



An  
Bord  
Pleanála

## Inspector's Report ABP-319346-24

<b>Development</b>	To construct 14 no. two-storey dwelling houses including all associated site development works and underground services.
<b>Location</b>	Goatenbridge, Ardfinnan, Clonmel, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360600
<b>Applicant(s)</b>	Goatenbridge Developments Ltd
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2024
<b>Inspector</b>	Sarah O'Mahony

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## 1.0 Site Location and Description

- 1.1. The 0.64ha site is situated in south Tipperary, in a small settlement called Goatenbridge which is situated 4.5km south of Ardfinnan and 8.5km east of Clogheen. The Tipperary-Waterford county border is situated 4.5km to the south and the Tipperary-Kilkenny border 6km to the east. Goatenbridge comprises a dispersed pattern of detached dwellings, a GAA club, public house and a housing estate of 15no. dwellings called Cois Taire.
- 1.2. The site itself forms part of the Cois Taire housing estate and is situated at the southern end of that development. Access is provided at the north from the L-3501 local road (also known as the Cois Taire Road) which connects to Clogheen at the west and Newcastle at the east. The River Tay is situated directly north of this road. The Knockmealdown mountain range provides a backdrop to the site with the foothills situated 1km south of the site and some peaks 2.6km south.
- 1.3. There are 15no. detached and semi-detached dwellings on the Cois Taire estate set out in three clusters. 9no. dwellings appear to be occupied while the remaining 6no. appear to be recently completed but remain unoccupied. The subject site comprises a flat brownfield area with the remains of foundations of 5no. dwellings as well as mounds of soil and construction rubble. It has the appearance of being vacant or without disturbance for an extended period of time and heras fencing separates the site from the remainder of the housing estate.
- 1.4. The access road servicing Cois Taire is unfinished. The top wearing course is not in place as is evident where the height of manholes and footpaths are above the current driving surface which is in poor condition in some locations. External boundaries between Cois Taire and the adjoining land comprises hedgerows. There is a GAA club situated on adjacent land to the west however all other adjacent land is in agricultural use.
- 1.5. The remnants of a ringfort are situated 100m northeast of the site and it is recorded on the Sites and Monuments Record. The associated zone of notification extends into the public open space north of the site but does not intersect with the site. The River Tay and some of the adjoining L-3501 local road forms part of the Lower River Suir Special Area of Conservation (SAC).

- 1.6. The site is situated in the Knockmealdown Mountain Mosaic landscape character area which has a vulnerable sensitivity Rating of Class 5 Unique –which means that Change would alter the character to the landscape. The area has a very low capacity to accommodate change without detrimental effects

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development which comprises the following:
- Removal of foundations and low level wall plates for 5no. units,
  - Construction of 14 units comprising semi-detached 2-storey buildings (10 no. 3-beds and 4no. 2-beds). This represents an increase from 20 to 29 over the original development permitted under ref. 05/623 for the full Cois Taire estate,
  - Connection to public water supply and private onsite wastewater treatment system.
- 2.2. The application included all statutory drawings and forms including a Part V proposal and a Wastewater Treatment System Capacity Analysis however no additional supporting reports or studies were received.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

- 3.1.1. Further information (FI) was sought to provide additional detail regarding:
- A reduction in unit numbers to align growth with the Development Plan.
  - Provision of individual wastewater treatment systems (WWTS) for each unit and to omit the proposed connection to the existing private WWTS serving the housing estate,
  - Provision of additional public open space equalling at least 15% of the site together with landscaping proposals,
  - Public lighting proposals,

- Completion of the existing access road and compliance with the parent permission ref. 05/623,
- Surface water management proposals including clarification of the existing infrastructure,
- Proposals to extend the water main and confirmation of feasibility from Uisce Éireann for same as well as clarification of the location and capacity of the existing pipes and connections, and
- Details of EV charging infrastructure.

