



An
Bord
Pleanála

Inspector's Report

ABP-317371-23

Development	The refurbishment of Ballyporeen Old Boys National School.
Location	Lower Main Street, Ballyporeen, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	236
Applicant(s)	Ballyporeen Community Council CLG
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Maura Tully
Observer(s)	None
Date of Site Inspection	28 th of March 2024
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The application site is located at Lower Main Street (R665) and is within the village of Ballyporeen, Cahir, Co. Tipperary. The application site (stated area 0.098ha) is to the east and adjoining the larger school site. It includes the former Boys national school and an area of residual space adjoining the new school. There are two separate vehicular entrances from Lower Main Street, one to the newer school and the subject site is accessed via the old school entrance alongside. The sites are separated by temporary fencing. The northern part of the site (within the red line boundary) is to the rear of the gardens of 2no. existing houses facing Lower Main Street. There are GAA grounds to the north of the site.
- 1.2. The old school itself is a single storey stone building to the front (southern part) of the site. It is also proposed to erect a fence between the old school and the access to the newer school. There is a temporary fence there as noted on the day of the site visit. There is also a parking area on the old school site, that needs to be resurfaced and clearly marked out. I noted at the gate that this is marked 'staff parking'. The existing school does not appear to have onsite parking. There is roadside parking along the sides of Lower Main Street.
- 1.3. In the northeastern part of the site there is an existing newly constructed pathway, around the playing field area i.e. between the school and to the rear of the neighbouring residential properties to the east and the GAA grounds to the north. This appears as a newly constructed landscaped area and is cordoned off and does not appear to be currently in use. This area has been recently landscaped and leads to the GAA pitch to the northeast of the site.
- 1.4. There is a shared boundary to the east of the site comprising of a low-lying wall with open railings atop. There are views from the old school site to the rear garden and property to the east. There is a stream to the east of the appellants house (not within the subject site). On site I noted that the land, including the GAA pitch has a highwater table and appeared wet (after rain).
- 1.5. I noted that the store proposed adjoining the existing hurling wall has been constructed proximate to the northern boundary of the site, facing the playing pitch area. It is not particularly noticeable in this location.

2.0 Proposed Development

2.1. This is to consist of the following:

- Refurbishment of Ballyporeen Old Boys National School.
- To erect new fencing segregating the old from the new school and to replace neighbours fence with screen fence.
- To construct 1.8m walkway path on east side with entrance at Lower Main Street.
- To extend parking bays to include two electric charging points.
- To construct a new storeroom (1.8m wide x 1.7m long and 5m in height), utilising existing hurling wall structure.

All within the grounds of Ballyporeen School site, Lower Main Street, Ballyporeen, Cahir, Co. Tipperary.

3.0 Planning Authority Decision

3.1. Decision

On the 22nd of May 2023, Tipperary County Council granted permission for the proposed development subject to 6no. conditions. These concern compliance with the plans and particulars submitted, boundary treatments, access to the walkway, electric vehicle charging points, undergrounding of service cables and surface water drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- The proposal is within the development boundary of the village, is in accordance with the land use zoning in the Tipperary CDP 2022-2028 and is acceptable in principle.

- In terms of refurbishment works, the old school is not a protected structure.
- They have no objection to the repurposing of the old school as a community building and as a community hub.
- They recommended a revised boundary treatment between the old school and the school grounds.
- They have regard to the planning history relative to the separate vehicular entrances from the public road.
- They note that it is also proposed to provide a pedestrian entrance.
- The change of use of the school to a community facility, not linked to the operation of the school and the proposed pathway will introduce pedestrian activity into the area.
- They refer to the land use plan for Ballyporeen and consider the site can serve a public, social and amenity function.
- Given the increased use of the site outside school hours they consider that in the interests of privacy of the adjoining property an open fence is not appropriate along the eastern boundary and recommend a revised boundary treatment.
- They note that the site is not located in a flood zone. They note concerns raised and consider that the works proposed will not increase the risk of flooding of neighbouring property.
- The proposed development has been screened for AA and it has been determined that an AA is not required.

Further Information request

The Council requested F.I to include the following:

- The applicant was requested to consider revision of the proposals to ensure an appropriate boundary screen type is erected along the entire boundary of the neighbouring residential property.
- To consider the use of a wall with railing similar to that which currently exists for the boundary between the old school and the new school sites.

