



An
Bord
Pleanála

Inspector's Report

ABP-319736-24

Development

Large scale residential development (LRD): The development will consist of 101 dwellings and a creche with all associated site development works. The application may be inspected at the following website: www.duallaroadlrd.ie.

Location

Hughes Lot East, Cashel, Co. Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2361010

Applicant(s)

Dulla Developments Ltd

Type of Application

LRD Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Tom Wood

Observer(s)

None

Date of Site Inspection

19th July 2024

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
2.7. Unsolicited Information 19 th February 2024	7
2.8. Further Information 15 th March 2024.....	7
3.0 LRD Opinion	9
4.0 Planning Authority Decision	10
4.1. Decision	10
4.2. Planning Authority Reports	10
4.3. Third Party Observations	11
5.0 Planning History.....	12
6.0 Policy Context.....	12
6.1. National Planning Policy	12
6.2. National Guidance	13
6.3. Section 28 Ministerial Guidelines	13
6.4. Regional Guidelines.....	14
6.5. Development Plan.....	16
6.6. Natural Heritage Designations	22
6.7. EIA Screening	23
7.0 The Appeal	24
7.1. Grounds of Appeal	24
7.2. Applicant Response	24
7.3. Planning Authority Response.....	25
7.4. Further Responses	25
8.0 Assessment	25

8.3. Principle	26
8.4. Crotty's Lane	29
8.5. Other Issues.....	32
9.0 AA Screening.....	34
10.0 Recommendation	37
11.0 Reasons and Considerations.....	37
12.0 Recommended Draft Order	38
12.3. Conditions	43

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 3.96 ha is on the east side of Cashel town centre. It currently comprises agricultural lands and is in two blocks of land, separated by hedgerow. The northern boundary of the site is to Crotty's Lane, with the southern boundary adjoining the R691 Dualla Road which connects with the R692 (Friar Street) at its westernmost end, just south of the town centre area. A significant link road objective in the Cashel and Environs Development Plan splits the site in two providing a link from the Dualla Road to the south with the lands to the north of the site.
- 1.2. There is undeveloped residential zoned lands to the west and private residences to the east boundary. Cashel Community School is located 200m to the west of the site, with the Cashel Town FC sports ground pitches on the opposite side of Crotty's Lane to the north. The school and the sports pitches are accessed from the existing 30m diameter roundabout on the Dualla Road, to the west of the subject site.
- 1.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. The development will consist of the erection of 101 dwellings, a childcare facility, construction of a new roundabout and link road and ancillary works on a gross site area of 3.96ha. The proposed development will be accessed from the new roundabout on the R691 Dualla Road.
- 2.2. Details of the scheme are described as follows:
 - 12 no. one-bedroom maisonettes in two-storey semi-detached blocks,
 - 49 no. three-bedroom two storey semi-detached houses,
 - 2 no. three-bedroom two storey terraced houses,
 - 1 no four-bedroom two storey semi-detached house,
 - 11 no four-bedroom two storey detached houses,
 - 6 no. two-bedroom two-storey terraced houses,
 - 9 no one-bedroom apartments and

- 11 no. 2 bedroom apartments in a 3 storey building,
- a childcare facility (creche) with a gross floor space of 240m², refuse stores and secure bicycle store all located within the ground floor of the apartment building,
- 201 car parking spaces, (164 residential and 37 for visitors and creche), creche set down area, secure outdoor creche play area, 20 secure cycle spaces and 20 visitor cycle spaces (bicycle stand)

2.3. The proposed development will include new entrances leading onto the R691 Dualla Road to the south of the appeal site and L54151 Crotty's Lane to the north, construction of a new link road between Dualla Road to the south of the site and Crotty's Lane to the north and alterations to the R691 Dualla Road to include new roundabout, new raised tables and pedestrian crossings

2.4. Private, communal and public landscaped amenity spaces, internal estate road network, pedestrian pavement network including new internal pedestrian pavements extending to the north and south boundaries of the proposal, inter-site boundary walls and fences, new site boundary walls and fences, undergrounding of existing overhead electricity supply cables traversing the development site, erection of a new ESB sub station, public lighting, public drainage and water services connections and associated site development works.

2.5. Key development statistics are set out as follows:

Total Site Area (gross)	3.96 ha
Area Reserved for Link Road	0.16 ha
Total Developable Area (net)	3.36 ha
Total Number of Dwelling Units	101 units
Development Density (dwellings units / ha)	30.1 / ha (net)
Public Open & Amenity Space (Min 15%)	6950 (20.7%)
Gross floor Area of Development (including Creche 240 sqm)	10247.70 sqm
Plot Ratio (Gross Floor Area / Total Developable Area)	33%
Houses	
1-bed	12 (14.81%)
2-bed	6 (7%)

3-bed	51 (63%)
4-bed	12 (15%)
4+ bed	0
Total	81 (100%)
Apartments	
Studio	0
1-bed	9 (45%)
2-bed	11 (55%)
3-bed	0
4-bed	0
4+ bed	0
Total	20 (100%)

2.6. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:

- Cover Letter
- Letter of Consent to make a planning application
- Pre Planning Consultation
- Tipperary County Council LRD Opinion
- Response to LRD Opinion
- Statement of Consistency
- Architectural Design Statement
- Access Statement
- Residential Sustainability Statement
- Residential Unit Quality Audit Assessment (Cover Page only)
- Daylight and Sunlight Analysis Report
- Building Lifecycle Report
- Energy Statement
- Development Impact Assessment
- Verified Views - Existing and Proposed
- Computer Generated Images - CGI'S

- Engineering Services Design Report
- DMURS Compliance Statement
- Public Lighting Report
- Stage 1 Road Safety Audit
- Traffic Impact Assessment Report
- Landscape Design Report
- Landscape Masterplan
- Construction Demolition Waste Management Plan
- Site Specific Flood Risk Assessment
- Appropriate Assessment Screening Report
- Irish Water Confirmation of Feasibility
- Part V Agreement in Principle

2.7. **Unsolicited Information 19th February 2024**

- 2.7.1. Details of the proposed roundabout and road crossings works at Dualla Road together with cost estimates for the proposed roundabout and road crossings were submitted.

2.8. **Further Information 15th March 2024**

- 2.8.1. The further information was prepared and submitted by Conroy Architects, IE Consulting Engineers and NJ Consulting Engineering on behalf of the applicant and may be summarised as follows:

- 2.8.2. **Item 1** – Calculations as set out in Appendix B of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities 2024.