3.1.2. The response included:

- A rationale report justifying the scale of the proposal. No alteration was made to the number of units proposed.
- A capacity analysis report for the existing WWTS to demonstrate that there is capacity treat the effluent generated by the proposed units as well as additional units on adjacent lands as permitted by ref. 05/623.
- Demonstration that the existing provision of public open space within the entire Cois Taire housing estate, together with that proposed in this development would equate to 36.3% of the overall 1.926ha estate.
- Details of existing and proposed lighting proposals and a commitment to comply with a related condition of ref. 05/623.
- The submitted access road drawings illustrate the current situation which has no top wearing course. A commitment was made to comply with a condition of ref. 05/623 requiring submission of as built drawings when the works are complete.
- Each unit will have on-site soakways while surface water will be as per the permitted scheme which is stated to be substantially complete. The high level response states that the details required shall be provided on completion of the estate.
- Regarding the provision of potable water, the response states that the Developer 'has confirmed that the watermains have been laid in accordance with.... 05/623' and that a management company has been set up as required with responsibility for

the watermains and associated infrastructure, and is therefore outside the jurisdiction of Uisce Éireann.

- A commitment was made to provide EV charging infrastructure for each dwelling in accordance with the requirements of the Building Regulations. The location of public EV charging points is illustrated on the site layout plan.

### 3.2. Decision

A notification of decision was issued by Tipperary County Council on 26<sup>th</sup> February 2024 to refuse permission for the following reasons:

1. *This application seeks permission for 14 semi-detached, two-storey dwelling houses in the settlement of Goatenbridge, Co. Tipperary. Goatenbridge is a designated settlement node as set out in the Tipperary County Development Plan 2022. As per Policy G0-1 (relating to the settlement of Goatenbridge) of Volume 2 of the Tipperary County Development Plan 2022, it is an objective of the plan to facilitate low density development proposals to meet local housing demands together with the provision of local and community services / facilities and local employment opportunities within the village/settlement boundary in accordance with the principles of proper planning and sustainable development, and the Council's 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'.*

*The proposal for 14 units, is not in accordance with the Guidelines for Cluster Housing Schemes, as set in Appendix 5 Volume 3 of the Tipperary County Development Plan 2022, which defines a cluster housing scheme as a low density housing scheme, comprising of up to 6 no. detached dwellings on individual sites on lands in or adjacent to a village.*

*The proposal is therefore contrary to a stated objective of the Tipperary County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.*

2. *The development proposed is to be served by an existing private waste water treatment facility. It is an objective of the Tipperary County Development Plan 2022 (Policy 15-5) to only consider proposals for multi unit residential schemes in settlements without access to a municipal waste water treatment*

*plant, in cases where each of the units proposed is served by an individual treatment system. Connections to existing private, developer provided infrastructure are not acceptable. The proposal is therefore contrary to a stated objective of the Tipperary County Development Plan 2022 (15-5) and to the proper planning and sustainable development of the area.*

3. *The roads, footpaths, public lighting and water services permitted under Pl. Ref. No. 05/623 are to be extended to serve the proposed development. The conditions pertaining to the satisfactory completion of these services attached to Pl. Ref. No. 05/623 have not been complied with. The applicant has failed to demonstrate under this application that the services were constructed as per the parent permission and have the capacity to cater to the proposal. Furthermore, no timeframe has been set out for the completion of the access road. Having regard to the above the application is considered to be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for other similar development in the locality.*

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- There are two Planner's Reports on the file, one concluding with a further information request and the second assessing the further information response. The Planner's Report recommendation to refuse permission is consistent with the notification of decision which issued.
- The report considers that the development does not represent a cluster layout and that '*sacrificing the clear and stated development objective for the settlement of Goatenbridge, as set out in the TCDP 2022, in order to deliver a greater quantum of housing in the settlement is neither proper nor sustainable.*
- It notes a report received with the further information response outlining capacity in the on-site private WWTS but considered that connections to same are not permitted under Policy 15-5 of the Development Plan.
- In relation to site services and infrastructure, the report outlines that satisfactory responses were not received including as-built drawings for the access road, surface

water system, watermain and public lighting as requested by the further information request and notes that related conditions from ref. 05/623 have not been complied with.

- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) screening were both undertaken. The EIA screening proceeded to a preliminary examination which screened out the need for an EIA.
- The AA screening exercise appended to both Planner's Reports concluded that additional information is required in relation to wastewater and surface water management however text in the assessment section of the second report, following receipt of further information, states: *'With respect to AA, the applicant has provided evidence that the proposal could be served by the existing waste water infrastructure, if a connection to same was permitted. As such, it is not considered that the work proposed would give rise to concerns in respect of AA.'* I believe that the screening report appended to the main report was not updated following receipt of the further information response.

#### 3.3.2. Other Technical Reports

- District Engineer: Report dated 09<sup>th</sup> February 2024 which recommends that all surface water should be managed within the site and no runoff to enter the public road.

## 4.0 Planning History

The following relates to the subject site and adjacent lands:

- 05/623: Planning permission granted for 20no. 2-storey, detached and semi-detached, 3 and 4-bed dwellings, new entrance and access road, wastewater treatment system and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Tipperary County Development Plan 2022-2028 (referred to hereafter as the Development



Plan). The site is situated within the development boundary of Goatenbridge which is designated as a settlement node at the lowest level of the settlement hierarchy in the Development Plan. The Core Strategy Table (Table 2.4) provides for a population growth rate of 6.7% for settlement nodes over the plan period.

5.1.2. Chapter 4 of the Development Plan sets out the settlement strategy and Section 4.6.3 states that settlement nodes will *provide for very small-scale growth to consolidate and sustain them as rural communities, and to provide a location for local scale retail and community services. New residential developments in settlements will be limited to cluster type residential schemes, of a character suitable to settlements of this size, with a focus on infill development and reuse of existing buildings.* It provides that the nodes could accommodate 6.7% population growth during the plan period.

5.1.3. Table 5.1 sets out parameters for residential development in rural settlements and for settlement nodes, it states:

*‘Applications for appropriately scaled village housing, infill sites and ‘Housing Clusters’ in line with the Cluster Guidelines, will be considered within, or adjacent to, the village boundary.’*

5.1.4. Policy 5-6 seeks to:

*Support and facilitate cluster housing developments and serviced sites in rural settlements, in line with land zoning provisions, and immediately adjacent to the boundary, where it is demonstrated to the satisfaction of the Council that the development is of a high quality and can link effectively with, and contribute positively to the village form. Proposals for cluster housing schemes will need to comply with Tipperary County Councils ‘Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages, 2018’ (as may be amended).*

5.1.5. Settlement Statements for each node are set out in Volume 2 of the Development plan. Objective GO1 is set out in the statement for Goatenbridge and states it is an objective to:

*‘To facilitate low density development proposals to meet local housing demands together with the provision of local and community services / facilities and local employment opportunities within the village/settlement*

*boundary in accordance with the principles of proper planning and sustainable development, and the Council's 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'.*

5.1.6. The site is not zoned.

5.1.7. Volume 3 of the Development Plan provides a number of appendices and No. 5 is titled 'Design and Best Practice for Cluster Housing Schemes in Rural Villages'. It states:

*'A Cluster Development is defined as "a low density housing scheme comprising up to 6 no. detached dwellings on individual sites on lands in or adjacent to a village'.*

5.1.8. Chapter 11 refers to Environment and Natural Assets and Policy 11-16 is noted as follows:

*Facilitate new development which integrates and respects the character, sensitivity and value of the landscape in accordance with the designations of the Landscape Character Assessment, and the schedule of Views and Scenic Routes (or any review thereof). Developments which would have a significant adverse material impact on visual amenities will not be supported.*

5.1.9. Chapter 15 relates to water and energy utilities and Policy 15-5 is relevant to the proposal. It states it is a policy of the Council to:

