



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315268-22

<b>Development</b>	3 Warehouse/Light industrial units with parking spaces. Demolish existing outbuildings. Change of use of existing cottage to office use. The cottage is a Protected Structure.
<b>Location</b>	Ard Gaoithe, Lawlesstown, Clonmel, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	22174
<b>Applicant(s)</b>	Flamewell Limited
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Transportation Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> August 2023
<b>Inspector</b>	Catherine Dillon

## 1.0 Site Location and Description

- 1.1. The site is located on the western side of the R688 a regional road, which extends from the M8 at Cashel to the N24 at Clonmel. It is located c.2.5km to the northwest of Clonmel town centre in the townland of Lawlesstown. Immediately to the south of the site is Ard Gaoithe Business Park, which is accessed off a roundabout on the R688.
- 1.2. The subject site is predominantly a large greenfield site, which has been subject to clearance works with stockpile along its western boundary. To the frontage of the site is a detached thatched cottage, a protected structure (RPS Ref:11) in office use, with an extension to the side and rear. There are three detached outbuildings to the west and south of the cottage. A hardstanding/parking area to the rear of the cottage is served by a vehicular access along the northern boundary. To the north of this entrance is a detached house set back from the road with a close boarded fence along the shared boundary. There is another separate vehicular entrance to the south of the cottage.
- 1.3. The land levels vary across the site gradually rising in height from the R688 to higher ground along the southern and western boundaries and falling towards the northern boundary by c.6m. The site does not extend as far back as the existing business park to the south. There is intermittent hedging and trees along the northern and southern boundaries. I noted on the day of the site inspection there were materials being stored openly on the site and a number of portacabin structures to the rear of the cottage. The site has a stated area of 5.8hectares.

## 2.0 Proposed Development

- 2.1. The development would consist of the construction of 3 warehousing/light industrial buildings, parking spaces and all associated services, with a total floorspace of 7,320m<sup>2</sup> (including mezzanine floors), retention of the conversion of the existing cottage from residential to office use, and the demolition of 2 sheds. There have been a number of amendments made to the proposal by way of further information and clarification and the development under consideration includes these amendments and comprises the following elements:

2.2. Warehousing/light industrial units:

The eastern flank walls of the three detached units would be set back approximately 300m from the frontage of the R688 and positioned between 2.5m-14m from the western boundary. The buildings would be orientated towards the south of the site, with the side elevations facing the road. All 3 buildings include a mezzanine level and the floor areas have been calculated based on same.

Unit 1 would have a floor area of 1,920m<sup>2</sup> and would be positioned between 9-17m from the southern boundary. Units 2 and 3 would each have floor areas of 2,700m<sup>2</sup>. Unit 3 would be set in between 14-30m from the northern boundary, with Unit 2 being the central building.

The structures would have a height of between 9.63m and 10m to the ridge and would be clad in Kingspan/and or equal 1000mm high insulated architectural cladding panels. There would be full height glazing on the corners of the western elevations.

2.3. Access, loading and car parking:

The vehicular access into the site would be to the south of the site and wrap around the cottage and continue through the centre of the site. The access road would also spur off to the car park area to the north of the cottage. The layout indicates 209 car parking spaces for the development. Based on similar developments the applicants envisage 20-30 van movements per day to the proposed buildings.

2.4. Hours of operation:

Hours of operation are stated as 8AM to 6PM.

2.5. Workforce:

Part 3 of the application form states there would be between 50-60 people employed.

2.6. Change of use of cottage:

Retention permission for the use of the thatched cottage (100 m<sup>2</sup>), from domestic to office use. No external works are proposed to the protected structure. The existing shed to the south of the cottage is to be retained and the remaining outbuildings demolished to accommodate the access road and sightlines onto the R688. The car

park and access to the rear of the cottage is for a temporary period until the completion of the construction of the site.

2.7. Storm & Foul water:

This would be collected and pumped to the existing drainage network in the adjoining business park (consent letter attached from owners). Details demonstrating the adequacy of this infrastructure and capacity to take the foul loading from the development are provided.

2.8. Pumping Stations:

Two pump houses are proposed, both below ground level with separate lines for foul and storm water.

