating to Greenhouse Gas emissions, in support of Directive EU 2018/2001 on the use of energy from renewable sources and in support of Regulation EU no. 517/2014 on fluorinated greenhouse gases.

- SEA Environmental Report for the Cashel and Environs Development Plan 2009-2015 (as amended) (Volume 2 of the Plan)

11.1.7. I have taken into account the above documentation, save for the documents referred to in Paragraph 11.1.5 above, when screening for EIA. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the nature and scale of the project, the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations, and as per the conclusions of the EIA screening assessment in Appendix A of this report.

## 12.0 **Appropriate Assessment**

12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### Compliance with Article 6(3) of the Habitats Directive

12.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either

individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.1.3. The application is accompanied by an AA Screening Report. This sets out a detailed description of the development. Of particular note, it is set out that a new underground wastewater storage tank (51m<sup>3</sup>) is proposed to the east of the site. The foul effluent generated from the Proposed Development will discharge via proposed wastewater rising mains. The wastewater from the site will be pumped north to connect to the existing public wastewater network where it will ultimately be treated at Cashel Wastewater Treatment Plant (WwTP) on the Golden Road. Primary discharge from this WwTP is into the River Suir. The most recent information from Irish water Annual Environment Report 2020 indicates that the plant is in operation at compliant ELV's. Cashel WwTP operates under a discharge licence from the EPA (D0171-01) and must comply within the licence conditions. The proposed development will include a 80mm Wastewater rising main to be installed in accordance with Irish Water Code of Practice and Standard details. This will include:

- Pump station Wet Kiosk and Pump station Control Kiosk
- Wastewater pump station (WWPS) providing 24hour emergency storage
- Proposed 51m<sup>3</sup> storage tank
- A duty and stand by pump arrangement
- The max flow rate required is 3.5 l/s
- Static Head: 3.1m
- Inlet: 116.063m AOD
- Plan area of emergency storage 33m<sup>2</sup>
- Finished slab level of pump station 120.106m AOD
- Proposed pump station inlet manhole

- 15m Buffer around WWPS

- 12.1.4. The Screening Report has been prepared by Tobin Consulting Engineers. The Screening Report is informed by way of a desktop study and included a review of a range of datasets and information sources as set out in Section 3.2.1 of the report. The existing environment is described in the report and it is stated that the proposed development site comprises improved agricultural grasslands, with mature hedgerows on the northern, western and southern boundaries of the site. It is stated that no Annex I habitats have been recorded within the site nor have any Annex II species been recorded within the site. Reference is made to the EPA mapviewer which does not indicate any watercourse present within or in the vicinity of the site. Reference is made to the existing swallow hole 70m south of the site and the series of drains which discharge to the swallow hole. The closest European Site is the Lower River Suir SAC (002137) which is located 4.1km west of the site.
- 12.1.5. Section 3 of the Screening Report sets out a Likely Zone of Influence of the proposed development utilising the source-pathway-receptor model and a 15km radius. This identifies that the Lower River Suir SAC (002137) is the only European Site within a 15km radius of the site, and it is 4.1km west at its closest point. No hydrological, physical or ecological connectivity between the SAC and the proposed development site was identified and it is concluded that no significant effects on the SAC would result. In-combination effects are considered in Section 4.2 of the report and a review of relevant projects and plans in the vicinity was carried out. Reference is made to the Cahir Local Area Plan 2021-2027 which is most likely an erroneous reference, given the application site is located within Cashel. I have given consideration to this issue below. The potential for in-combination effects on any European Site is ruled out.
- 12.1.6. The Screening Report concludes that likely significant effects, either alone or in-combination with other plans and projects, can be ruled out for European site identified within the Zol; Lower River Suir SAC, and therefore, a Stage 2 Appropriate Assessment is not required.
- 12.1.7. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of



the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### Need for Stage 1 AA Screening

- 12.1.8. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### Brief Description of the Development