- To submit for the consideration of the Planning Authority, details of how the refurbished schoolhouse and walkway will be managed. Details to outline time of use of the schoolhouse and walkway.
- To submit, a revised west facing elevation drawing that accurately shows the fenestration on this elevation.

Further Information response

Ballyporeen Community Council's comments include revised drawings, and note the following:

- They provide details of the type of fencing proposed along the eastern boundary with the neighbouring property.
- It is not proposed to change the existing fence. As a screen for the adjoining property, it is planned to set a new hedge the length of this fence on the north side.
- They provide details of proposed revisions for the boundary fence between the old school and school ground boundaries.
- In keeping with changes to be made to fencing, the 10m fence/railing at the new pedestrian entrance will also be changed to align with the current school railing.
- Both the refurbished schoolhouse and walkway will be managed by Ballyporeen Community Council and they provide details and drawings.
- This includes details of the opening hours of the Teachers & Public Parking Access and the Walkway Gate.
- A revised west facing elevational drawing has been submitted.

Planning Authority response

They provide that having examined the plans and particulars submitted, the applicant has adequately addressed the points raised in the F.I request and they recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

District Engineer

They recommend that an ACO channel be installed at the location of the new pedestrian gate.

3.4. Prescribed Bodies

None noted.

3.5. Third Party Observations

Submissions from local residents including the following:

- Concerns about the use of the walkway and impact on privacy of adjoining properties.
- Resulting in anti-social behaviour including security to the rear of residential property, noise and litter.
- Parking issues
- Impact on wildlife in the area.
- Concern that the groundwork may have an adverse effect on adjoining property due to grounds that may need to be raised in the surrounding area that may potentially lead to flooding.

4.0 Planning History

The Planner's Report notes the following planning history, where permission was granted by the Council subject to conditions:

On site:

P39973 – Extension to Ballyporeen Boys National School – granted

00998 – Construction of a 7 classroom school including general purpose room and ancillary accommodation, external ball courts, fencing, site works and services and new entrance adjoining the existing boys school - granted.

01325 – Amend existing grant ref. 00/998 to include additional classroom and general-purpose room – granted.

Adjoining Land:

20/667 – Construction of a hurling wall – granted

21/281 – Permission for (A) construct a pedestrian walkway to perimeter of existing playing fields with associated fencing, (B) construct an Astroturf playing area, (C) install 5no. 12m high lighting columns with LED Lamp heads, with surround fencing to playing area (D) all associated development works – granted.

S5/22/81 – Development of a community garden, walkway, benches, educational signage, gym store area – split decision. The Council's Declaration provided:

- 1) *The proposed development of a community garden and walkway inclusive of a wildflower meadow, pollinator plant area, 1.8m walkway, benches, educational signage, adult gym equipment and park area as presented on the details provided with the Declaration application constitutes 'development' within the meaning of the Planning and Development Act 2000 and is 'exempted development'.*
- 2) *The proposed development of a store area as presented on the details provided with the Declaration application constitutes 'development' within the meaning of the Planning and Development Act 2000 and is not 'exempted development'.*

Enforcement:

TUD 22-146 – Alleged unauthorised development consisting of the infilling of lands and use of said lands to stockpile and store excavated soils – File currently under investigation.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

Volume 1 – Written Statement

Table 4.1 provides the Settlement Hierarchy. Ballyporeen is included as a Service Centre. – Section 4.6.1 notes: *A Settlement Statement for each Service Centre is set out in Volume 2 and will inform and guide new development in line with the policies and objectives set out in Volume 1 and the development management standards as set out in Volume 3.*

Volume 2 – Settlement Guide, Settlement Plans, and Serviced Land Assessment

Section 14 – Ballyporeen. This includes regard to Settlement Context, Population and Sustainable Communities. It notes that Ballyporeen has a co-educational primary school in the village. Regard is also had to the role of Community Facilities and Services and Open Space. Also, to the Village Centre and Economic Development and to Built and Natural Heritage and to Flooding.

Ballyporeen has been designated a ‘Service Centre’ in the Settlement Hierarchy and as such its role and function for its residents and hinterland is important.

Specific Objectives SO1 – SO14 are of note and these include:

SO1 - To seek the to ensure the delivery of sustainable neighbourhoods with an appropriate mix of house types, amenities and services as part of new residential development to cater for the housing needs of the community.

SO3 - To encourage and support the development of local facilities and services to meet the needs of the local community.

SO7 - To support the preparation of an Enhancement Scheme for Ballyporeen, which includes a focus on enhancement of entry points to the village and also focuses on the village centre providing definition of core area by way of paving, street lighting, street furniture etc. etc subject to resource being available.