*'In line with the provisions of Section 5.3.1 of the Draft Water Services Guidelines for Planning Authorities (or any review thereof) new development will connect to existing water infrastructure, where capacity exists, in order to maximise the use of existing infrastructure and reduce additional investment costs. There is a general presumption that development will be focused into areas that are serviced by public water supply and wastewater collection network.*

*In settlement centres where, municipal treatment plants do not have the capacity to cater for additional development, the Council will facilitate development, where the developer has agreed proposals for the up-grade of the treatment plant and/or network, as may be necessary, with Irish Water in accordance with the Draft Water Services Guidelines for Planning Authorities,*

*and any amendment thereof, and the Irish Water Connection Charges Policy. The Council will require that such infrastructure is in place, prior to the commencement of the development.*

*The Council may consider, on a site-specific basis, on-site waste water treatment proposals in cases where a connection to a municipal treatment plant has been demonstrated to be unfeasible or in settlements which are not served by treatment plants. Developments shall be subject to the criteria set out below:*

*(a) Small Business, Community and Public Developments: the development shall be served by an on-site treatment system which demonstrates compliance with the Waste Water Treatment Manual: Treatment System for Small Communities, Business, Leisure Centres and Hotels, (EPA, 1999) (or any amendment thereof).*

*or*

*(b) Private Residential Developments: the development shall be served by individual treatment plants in compliance with the Code of Practice: Waste Water Treatment Systems for Single Houses, (EPA, 2021) (or any amendment thereof).*

*In both cases as above*

- i. the development shall connect to the municipal treatment plant, where and when such facilities become available.*
- ii. the development will not have an adverse human health, environmental or ecological impact on the receiving environment, including groundwater or surface water courses.*
- iii. the development shall demonstrate compliance with the Development Management Standards set out in Volume 3.'*

## **5.2. Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities**

- 5.2.1. The guidelines provide high level guidance for new residential development and sets out Strategic Planning Policy Requirements (SPPRs) including SPPR 1 which refers to separation distances, SPPR 2 refers to provision of open space, SPPR 3 refers to car parking and SPPR which refers to bicycle parking.

### **5.3. Natural Heritage Designations**

The site is situated 140m south of the Lower River Suir Special Area of Conservation which extends slightly beyond the riverbank of the River Tar.

### **5.4. EIA Screening**

See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required. A formal determination or notification is not required in these cases.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.2. The appeal sets out a response to each reason for refusal. The following is submitted in relation to refusal reason no. 1 regarding the settlement strategy and scale of proposal:

- The Design Standards for Residential Schemes as set out in Table 1 of Volume 3 of the Development Plan provide design guidance for cluster development. This constitutes guidance and not policy, and its overriding objective is to regenerate villages and provide a toolkit for Developers and Agents etc. References to implementation of the guidelines should not have any effect of limiting development to 6 units.
- Section 4.6.3 of Volume 1 of the Development Plan supports cluster development 'of a character suitable to settlements of this size'.
- The site is a brownfield site within the development boundary of Goatenbridge and would have a low density of 15 units per hectare which respects and reflects the surrounding settlement context.

- The 9no. additional units (over the 20no. permitted by ref. 05/623) would result in a 15% increase in the number of dwellings within the 'community catchment area' as defined by the Applicant.
- The proposal complies with national, regional and local policy to address the housing crisis, develop brownfield lands, sustain rural communities, consolidate settlements and promote residential development at an appropriate scale and housing mix.

6.3. The appeal submits the following in relation to refusal reason no. 2 regarding wastewater:

- The appeal highlights extracts from Policy 15-5 which state that individual treatment systems should be provided 'where a connection to a municipal treatment plant has been demonstrated to be unfeasible or in settlements which are not served by treatment plants'. The Applicant considers that as the settlement is already served by a treatment plant, which has capacity to cater to the proposed development, it does not contravene the policy. And, 'new development will connect to existing water infrastructure, where capacity exists'.
- The appeal outlines that there is capacity in the existing plant and therefore the proposal would not contravene Policy 15-5 and would not require the provision of individual treatment plants. It contends that connection to the treatment plant is facilitated under Policy 15-5.
- It also submits that it is unsustainable to provide a multiplicity of treatment plants within one housing estate. Certification of the capacity of the plant is provided together with the ongoing maintenance and management contract.