Net Site Area = 3.48 ha (34800m²)

Overall GFA = 10171m²

Residential GFA = 9931m²

Non-Residential GFA = 240m²

No. of Units = 101 Residential

GFA as a portion of development = $9931/10171 = 97.6\%$

Site area for density purposes = $3.47\text{ha} \times 97.6\% = 3.38\text{ha}$

Residential density = $101/3.38 = 30$ dwellings per hectare¹

- 2.8.3. **Item 2 (a)** - The model domain or active area defines the extent of the pluvial model. Surface water does not back up along the boundary of the model domain and is allowed to flow beyond the boundary.
- 2.8.4. **Item 2 (b)** - The pluvial flood waters located in the field to the north of Crotty's Lane currently do not overtop the road during a 1% AEP (1 in 100 year), 0.5% AEP (1 in 200 year) or the 1% AEP (1 in 100 year) plus climate change (MRFS) rainfall events. The proposed stormwater management system for the site is designed for up to a 1% AEP (1 in 100 year) plus climate change rainfall event. In order to mitigate any residual flood risk of these waters overtopping Crotty's Lane it is proposed to extend the proposed swale along the entire length of the northern boundary of the site, including a culvert under the proposed northern access point, to collect any pluvial runoff that may enter the site from these lands. In addition, it is proposed to include an additional 10% storage capacity in the stormwater attenuation system located along the western boundary of the site to allow for any additional volume of pluvial waters from the northern lands that may enter the site. The measures proposed above (extended swale, culvert and additional attenuation storage) are to mitigate the potential secondary or residual risk only.
- 2.8.5. **Item 2 (c)** - The proposed stormwater management system has been designed to taken into account surface water runoff from the existing roads to the north and the south of the site, which include the associated catchment areas. There is no increased flood risk as a result of including the proposed pedestrian entrances and raised tables.
- 2.8.6. **Item 2 (d)** - The external site boundaries are as follows:
- Northern Boundary shall include existing hedgerows, fencing and swales. The swales shall collect surface water runoff that may enter the site from external lands and manage it within the proposed stormwater system proposed.
 - Eastern Boundary shall include fencing, which is permeable and as such will not alter the overland flow paths or result in an increased flood risk to third party lands.
 - Southern Boundary shall include the existing wall along the site boundary as well as a footpath along the length of the site (northern side of the existing road). There

¹ Note this figure has decreased marginally from 30.1 units per ha in the application to 30 units per ha in the further information submission

will be no diversion of surface water runoff along this boundary into third party lands or any increase in flood risk to third parties.

- Western Boundary shall be maintained as existing hedgerows, therefore no impact to third party lands will occur

2.8.7. **Item 3** – Submitted that there appears to have been a misinterpretation of the figures in the query where the proposed outflow rates are given as “6l/s to 12l/s per ha”. The outflow rates provided in the Engineering Services Report (section 3.5) are given as litres per second and not litres per second per hectare. Stated that the following additional measures are being incorporated into the proposed storm water management system to mitigate the potential secondary or residual risk only:

- The swale proposed along the boundary with Crotty’s Lane will be extended
- The capacity of Attenuation System No. 2 has been increased by 10%

Additional gullies are provided at the southern side of the most southern raised table on the proposed roundabout. These gullies have now been added to the design.

2.9. The submission was accompanied by the following:

- IE2751_6095_RFI Letter 14-03-24_REV1 – IE Consulting Item 2 Response
- 22.015-NJD-00-XX-CO-C-0001_vP01 - NJD Item 3 Response
- 22015-NJD-00-XX-DR-C-0300_vP06 – Proposed Stormwater Drainage Layout

2.10. **Revised Public Notices** were submitted 25th March 2024

3.0 LRD Opinion

3.1. In the second LRD opinion issued on 27th November 2023 the Planning Authority set out the following:

- The documents submitted require further consideration and amendment to constitute a reasonable basis for an LRD application. Stated that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis on which to make an LRD application:

- a) Development Density, Design and Layout
- b) Phasing
- c) Landscaping

- d) Road, Access and Circulation
- e) Surface Water Drainage
- f) Flood Risk
- g) Water & Wastewater
- h) Boundary Treatment
- i) Part V
- j) Taking in Charge
- k) Site Specific Construction & Demolition Waste Management Plan
- l) Development Contributions
- m) Creche
- n) Bond
- o) Appropriate Assessment
- p) EIA

3.2. The applicant submitted a Statement of Response with the planning application which addresses the matters cited by the planning authority in the LRD Opinion.

4.0 **Planning Authority Decision**

4.1. **Decision**

4.1.1. Tipperary County Council issued notification of decision grant permission subject to 27 no generally standard conditions on 19th April 2024.

4.2. **Planning Authority Reports**

4.2.1. ***Planning Reports***

4.2.2. The Case Planner in their first report requested further information:

- Net Residential Density calculated as per the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024
- Flood Risk issues raised in third party submission received
- Surface water management

4.2.3. Further information was requested on the 22nd February 2024

4.2.4. The Case Planner in their second report and having considered the further information response recommended that planning permission be granted subject to conditions. The notification of decision to grant permission issued by Tipperary County Council reflects this recommendation.

4.2.5. ***Other Technical Reports***

- Roads Capital - No observations.
- District Engineer - No objection subject to concerns raised in relation to sightlines and entrance arrangements, surface water, roadside drainage, lighting, footpaths, road / traffic safety, taking in charge area, and phasing plan being addressed. Particular attention should be given to a more robust surface water system that will account for all surface water likely to enter the site.
- Housing – Part V Agreement in principle. This will include for 20 units comprising of 6 no apartments, 3 no. 1 beds, 3 no. 2 beds in each of the 4 Phase.

4.2.6. **Prescribed Bodies**

- Irish Water – No stated objection.

4.3. **Third Party Observations**

4.3.1. ***Planning Application*** - There are 8 no observations recorded on the planning file from (1) Noel & Una Gleeson, (2) Helen McGrath, (3) Michael O'Brien, (4) Peter & Geraldine Silke, (5) Tom Wood, (6) AOCA Engineering Consultants, (7) Des Cawley and (8) James Moloney. The issues raised relate to traffic impact, construction impact, construction hours, impact to Crotty's Lane, density, drainage, scale of development, flood risk, design and pattern of development, impact on residential amenities, biodiversity, contrary to DoEHLG Guidance, public safety, inter relationship between adjoining properties,

4.3.2. ***Further Information*** - There is one observation recorded on the planning file from Peter and Geraldine Silke C/O John Mac Carthy. The following concerns were raised;

- The deadline for submission was not advised on the letter dated 25th March 2024.

- Discrepancies in initially submitted documents and further information response relating to boundary treatments.
- Reference made available of Planning Authorities LRD Opinion and contents therein.
- Highlights that permission should be refused owing to the development is contrary to properly and orderly planning.

5.0 Planning History

5.1. **ABP 23.236659 (Reg Ref 09199)** - The site has previously received a decision to grant permission from An Bord Pleanála (23 no conditions) for a housing development comprising 80 semi-detached houses (24 no. 2-storey 3 bed units, 22 no. 3-storey split-level 3/4 bed units, 34 no. 2-storey 4 bed units) and a local facilities centre containing retail units on ground floor with offices/medical centre over and a single storey creche (circa 1000 sq.m.) with 46 carparking spaces and associated works, also to create a new site entrance and associated roadworks including a new roundabout on Dualla Road accessing lands to both the north and south; erect new boundary treatment and all ancillary site services. It is noted that Condition No 2 required the omission of 8 no houses reducing the overall development to 69 no dwellings.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

6.1.3. The NPF has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

6.2. **National Guidance**

- Design Manual for Urban Roads and Streets (2013)

6.3. **Section 28 Ministerial Guidelines**

6.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)

- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)²
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

6.4. Regional Guidelines

6.4.1. Regional Spatial and Economic Strategy for Southern Region

² The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

6.4.2. The (RSES) for the Southern Regional Assembly (EMRA) came into effect on 31st January 2020. The RSES provides regional level strategic planning policy for the eastern and midland region in line with the NPF. The Region includes County Tipperary. Strategies of note are as follows:

- Spatial Strategy – to manage future growth and ensure the creation of healthy and attractive places to live, work, study, visit and invest in.
- Economic Strategy – that builds on the region’s strengths to sustain a strong economy and support the creation of quality jobs that ensure a good living standard for all.
- Investment Framework – to prioritise the delivery of key enabling infrastructure and services by government and state agencies.
- Climate Action Strategy – to accelerate climate action, ensure a clean and healthy environment and to promote sustainable transport and strategic green infrastructure.