S012- To seek to develop a riverside walk and amenity area within the village centre.

SO14 - To require the submission of Flood Impact Statements, as appropriate, in respect of lands which are liable to flood.

It is noted that the River Duag which is part of the Lower River Suir SAC intersects the village to the south. That the river provides an opportunity to further enhance the open space and amenity facilities within the village.

5.2. Natural Heritage Designations

The site is c.300m north of the Lower River Suir SAC.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local resident, Maura Tully and the Grounds of Appeal include the following:

- The land to the rear of her property has been raised by the deposition of surplus soil from the earlier Astro turf pitch development. A map is included showing the appellant's property in green.
- The Appellant is concerned that an open drain to the rear of her garden has now been covered in and is not satisfied that the 150mm pipe is adequate to take the volume of water that used to flow through this channel.
- The area is bounded on the East by a small stream which has overflowed its banks on several occasions resulting in flooding of her garden.
- Given that the effluent treatment system is located in her rear garden she is concerned that the ground in the area will become saturated/flooded resulting in damage and or backing-up of her drainage system.
- All of the area that has been developed to the rear of her site was previously a marshy area able to act as a floodplain for the adjacent stream.
- The appellant has concerns that it will now flood into her garden instead and this is causing huge concern.

- She notes that Tipperary County Council have opened an Enforcement file (Ref. TUD22-146 refers) and that this remains open.
- The process of forming a mound with excess soil against the far side of her rear boundary hedging and leaving the main area lowered would have allowed flood water to overflow into that area and reduce the possibility of it getting into her garden.
- She emphasis her family health problems and that they would be severely compromised if there is a flooding issue on her property.
- The Appellant fully supports the Community Council is trying to serve the community at large but it should not be at the expense of any single individual.
- The proposed development could have been planned in such a way as to lessen the impact on the amenity of her property, but these concerns have consistently been overlooked.
- The appellant is willing to listen to any mediation proposals that resolve these issues and maybe willing to withdraw her appeal is a compromise can be achieved and legalised to her satisfaction.

6.2. Applicant Response

There is no response from the applicant Ballyporeen Community Council CLG on file.

6.3. Planning Authority Response

Tipperary County Council has regard to both appeals which were originally submitted, from local residents, and their response includes the following:

Proposed fencing on boundary wall

- Alternative boundary proposals to be erected along the boundary of the neighbouring residential properties were requested.
- The Planning Authority notes that the boundary wall and railing was provided contemporaneous with the former school.

- In the event that the Board determines that consent from the adjoining landowner is required to erect the boundary treatment as proposed and same is not forthcoming the boundary treatment can be modified so as to be erected on the applicant's side of the low wall and railing only.

Landownership details submitted

- They note that the application as submitted indicated that the application site in its entirety is within the ownership of the Waterford and Lismore District Trust and a letter of consent for the making of the application was provided on behalf of the trust.
- The Planning Authority provides that any dispute in relation to landownership details is considered to be a civil matter and that Section 34(13) of the Planning and Development Act 2000 (as amended). This states that: *A person shall not be entitled solely by reason of a permission under this section to carry out any development.*

Groundworks/drainage associated with Astro-development

- They provide that this matter is currently being addressed under enforcement file ref. TUD-22-146.

Note - one of the Third Party Appeals which had concerns relative to boundary fencing has been subsequently withdrawn.

6.4. **Observations**

None noted on file.

7.0 **Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including the submission received in relation to the third party appeal, and the response of Tipperary County Council, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Planning Policy

- Refurbishment of Old School
- Access and Car Parking
- Pedestrian Access/Walkway
- Fencing
- Construction of Storeroom
- Drainage and Flooding
- Other issues
- Appropriate Assessment

7.2. Compliance with Planning Policy

- 7.2.1. As noted in the Settlement Hierarchy in Table 4.1 of Volume 1 of the Tipperary County Development Plan 2022-2028 the village of Ballyporeen is included as a designated 'Service Centre'. Volume 2, Section 14 provides the Settlement Statement for Ballyporeen. This includes regard to the settlement context and to sustainable communities, noting that the village has a co-educational primary school. That the main role of this village in terms of services is to provide for the everyday needs of the local community.
- 7.2.2. In addition, that social and community facilities play an important function in promoting social inclusion and act as focal meeting points for residents of all ages. Specific Objectives SO1-SO14 are listed. These are noted in the Planning Policy Section of this Report and include SO3: *To encourage and support the development of local facilities and services to meet the needs of the local community.* The Ballyporeen Land Use Zoning Map shows that the school site is within the 'Social and Public' zoning, with the eastern part of the site that including the playing pitch, landscaped walkway and the storage shed, within the 'Amenity' zoning.
- 7.2.3. Regard is had to the description of the proposed development, the established use adjoining the school site and to the associated uses for the old school building that are proposed and it is considered that the principle of the development would comply with the land use zoning and planning policy.