6.4. The appeal submits the following in relation to refusal reason no. 3 regarding the condition and completion of services:

- The appeal considers that the Planning Authority's assertions that:
  - existing roads, footpaths, public lighting and water services serving the existing dwellings are incomplete,
  - there was a failure to outline their completion and
  - there was a failure to demonstrate their capacity and condition

are all factually incorrect.

- Survey drawings of the completed infrastructure dated March 2024 are submitted with the appeal which is a new item for the Board to consider and was not submitted to the Planning Authority as part of the planning application or further information response.
- The appeal states that those existing services would be extended to serve the proposed development.

## **6.5. Planning Authority Response**

A response was received outside of the appropriate 4-week period and was therefore returned to the Planning Authority.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The proposed development comprises completing and altering a permitted housing scheme which was partially constructed but never completed. It is proposed to remove the foundations relating to 5no. permitted dwellings which I understand were poured nearly two decades prior. It is then proposed to construct 14no. dwellings in their place and connect to existing services.
- 7.1.2. I note the presence of a ringfort which is recorded on the Sites and Monuments Record northeast of the site, but that the site is outside of the zone of notification and in this regard consider there is little possibility of any impact to the remains of the ringfort as a result of the development. I note the proposal was referred to a number of prescribed bodies with the responsibility for built heritage however no responses were received.
- 7.1.3. I also note proximity of the site to the Lower River Suir Special Area of Conservation but the requirement for a Stage 2 Appropriate Assessment is screened out in Section 8.0 of this report.
- 7.1.4. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected

the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal therefore are as follows:

- Scale of the proposal
- Wastewater
- Completion of services
- Layout and Design – New Issue

## **7.2. Scale of the proposal**

7.2.1. The Development Plan identifies Goatenbridge as a settlement node where 'very small-scale' growth is permitted to consolidate and sustain these settlements. I consider that the location of the site within the settlement boundary, adjacent the GAA grounds, together with its brownfield nature, existing services and access etc, leads to the conclusion that the principle of development is acceptable. In my opinion it would contribute to consolidation and compact growth and improve the visual amenity of the area by removing the unsightly remains of the 5 no. partially constructed units and the heras fencing.

7.2.2. Section 4.6.3 of the Development Plan states that new residential developments in settlement nodes will be limited to cluster type residential schemes, of a character suitable to settlements of this size. This is underpinned by Policy 5-6 which also requires such clusters to contribute positively to the village form and to comply with the Design Guidance document set out in Appendix 3 of the Development Plan.

7.2.3. This document, titled Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages, states:

*'A Cluster Development is defined as "a low density housing scheme comprising up to 6 no. detached dwellings on individual sites on lands in or adjacent to a village".'*

7.2.4. The appeal argues that this comprises guidance and advice only which does not constitute a policy and therefore the maximum of 6no. units should not be strictly applied. I disagree however as the wording of Policy 5-6 and Section 4.6.3 clearly requires:

- All residential development in rural nodes to comprise cluster developments,

- All cluster development to comply with the cluster design guidance, and
- That a cluster is clearly defined as a maximum of 6no. units.