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

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

6.4.4. The RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets for ‘Towns & Villages’. Those applicable to Cashel and the development proposal is the following.

RPO 26 – Towns and Villages

It is an objective:

- a) To strongly support strengthening the viability of our towns and rural settlements, as a key objective of the RSES, including the protection of essential rural services such as post offices, shops, and medical facilities;*

- b) *To seek investment and initiatives that deliver smart technologies, revitalisation of mixed-use town and village centre streets, and pilot initiatives for regional good practice in renewal and re-use of buildings;*
- c) *To seek investment, the timely delivery and the sustainable delivery of holistic infrastructures in towns and villages to support their service role along the Region's tourism corridors consistent with the settlement hierarchies as set out in relevant development plans;*
- d) *To ensure that development plans tailor the appropriate planning response by reference to the scale, nature and location of the settlement. Local authorities will identify settlements which can play an enhanced role at sub-regional level to drive the development of their area;*
- e) *To support the development of guidelines for cluster housing development within the existing footprint of our rural settlements;*
- f) *To support co-ordination between local authorities, Irish Water and other stakeholders to deliver investment in the sustainable development of water and wastewater and other infrastructure for towns and villages, prioritising retrofitting and improvement in the quality of existing services;*
- g) *To seek investment in the sustainable development of a "New Homes in Small Towns and Villages" initiative in the Region and the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create "build your own home" opportunities within the existing footprint of rural settlements. Local authorities should identify and prioritise the provision and implementation of serviced sites within towns and villages as an objective of development plans. These programmes shall ensure a sustainable and appropriate spread of development between towns and villages within their areas.*

6.5. Development Plan

6.5.1. The operative plan for the area is the Cashel Town and Environs Development Plan 2009 -2015 (as varied) and the Tipperary County Development Plan 2022-2028.

6.5.2. **Tipperary County Development Plan 2022-2028**

Volume 3 Appendix 6 Development Management Standards

- 1.4 Sustainability Statement
- 3.2 Construction Environmental Management Plans (CEMP)
- 3.3 Sustainable Urban Drainage Systems and Nature-Based Solutions
- 3.5 Lighting
- 3.9 Electric Vehicles Infrastructure
- 4.4 Residential 'Sustainability Statement
- 4.6 General Residential Design Standards
- 4.7 Apartments
- 4.11 Naming of Residential Development
- 4.15 Light and Overshadowing
- Table 6.4: Minimum Car Parking Standards
- Table 6.6: EV Charging Point Standards
- Table 4.1 Minimum Design Standards for Residential Schemes

Phasing	Phasing of construction shall be identified and thereafter adhered to. The Council will require the completion of services, amenities and infrastructure before the occupation of dwellings in each phase and progression to the next stage. Each phase will need to be served by adequate infrastructure and open space provision.
Public Open Space	At least 15% of total site area shall be allocated for public open space. Public amenity areas shall be capable of passive supervision and shall provide a safe area for play. Pedestrian and cycle linkages shall be a predominant feature of the layout. Existing vegetation such as hedgerows, trees and natural features shall be retained and incorporated where practicable. Where tree removal must take place, the developer will be required to provide replacement semi-mature native trees on site
Private Open Space	All housing units shall have an area of private open space behind the front building line in line with the minimum size requirements: <ul style="list-style-type: none"> • 48 sqm for 1-2 bedroom houses • 60 sqm for 3-5 bedroom houses • 75sqm for 5 plus bedroom houses Private gardens shall be top-soiled, graded and seeded prior to occupation of the dwelling.
Separation Distances	A minimum separation distance of 22m between directly opposing windows at first floor level shall be provided. In the case of high quality and innovative designs these

	minimum requirements may be reduced subject to the satisfaction of the Council.
Road Layouts, Walking and Cycling	Road safety, including vehicle speed management shall form an intrinsic part of the road design and layout of residential developments and shall be a central element of the design and layout of a new development. The DMURS places an emphasis on designing new urban roads and streets in a way that discourages excessive speeds. The principles of the DMURS and requirement for Road Safety Audit, where necessary, shall be integrated into new proposals.
Public Infrastructure	The provision of satisfactory public infrastructure and other services in compliance with this plan and prior to the occupation of units
Waste	A waste management plan shall address: a) the construction phase of the development, and, b) details of the provision of visually discreet and easily accessible waste storage facilities to accommodate domestic waste disposal and recycling needs for the proposed development.
Natural and Built Heritage	The protection of all existing historical monuments, buildings, building fragments, archaeological material, trees and hedgerows shall be provided for where appropriate.
Maintenance and Management	Developers will be responsible for the maintenance and management of new residential developments where management companies are not employed and where the development has not yet been taken in charge. Management companies are only acceptable for multi-unit residential buildings.
Density	Please refer to the relevant settlement plan for guidance.

6.5.3. **Cashel Town and Environs Development Plan 2009 -2015 (as varied)**

6.5.4. **Chapter 3: Housing**

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

standards, design statements and other guidelines of the Cashel and Environs Development Plan 2009 –2015.

- ***Policy HSG 3: Neighbourhood Centres*** - It is the policy of the Council to ensure the provision of appropriate neighbourhood centres incorporating retail, commercial and community facilities in conjunction with new residential development on lands identified for residential development as set out on Map 1 Land zoning of the Cashel and Environs Development Plan 2009 –2015
- ***3.11 Specific Housing Objectives*** - HO1 It is an objective of the Council to require the provision of neighbourhood facilities at Dualla Road and Golden Road as part of proposed residential development.

6.5.5. Chapter 4: Amenity, Built and Natural Environment and Heritage

- ***Policy ENV 8: Approach Roads and Gateway Development*** - It is the policy of the Council to seek high quality gateway development and design, and visual improvements that reflect Cashel's Heritage Town status as part of new developments adjacent to approach roads to the Town.
- ***Policy ENV 9: Entry and Gateway Improvements*** - It is the policy of the Council to seek entrance features and visual improvements such as a high quality and uniform approach to boundary treatment, lighting and footpath improvements and landscaping etc as part of all new developments adjacent to public roads on all approaches to the town.
- ***Policy ENV 15: Listed Views*** - It is the policy of the Council to protect designated views as outlined in Appendix 7, and to implement the relevant provisions of the Visibility Analysis of the Rock of Cashel and other Monuments with regard to the Protection of Heritage.
- ***V8 Views from the Dualla Road (R-691) from the Plan boundary towards the Rock.***

6.5.6. Chapter 7: Community and Social

- ***Policy CS 4: Childcare Facilities*** - The Council will require the provision of high quality, affordable childcare facilities at easily accessible central locations in association with housing and other development and will consult with the County Childcare Strategy to identify the most suitable locations and to determine the specific needs of the community.