- 12.1.9. The development is as summarised in Section 3 of this Report. It is noted in the Screening Report and the Engineering Report, relation to surface water, the proposed development is to be served by a gravity surface water drainage network discharging to an attenuation tank onsite before discharging at a controlled rate (limited to greenfield run-off) to the existing surface water network on the public road to the east. It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development, and provide independent connections to the surface water and wastewater sewer networks respectively. The proposed surface water network has been designed to allow for an additional 20% increase in rainfall intensity, to allow for Climate Change projections, in accordance with the GDSDS. The surface water network is to typically comprise a gravity pipe network, with Sustainable Drainage Systems incorporated including pervious paving, trapped road gullies, silt traps, fuel separator, geocellular storage systems and a flow control device. In relation to wastewater drainage, the existing site is currently greenfield, with no existing wastewater discharge to the public wastewater infrastructure. A new wastewater connection, serving the proposed residential development, is to be provided to the existing wastewater network in the Clonmel Road to the North. The wastewater from each dwelling is to connect via a private inspection chamber, to the new gravity pipe network within the development, which has been designed in accordance with the Irish Code of Practice for Wastewater Infrastructure. This pipe network discharges to a new wastewater pump station,

which is located at the north-eastern boundary of the development. This pump station and storage will be designed in accordance with the Irish Water Code of Practice for Wastewater Infrastructure. 24-hour emergency storage will be provided as part of this pump station infrastructure. The storage provided with this pump station will have sufficient capacity to allow for future development of the site to the west of the proposed development. This pump station is to discharge to the existing wastewater network located in the Clonmel Road.

#### Site Description

12.1.10. The applicant's AA Screening report (and EclA) sets out a description of habitats on the site. I note that no field surveys were carried out (and the application is not supported by an Ecological Impact Assessment) and this is not ideal. However, from my site visit, the habitats on site are in line with those described in the AA Screening Report these are as described above. In the Screening Report it is stated that there are no habitats protected under Annex I of the EU Habitats Directive and no protected fauna or supporting habitat for protected fauna associated with any European sites have been recorded within the site. I note that there are no EPA designated watercourses within or near to the proposed development site. The nearest surface water features are the sinkhole referred to in the AA Screening Report (and referred to in the SFRA and Engineering Report) and associated drainage channel. One of these drainage channels was visible from the Clonmel Road at the time of my site visit, with water visible within it.

#### Submissions and Observations

12.1.11. The Planning Authority have not raised any issues as relates to Appropriate Assessment, nor have objections being raised in relation to surface water proposals. Irish Water have not raised any issues in relation to foul water proposals, nor have Irish Water cited capacity constraints as relates to foul water drainage or treatment. Observer submissions have not raised any issues as relates specifically to impacts on European Sites.

#### Zone of Influence

12.2. Section 3 of the Screening Report sets out the assessment methodology in determining those Natura Sites within a 'Potential Zone of Influence' which I have described above. I note that only one Natura 2000 site (Lower River Suir SAC

(002137) lies within a 15km radius of the site. I have set out relevant details of same below.

**Table 1**

| <b>Site (site code)</b>       | <b>Distance from site</b> | <b>Qualifying Interests</b>  | <b>Conservation Objectives;</b>   |
|-------------------------------|---------------------------|--|---|
| Lower River Suir SAC (002137) | 4.3km                     | <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |

|  |  |  |  |
|--|--|--|--|
|  |  | Margaritifera margaritifera<br>(Freshwater Pearl Mussel)<br>[1029] |  |
|  |  | Austropotamobius pallipes<br>(White-clawed Crayfish)<br>[1092]     |  |
|  |  | Petromyzon marinus (Sea<br>Lamprey) [1095]                         |  |
|  |  | Lampetra planeri (Brook<br>Lamprey) [1096]                         |  |
|  |  | Lampetra fluviatilis (River<br>Lamprey) [1099]                     |  |
|  |  | Alosa fallax fallax (Twai<br>Shad) [1103]                          |  |
|  |  | Salmo salar (Salmon)<br>[1106]                                     |  |
|  |  | Lutra lutra (Otter) [1355]   |  |

12.3. The specific qualifying interests and conservation objectives of the above sites are described in Table 1 above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies and observers, and I have also visited the site.

12.3.1. In terms of determining the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. In identifying potential impact sources and pathways connecting the development to Natura 2000 site, I am of the view that the arbitrary use of the 15km radius is not necessary to determine a Zone of Influence, but rather identification of possible impact pathways should determine same. I am of the view that the only site that is within the 'Zone of Influence' of the proposed development is the Lower River Suir SAC, due to an indirect wastewater

connection, as treated wastewater from the site is eventually discharged in the River Suir from the Cashel Wastewater Treatment Plant.