2.9. A number of reports and documents were submitted in support of the proposed development including:

- Engineering report with infiltration tests.
- Protected structure report.
- The plans indicate there would be future phasing of the development to include a further 5 units.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

3.1.1. By order dated 10<sup>th</sup> November 2022, the Planning Authority issued a notification of decision to grant planning permission for the development subject to 14 no. conditions including; temporary use of access and parking at the cottage, separate pumping stations for the foul and storm services, connection agreement with Irish Water, sightlines, site lighting, landscaping and materials to be agreed, noise levels, and development contributions.

### 3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The initial planner's report sought further information in relation to 9 items including:- the nature, extent and phasing of the development, changes to the protected structure, details regarding the surface water, collection and disposal, lighting details for the site, sightlines, bicycle parking and footpath details, and boundary treatments.

The second planner's report noted the option of accessing the lands via the adjoining business park had been considered but the applicants have no control over these lands. Therefore, the proposal to access the lands from the R688 was acceptable as future connectivity to the adjoining lands was possible. This report sought clarification on 3 items including:- consent from the owner of Ard Gaoithe Business Park for foul & and storm water services to be developed on the adjoining lands, amendment to site boundary to include the adjoining lands, and further details on drainage.

The third planner's report was satisfied that a separate foul and storm pump station and service lines into the adjoining business park lands would ensure that any failure of the foul line would not impact on the storm line.

### 3.2.2. Other Technical Reports

**District Engineer:** Initial report dated 20/4/2022 with the following main issues raised: Location of entrance unclear, sightlines to south deficient, lack of information on surface water disposal, survey and capacity assessment required, alternative to pumped disposal to be examined through gravity discharge, no footpath serving the site.

Second report dated 5/10/2022 on receipt of the further information response. Clarification required on the surface water proposals.

**Roads Capital:** No report

**Tramore House Regional Design Office:** No report

**Water Service:** No report

### 3.3. Prescribed Bodies

**Transportation Ireland Infrastructure (TII):** Report dated 16/3/2022 recommended refusal on the following grounds:

- The site of the proposed development is located in close proximity to an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route. A grant of permission, in this instance, is considered to be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidance for Planning Authorities (January 2012), section 2.9 refers.

A further response was received dated 26/10/22 maintaining the same position following the further clarification request.

**Department of Housing, Local Government & Heritage:** Report dated 4/5/2022 on the following grounds:

- Given the scale of the development, the National Monuments Service (NMS) of the Department recommended an archaeological condition be included to monitor all groundworks required for the proposal in the event of planning permission being granted.

The planner's reports made no reference to the Department's submission.

**Irish Water:** No report

**An Taisce:** No report

**Heritage Council:** No report

**Arts Council:** No report.

**Failte Ireland:** No report.

### 3.4. **Third Party Observations**

One submission was received on the following summarised grounds:

- Planning application refers to the site as being Ard Gaoithe Business Park whereas it is adjacent to the Business Park;
- The engineer's report refers to site being located at Mile Tree House, Ard Gaoithe – this address is incorrect;
- Whilst the application is for 3889m<sup>2</sup> the total future development is for 13,921m<sup>2</sup> and for 464 employees- this would be a substantial development

with a significant increase in traffic in an area which already experiences congestion;

- Concerns to the safety of the entrance to facilitate the increased use;
- The protected structure should remain in residential use.

No further submissions were received following the further information or clarification of further information.

## 4.0 Planning History

4.1. **P.A Ref: 07/1637 & ABP Ref: PL23.229710:** Planning permission was granted by An Bord Pleanála on 9<sup>th</sup> February 2009, subject to 13 conditions to construct 7 buildings and 2 yards consisting of: (A) 3 no. distribution warehousing buildings (14,15,16), 2no. warehousing buildings (18,19) and 2 no. light industrial/warehousing buildings (17,20) of gross floor area 16,765m<sup>2</sup>; (B) 2 no, enclosed yards for storage purposes of total area 0.9125 hectares; (C) site development works necessary to facilitate the development. Access into the site was through Ard Gaoithe Business Park.

4.2. Enforcement

**P.A Ref: TUD 19-087:** Two warning letters issued on the owners of the subject site on 14/2/2022 & 24/10/2019, regarding in brief:

- Unauthorised stockpiling of lands north of the Ard Gaoithe Business Park with soil and other debris;
- Development of a repository/compound on lands;
- Material widening of means of access to R688 from agriculture to office use;
- Infilling of lands & removal of hedgerows;
- Formation of driveways, circulation and parking;
- Material change of a dwelling to offices; and
- Placement of metal containers on the lands and use of the buildings as offices/meeting rooms.

