



### Development

Construction of 13 no. classrooms, 8 no. specialist classrooms, 1 no. SET room, a 2 classroom SEN unit, demolition of prefabs and lean-to unit and all associated site works. A Natura Impact Statement was submitted with Further Information.

### Location

Newport College, Black Road, Newport, Co. Tipperary

### Planning Authority

Tipperary County Council

### Planning Authority Reg. Ref.

2560385

### Applicant(s)

Tipperary Educational Training Board

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

First Party (S.48(13))

### Appellant(s)

Tipperary Educational Training Board

### Observer(s)

None

### Inspector

Conor McGrath

## 1.0 Introduction

- 1.1. This is an appeal under s.48(13)(a) of the Planning and Development Act 2000, as amended, against condition no. 8 of the planning authority decision to grant permission for the proposed development, requiring the payment of a special development contribution under s.48(2)(c).

## 2.0 Site Location and Description

- 2.1. The appeal site with a stated area of approximately 2.14 ha, is located on Black Road (L-2166), on the northern side of Newport, Co. Tipperary. The site is currently in educational use, occupied by Newport College, a part single / part two-storey secondary school complex, the original elements of which were constructed in c.1957. The site also accommodates extensive temporary pre-fab structures (c.1200-sq.m.) a detached sports hall, as well as pitches and other sports facilities.
- 2.2. The primary vehicular entrance is located approximately mid-way along the site frontage while there is a second vehicular access in the southwestern corner of the site. There is pedestrian access from Black Road adjoining the original school buildings. There are car and bus parking / set down spaces demarked along the site frontage, while there is a wide hard shoulder or set-down area along the frontage of houses on the opposite side of the road.

## 3.0 Proposed Development

- 3.1. The proposed development will consist of the construction of a new three storey school extension on the northern side of the original Newport College buildings, to replace existing temporary accommodation. The total floor area proposed is 3,508m<sup>2</sup>, comprising:
- 13 no. classrooms,
  - 8 no. specialist classrooms,
  - 1 no. Special Education Teachers room,
  - A 2-classroom Special Education Needs unit with direct access to own outdoor play area & sensory garden, all necessary ancillary spaces.

- roof mounted solar panels, Heat Pump, static water storage tanks (below ground);
- The demolition and removal of 1 no. lean-to store (34m<sup>2</sup>), 1 no. single storey prefab (162m<sup>2</sup>) and a 1 & 2 storey prefabricated classroom block (1,042m<sup>2</sup>);

Site works also include:

- Lower the existing front boundary wall to form a new pedestrian entrance,
- Adjustments to the existing car parking layout and new car & bicycle parking,
- All associated drainage & site development works,
- Improvements to sightlines at the 2 no. existing vehicular entrances.

3.2. The planning application drawings indicated a “Proposed Controlled Pedestrian Crossing” on Black Road, which was shown outside the red line boundary. The Mobility Management Plan accompanying the application advised that the new controlled pedestrian crossing was “not strictly part of this planning application”.

3.3. 46 no. bicycle parking spaces and 50 no. car parking are proposed. It is proposed to retain the existing roadside bus parking and to displace 1 of the 7 set down spaces to improve sightlines from the northern car park exit. 15 no. parallel parking spaces are identified on the public road.

The application was accompanied by a range of technical reports, including a mobility management plan and a Road Safety Audit Feedback Form.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority decided to grant permission subject to 8 no. condition, including **no. 8**, as follows:

*Prior to the commencement of development, the developer shall pay to the Planning Authority a financial contribution as a special contribution in accordance with Section 48(2) (c) of the Planning and Development Act 2000 towards the cost of providing a controlled/signalised pedestrian crossing on public roadway L-2166 to facilitate the proposed development. The amount of contribution payable in respect*

*is €30,000 The contribution shall be index linked and shall reflect the developer equitable share of the capital costs.*

**Reason:** *It is considered reasonable that the developer should make a special contribution towards the expenditure proposed to be incurred for exceptional pedestrian infrastructure costs associated with and necessitated by the development.*

In considering the application, the planning authority sought **further information** in relation to a range of matters including the following:

- The applicants were requested to address the development of a controlled / signalised pedestrian crossing, which was considered to be a key requirement necessary to serve the proposed development, and which did not form part of the development proposals.
- Clarity on the breakdown of existing and proposed carparking.
- Revised proposals for an increase in cycle parking on site.
- Stage II AA.