- 12.3.2. There are no other evident impact pathways, noting in particular the distance of the site from the nearest European Site, the cited lack of habitats on the site for any species of conservation interest associated with any European Site and the lack of habitat suitable for any birds of special conservation interest associated with any European Site. I note no field survey was carried out in order to verify the conclusions in the applicant's AA Screening Report. However, notwithstanding same, I am of the view that the application site is a sufficient distance from the Lower River Suir SAC so as to ensure no *ex-situ* impacts would occur. There are no watercourses within or directly adjacent to the site and as such there is no suitable habitat for otter or the other river species, listed as qualifying interests for the Lower River Suir SAC. There is no evidence the site lies in a sensitive location as regards to birds nor that the height of the buildings at a maximum of 3 storeys would pose a danger in relation to bird strike. I also note that the site itself, as existing, is not deemed to represent suitable *ex-situ* feeding/roosting habitat for any species associated with a Natura 2000 site.
- 12.3.3. The foul water discharge from the site is treated at Cashel Wastewater Treatment Plant (WwTP) which discharges from this WwTP is into the River Suir. The foul water proposals provide an indirect hydrological connection from the site to the Lower River Suir SAC.
- 12.3.4. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. The proposed site does not support populations of any fauna species links with the qualifying interest or special conservation interests of any European Site. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.
- 12.3.5. In relation to other sites, I am satisfied that the potential for impacts on the other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

12.3.6. Those sites which I have concluded lie within the 'Zone of Influence' of the proposed development are set out below:

- **Lower River Suir SAC-** Potential impacts have been identified from operational wastewater discharges.

12.3.7. The species of qualifying interest/special conservation interest, and the conservation objectives of the above sites are set out in Table 1 above.

### **Assessment of Potential Likely Significant Effects**

#### Foul Water

12.3.8. With regard to wastewater, the AA Screening Report notes that primary discharge from this WwTP is into the River Suir. The most recent information from Irish water Annual Environment Report 2020 indicates that the plant is in operation at compliant ELV's. Cashel WwTP operates under a discharge licence from the EPA (D0171-01) and must comply within the licence conditions. Information on the Irish Water website indicates that the Cashel WWTP plant is operating below its Peak Hydraulic capacity of 6072 m<sup>3</sup>/day, with the average daily load received being 1797 m<sup>3</sup>/day equivalent with an annual max of 5288 m<sup>3</sup>/day. I note that Cashel WWTP operates under a discharge licence from the EPA (D0171-01) and must comply with the licence conditions. The peak effluent discharge from the proposed development, as set out in the Engineering Services Report would be insignificant given the overall scale of the Cashel facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within the River Suir and therefore would not have an impact on the current Water Body Status<sup>2</sup> (as defined within the Water Framework Directive). I do not consider that foul loading associated with this project would result in significant effects on the Lower River Suir SAC. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of the Lower River Suir and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the Lower River Suir SAC.

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<sup>2</sup> Current WFD Waterbody Status of the River Suir is defined as Good (<https://gis.epa.ie/EPAMaps/>)

12.3.9. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Cashel WWTP, I consider that any potential for in-combination effects on water quality in the River Suir can be excluded. Furthermore, other projects within the wider Tipperary Area which can influence conditions in the Lower River Suir SAC via rivers and other surface water features are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in the Lower River Suir. As such I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

#### AA Screening Conclusion

12.3.10. It is reasonable to conclude that on the basis of the information on the file, and on the basis of other accessible, publically available information, which I consider adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Suir SAC or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

### **13.0 Recommended Order**

#### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Tipperary County Council**

13.1.1. Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4<sup>th</sup> Day of April, 2022 by J. Osoina Limited care of Downey Planning, 29 Merrion Square, Dublin 2.

#### **Proposed Development:**

The development will consist of the following:

The proposed development consists of the following:

The development will consist of the construction of a residential development comprising of 108 residential units and a two-storey childcare facility with an outdoor play area, all of which will be provided as follows:

- a) 2 no. detached 4-bed, 2-storey dwellings;
- b) 26 no. semi-detached 4- bed, 2.5 storey dwellings;
- c) 2 no. semi-detached 3-bed, two-storey dwellings;
- d) 38 no. terraced 3-bed, 2-storey dwellings;
- e) Block A will comprise of 8 no. 2-bed, ground floor apartments and 8 no. 3-bed, duplex apartments, over 3-stories;
- f) Block B will comprise of 8 no. 2-bed, ground floor apartments and 8 no. 3-bed, duplex apartments, over 3-stories;
- g) Block C will comprise of 4 no. 2-bed, ground floor apartments and 4 no. 3-bed duplex apartments, over 3-stories.