## 5.0 Policy Context

### 5.1. Background

- 5.1.1. Tipperary County Council has commenced the process of preparing a new Local Area Plan (LAP) for Clonmel and this will replace the current Plan. The Draft Clonmel Local Area Plan 2024-2030 was published on 28<sup>th</sup> July 2023, and was available for public consultation until 11<sup>th</sup> September 2023. The subject site is zoned Employment within the Draft LAP.

### 5.2. Clonmel & Environs Development Plan 2013 as varied

- 5.2.1. The Clonmel and Environs Development Plan, 2013, as varied, is the relevant policy document pertaining to the subject site. The site is located within an area zoned for Light Industry and Employment Use.

#### 5.2.2. Chapter 4: Economic Development

Policy ECON 2: It is the policy of the Council to provide for and encourage the development of industries, SME's and offices at appropriate locations in the plan area.

#### 5.2.3. Chapter 5: Infrastructure

Policy INF 1: Carrying Capacity of the N24: The Council will ensure that the carrying capacity and the strategic transport function of the N24 and the N76 is protected and access to the national road network will be managed in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

Policy INF 2: Protection of Reservation Corridor for the Re-alignment of the N24: It is the Policy of the Council to ensure that the reservation corridor for the proposed N24 by-pass of Clonmel remains free from development and the Council will support NRA road development proposals in the interest of improved traffic capacity and movements for the town.

Policy INF 8: Surface Water Management: The Council will seek the implementation of rainwater harvesting, SUDS and best practice guidance for the collection and



reuse or disposal and treatment of surface water reflective of the scale of development.

#### 5.2.4. Chapter 7 Built & Natural Heritage, Amenity & Recreation

Policy AH 1: Protected Structures: It is the policy of the Council to conserve and protect buildings, structures and sites contained in the RPS that are of special interest and to ensure any development is appropriate and sensitively undertaken.

Policy AH3: Archaeology: It is the policy of the Council to safeguard sites, features and objects of archaeological interest generally and the Council will protect (in-situ where practicable or as a minimum, preservation by record) all monuments included in the Record of Monuments and Places and sites, features and objects of archaeological and historical interest generally.

#### 5.2.5. Chapter 9 – Development Management Guidelines

Policy DM 1: Development Standards: It is the policy of the Council to require all development to comply with the relevant standards identified in Section 9 Development Management Guidelines of the Plan.

Section 9.20 sets out Parking requirements for the following:

- Offices: 0.5 space per staff member & 1 space per 35m<sup>2</sup>
- Warehousing: 1 space per staff member & 1 space per 100m<sup>2</sup>
- Light Industry: 1 space per 35m<sup>2</sup> plus 1 HGV space

Section 9.20 Cycle Facilities requirements.

Section 9.21 Traffic & Road Safety- sightline requirements for development are set out in Table 9.7.

Section 9.30 sets out minimum standards for industrial developments including access, site layouts, design scheme, landscaping, use, storage of goods & fuels and signage.

### 5.3. **Tipperary County Development Plan 2022-2028**

Clonmel is identified as one of three designated 'Key Towns' within the county, and a functioning self-sustaining regional driver with a targeted population growth of over 30% by 2040. It is a key aim and strategic objective of the Plan to seek to enhance

the benefits of a strong connectivity to national and regional cities and develop this connectivity, and facilitate and promote the development of Clonmel, as a Key Town, in addition to an economic driver and service centre for the Southern Region.

The Plan contains policies to promote economic growth and support strategic employment opportunities. The Plan acknowledges the NDP and the RSES have identified the N24 linking Waterford-Limerick as a key infrastructural requirement and has policies in place to work in partnership with the TII and regional stakeholders to upgrade the N24 (Policy 12-3 & Objectives 12-B & K refer).

#### 5.4. **Regional Spatial and Economic Strategy for the Southern Region (RSES) 2020**

The RSES seeks to achieve balanced regional development and full implementation of Project Ireland 2040, the National Planning Framework (NPF) and the National Development Plan (NDP). The RSES acknowledges the NPF's recognition of the need to strengthen the Limerick to Waterford connectivity and the N24 upgrade project (N24 Cahir to Limerick junction and N24 Waterford to Cahir). Regional Policy Objectives (RPO) 17, 30, 166 and 167 (b) are relevant to the proposed development. The RSES is expanded upon in section 7 of this report.