7.3. Refurbishment of the Old School

- 7.3.1. The Old School is a separate building to the new school and is set to the front of the site and on my site visit I noted that it appears not to be currently in use. That there is a sign on the west elevation of the building: 'Sean Scoil na mBuachaillí' 1899-2001 and I would recommend that this sign be retained. It is a distinctive single storey stone building with blue/black roof slates and while not a Protected Structure, its retention and refurbishment, while retaining as much of the original features as possible, is to be welcomed.
- 7.3.2. As shown on the Floor Plans, the floor area is given as approx. 148sq.m. (the rectangular shaped building is shown 16.9m x 8.79m) and it is to provide 2no. meeting rooms, a coffee dock and disabled toilet/changing area. It is noted that there is some discrepancy between this and the 121sq.m gross floor space stated on the application form. No extensions are proposed to the original building.
- 7.3.3. A wheelchair accessible ramp with handrail is to be provided to the west elevation accessed via an existing door and a door is to be changed to a window to match the existing windows. The notes on the elevations include that all windows are to be replaced with new triple glazed windows. Also, that airvents are to be inserted in the elevations. The plans note that the original stonework is to be exposed and repointed on the elevations and the 'north and east elevation will also have plaster/stonework reworked in identical manner, no other changes to north and east elevation'. Insulation works are to be provided.
- 7.3.4. In response to the Council's F.I request Ballyporeen Community Council provide details of their experience administering facilities and community developments in the area. That they are a volunteer non-profit making organisation and details are given of recent projects. They provide that the Community has a booking system in place for the community centre which allows groups (e.g. ICA, IFA, Juvenile GAA, Handball, Cards Group, Foroige, Seniors, etc) to book the hall. They provide details regarding their procedures and management and running of its facilities. They note that the community council has been responsible for the community centre management since its foundation in 1978.

7.4. Access and Carparking

- 7.4.1. As existing there are two separate gated vehicular accesses to the school buildings. There is currently a temporary fence between the old and new school building sites, which separates both sites. There is no onsite car parking provision for the new school. The Site Layout Plan shows that the area in front of the old school building is shown as a staff car park (signage on the entrance gate 'staff entrance only'), with 12no. spaces in linear form, including 2no. car charging bays for electric vehicles to be installed. There is already a car parking area in this location which is in need of tidying up - resurfacing and spaces to be marked out.
- 7.4.2. I note the Site Layout Plan submitted as part of the F.I indicates 'Teachers School Gate' (Teacher & Public timeframe 9.00 – 5.00pm). This is separate to the main school gate which is outside of the redline boundary and is described on the plans as being in use for pedestrian (schoolchildren/parents/teachers) from 9.00 to 5.00pm. It appears that it is also proposed to use this onsite car parking area for the old school building community use. While roadside parking is available, this also serves local residents and people visiting the town and may get congested during school times and this car park should also be retained for staff carparking. If the Board decides to permit, I would recommend that a condition be included to ensure that the car park is retained for use of school staff as well as community use.

7.5. Pedestrian Access - Walkway

- 7.5.1. In addition, as shown on the plans it is proposed to provide a new pedestrian gate into the site from Lower Main Street to serve the 1.8m walkway along and within the eastern site boundary. As shown on the Site Layout Plan the new pedestrian entrance is to have a 2m high x 1.5m wide gate for public use. This is shown proximate to the eastern site boundary and to be in the vicinity of an existing ESB pole which may have to be relocated to facilitate the pedestrian entrance. The existing vehicular entrance to the staff carpark will remain in situ.
- 7.5.2. As noted in the Planner's Report this is to form part of a wider looped walking route and to connect with the pathway proposed under Section 5 S5/22/81 and walkways to be developed on the GAA grounds. Reference is had to the Council's Declaration on this Section 5 in the Planning History Section above. In that case the walkway

and landscaped area around the playing field in the northern eastern part of the subject site was declared to be exempted development. It is noted that this northern part of the walkway has been constructed, but access from the south is currently blocked by a palisade fence. It is considered that the proposed walkway accessed from the road and along the eastern side of the old school house building will join up with the wider looped walkway. This will provide an amenity for the village.