- 7.2.5. I believe the guidance provides parameters for a designer to work within and that a cluster should have no more than 6no. units. However, even in a hypothetical scenario where I agreed that the guidance is high level with no requirement to adhere to it, I consider that the proposed development would still not meet the spirit of this guidance as 14no. units would represent an inappropriate density and scale of development as discussed further below.
- 7.2.6. The proposed 14no. units on a gross site of 0.64ha equates to a proposed density of 22 units/ha which I consider does not represent a low-density scheme in a settlement node as required by Objective GO1. This density is more representative of a larger settlement such as a village or small town.
- 7.2.7. I also note a narrative in the Planners Report which outlines how the proposed development would represent a 66% increase in units over the 21no. stated in that report to be present in Goatenbridge currently. The Core Strategy set out in Table 2.4 of the Development Plan refers to population growth rather than housing growth. It provides a figure of 6.7% population growth over the plan period for settlement nodes but does not provide a breakdown per settlement at the settlement node level. I also note that population figures are not provided on the file. In my opinion however, 66% growth in housing units would greatly exceed the recommended 6.7% population growth.
- 7.2.8. I consider therefore that the proposal to increase the scale and density of the development to 14no. units in lieu of 5no. as permitted, would represent a significant departure from the established character and form of that housing estate, would represent an inappropriate scale of growth for Goatenbridge and the associated level of services present, and would not comply with Objective GO1.
- 7.2.9. Additionally, the proposed cluster would not be appropriately scaled as required by Table 5-1 of the Development Plan and would therefore not contribute positively to the village form as required by Policy 5-6.



7.2.10. In conclusion, I consider that the scale of the proposed development is excessive and does not comply with the design guidance for a cluster, Policy 5-6 and Objective GO1 of the Development Plan.

### **7.3. Wastewater**

7.3.1. Policy 15-5 seeks to maximise existing wastewater treatment infrastructure and focus development into areas where there is capacity in these plants. It specifically states:

*‘new development will connect to existing water infrastructure, where capacity exists, in order to maximise the use of existing infrastructure and reduce additional investment costs.’*

7.3.2. There is additional text in the Development Plan regarding scenarios where there is no capacity available in municipal treatment systems/plants however in my opinion, there is nothing in Policy 15-5 which precludes connection of new dwellings to an existing private WWTS.

7.3.3. I consider this to be the most sustainable solution as there is existing infrastructure in place serving the existing dwellings and which has capacity to cater to the proposed dwellings. There are no known operational difficulties with the existing WWTS which is situated immediately adjacent the site. I further note there is a maintenance contract already in place which could be conditioned to continue in perpetuity in order to ensure that the plant is maintained appropriately and efficiently.

### **7.4. Completion of Services**

7.4.1. The Applicant has submitted new drawings with the appeal which demonstrate the location of all existing services, including water, wastewater, foul water, telecoms and electricity while the current surface levels of the unfinished access road are also illustrated on the site layout drawings received with the application.

7.4.2. No information is provided on their condition or a timeline for providing the final wearing course of the access road. The road which is utilised by exiting residents is evidently substandard with manholes protruding above the surface and a degrading surface.

- 7.4.3. In my opinion however this does not warrant a refusal of permission, and a condition could be applied to restrict occupation of any new units until all services are completed to the satisfaction of the Planning Authority.

#### **7.5. Layout and Design – New Issue**

- 7.5.1. The proposed development, which is an extension of an existing scheme, comprises 7no. pairs of semi-detached pitched-roof dwellings laid out in a circle in close proximity to one another. All separation distances are achieved and minimum internal standards as set out in the Development Plan and Compact Settlement Guidelines are met, together with provision of car parking and open space etc. However, I consider there is a distinct suburban character to both the layout and dwelling design which is not appropriate in the very rural context of Goatenbridge. The Board should note that this is a new issue which was not raised in the Planning Authority's reason for refusal or in the first party appeal.
- 7.5.2. The layout of the scheme is such that a turning head and visitor car parking is required as the plots are too small to accommodate additional car parking within the curtilage of the site. Additionally, the layout as proposed is reminiscent of a street with a proliferation and dominance of car parking to the front of the units and a rigid building line is presented which does not represent a rural layout. Each of the existing three clusters face a large area of open green space however the proposed layout is, in my opinion, more reminiscent of an infill site in a larger settlement than a rural cluster as there is a distinct lack of a rural character with 14no. units facing onto a hard landscaped cul-de-sac.
- 7.5.3. Two dwelling types are proposed which by itself is not reflective of the usual diversity of a rural settlement. In addition however, in my opinion the design and typology of those dwellings also represents a generic housing estate design which could be found in any suburban location in the country and lacks any vernacular context.
- 7.5.4. I acknowledge that there are some architectural elements of the proposed dwellings present in the existing dwellings on the Cois Taire estate such as the dormer windows and a slated overhang porch feature. However I also consider that the size and shape of fenestration is generic and unimaginative when compared to the diversity present in the existing scheme which has a wide range of window sizes and shapes as well as an asymmetrical setting in some dwelling types adding to visual