#### 5.5. **National Policy**

National Planning Framework- Project Ireland 2040 (NPF)

The NPF is a high-level strategic plan to shape the future growth and development of the country for the next 20 years. The NPF is focused on delivering 10 National Strategic Outcomes (NSOs). NSOs 2, 4, 5 and 6 are relevant to the proposed development.

National Development Plan 2021-2030 (NDP)

The NPF aligns with the strategy for public capital investment in the NDP 2021-2030. The N24 Waterford to Cahir was identified as a proposed road project in previous NDPs and is subject to future approval within the current NDP. Investment in road projects in the NDP align with the NPF to enhance regional accessibility and compact growth, connecting communities and encouraging economic activity.

- 5.5.1. **Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012).** These guidelines aim to facilitate an integrated and consistent approach that affords maximum support for the goal of achieving and maintaining a

safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development throughout the country.

- 5.5.2. **The N24 Waterford to Cahir Project.** This project has been identified for progression through pre-appraisal and early planning under the NDP. Tipperary County Council in partnership with Kilkenny County Council, Transport Infrastructure Ireland (TII) and the Department of Transport (DoT) are developing the N24 Waterford to Cahir Project.

The N24 Waterford to Cahir Project forms part of the N24 national primary route, to provide a strategic transport corridor between the cities of Limerick and Waterford. The section of the N24 currently being considered by this project is approximately 60km in length. It extends from the M8 Junction 10 Cahir North Roundabout, north of Cahir in Co. Tipperary, to the southern terminal of the M9 Dublin to Waterford motorway at the Quarry Roundabout, north of Waterford City in Co. Kilkenny.

The project is currently at Phase 2 of a 7-Phase process. The purpose of Phase 2 is to identify constraints to the development of the project, an assessment of feasible alternatives and options, in order to determine the preferred transport solution for the project. The non-statutory public consultation on the 'alternatives and options route' for the project closed in May 2022, and the preferred solution was scheduled to be put on Public Display in Q2 2023. The subject site lies within one of the option areas (Pink Option). There are a total of four options indicated for the route selection within the Study Area.

## 5.6. **Natural Heritage Designations**

The site is not on a designated area. The closest European site is Lower River Suir SAC (site code: 002137) c.2.8km to the south and c5.3km to the east of the site. The Nier Valley Woodlands SAC (site code: 000668) and Comeragh Mountains SAC (site code:001952) are c12.7km and c.13km respectively to the south east of the site.

## 5.7. EIA Screening

The development is on an area of 5.8 hectares and falls significantly below the threshold specified in Schedule 5 Part 2 Class 10 (b) of the Planning and Development Regulations 2001 as amended. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required, refer to yellow form.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Transport Infrastructure Ireland (TII) have objected to the proposal primarily on the grounds that the development is situated within the Constraints Study Area for the N24 Waterford to Cahir national road scheme and the development would therefore jeopardise the road scheme options for the route and is contrary to national, regional and local policy and would set a planning precedence. The grounds of appeal are summarised under the following headings:

#### **Contrary to National & Regional Policy**

- Considers the permission is at variance with official policy development in relation to the protection of national route corridors pending the finalisation of route options as outlined in the Ministerial Guidelines' Spatial Planning and National Roads guidelines for Planning Authorities, with particular regard to Chapter 2 that states development plans must include clear policies and objectives with regard to planning and reservation of new routes and or/upgrades and section 2.9 which seeks protection of alignments for future road projects.
- The N24 Waterford to Cahir Scheme is identified as a proposed national road project which was part of the previous NDP and subject to further approvals, in the NDP 2021-2030 (page 64 refers).
- Contrary to the RSES for the Southern Regional Assembly which supports the scheme under RPO 30, 166 (b) and 167 which outline that it is an objective for the provision of National road Projects to be delivered up to 2027.

- Scheme is currently progressing by Tipperary County Council in relation to the N24 Waterford to Cahir Scheme in line with the NPF and NDP objectives.
- The Consultation Phase 2 'Alternatives and Options' took place in May 2022 and the subject site is located within the 'Pink' route option corridor. A decision on the preferred transport solution for the project is scheduled to be put on public display in Q2 2023.
- The proposed scheme is likely to hinder development of this nationally important scheme and planning permission is considered premature.
- Inconsistent with the NFP and NDP and RSES for the southern region, having the potential to compromise the design, planning and delivery of the N24 Waterford to Cahir national road scheme.