- 7.5.3. In response to the Council's F.I request Ballyporeen Community Council provide that they will manage the walkway. They provide that the pedestrian gate will normally be open. The Planner noted the submissions made and had some concerns about 24/7 opening. Condition no.3 of the Council's permission related to details of how the access to the walkway will be managed as the unrestricted use of the walkway is not permitted. Having regard to the proximity of residential property to the east if the Board decides to permit, I would recommend that a similar type condition be included.

7.6. Fencing

- 7.6.1. Part of this proposal is to erect new fencing segregating the old school from the new school. Temporary fencing is now in place along the western boundary of the site. It is noted that the Planning Authority was concerned that the use of 2m high double beam 868 fencing within the site to separate the site from the adjoining school could present a jarring visual impact against the existing boundary treatment types. The applicant was asked to consider the use of a wall railing similar to that which currently exists. The applicant's response provided that as the intent of the fence is to maintain the existing school boundary fence, it's proposed to remove the double beam 868 fence in this location (not currently on site) and replace with a black metal fence, similar to what exists nearer to the existing school. I would concur that this will give more of a uniform visual in keeping with the current fence type.
- 7.6.2. It is also proposed to replace the neighbouring fence along the eastern site boundary. There is currently a low wall with rail on top along the boundary with the dwelling house to the east. There was a submission from the neighbour concerned about privacy and security. The Planning Authority queried the appropriateness of

using beam 868 fencing to surround a domestic property, considering that the same is more commonly used as part of sporting or commercial development.

- 7.6.3. In response to the Council's F.I request the applicant provided that the double beam 868 fence will be replaced with residential type double beam 656 fencing which will be black in colour. That it will be sandwiched between mesh on both sides. The school side will be bespoke and contain the name of the school along it's horizontal run. The side facing the adjoining neighbour is to be single colour of black, green or colour of the neighbour's choice. That the fence type was selected as it's suitable for mounting on top of the existing school wall boundary fence without effecting the integrity of the wall. Section A-A shows the wall as 600mm in height and the fence on top as 1.2m. i.e 1.8m in height. They also provide details on the mesh fencing that it is act as a privacy screen.
- 7.6.4. They provide that it is not planned to change the fence along the northern section of the adjoining property. However, it is planned to set a new hedge the length of this fence on the north side. While the hedge is maturing a mesh will be fitted to the school side of the boundary fence in the same manner as the other boundary fence.
- 7.6.5. I would recommend that should the Board decide to permit that it be conditioned that the different types of fencing be agreed in writing with the planning authority prior to the commencement of development and that palisade fencing not be used internally within the site, or along the eastern site boundary with the neighbouring property, other than where necessary for security along the site boundaries.

7.7. Construction of Storeroom

- 7.7.1. The development description includes for the construction of a storeroom (11.8m wide x 1.7m long and 5m high) utilising the existing hurling wall structure. This has now been constructed and adjoins the hurling wall adjacent to the northern boundary of the site. It is a similar height and is painted a similar colour, so it is not particularly visible within the context of the playing field, and the school grounds. I note the Planner's Report provides that it is not clear how it will be accessed. However, in view of its location, well set back within the site, I would have no objection to the modest scale of this building and its use as storeroom ancillary to the uses on the site.

7.8. Drainage and Flooding

- 7.8.1. A Summary of the Old Boys N.S Refurbishment Works has been provided with the application. This includes a list of the proposed works and of utility connections. It is proposed to connect to existing sewage and mains water. It provides that there is to be no change to rainwater drainage. The Planner's Report notes that the site is served by public water mains. That in any grant of permission, a condition will be attached in relation to a connection agreement with Irish Water. That the site is served by a public wastewater connection. That a review of the Tipperary CDP shows that wastewater capacity was not a concern in the treatment plant serving Ballyporeen. That it is proposed to connect to the public surface water network. As recommended by the Area Engineer an ACO drain is to be provided at the entrance. Condition no.6 of the Council's decision refers.
- 7.8.2. It is noted that the Third Party Appeal, is concerned about drainage and flooding issues, and the impact that the development will have on their property. The appellant is concerned that the land to the rear of her property has been raised by the deposition of surplus soil from the earlier Astro turf pitch development. That this piece of ground is to the immediate rear of her garden area and previously had an open drain running across it. That the drain has now been covered over with just a 150mm pipe laid into the previous open channel and the appellant is not satisfied that this is adequate to take the volume of water that used to flow through this channel.
- 7.8.3. As noted on site there is stream to the east of the appellants site which they provide has overflowed its banks on several occasions in the past resulting in flooding of a portion of her rear garden. The appellant is very concerned that the raising of the ground level in this area will have the effect of causing more flood water to enter a portion of their rear garden area, and that this area will become saturated/flooded resulting in damage and or backing up of the appellant's drainage system. Noting that the area which has been developed to the rear of their site was previously a marshy area able to act as a floodplain for the adjacent stream.
- 7.8.4. The appellant considers that the process of forming a mound with the excess soil against the far side of her rear boundary hedging and leaving the main area lowered would have allowed flood water to overflow into that area and reduce the possibility