6.5.7. Chapter 8: Infrastructure

- **Policy INF 2: Traffic and Transport Assessment** - The Council will require that Traffic and Transport Assessment be carried out where, in the opinion of the Council, such a study is considered to be necessary, as part of large-scale development, where new development gives rise to cumulative impact in conjunction with neighbouring developments or where large traffic volumes are anticipated.
- **Policy INF 5: Pedestrian and Cycle Routes** - The Council will seek to improve and create additional facilities for pedestrians and cyclists as opportunities arise as part of new developments. The Council will seek to secure the provision of interlinking key historic routes as outlined in Figure 8.1.
- **Policy INF 7: 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. Such systems will be required to conserve water, protect water quality and regulate the rate of surface water runoff so as not to cause or exacerbate flooding on the relevant site or elsewhere.
- **Policy INF 9: Flood Risk Assessment** - The Council will require a comprehensive Flood Risk Assessment for proposals in areas at risk of flooding, adjoining same or where cumulative impacts may result in a flood risk elsewhere

6.5.8. Chapter 9: Development Management

- **Policy DM 1: Development Standards** - It is the policy of the Council to require all development to comply with the relevant standards identified in Chapter 9 Development Management of the Cashel and Environs Development Plan 2009-2015.

6.5.9. Section 9.1 Land Use Zoning Objectives (Map 1)

- **New Residential (R1)** - To provide for New Residential development. Density on such sites will be determined by the nature of the site and proximity to the town centre.
- **Amenity (A)** - A small area in the southwest corner of the site is zoned for Amenity land use the land use zoning objective is; Preserve and enhance Recreation and Amenity areas.

- **Indicative Route & Intersection - Policy INF 1:** Development of an Integrated Transport Network and Local Road Network. It is the policy of the Council to require the provision of a new sustainable integrated transport network and a new local road network as identified on Map 1 as part of new development. Proposed layouts must demonstrate how they can viably connect with an overall indicative route strategy as set out on Map 1.
- **9.7 Multiple Unit Residential Development** - The Council will seek appropriate, efficient and sustainable development on all residential zoned land and will apply the guidelines contained in the Planning Guidelines on Sustainable Residential Development in Urban Areas 2008 (DEHLG) or any amendments thereto as appropriate. The Council will require all development proposals to incorporate the standards set out in Table 9.3.
- **9.8 Development Impact Assessment (DIA)** - New residential development proposals (which are subject to the provisions of Part V of the Planning and Development Acts 2000 – 2010) shall be accompanied by DIA to be submitted at Planning Application stage. All multiple unit residential development proposals on Phase 2 lands shall be accompanied by both DIA and a Justification Test.
- **9.10 Apartment Buildings** - The Council will apply as minimum standards the guidelines contained in the Sustainable Urban Housing: Design Standards for Apartments 2007 (DEHLG). The predominant issues of concern to the Council will be the appropriate zoning, the provision of adequate floor areas, storage space, circulation, public and private open space, access, parking, bin storage (should facilitate segregation of waste into 3 fractions - dry recyclable, residual & organic/food waste), balconies, daylight and sunlight, facilities for children and overall building design and finish. Developments, which fail to meet the standards set out by the DEHLG will not be favourably considered. The Council will also require the setting up of a management company to maintain the infrastructure of the site and the communal and amenity areas of the development.
- **9.11 Cycle Facilities** - The Council will require provision of cycle routes within new residential and employment developments and provision of secure bicycle parking facilities within new developments, including commercial and office developments and residential proposals. Proposals for cycle facilities should be identified at planning stage

- **9.15 Open Space Requirements** - Private open space for all residential developments shall, as a minimum, conform with the standards set out in the Planning Guidelines on Sustainable Residential Development in Urban Areas 2008 (DEHLG) or any amendments thereto as appropriate, noting that the Council reserves the right to seek increases in open space provision as appropriate. For development proposing four or more residential units a minimum of 15% of the site area shall be reserved and set out as useable²⁷ public open space. The schedule set out in Table 9.5 below indicates the extent of community facilities required per head of population for each respective development. In deciding on the extent and type of facilities to be provided, the developer(s) will be required to consult with the Council to ensure the optimum benefit is obtained from the amenity facilities to be provided as part of the development.
- **9.28 Taking in Charge** - The Council has prepared a policy for the Taking in Charge of Residential Developments. This document provides guidance as to the Council's requirements prior to the taking in charge of a development. Sub-surface infrastructure and networks and roads and services etc will not be taken in charge and no bonds will be returned prior to the submission details in accordance with Council policy, for the written agreement of the Council.
- **9.34 Naming of Residential Developments** - Naming of new residential developments must be agreed in writing with the Council prior to commencement of development. In deciding new names for estates, reference shall be made to local history or features etc. The Council will not accept replication of existing names in the locality or names that could be confused with any existing residential areas/ settlements in the Cashel area
- **Appendix 6** - The standards set out in Appendix 6 of the Tipperary County Development Plan 2022 apply to all development in Co Tipperary, including development proposed in settlements already addressed by Town Development Plans, Local Area Plans and any review thereof.

6.6. Natural Heritage Designations

- 6.6.1. The proposed development site is not within a designated conservation area. The closest European sites is Lower River Suir SAC which is approximately 4km from the proposed works area

6.7. EIA Screening

- 6.7.1. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - Urban Development which would involve an area greater than 2 hectares in the case of a business district*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere
 - a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.
- 6.7.2. It is proposed to construct 101 residential units, a crèche and associated site works. The number of residential units is well below the threshold of 500 dwelling units noted above. The site has an overall area of 3.96ha and therefore falls below the area threshold of 10 hectares that applies to 'other parts of a built-up area' and 20 hectares 'elsewhere'. The site is not a business district and therefore the threshold of 2 Ha is not applicable in this instance.
- 6.7.3. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The site is a greenfield site, located adjacent to existing residential uses. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed in Section 9.0 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Tipperary County Council upon which its effects would be marginal.
- 6.7.4. Having regard to the nature and scale of the proposed, its location within the development envelop of Cashel where public water supply and foul sewerage is available, the absence of any ecologically significant areas within the application site or on adjoining lands, and the nature of any likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant

environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The first party appeal has been prepared and submitted by Tom Wood and may be summarised as follows:

- Concern relates to the L54151, Crotty's Lane and the negative impact additional traffic will have on the recognised and much used pedestrian lane.
- Crotty's Lane is a narrow link between Palmers Hill and the Dualla Road in Cashel and if the LRD materialises it would be an advantage to the residents and the creche user to have such a pleasant pedestrian route close by.
- The proposed development is significant but if properly laid out the existing Dualla Road should contain the increased volume of traffic.
- With Local Authorities spending millions on cycle lanes and pedestrian routes this one on Crotty's Lane deserves all the protection it can get.