**Clarification** of Further Information was sought in relation to:

- Car parking provision.
- A revised Natura Impact Statement (NIS) sufficient to inform a Stage 2 AA of the project.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

**26/06/2025:** Development is acceptable in principle. Given that there is an established school on the application site, comings and goings are frequent at this location particularly during school term. The proposal does not give rise to undue amenity concerns. The proposal to improve one of the vehicular entrances onto Black Road is reliant on lands that are outside of the applicant's ownership. An appropriate letter of consent is included in the application documents.

The report of the Nenagh District Engineer is noted. The requirement for a pedestrian crossing at this location is noted, however, this requirement needs to be considered in the context of the development proposal and wider plans to develop a traffic calming scheme along Black Road, and an upcoming speed limit review seeking to reduce the speed limit in urban areas to 30 kph. It may be the case that the development proposed progresses before the traffic calming scheme. The applicant can be advised to explore proposals to deliver a pedestrian crossing as identified in the Road Safety Audit feedback form.

Table 6.4 of the Development Management Standards requires that a set down area and appropriate bus parking is provided for schools. There is an existing roadside bus set down area at the application site, considered to be acceptable. FI on car and cycle parking provision was recommended.

The applicant submitted an Appropriate Assessment Screening Report. The application site intersects with the Lower River Shannon SAC. An NIS is required.

Proposal is exempt from development contributions.

**07/10/2025:** The applicant acknowledges the need for a pedestrian crossing at this location noting two serious accidents in recent years, however, the applicant has not sought to incorporate a pedestrian crossing into the overall proposal. Rather, the applicant noted that they are a voluntary organisation, and for this and other funding reasons, they requested that they do not incur the cost of these works.

The fact that the applicant is a voluntary organisation must be acknowledged. Overall, and on balance, imposing a requirement for the applicant to provide the pedestrian crossing would be unreasonable. This matter can be re-examined with the District Engineer who has previously recommended a special development contribution toward the provision of a crossing.

Concerns remain regarding the shortfall in carparking. The applicant anticipates that pupil numbers will remain close to circa 360 pupils and that staff levels will correspond to this. However, this expectation cannot be assured. Clarification of FI is required in relation to this matter. Future provision of cycle parking provision can be conditioned.

Further information in relation to the Appropriate Assessment was required.

**17/12/2025:** The Road Safety Audit feedback identifies the requirement to provide a controlled signalised crossing. The Planner refers to discussion with the District Engineer on 19/12/2025 who notes that the pedestrian crossing is a safety requirement noting the expansion proposed.

The report states that the District Engineer also noted that implementation of the development may be undertaken before any wider plans to develop a traffic calming scheme along the Black Road from the R503 to the speed limits is undertaken and that funding for such a scheme is not confirmed. Noting this, the requirement to address the requirement for the controlled crossing remains. A figure of €40,000 is recommended to be sought as a special development contribution. Noting the crossing will primarily serve the school and other users it was considered reasonable that 75% of the recommended costs be apportioned to the school. The District Engineer has noted that the requirement for crossings may not arise were the school not at this location.

Permission recommended subject to 8 no. conditions.

#### 4.2.2. **Other Technical Reports**

**Nenagh District Engineer (25/06/2025):** Treatment of surface water is satisfactory. Item 3.2.2 of the Road Safety audit feedback form identifies the requirement to provide a controlled signalised crossing. This should be provided as part of the development works. The pedestrian crossing is not within the planning site and a special development contribution may be required. The typical cost is €40,000.

Nenagh Municipal District is aware of traffic hazards at this location from speeding and unauthorised parking on footpaths. NMD hope to develop a traffic calming scheme along the Black Road from the R503 to the speed limits. The design will be guided by the upcoming speed limit review which will reduce the speed limit in urban areas to 30kph. The pedestrian crossing proposed for the development is likely to be incorporated into a larger traffic calming scheme. The design and location of the pedestrian crossing at the school should be agreed with the Roads Area Engineer.

#### 4.3. **Prescribed Bodies**

No submissions received

#### 4.4. **Third Party Observations**

None received.

### 5.0 **Planning History**

PA ref. 03/8510404: Planning permission granted to roof 4 No. handball alleys.

PA ref. 08510232 – Planning permission granted for an extension to existing handball clubhouse.

PA ref. 10510571 – Planning permission granted to construct changing facilities, security fencing, security lights, floodlights, ball stop nets, realigning & widening of existing entrance with pedestrian access, additional staff carparking, security cameras, construction of playing field & astroturf field.

PA ref. 18600877 – Planning permission granted for a new temporary single story detached accommodation unit for use as 6 no temporary classrooms and associated toilets, to be erected in two phases of 3 classrooms.