of it getting into their garden. That this has previously been mentioned to the developers and the Council, but such works have not been carried out. That the proposed development has not been planned in a way to lesson the impact on the appellants property and on flooding risk.

- 7.8.5. The Planner's Report provides that following a review of the most recent flood mapping available for the county, that the development site is not located within a flood risk zone. They note the submission made regarding the issue of flood risk on adjoining lands. That there is an underground drain running along the eastern site boundary of the lands to the northeast. This flows into an open stream adjoining third party property. They note that under this application, the applicant has not applied to raise ground levels in this part of the site, that they have not identified any works in this area save for the provision of a storage shed. That as such it is not considered that the works proposed will increase the risk of flooding on adjoining lands.
- 7.8.6. I note that the appellant is concerned about flooding resulting from the raising of land to facilitate the landscaping and walkway to the northeast of their site. I would consider that the issues raised by the appellant are not within the scope or the description of development for the subject application. The works to create the walkway and the landscaped area in the northeastern part of the site were described in the earlier Section 5 application S5/22/81, which were declared exempt by the Council. Regard is also had to in the Planning History Section above to Reg.Ref. 21/281 to the conditions in the permission granted by the Council to construct a pedestrian walkway to the perimeter of the existing playing fields and associated fencing, the astroturf playing area and associated development works. This includes condition no.3 which provided for drainage proposals for the walkway and the pitch. During my site visit I noted that it appeared that these works had been done and that the area in question to the rear of the appellant's site is now part of a landscaped area and walkway. I did not see stockpiling of soil or stones in this area.
- 7.8.7. Therefore, having regard to the planning history, I would consider that this appeal is more relevant to enforcement issues rather than to works within the remit of the current application. As noted in the Planner's Report, Enforcement file TUD 22-146 is currently under investigation and relates to: 'alleged unauthorised development consisting of infilling of lands and use of said lands to stockpile and store excavated

soils'. It is noted that any issue of unauthorised development or enforcement is not within the remit of the Board, rather that of the Planning Authority.

7.9. Other issues

7.9.1. I would note that having regard to Archaeological mapping that there is a National Monument described as a 'Ringfort' to the northeast of the site. Having regard to the mapping this appears to be outside of the site boundaries and it has not been stated or shown on the Ballyporeen Land Use Zoning Map that the site is within a zone of archaeological influence. It is not considered that the works to be carried out relative to the proposed development would impact adversely on archaeology.

7.10. Appropriate Assessment

7.10.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the Tipperary County Development Plan 2022-2028 which includes in Volume 2 a Settlement Plan for Ballyporeen, the established use of the site and the land use zoning, the scale and nature of the proposed development, it is considered that subject to the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area would be acceptable in terms of traffic safety and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 27th of April 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Final details of all proposed boundary treatments including fencing shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenities.

3. Prior to the commencement of development, the parking area shall be surfaced and marked out and the following details shall be agreed in writing with the planning authority:
 - a) The dual use of the carpark for school staff parking and the community use associated with the use of the old school building.
 - b) Full details of all electric vehicle charging infrastructure.
 - c) Details of how access to the walkway from the public road will be managed as unrestricted use is not permitted.

Reason: In the interests of traffic safety

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
 - a) An ACO Channel discharging to the existing surface water network shall be installed at the location of the new pedestrian gate.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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.

Angela Brereton
Planning Inspector

10th of April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317371-23		
Proposed Development Summary	The refurbishment of Ballyporeen Old Boys National School, provision of fencing, parking, storage shed etc and associated works.		
Development Address	Lower Main Street, Ballyporeen, Cahir, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No X	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____