### **Inconsistent with Tipperary County Development Plan 2022-2028**

- In Section 12.5.1 of the Development plan it clearly outlines: 'As part of the feasibility and design phase for the project, the Council will ensure that the study area is maintained free from inappropriate development for the duration of the design phase. The study areas will be similarly protected, as appropriate, for the project planning phases, and through to construction and delivery.'
- Contrary to Planning Objectives 12-B, 12-K, and the Core Strategy Strategic Objective SO-10, which in summary supports the upgrade of the N24, work in partnership with the TII and support investment in strategic infrastructure.
- The constraints study area is protected by the County Development Plan.
- The planning and design of the road scheme is a continual process.

### **Planning precedence**

- Acknowledges the subject site is within zoned lands, that the current Clonmel & Environs Development Plan is under review, and that an expired planning permission applies to the site.
- However, the TII and the Tramore House National Road Design Office consider the development is premature pending the finalisation of the

preferred route and would jeopardise the road planning and scheme development objectives for the N24.

- Would set an undesirable precedent for the granting of similar applications within the constraint study area and increase the cost to the Exchequer and impact on the design of future national road schemes.

The submission also makes reference that the planners report made no assessment of the potential impact of the proposed development on the delivery of national, regional and county objectives relating to the N24 Waterford to Cahir scheme, and there was no comment from the National Roads Design office to the scheme.

## 6.2. Applicant Response

A response to the third-party appeal by TII, was submitted by Europlan Group, on behalf of the applicants, is summarised as follows under the same headings:

### **National & Regional Policy**

- At no stage does the TII provide evidence that the development plans as produced by Tipperary County Council has produced policy that indicates the current planning application contradicts the National Road Guidelines or constrains the National Development Plan.
- The TII indicates the proposed development impinges on the 'pink route option' as indicated on the 'N24Waterford2Cahir' website. However, the TII also admits that this route is already impinged by other third-party development. This fact would render the 'Pink Route' option wholly unusable for the purposes of road development. As such the TII is seeking to unfairly penalise their client by requesting their lands be sterilised whilst allowing development elsewhere.
- The Clonmel Local Area and Environs Plan is quite detailed in its policy towards the N24/Clonmel bypass road and stipulates the exact reservation corridor to be taken; this is as dictated by the National Road Guidelines for Planning Authorities Section 2.9. The corridor in the Clonmel and Environs Development Plan 2013 corresponds exactly with the 'Blue Route Option' on

the website. The TII assertion that all land along the 'Pink route' is to be sterilised for development is contradictory to the statutory Plan in place.

### **Local Development Plan Policy**

- The current Clonmel and Environs Development Plan 2013 is the governing plan for the town and the subject site is zoned and is located within the development boundary of the town where the principle industrial development is supported.
- This Plan is very clear as to what the Reservation Corridor for the N24/Clonmel By Pass Corridor is and corresponds with the TII 'Blue route', as is advised by the National Planning Framework and National Development Plan mentioned in the appellants first section of its appeal. It should be noted that the location for the proposed development is not within nor anywhere near this reservation corridor.
- The Clonmel & Environs Development Plan 2013 that is the governing plan and any decision as to the granting of planning must be based upon the directions of this plan.

### **Planning Precedence**

- The TII acknowledges that the land in question is zoned and that it is appropriately zoned for the type of development being proposed. It further acknowledges that there is a history of planning on this site for similar development. TII is requesting the Board overturn the statutory direction of Clonmel and Environs LAP 2013 which has been developed by Tipperary County Council using all best practice in relation to sustainable and economic development in favour of a scheme that TII has admitted has already been impinged by the adjacent third party development. TII is completely ignoring the Clonmel and Environs Local Development Plan 2013 in relation to where the Plan is dictating the N24/Clonmel By Pass Reservation Corridor in its appeal and TII gives no reasoning in its objections for same.
- TII is asserting that the grant of planning permission in appropriately zoned lands would be a cost to the Exchequer but does not acknowledge the loss to their client should its lands, which is zoned, be effectively sterilised especially

where third party development which also impinges on the 'pink route' has been allowed.

- As the corridor is quite wide (300m) and the site is the only zoned lands in the corridor, there is no reason why the road alignment could not be designed in such a way as to allow both the road and the development and still be within the corridor.
- There is a protected structure and its associated curtilage within the road option, and the road option will be required to be realigned away from this structure.
- The planning application was accompanied by a comprehensive list of supporting material and contains all the information sought by the Planning Authority.