interest. Similarly, the roof shape is identical in all 14 proposed units and the porch or overhang is urban in character. The proliferation of both unit types and the associated lack of diversity in all 14no. units means there is a dominance of these urban features which I consider act to detract from the rural area and the Knockmealdown Mountain Mosaic unique sensitivity landscape character area. Policy 11-16 of the Development Plan requires new developments in these areas to integrate and respect the character, sensitivity and value of the landscape which, for the reasons detailed above, I consider is not achieved in this case.

- 7.5.5. In my opinion there is considerable scope to redesign the dwellings to provide a more rural character dwelling type with added variation, in keeping with the existing dwellings and the unique landscape sensitivity area in which the site is situated. A more sensitive design approach to the dwellings would enhance the visual amenity of the area and remove any question of suburbanisation.

## **8.0 AA Screening**

### **8.1. Appropriate Assessment: Screening Determination.** Stage 1, Article 6(3) of Habitats Directive

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The proposed development comprises demolition of foundations relating to 5no. dwellings and construction of 14no. dwellings, connection to existing services and landscaping etc. There is an existing wastewater treatment plant in the adjacent existing housing estate, north of the site, which it is proposed to connect to as well as an existing surface water system with an attenuation tank. The outfall or discharge locations of both systems are unknown but documentation is received to state both are in good working order. A copy of a maintenance contract for the existing WWTS is also received as well as documentation to demonstrate that there is adequate capacity in the WWTS to accommodate the foul water generated from the proposed development.
- 8.1.3. There are no watercourses within or adjacent the site which is flat with no noticeable slope.

8.1.4. The AA screening exercise appended to both Planner's Reports concluded that additional information is required in relation to wastewater and surface water management however text in the assessment section of the second report, following receipt of further information, states: *'With respect to AA, the applicant has provided evidence that the proposal could be served by the existing waste water infrastructure, if a connection to same was permitted. As such, it is not considered that the work proposed would give rise to concerns in respect of AA.'*

## 8.2. European Sites

8.2.1. The site is situated 140m south of the Lower River Suir Special Area of Conservation (SCA) and in this regard the proposed development site is not located within or immediately adjacent to any site designated as a European Site. The next closest European site is over 7.5km to the south and considered to be outside of the zone of influence due to the lack of any hydrological connections and the limited scale of the proposed development.

8.2.2. The intervening space between the site and the SAC comprises a public road and a housing estate with dwellings, access road, public open space, attenuation tank and WWTS.

8.2.3. The qualifying interests of the Lower River Suir Special Area of Conservation are set out below.

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Taxus baccata* woods of the British Isles [91J0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]

- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

### 8.3. Likely impacts of the project (alone or in combination)

- 8.3.1. There are no direct connections between the site and the SAC. There may be some indirect connections from groundwater recharge on the site and subsequently entering the River Tar or River Suir further downstream. Any connectivity could transmit pollutants and affect the water quality, which in turn could impact habitats for breeding and feeding for aquatic freshwater species as well as impacting freshwater flora.
- 8.3.2. The brownfield nature of the site means that the majority of the topsoil has already been removed from the site. Some additional groundworks will still be required however this is considered minimal. The existing green public open space as well as access road with an operational surface water collection system will act as a buffer to collect any silt or sediment laden surface water which exits the site. The risk of contaminants is also low having regard to the scale and likely timescale of the works as well as standard good housekeeping in construction such as providing a dedicated refuelling area. A Construction Environmental Management Plan should be agreed with the Planning Authority prior to commencement of development.
- 8.3.3. Due to the enclosed nature of the development site and the presence of a significant buffer area (green) between the brownfield site and the River Tar as well as the surface water management system, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

- 8.3.4. During site clearance, demolition and construction of the development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.3.5. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the Lower River Suir SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

8.4. **Description of any likely impacts in combination with other plans and projects**

- 8.4.1. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.
- 8.4.2. No mitigation measures are required to come to these conclusions. I consider the implementation of good construction housekeeping is a standard measure to prevent and limit pollutants and emissions, and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC.