7.2. Applicant Response

7.2.1. The first party response to the appeal has been prepared and submitted by NJD Consulting Engineers on behalf of the applicant and may be summarised as follows:

- The applicable development plan is the Cashel and Environs Development Plan 2009. Policy INF 1 states as follows:

Policy INF 1 – Development of an Integrated Transport Network and Local Road Network - It is the policy of the Council to require the provision of a new sustainable integrated transport network and a new local road network as identified on Map 1 as part of new development. Proposed layouts must demonstrate how they can viably connect with an overall indicative route strategy as set out on Map 1.

- The link road has been incorporated into the proposed development through consultation with Tipperary County Council during the pre-planning meetings. The

requirement for the link road is coming from the development plan, rather than a requirement of the proposed development. It is understood that the connection to Crotty's Lane would only be made in the context of Tipperary County Council upgrading Crotty's Lane.

- The Traffic and Transport Assessment (TTA) submitted with the planning application demonstrates that the Dualla Road has sufficient capacity to cater for the proposed development, without the need for a connection to Crotty's Lane.
- The site has previously received a decision from An Bord Pleanála for a housing development (Planning Ref 09/199, ABP Ref 23.236659), which also linked the site and Crotty's Lane. The issue of the connection to Crotty's Lane has already been asked of An Bord Pleanála and answered in their decision to grant permission.
- Although the layout includes the link road, to comply with the development plan objective, the applicant would be amenable to a Grant of Permission with Revised Conditions to eliminate the link road connection to Crotty's Lane.

7.3. Planning Authority Response

7.3.1. None

7.4. Further Responses

7.4.1. None

8.0 Assessment

8.1. This is an application for a Large-Scale Residential Development (LRD). The development will consist of 101 dwellings and a creche together with all associated site development works at Hughes Lot East, Cashel, Co. Tipperary. Tipperary County Council issued notification of decision grant permission subject to 27 no generally standard conditions. There is only one third party appeal. The appellant's concern and reason for their appeal relates to the impact to Crotty's Lane to the north of the appeal site. No other issues have been raised in the appeal. I have considered the proposed application, submissions on the file, the Case Planners report and recommendation. Given the nature of the appeal I propose to give a brief overview

and assessment of the scheme and focus on the details of the third-party appeal. A limited number of “other issues” are also addressed.

8.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following headings:

- Principle
- Crotty’s Lane
- Conditions
- Other Issues

8.3. **Principle**

- 8.3.1. The development comprises the construction of a Large Scale Residential (LRD) housing development of 101 residential units (10295m²) and a creche (245m²). An area of 7300m² will be left as open space once the development is completed. The development will also incorporate a new link road through the subject lands with new intersections / junctions on the Dualla Road (R691) and L54151 (Crotty’s lane), as well as water supply connections, wastewater connections and surface water drainage systems. Further details are provided in Section 2.0 above.
- 8.3.2. Under the provisions of the Cashel Town and Environs Development Plan 2009 -2015 (as varied) (hereinafter referred to as the CT&EDP 2009 - 2015) the majority of the site is located on lands zoned for New Residential development and where the principle of developing residential use and a creche is acceptable in principle. A portion of the site (southwest corner) is located on lands zoned for amenity use. Having regard to the site layout plan pertaining to the scheme it is evident that this area of the site has been integrated into the landscape scheme and used for amenity purposes only. No residential development will take place on this land.
- 8.3.3. There is a further specific objective for these lands as set out in Policy INF 1 where the Council require the provision of a link road through the site as identified on Map 1 as part of any new development. This has been provided for in the schemes layout. Accordingly, the principle of the proposed development (as amended) is considered acceptable.

- 8.3.4. It is further noted that Section 3.5 and Policy HSG3 of the CT&EDP 2009 – 2015 also applies whereby *it is the policy of the Council to ensure the provision of appropriate neighbourhood centres incorporating retail, commercial and community facilities in conjunction with new residential development on lands identified for residential development as set out on Map 1 Land Zoning of the Cashel and Environs Development Plan 2009 –2015*. It is also a Specific Housing Objectives - HO1 of the Council *to require the provision of neighbourhood facilities at Dualla Road and Golden Road as part of proposed residential development*.
- 8.3.5. In relation to Policy HSG3, the applicant submits that the opportunity for implementation of the link road objective in accordance with the CT&EDP 2009 – 2015 has not been fulfilled on lands to the south of Dualla Road and as a consequence this would negatively impact on the perceived viability of the neighbourhood centre objective for the proposed development. The applicant makes reference to other retail commercial services available within 1km of the site. Reference is also made to the location of the site and modal options i.e. walking and cycling due to proximity to the town centre. The applicant also states that the economic viability of a small/local convenience shop within a residential area must be assessed against a background of the availability of similar amenities and services within close proximity.
- 8.3.6. I note that the Case Planner and ultimately Tipperary County Council accepted this argument. To my mind the policies and objectives of the CT&EDP 2009 – 2015 are very clear with regard to the provision of a link road through the site and a Neighbourhood Centre in the area of the proposed new roundabout with Dualla Road. The exact location of the neighbourhood Centre is indetermined however Specific Housing Objectives - HO1 of the Council is clear in that it is to be provided at Dualla Road and Golden Road as part of proposed residential development. This is the area of the proposed new roundabout.
- 8.3.7. The layout of the proposed scheme before the Board, if permitted, will preclude the development of a Neighbourhood Centre within the red line boundary envelop of this development on lands to the north of Dulla Road. However, I share the applicants position as supported by Tipperary County Council that in the absence of the Link Road continuing southwards through lands zoned as “existing residential” together with the proximity of the scheme to the town centre and provision of essential and complimentary infrastructure to ensure appropriate multi modal connectivity that the

viability of a Neighbourhood Centre at this location would be diminished. In addition the absence of a Neighbourhood Centre as part of this development does not of itself preclude the delivery of such a requirement in future development proposals in the immediate area. As mentioned, the Planning Authority is satisfied with the application as presented. I therefore accept that the uses as presented, and I am satisfied that it complies with the zoning policies and objectives for the site.

8.3.8. In determining the appropriate density for this town suburb location, I refer to Table 3.6 – Areas and Density Ranges Small to Medium Sized Towns (1,500 – 5,000 population) of the Sustainable Residential Development and Compact Settlements Guidelines (2024). The CT&EDP 2009 – 2015 states that Cashel & Environs has a population of 2,936 (CSO 2006). This figure is clearly outdated. The Tipperary County Development Plan 2022 – 2028 states that Cashel has a population of 4422 (2016) with a population projection to 2028 of 5011. The County development Plan identifies Cashel as a District Town with a population above 1500. This aligns with the Small to Medium Sized Towns (1,500 – 5,000 population) as described in the Compact Settlements Guidelines (2024). Table 3.6 of the Guidelines sets out the density ranges for the greenfield lands at the edge of the built-up area of Small to Medium Sized Towns such as Cashel that are zoned for residential development whereby densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns. The density of 30 units/ha (net) as proposed is in line with the requirements of the Sustainable Residential Development and Compact Settlements Guidelines (2024).