### **6.3. Planning Authority Response**

None

### **6.4. Observations**

None

## **7.0 Assessment**

- 7.1. I have read through the file documentation, the relevant provisions of the current Clonmel & Environs Development Plan 2013 (as varied), and Tipperary County Development Plan 2022-2028, which were in effect when the subject application was lodged with Tipperary County Council on 1<sup>st</sup> March 2022. I have also had regard to other relevant national and regional policies and ministerial guidance and have carried out a site inspection. I note that the technical reports on file are satisfied that issues concerning foul and storm water discharge, sightlines, parking and the change of use of the protected structure are acceptable. There are no national monuments on the site, and the site is outside of any flood zone.
- 7.2. Having regard to the grounds of appeal I am satisfied that the main issues in the appeal are those raised by the appellant, namely, the impact of the development on the study area of the N24 Waterford to Cahir project. I also consider that a number of



new issues also need to be addressed. The issues are considered below under the following headings:

- Impact of the development on the Study Area for the N24 Waterford to Cahir project,
- Planning policy context
- Impact on setting of protected structure (new issue),
- Archaeology (new issue), and
- Appropriate Assessment.

### **7.3. Impact of the development on the Study Area for the N24 Waterford to Cahir project**

- 7.3.1. The subject site lies within the study corridor area for the proposed N24 Waterford to Cahir project, and one of the four selected option routes goes through the subject site (Pink Route). I note from the documentation on the project that the study corridor does not represent the actual width of the potential road infrastructure, or the lands required to facilitate the route, but indicates the lands within which the road infrastructure could be developed. As the project progresses, the design of the route would be further developed, and the study corridor reduced.
- 7.3.2. This project is ongoing and is being carried out in partnership with Tipperary and Kilkenny County Council, the TII and the Department of Transport. Phase 1 of the project process was completed in February 2021, and involved identifying the transport problems and establishing the need for the project. The key objectives for the route include, reducing road fatalities, increasing sustainable modes of transport and alternatives to the car, creating a safer environment for walking and cycling, promoting growth within the region by improving connectivity and journey times, and enhancing social inclusion by facilitating better access to key facilities.
- 7.3.3. The project is currently in Phase 2 (alternative and option selection for the route) and a second public consultation process was carried out in May 2022, with a decision on the preferred solution for the route scheduled to be put on public display in the second quarter of 2023. The preferred option route has not been put on public display to date. Phase 3 has not, therefore, commenced which would include

developing the design of the preferred route. The proposed development, therefore, lies within the study area for the N24 Waterford to Cahir route, which has yet to be determined, and one of the selected 'option routes' crosses the subject site.

#### **7.4. Planning policy context**

- 7.4.1. In the current Clonmel and Environs Development Plan 2013, the Core Strategy Map Figure 2.1 indicates the Clonmel Bypass Reservation Corridor which extends to the north of the subject lands along the Plan boundary for the town. The subject site does not encroach this area, and this area is indicated as the 'Blue Option' in the N24 Waterford to Cahir route selection option. Although the subject lands are zoned, the Plan states on page 37, 'The construction of the N24 by-pass of the town is considered necessary to alleviate traffic congestion, manage traffic circulation and enhance pedestrian movements. The preferred route for the N24 by-pass is provided for under the N24 Re-Alignment Programme and has been identified on Map 2, however, no funding has yet been identified for this project and an estimated delivery date for the project is between 2020 and 2026.' Policies INF1 and INF2 of the Plan seek to protect the reservation corridor for the N24 and that it remains free from development, and this will be managed in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities. The Council state in these policies that they will support NRA road development proposals in the interest of improved traffic safety and movement for the town.
- 7.4.2. In the Tipperary County Development Plan 2022-2028, the Core Strategy Map (Figure 2.4) indicates an economic network axis in blue which extends from Limerick through Clonmel to Waterford, aligning with the N24. This Plan acknowledges a key regional transport priority for Tipperary, the southern region and nationally, as supported by the RSES and NPF, is to strengthen the Limerick to Waterford connectivity and the N24 upgrade project (N24 Cahir to Limerick Junction and N24 Waterford to Cahir). In section 12.5.1 of the Plan it is stated that, 'It is an objective of the Council to work with TII, and other relevant stakeholders in the region, to strengthen strategic inter-regional connectivity between Limerick and Waterford (N24 Cahir to Limerick Junction and N24 Waterford to Cahir), as part of an overall programme for the Limerick-Waterford Transport and Economic Network identified in the RSES. As part of the feasibility and design phase for the project, the Council will ensure that the study area is maintained free from inappropriate development for the