All apartments are provided with private balconies/ terraces and communal open space. The development also includes the provision of 216 car-parking spaces and 108 bicycle spaces to serve the residential units and creche; public/communal open space; hard and soft landscaping including play equipment and boundary treatment, an ESB sub-station; public lighting; signage; bin stores; internal roads, cycle lanes and footpaths; and all associated engineering and site works necessary to facilitate the development, including the provision of a right-hand turning lane and associated road upgrade works to the proposed vehicular, pedestrian and cycle access and egress to the site via the R692; site works including foul and surface water drainage and the upgrading of infrastructure along the R692 to facilitate the development.

### **Decision**

**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was



required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

1. The proposed development does not provide for the future expansion of the GAA Facility as required by Specific Objective 9 of the Coopers Lot Master Plan (as contained in Appendix 1 Part 4 of the Cashel and Environs Plan 2009-2015, as amended). The development as proposed, therefore, materially contravenes the Cashel and Environs Plan 2009-2015, as amended. Furthermore, the proposed site layout is such that an existing northern access to the car park adjacent to the site, and to the GAA Club, will be permanently closed. The Board is of the view that the closing of this access point is premature pending definitive proposals in relation to future access to both the car park and to the GAA Club, and in the absence of agreement with Tipperary County Council in relation to proposals for same, the proposal is also contrary to Specific Objective 1b of the Coopers Lot Master Plan (as contained in Appendix 1 Part 4 of the Cashel and Environs Plan 2009-2015, as amended).
2. The Board is not satisfied that adequate information has been presented in relation to the recurring flooding that has been reported to occur on the eastern portion of the site, on the Clonmel Road adjacent to the site, and on the graveyard in proximity to the site. In particular, there is an absence of information as to the frequency and extent of flooding, the depth of floodwaters, the source of the flooding and any measures proposed to alleviate flood risk, to both the site itself and to adjoining sites. In the absence of the required information, and having regard to the history of the site as relates to flooding, the Board is not satisfied that the applicant has clearly demonstrated that the flood risk arising from the development can be limited and is not satisfied the applicant has demonstrated that the proposal will not increase flood risk elsewhere. In the absence of such information, the proposed development would be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

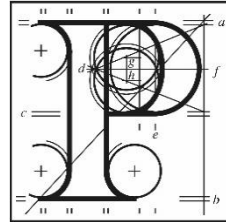
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Rónán O'Connor  
Senior Planning Inspector

13<sup>th</sup> July 2022



Appendix A: EIA Screening Form



An  
Bord  
Pleanála

**EIA - Screening Determination for Strategic Housing Development Applications**

| A. CASE DETAILS   |                       |   |
|---|-----------------------|---|
| <b>An Bord Pleanála Case Reference</b>                      |                       | ABP-313207-22   |
| <b>Development Summary</b>                                  |                       | Demolition of existing building, construction of 358 no. student bedspace accommodation, 4 no. staff apartments and associated site works |
|   | <b>Yes / No / N/A</b> |   |
| <b>1. Has an AA screening report or NIS been submitted?</b> | <b>Yes</b>            | An AA Screening Report has been submitted with the application  |
|   |                       |   |

|   |     |  |
|---|-----|--|
| 2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?   | No  |  |
| 3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | Please see Section 11 of Inspector's report for details of same. |

| <b>B. EXAMINATION</b>   | <b>Yes/ No/ Uncertain</b> | <b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b><br><br>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)<br><b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b> | <b>Is this likely to result in significant effects on the environment?</b><br><b>Yes/ No/ Uncertain</b> |
|---|---------------------------|--|---|
| <b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b> |                           |  |   |

|   |                   |   |           |
|---|-------------------|---|-----------|
| <p><b>1.1 Is the project significantly different in character or scale to the existing surroundings or environment?</b></p>   | <p><b>No</b></p>  | <p>The residential use and other uses proposed and the size and design of the proposed development would not be unusual in the context of this residential area.</p>  | <p>No</p> |
| <p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>   | <p><b>Yes</b></p> | <p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area.</p>   | <p>No</p> |
| <p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p> | <p><b>Yes</b></p> | <p>Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.</p>   | <p>No</p> |
| <p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>  | <p><b>Yes</b></p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan, which can be sought by way of Condition, should the Board be minded to grant permission, will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> | <p>No</p> |