8.3.9. Overall I am satisfied that the proposed development generally accords with the relevant policies for the area as set out in the County Development Plan, National Guidelines and relevant Section 28 Guidelines including the recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities as follows:

- The layout and urban grain of the scheme demonstrates consideration of its context and receiving environment and is based on the principles and 12 design criteria of the Urban Design Manual.
- Adequate public open space is proposed throughout the site amounting to approximately 20% of the total site area. The development includes a central

public amenity space area and area to the east, with views and viewing point towards the Rock of Cashel which will provide an important visual amenity from within the scheme. The approach to the proposed development from the east has been designed to allow views to the Rock of Cashel to be maintained where possible.

- Within the development the proposed building types vary to ensure a visually engaging and quality residential environment. The massing of the development is designed to have the higher density 3 storey apartment block located to the north of the site which creates an appropriate transition to Crotty's Lane.
- In terms of accommodation provision and unit mix, provision of dual aspect apartments, floor to ceiling heights, internal space standards and storage, and Part V proposals I am satisfied that the scheme is in accordance with the requirements of the current Development Plan and relevant National Guidelines.
- I am satisfied that a DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands where appropriate given the nature of the site has been proposed and is therefore acceptable.
- The proposed development proposes to maintain and enhance existing boundaries and trees to the east, west and north of the site. The proposed landscaped areas feature an new plants and trees and incorporate Sustainable Urban Drainage Systems (SUDS) to mitigate and slow the flow of stormwater into the attenuation tanks.
- A childcare facility of 240sq.m and associated dedicated play area of 250m² is proposed as part of the scheme which is acceptable.

8.3.10. Having regard to the foregoing I am satisfied that the principle of the scheme is acceptable.

8.4. Crotty's Lane

8.4.1. The third party in their appeal submits that additional traffic associated with the proposed scheme will have a negative impact on Crotty's Lane, a much used pedestrian lane adjoining the appeal site to the north.

- 8.4.2. I refer to the plans and particulars submitted with the application. The proposed development provides new entrances leading onto Dualla Road to the south and onto Crotty's Lane to the north. The proposal also includes the provision of a new link road between Dualla Road to the south and Crotty's Lane to the north together with alterations to the Dualla Road to include new roundabout, new raised tables and pedestrian crossings. According to the site plans submitted there will be one new vehicular / pedestrian access point to Crotty's Lane, with the potential for two more access points as identified on the site layout map. It is submitted that this allows for the future expansion of Crotty's Lane, which will accommodate pedestrian walkways, cycling paths, and vehicular lanes, ensuring appropriate widths for all. The proposed access and mini roundabout have been designed in accordance with DMURS.
- 8.4.3. As set out in the Cashel and Environs Development Plan 2009 – 2015 (as varied) there is a specific objective related to the provision of a link road that splits the site in two providing a link from the Dualla Road to the south with the lands to the north of the site at Crotty's Lane. Policy INF 1 as set out in Map 1 of the Development Plan refers. In line with this objective the applicant has provided a link road as part of the site development layout demonstrating how it can viably connect with the overall indicative route strategy as set out on Map 1. I am satisfied that this important local road objective has been included on plans and particulars submitted and that the link road has been incorporated into the proposed development in consultation with Tipperary County Council.
- 8.4.4. While the site plans submitted makes provision for access to Crotty's Lane I note from the Traffic and Transport Assessment (TTA) submitted with the planning application that Dualla Road has sufficient capacity to cater for the proposed development, without the need for a connection to Crotty's Lane. According to the TTA the Link Road will extend northwards across the development site and terminate just south of Crotty's Lane facilitating a possible future extension through onto Crotty's Lane and that this would only be connected for vehicle access if Crotty's Lane has been widened as part of future development of lands to the north. This aligns with the recommendation of the Tipperary-Cashel-Cahir District Engineer who states that the use of Crotty's Lane for site access should not be considered. However as noted above, this restriction has not been clearly indicated in the site plans submitted with the application. This is discussed further below.

- 8.4.5. In their response to the appeal the applicant submits that it is their understanding that that the connection to Crotty's Lane would only be made in the context of Tipperary County Council upgrading Crotty's Lane. As such, provision for the widening of Crotty's Lane was incorporated into the proposed development at the request of the local authority and evident on plans and particulars submitted.
- 8.4.6. As observed on day of site inspection (site photos refer) Crotty's Lane is a narrow winding country road linking Palmers Hill Road to the west and the Dualla Road to the east that is used by pedestrians despite there being no footpaths associated with the lane. While I appreciate the appellants position and this much used pedestrian lane will be negatively impacted and ultimately changed by development either side, it remains that the Development Plan has set out a very clear objective with regard to the provision of a link road through the appeal site and zoning of lands either side of Crotty's Lane for future development. This link road is an important piece of infrastructure that is required to open up serviced zoned lands for development in the immediate area. The delivery of this link road is therefore imperative at this location. However, the delivery of same and the associated "opening up" of suitable lands for development through a planned hierarchy of permeability and accessibility is not without potential for significant changes in the immediate area including the impact to Crotty's Lane in order to accommodate pedestrian walkways, cycling paths, and vehicular lanes. While the impact to Crotty's Lane is noted and is in many ways regrettable it remains that the land use zoning objectives for the area together with the Link Road have been identified in the Development Plan as far back as 2009 and that the provision of suitable infrastructure is essential to meet the Development Plan objectives and therefore the changes to Crotty's Lane are inevitable.
- 8.4.7. In relation to the immediate impact to Crotty's Lane the TTA has demonstrated that Dualla Road to the south has sufficient capacity to cater for vehicular traffic from the proposed development and this taken together with the comments of the Tipperary-Cashel-Cahir District Engineer I am satisfied that the proposed development doesn't require a direct link road connection to Crotty's Lane at this time. Although the layout includes the link road, to comply with the development plan objective, the applicant states that they would be amenable to a decision to grant permission with revised conditions that exclude the connection to Crotty's Lane. I support this approach and recommend that a condition be attached requiring that access to Crotty's Lane is not

be provided at this time with details to be agreed with the Local Authority to ensure future accessibility from Crotty's Lane will be provided without impediment when deemed appropriate by Tipperary County Council. Condition No 2 of the recommended conditions set out below refers.

8.5. Other Issues

- 8.5.1. **Flood Risk** – I refer to the Site-Specific Flood Risk Assessment (FRA) that accompanied the application. I further note the request for further information and response to same together with the relevant reports and assessments on the LRD appeal file.
- 8.5.2. Following a review of the flood risk mapping available for the county, it is noted that part of the site is identified at risk of pluvial flooding. The FRA identified that pluvial flood water enters the site in the north east corner (from Crotty's Lane) and on the southern boundary (from Dualla Road/Dun Chormaic). The FRA concluded that *"the flood risk to and from the development as proposed is considered to be LOW. The development as proposed is not expected to result in an adverse impact to the hydrological regime of the area or increase flood risk elsewhere and is therefore considered to be appropriate from a flood risk perspective"*.
- 8.5.3. The further information confirmed that lands north of Crotty's Lane are lower than the proposed site and prevent any pluvial water entering the site. The storm water system has been revised to include for extended swales along this northern boundary and increased attenuation volume by 10%. The applicant has confirmed that the proposed pedestrian entrances and raised tables would not increase flood risk off site.
- 8.5.4. As pointed out by the Case Planner the response does not explicitly declare a permanent durable external boundary would have off site flood risks. However, it does state that surface water does not back up along the boundary of the model domain and is allowed to flow beyond the boundary.
- 8.5.5. I agree with the Case Planner that a boundary treatment plan should be agreed by way of condition in any grant of permission. I also note that permanent boundary treatment should be erected to the rear of units 21-26 on the western boundary and the full extent of the eastern boundary. The proposal to include hedgerows fencing

and swales along the remaining western boundary and northern boundary is acceptable in this case.