duration of the design phase. The study areas will be similarly protected, as appropriate, for the project planning phases, and through to construction and delivery', and this objective is repeated in Policy 12-3 of the Plan. The function of the N24 in the CDP is considered to be undermined by its current route through the towns of Clonmel, Tipperary Town and Carrick-on-Suir and the impact on these towns as a result of road traffic is significant.

7.4.3. At a national level, the Limerick-Waterford Transport and economic network axis with upgrades to the N24 corridor to connect to the west and east is supported in the NDP, NPF and the RSES for the southern region. National Strategic Outcomes in the NPF include; NSO 2 (Enhanced Regional Accessibility), NSO4 (Sustainable Mobility), NSO 5 ( Strong Economy), and NSO 6 ( High Quality International Connectivity) and the N24 corridor between Waterford and Cahir is recognised as playing an important regional role in partnership with a number of counties and cities, to function as a viable option to Dublin and improve accessibility and connectivity from surrounding regions. The road project is supported in the NPF as it would provide regional opportunities to leverage growth including national and international connectivity, especially via ports. This route is allied with national strategies to enhance the effectiveness of transport links between the cities in the southern region to harness their strengths in a networked manner. National Policy Objective 9 of the NPF seeks to ensure a coordinated strategy that aligns investment in infrastructure with the provision of employment, supporting amenities and services.

7.4.4. At a regional level the RSES for the Southern Region advances the national policy and recognises the growth of the southern region is predicated on key infrastructural requirements. RPO 17 of the RSES seeks to develop Clonmel's economic synergies and potential within the Limerick Waterford east west axis through improvements and upgrading of the N24 Waterford Limerick strategic route and improvements in public transportation. It identifies Clonmel as having a strategic location on the Waterford to Limerick N24 corridor with onward inter-regional linkages to the Mid-West and South-West and good international connectivity with direct access routes to the Ports of Rosslare to the east and Shannon Foynes and the Port of Cork to the west/south west. As such the proposed N24 Waterford to Cahir route has both national and regional significance to the development of the southern region, in a planned and coordinated manner as an alternative to Dublin.

- 7.4.5. The applicants in their grounds of appeal consider the option route through the subject site has already been impinged by other third-party development, which would make the 'Pink Route' option unusable. I note the 'Pink Route' starts at Knockmorris at the N24 and extends south of the N24 and crosses the N24 at Rathkeevin before continuing across the Boulick Road and into the subject site. I have referred to the Tipperary e-planning map and there are very few planning permissions along this route, particularly on the stretch from Boulick to Lawlesstown and beyond and none as large as the subject site. Nevertheless, I would suggest to the Board that the current development is being assessed on its own merits, and as such, a precedent of other development being permitted along the 'Pink Option' route is not a consideration before the Board. I do not agree with the applicants that the subject site is being sterilised, but rather consider the development premature pending the final selection route for the N24.
- 7.4.6. I agree with the applicants the subject site does not encroach the Clonmel Bypass Reservation Corridor on the current Plan's Core Strategy Map and this corridor closely aligns with the proposed 'Blue Option' route in the N24 Waterford to Cahir project. However, the current Plan was adopted in 2013 and pre-dates the Tipperary CDP, NPF and RSES for the southern region. Nevertheless, as noted in 7.4.4 above the current Plan has policies which seek to protect the reservation corridor for the N24 and ensure that it remains free from development and aligns with Section 28 guidelines.
- 7.4.7. In the Spatial Planning and National Roads Guidelines 2012, there is a strong emphasis in delivering a plan-led approach, and the investment in the capacity of national roads to be protected through appropriate policies and collaboration between planning authorities and the National Roads Authority. Section 2.9 of these guidelines, places an emphasis on development objectives, including the zoning of land not compromising the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority. These guidelines refer to inappropriate zonings being contrary to the broader public interest concerning the achievement of value for money for the taxpayer and can significantly increase the cost of land to be acquired for national road schemes making a project uneconomic, potentially leading to significant material alterations or the

abandonment of the scheme as well as negating the planning work undertaken and the investment made in the proposed road scheme. I agree with the appellants, a coordinated approach is required in the planning for the N24 route and that piecemeal or adhoc development in areas identified for the selection options for the route could impact on the cost of the route.