|  |                   |   |                  |
|--|-------------------|---|------------------|
| <p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>  | <p><b>Yes</b></p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan, which can be sought by way of condition, should the Board be minded to grant permission, will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan, which can be sought by way of condition, should the Board be minded to grant permission, to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p> | <p><b>No</b></p> |
| <p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p> | <p><b>No</b></p>  | <p>No significant risk identified. Operation of a Construction Environmental Management Plan, which can be sought by way of Condition, should the Board be minded to grant permission, will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains water and drainage services.</p>   | <p><b>No</b></p> |

|   |            |   |           |
|---|------------|---|-----------|
|   |            | Irish Water have not cited any capacity constraints in relation to the foul water connection.   |           |
| <b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b> | <b>Yes</b> | Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan, which can be sought by way of Condition, should the Board be minded to grant permission. Lighting is designed to avoid overspill to adjoining lands             | <b>No</b> |
| <b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b>          | <b>No</b>  | Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan, which can be sought by way of Condition, should the Board be minded to grant permission, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated. | <b>No</b> |



|  |                   |   |                  |
|--|-------------------|---|------------------|
| <p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>                   | <p><b>No</b></p>  | <p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. Notwithstanding concerns in relation to potential localised flooding of the site, I am not of the view that such concerns are so significant such as to warrant the submission of an EIAR. There are no Seveso / COMAH sites in the vicinity of this location.</p> | <p><b>No</b></p> |
| <p><b>1.10 Will the project affect the social environment (population, employment)</b></p>                                       | <p><b>Yes</b></p> | <p>Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>   | <p><b>No</b></p> |
| <p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p> | <p><b>No</b></p>  | <p>The zoning of the site allows for a residential led development and the development of this site has been foreseen by the Cashel and Environs Plan 2009-2015, as amended, which has undergone an SEA and has been subject to a Strategic Flood Risk Assessment (SFRA). Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>   | <p><b>No</b></p> |

**2. Location of proposed development**

**2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:**

- 1. European site (SAC/ SPA/ pSAC/ pSPA)**
- 2. NHA/ pNHA**
- 3. Designated Nature Reserve**
- 4. Designated refuge for flora or fauna**
- 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan**

**Yes**

There are no conservation sites located on the site. I refer to Section 10.8 of this report in relation to potential impacts on NHA's or pNHA, and I have ruled out potential impacts on same. I have considered the impacts on European Sites in Section 12 of this report. In this section I have concluded that, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' Conservation Objectives.

**No**

**2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?**

**No**

No such uses on the site and no impacts on such species are anticipated.

**No**

|  |                   |  |           |
|--|-------------------|--|-----------|
| <p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>  | <p><b>Yes</b></p> | <p>The site is not designated for the protection of the landscape or of natural heritage. With mitigation measures in place, including pre-development testing and monitoring of groundworks, I am satisfied there will be no significant impact on archaeology (as set out in Section 10.3 of this report). The site is not located within an Architectural Conservation Area.</p> <p>In conclusion I am of the view that there will be no significant negative impacts on any features of landscape, historic, archaeological, or cultural importance.</p> | <p>No</p> |
| <p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p> | <p><b>No</b></p>  |  | <p>No</p> |
| <p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>      | <p><b>No</b></p>  | <p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. Notwithstanding concerns in relation to potential localised flooding of the site, I am not of the view that such concerns are so significant such as to warrant the submission of an EIAR.</p>  | <p>No</p> |

|   |           |  |           |
|---|-----------|--|-----------|
| <b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>  | <b>No</b> | There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion. | <b>No</b> |
| <b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b> | <b>No</b> | The site is served by a local urban road network.  | <b>No</b> |
| <b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>  | <b>No</b> | There are no sensitive land uses that could be affected.   | <b>No</b> |

|   |           |   |           |
|---|-----------|---|-----------|
| <b>3. Any other factors that should be considered which could lead to environmental impacts</b>   |           |   |           |
| <b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b> | <b>No</b> | No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. | <b>No</b> |
| <b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>   | <b>No</b> | No trans boundary considerations arise  | <b>No</b> |
| <b>3.3 Are there any other relevant considerations?</b>   | <b>No</b> |   | <b>No</b> |

| <b>C. CONCLUSION</b>   |            |                   |  |
|--|------------|-------------------|--|
| <b>No real likelihood of significant effects on the environment.</b> | <b>Yes</b> | EIAR Not Required |  |
| <b>Real likelihood of significant effects on the environment.</b>    | <b>No</b>  |                   |  |

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Building Lifecycle Report, the Engineering Services Report, the Traffic Impact Assessment and the Construction & Demolition Waste Management Plan

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Ronan O'Connor**

**Date: 13th July 2022**