8.5. **Likely significant effects on the European sites in view of the conservation objectives**

- 8.5.1. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance, presence of existing surface and wastewater systems and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.
- 8.5.2. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development due to separation distance from the SAC.

8.6. **Overall Conclusion**

8.6.1. Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower

River Suir Special Area of Conservation or any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.6.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location and distance of the Lower River Suir SAC from the development site and a lack of connectivity, and
- Taking into account screening determination by the Planning Authority.

## 9.0 Recommendation

I recommend that planning permission is REFUSED for the following reasons and considerations.

## 10.0 Reasons and Considerations

1. The site is situated within the development boundary of Goatenbridge, Co. Tipperary which is designated as a settlement node in the Tipperary County Development Plan 2022-2028. Having regard to:
  - Section 4.6.3 of the Plan which states that new residential developments in settlement nodes will be limited to cluster type residential schemes,
  - Policy 5-6 of the Plan which supports the provision of cluster housing development within settlement nodes in compliance with the 'Design and Best Practice for Cluster Housing Schemes in Rural Villages' guidelines as set out in Appendix 5 of the Plan,
  - Objective GO1 of the Plan which also seeks to facilitate low density housing proposals in Goatenbridge in accordance with the 'Design and Best Practice for Cluster Housing Schemes in Rural Villages' guidelines, and
  - The definition of cluster development set out in the guidelines as a low-density housing scheme comprising up to 6 no. detached dwellings on individual sites,

It is considered that the proposal to provide 14no. units at a density of 22 units/ha, would represent overdevelopment of this rural site, would contravene Policy 5-6 and Objective GO1 of the Kildare County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the density of units proposed, the proliferation of car parking to the front of units, requirement for visitor car parking spaces and a turning head and the layout of units facing each other around a hard landscaped cul-de-sac, it is considered that the layout is suburban in nature and does not have regard to the rural context of the site and the unique sensitivity landscape character area referred to as the Knockmealdown Mountain Mosaic. Additionally, the lack of variation in dwelling type, roof shape and fenestration cumulatively contribute to a generic and suburban design which is considered inappropriate and detracts from the rural character of the area. Taken in conjunction with the existing development in the area, the proposed development would represent a sub-optimal and suburban layout and design for the site which would detract from the rural character and visual amenity of the area, would contravene Policy 11-16 of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable character 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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Sarah O'Mahony  
Planning Inspector

10<sup>th</sup> December 2024



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319346-24		
<b>Proposed Development Summary</b>	To construct 14 no. two-storey dwelling houses including all associated site development works and underground services.		
<b>Development Address</b>	Goatenbridge, Ardfinnan, Clonmel, Co. Tipperary.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	<b>X</b>	Class 10(b)(i) Threshold = 500 units Proposal = 14 units	Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<b>X</b>	Class 10(b)(i) Threshold = 500 units Proposal = 14 units	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

## Form 2

### EIA Preliminary Examination

The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site is brownfield in nature with foundations already present for 5no. dwellings as well as access and servicing requirements as far as the site entrance.  Minimal demolition works are required to remove the foundations, and the proposed works would be approximately situated on the same locations.
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	<p>The development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a rural area on a brownfield site to the rear of an established housing scheme. The site is situated 140m south of the Lower River Suir Special Area of Conservation however there is no likely significant risk to the ecology of the area as a result of the proposed works due to the existing and operational servicing in place for the existing housing scheme.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development and the nature of the works constituting an extension to an operational and permitted housing scheme, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	

<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>X</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

**Inspector:** \_\_\_\_\_

**Date:** 10<sup>th</sup> December 2024