- 7.4.8. It is apparent, therefore, in terms of strategic planning policy from national level to local level there are a suite of policy objectives in both broad and specific terms which would support the provision of an upgrading of the N24 Waterford to Cahir route. Policy objectives at all levels highlight the need to improve the route and provide connectivity between cities in the southern region and promote sustainable growth and an alternative to Dublin. The benefits of the N24 Waterford to Cahir upgrade are considered to be positive. Its delivery would assist in the realisation of national, regional and local planning policy and would enhance regional accessibility between key urban centres of population, support future planned population growth in the region and promote sustainable travel as set out in the NPF and the RSES for the Southern Region.
- 7.4.9. I note the lands are zoned in the current 2013 Plan and the proposed Clonmel Bypass reservation corridor as indicated in Figure 2.1 of this Plan is a significant distance from the subject site. Nevertheless, there are policies and objectives within this Plan which support the upgrade of the N24 and protect the reservation corridor from development. The zoning of the lands determines the most appropriate type of development for the subject site, however this must be balanced with the coordination of national, regional and local policy to address wider strategic issues such as enhanced regional connectivity, sustainable modes of travel, and public capital investment for the common good to deliver long term sustainable outcomes.
- 7.4.10. The proposed development would not therefore be in line with national, regional or local policy at this time, and could prejudice the final route selection for the road. The proposed N24 Waterford to Cahir route has both national and regional significance to the development of the southern region in a planned and coordinated manner. This network is recognised as having the potential to develop regional synergies across the southern region between the cities of Limerick and Waterford and the town of Clonmel. I therefore conclude it would not be in the interests of the proper planning and development of the area to permit the proposed development at this time.

## **7.5. Impact on setting of protected structure (new issue)**

7.5.1. The thatched cottage is a recorded protected structure in the Clonmel & Environs Development Plan 2013 (Ref: RPS: 11). There are no external works proposed to the protected cottage, and it is considered the change of use of the cottage from residential to office use would not impact on the architectural heritage or integrity of the protected structure. The proposed warehousing structures would be located a significant distance to the west of the cottage, and would not therefore impact on the setting of the protected structure. I note the roadway and car parking to the rear of the cottage is for a temporary period only and is to be returned to agricultural use on completion of the main entrance. If the Board are minded to grant planning permission for the retention of the change of use of the cottage to offices I recommend a similar condition as in 1 c) of the Planning Authority decision removing the entrance and car parking from the rear of the cottage, to maintain the integrity of the protected structure. I would concur with the applicant's protected structure report that the demolition of the two sheds to the west of the cottage would not impact on the integrity of the cottage as they are of a much more modern design than the cottage.

7.5.2. However, given the scale, size and future phasing of development on the site, I have concerns that the impact of the access road into the site along the frontage of the cottage would impact on the setting of the protected structure. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out above, it may not be considered necessary to pursue the matter.

## **7.5.3. Archaeology (new issue)**

7.5.4. The Department made a submission regarding archaeology, and I note there are no recorded National Monuments within the site, and the closest National Monuments to the site (Ref: TS077-078001 & 2 an ecclesiastical enclosure and graveyard) are to the west of the site. The site lies outside the zone of influence of these monuments. However, in the event of planning permission, a condition would be attached requiring an archaeological assessment.

## **7.6. Appropriate Assessment**

- 7.6.1. As there is no hydrological link between the site and the nearest Natura 2000 site the Lower River Suir SAC, c.2.8km to the south and c5.3km to the east of the site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend planning permission be refused for development for the reasons and considerations below.

## 9.0 Reasons and Considerations

Development of the kind proposed would be premature pending the determination of the road layout for the N24 Waterford to Cahir project. This is a road project of national and regional importance that is supported in the strategic policies and objectives in the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, and Policy INF2 in the Clonmel & Environs Development Plan 2013. Having regard also to the advice in the Section 28 Ministerial Guidance in the Spatial Planning and Planning and National Roads (2012), it is considered that to grant planning permission at this time for the proposed development would be contrary to the proper planning and development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Catherine Dillon  
Planning Inspector  
28<sup>th</sup> November 2023