- 8.5.6. I agree with the conclusions as set out in the Case Planners Report that the response in relation to Flood Risk can be considered acceptable, and the surface water arrangement should be managed by way of condition via written agreement of the Planning Authority. Condition No 6 of the notification decision to grant permission issued by Tipperary County Council reflects the boundary requirements. It is therefore recommended that should the Board be minded to grant permission that a similar condition be attached. Condition No 6 of this report and recommendation below reflects this. In addition, Condition No 10 as set out in my recommendation below requires that the drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority. I am satisfied that this will address the requirements of Tipperary County Council in relation to surface water.
- 8.5.7. **Development Contribution** – I refer to the Tipperary County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.
- 8.5.8. **Special Development Contribution** – I note that Condition No 23 of the notification of decision to grant permission issued by Tipperary County Council required the payment of a special contribution in accordance with Section 48(2) (c) of the Planning and Development Act 2000 towards the cost of delivering a roundabout and pedestrian crossing points on the public road (Dualla Road). The amount of contribution payable in respect is €194,823.00. The Case Planner in their report states that *the applicant has provided a costing for the calculation the applicable Special Development Contribution prepared by Carron Walsh for the construction of the roundabout and zebra crossing for a sum of €194,823.00*. The Case Planner recommended that a Special Development Contribution to be attached to any grant of planning permission for the construction of the roundabout/crossings. No issues have been raised in this appeal by any party with regard this Special Development Contribution. It is recommended that should the Board be minded to grant permission that a Section 48(2)(c) Development Contribution condition is attached.

8.5.9. **Conditions** – As noted in Section 4.1 Decision of this report above Tipperary County Council issued a notification of decision to grant permission subject to 27 generally standard conditions. A number of these conditions have specific requirements, some of which have been addressed above and are reflected in the conditions set out below. The remaining conditions as recommended below include those generally applied by the Board together with specific conditions as set out by the Local Authority of which I support and recommend be included. These are summarised as follows:

- An additional 26 visitor car parking spaces are to be provided throughout the residential development (same shall not be provided on the amenity zoned lands).
- Details of the crossing point at the junction of the Link Road to be agreed with the Planning Authority
- The combined footpath and cycleway shall be extended along the full length of the site on the southern boundary.
- The home zone areas shall be reduced to 5 meters in width and the footpaths shall be 1.8 meters in width
- Phasing to be agreed with the Planning Authority and that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings shall be fully completed before those dwellings are occupied.

8.5.10. Condition No 2 and 3 as recommended below refer.

9.0 **AA Screening**

9.1. I refer to the AA Screening Statement submitted with the application.

9.2. ***Step 1: Description of the Project***

- I have considered the LRD now before the Board in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- The subject site is described in Section 1.0 of this report above and within the application. Habitats on site are as follows:
 - dry meadows and grassy verges (GS2)
 - areas of treeline (WL2)
 - hedgerows (WL1) acting as field boundaries

- The proposed development is described in Section 2.0 of this report above and within the application.
- No reports from any prescribed bodies consulted are recorded on the file.
- The Stone River runs approximately 700m north of the proposed works area while the St. Patricks Rock River is approximately 1km west and the Mill Stream River runs approximately 1.4km southeast.
- The closest European sites is **Lower River Suir SAC** which is approximately 4km from the proposed works area with significant physical barriers.
- The Lower River Suir SAC is not currently hydrologically connected to the proposed works area however the residences being constructed by the development will be hydrologically connected via a wastewater treatment plant. The Cashel WWTP is approximately 1.5km from the proposed works area and will receive wastewater from the development once connections have been installed. Once wastewater has been successfully treated it is released into the St. Patricks Rock River which drains into the Lower River Suir SAC approximately 3km downstream.

9.3. ***Step 2: Potential Impact Mechanisms from the Project (Examination of Effects)***

- The primary risk posed from the project relates to surface water discharge from the site during the construction phase that may impact on the water quality of the receiving environment, leading to likely significant effects (LSE) to any Qualifying Interests (QIs) of adjacent Natura 2000 sites. This effect will be minimized due to the majority of the works being at least 700m or more from a surface water body together with standard construction measures and SUDs. Thus, surface water runoff will likely enter nearby road draining systems and enter sewers. This should largely reduce the risk of LSE as sewer water will pass through water treatment before rejoining surface water bodies.
- A secondary risk related to the proposed works would be the increase of wastewater created by the development upon completion of the project. However, a confirmation of feasibility from Irish Water has been submitted indicating that the treatment plant possesses the capacity to treat the increased inputs which should negate risk of polluting surface water bodies and nearby designated sites.

9.4. ***Step 3: European Sites at risk***

- In relation to Lower River Suir SAC there is no potential for direct effects. A potential for indirect effect was identified in the AA Screening Statement due to wastewater and stormwater being treated from the project site at the WWTP which discharges treated effluent c 3km downstream of the project site.

9.5. **Step 4: Likely significant effects on the European site(s) 'alone'**

- Details of the Site-Specific Conservation Objectives can be found on the NPWS website at <https://www.npws.ie/protected-sites>. The Conservation objective for Lower River Suir SAC (Site Code 002137) states as follows:

To restore the favourable conservation condition of:

- *Atlantic salt meadows (Glauco-Puccinellietalia maritimae)*
- *Mediterranean salt meadows (Juncetalia maritima)*
- *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation*
- *Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels*
- *Old sessile oak woods with Ilex and Blechnum in the British Isles*
- *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*
- *Taxus baccata woods of the British Isles*
- *Freshwater Pearl Mussel Margaritifera margaritifera*
- *White-clawed Crayfish Austropotamobius pallipes*
- *Sea Lamprey Petromyzon marinus*
- *Brook Lamprey Lampetra planer*
- *River Lamprey Lampetra fluviatilis*
- *Twaite Shad Alosa fallax fallax*
- *Salmon Salmo salar*
- *Otter Lutra lutra*

in Lower River Suir SAC, which is defined by a list of attributes and targets as set out.

- Taking account of the qualifying interests of this SAC as identified and the distance from the proposed works site and lack of direct interaction between surface run off and wastewater from works site as they will pass through a treatment plant before entering hydrologically connected river it can be concluded that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of this SAC. Therefore, significant effects on the Lower River Suir SAC resulting from the proposed development can be excluded and they are therefore 'screened out'.

9.6. ***Step 5: Likely significant effects on the European site(s) 'in-combination with other plans and projects'***

- I refer to Section 5.3 of the Screening Report. As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

9.6.1. I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

9.6.2. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 **Recommendation**

10.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject of the conditions outlined below.

11.0 **Reasons and Considerations**

11.1. Having regard to the following:

- a) the policies and objectives of the Cashel Town and Environs Development Plan 2009 -2015 (as varied) and the Tipperary County Development Plan 2022-2028
- b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- e) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- f) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- h) the nature, scale and design of the proposed development,
- i) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- j) the pattern of existing and permitted development in the area,
- k) the planning history within the area,
- l) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development at this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

Appeal by Tom Wood, 24 Main Street, Cashel, Co Tipperary against the decision made on 19th day of April 2024 by Tipperary County Council to grant permission to Dulla Developments Ltd, c/o Conroy Architects Ltd, & Glenna Terrace, Spawell Road, Co Wexford, Y35 Y7PN, subject to subject to 27 no conditions.

Proposed Development:

The development will consist of the provision of a total of 101 dwellings, a childcare facility, construction of a new roundabout and link road and ancillary works on a gross site area of 3.96ha. The proposed development will be accessed from the new roundabout on the R691 Dualla Road.

Details of the scheme comprise as follows:

- 12 no. one-bedroom maisonettes in two-storey semi-detached blocks,
- 49 no. three-bedroom two storey semi-detached houses,
- 2 no. three-bedroom two storey terraced houses,
- 1 no four-bedroom two storey semi-detached house,
- 11 no four-bedroom two storey detached houses,
- 6 no. two-bedroom two-storey terraced houses,
- 9 no one-bedroom apartments and
- 11 no. 2 bedroom apartments in a 3 storey building,
- a childcare facility (creche) with a gross floor space of 240m², refuse stores and secure bicycle store all located within the ground floor of the apartment building,
- 201 car parking spaces, (164 residential and 37 for visitors and creche), creche set down area, secure outdoor creche play area, 20 secure cycle spaces and 20 visitor cycle spaces (bicycle stand)

12.1. The proposed development will include new entrances leading onto the R691 Dualla Road to the south of the appeal site and L54151 Crotty's Lane to the north, construction of a new link road between Dualla Road to the south of the site and Crotty's Lane to the north and alterations to the R691 Dualla Road to include new roundabout, new raised tables and pedestrian crossings

12.2. Private, communal and public landscaped amenity spaces, internal estate road network, pedestrian pavement network including new internal pedestrian pavements extending to the north and south boundaries of the proposal, inter-site boundary walls and fences, new site boundary walls and fences, undergrounding of existing overhead electricity supply cables traversing the development site, erection of a new ESB sub station, public lighting, public drainage and water services connections and associated site development works.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the policies and objectives of the Cashel Town and Environs Development Plan 2009 -2015 (as varied) and the Tipperary County Development Plan 2022-2028
- b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- e) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- f) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- h) the nature, scale and design of the proposed development,
- i) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- j) the pattern of existing and permitted development in the area,
- k) the planning history within the area,
- l) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development at this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Lower River Suir SAC (Site Code 002137), or any other European site, in view of the site's Conservation Objectives.

This screening determination is based on the following

- (i) the conservation objectives for the European Sites.
- (ii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iii) the distance from the proposed works

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by “New Residential” (R1) and “Amenity” (A) zoning under the Cashel Town and Environs Development Plan 2009 -2015 and the results of the strategic environmental assessment of the Tipperary County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to wider area of the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this serviced urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.3. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th day of December 2023 as amended by unsolicited information submitted on the 19th day of February 2024 and the further plans and particulars submitted by way of further information on the 15th day of March 2024 and 25th day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The road layout including Link Road 01 shall be carried out in accordance with Site Layout Plan Drg No P.01.03. However vehicular access shall not be provided to Crotty's Lane at this time and this access point shall remain closed until such time as the Planning Authority deem it appropriate to allow access from Link Road 01 unto Crotty's Lane. Details of this arrangement shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area</p>
3.	<p>Prior to the commencement of the development, the developer shall submit a revised site layout plan (1:500) incorporating the following amendments for the written agreement of the Planning Authority.</p> <ul style="list-style-type: none">a) An additional 26 visitor car parking spaces are to be provided throughout the residential development (same shall not be provided on the amenity zoned lands).b) Details of the crossing point at the junction of the Link Road.c) The combined footpath and cycleway shall be extended along the full length of the site on the southern boundary.

	<p>d) The home zone areas shall be reduced to 5 meters in width and the footpaths shall be 1.8 meters in width.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
4.	<p>a) A detailed phasing programme that shall provide for the phased delivery of the entire development shall be submitted for the written agreement of the Planning Authority prior to commencement of development.</p> <p>b) The construction of the dwellings shall proceed in accordance with the identified phasing schedule ensuring that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings shall be fully completed before those dwellings are occupied. Where phasing is not required, no dwelling shall be occupied until the infrastructure, landscaping and servicing of the development is complete</p> <p>c) The crèche facility shall be constructed prior to the occupation of any residential unit on site.</p> <p>d) The public open space and associated play equipment including lighting shall be completed in full and all public areas landscaped as submitted and available for use prior to the occupation of any residential unit on site.</p> <p>Reason: To ensure orderly development and a proper standard of construction and ensure residential facilities are in place prior to occupation</p>
5.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>a) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 3 years shall be</p>

	<p>replaced within the following planting season by plants of a similar size and species, unless the Planning Authority gives its written consent to any variation.</p> <p>b) The designated public open space areas, when developed in accordance with the agreed details, shall be made available for continuous use and enjoyment of the public.</p> <p>Reason: To ensure the provision of amenity afforded by appropriate landscaping design, and site treatment, and to ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.</p>
7.	<p>A site layout plan, to a scale of not less than 1:500, that delineates all proposed boundary treatments both within and bounding the site in colour shall be submitted for the written agreement of the Planning Authority prior to commencement of development indicating the following:</p> <p>a) Detailed proposals for the external boundary treatment for the entire site ensuring same reflects the landscaping plan</p> <p>b) The eastern site boundary and the boundary to the rear of units 21-26 inclusive shall comprise a 1.8m concrete block capped and plastered wall, 1.8 metre concrete post and timber panel fence or concrete block wall between the rear gardens of the proposed dwellings.</p> <p>c) Proposals for front garden separation treatment</p> <p>d) Proposal for boundaries for the crèche</p> <p>e) Boundaries of all proposed folios within the development</p> <p>This shall be accompanied by a complete set of plans, sections and elevations to a scale of not less than 1:50, which delineates the corresponding boundary treatment. All boundary walls visible from public areas shall be appropriately capped and rendered.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas</p>
10.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
11.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interests of public health and surface water management</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation</p>

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenity of property in the vicinity.</p>
13.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended</p>
15.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>

16.	<p>A minimum of 10% of all car parking spaces serving the apartments should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
17.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p>

	Reason: In the interest of sustainable waste management.
19.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
20.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

22.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
23.	<p>The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of delivering a roundabout and pedestrian crossing points on the public road, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning</p>

	authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.
--	---

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.

Mary Crowley

Senior Planning Inspector

2nd August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319736-24			
Proposed Development Summary	Large scale residential development (LRD): The development will consist of 101 dwellings and a creche with all associated site development works.			
Development Address	Hughes Lot East, Cashel, 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	X	
		No	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		N/A		No EIAR or Preliminary Examination required
Yes		Class 10(b)(iv) Class 13 Class 14		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Mary Crowley

Date: _____

2nd August 2024