PA ref. 20724 – Planning permission granted for retention of changes to Phase 2 of works (approved under Ref 18600877) comprising revised layout shape and size, revised elevations and all associated site boundary and site development.

2561077: Permission granted in December 2025 for the conversion of a portion of the existing ball alley building for use as a canteen & gym, installation of a new second floor and associated internal alterations, new windows, together with all associated incidental and site works.

### 6.0 **Policy Context**

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

##### **Volume 1** Written Statement

Table 4.1 identifies Newport as a Local Town, in the fourth tier of the settlement hierarchy.

Objective 4- B Support co-ordination and investment by infrastructure, utilities and services stakeholders, for example, Irish Water, Transport Infrastructure Ireland, the Department of Education etc, to ensure the delivery of infrastructure investment in water, wastewater and other services for towns and villages, in line with their role in the Settlement Hierarchy.

#### 6.5 Education and Lifelong Learning

The Department of Education is responsible for the delivery of educational facilities and schools; however, the Council has a role, through capacity analysis and SLA, in ensuring that adequate serviceable land is available in appropriate locations, to facilitate the development of primary and secondary schools. It is an objective to support a planned approach to location of school facilities in accordance with the 'Provision of Schools and the Planning System – A Code of Practice for Planning Authorities', (DEHLG/DoE 2008) or any amendment thereof, to ensure that both proposed and existing schools are accessible by cycling/walking from their main catchment areas and accessible by public transport with appropriate safe facilities supporting active travel modes.

Policy 6 – 1 Seek to ensure that new development is compatible with the availability of community amenity and recreational facilities for people at a convenient distance from their homes, in line with the Settlement Strategy and the Sustainable Development in Urban Areas: Guidelines for Planning Authorities, (DEHLG, 2009).

Objective 6 – D Strengthen education and lifelong learning in Tipperary by supporting the work of groups such as the Tipperary ETB etc. in the provision of educational programmes and youth services.

Objective 6 - E Collaborate with the Department of Education and Skills in the identification of sufficient land to meet the need for the expansion of existing schools and/or the provision of new schools in accordance with the, (DEHLG 2008) or any amendment thereof.

### **Volume 2** Settlement Guide and Settlement Plans - Section 3: Newport

#### 4.0 Sustainable Communities

Newport is very well served by educational facilities including two primary schools and two second level schools. These schools serve a significant rural catchment, and the Council will support proposals to enhance and expand the facilities of these schools, as needs arise over the lifetime of the Plan.

The subject site is zoned for “Social and Public” development:

- Objective: *To provide and improve social and public facilities*

SO1: To seek the development of high-quality neighbourhoods with an appropriate mix of house types, amenities and services to cater for the housing needs of the community.

## 6.2. **Development Management Guidelines for Planning Authorities**

7.12 ‘Special’ contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development.

A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

### 6.3. **Natural Heritage Designations**

The Mulkear River to the immediate east of the site comprises part of the River Shannon SAC, and the SAC boundary encroaches onto the eastern edge of the subject site.

## 7.0 **EIA Screening**

- 7.1. This case relates to a first party appeal against a special financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(13)(a), I conclude that the appeal does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

## 8.0 **The Appeal**

### 8.1. **Grounds of Appeal**

The first party make the following points in their appeal against condition no. 8:

- The condition fails to meet the requirements of s.48(2)(c) or accord with the Development Management Guidelines.
- The PA have failed to demonstrate Exceptional Cost, Specific Benefit or the Calculation / Apportionment of the Contribution.
- The application of the Development Contribution Scheme is unclear and contradictory.
- No consideration was given to the availability of funding for the pedestrian crossing from National Schemes to fund such pedestrian and cycle facilities.
- Upgrade works for a current public safety deficit is not an Exceptional Cost.
- Black Road is a public road serving a large residential area, the subject school, funeral home and rural hinterland.

- Infrastructure serving the wider community may not be funded through special contributions.
- The crossing is required regardless of the subject development, covered by Section 7 of the Development Contribution Scheme and should not be subject to special contribution.
- Such general development would be subject to the 100% exemption available for such applicants under the scheme.
- The amount conditioned is a rounded, unsubstantiated amount unsupported by any costs or breakdown of equitable share.
- There are alternative funding streams available – NTA Active Travel and Safe Routes to School programme. This school is not currently part of the Safe Routes to School programme.

## 8.2. Planning Authority Response

No response to the grounds of appeal was received from the planning authority and accordingly, a s.132 request was issued on 4<sup>th</sup> March to seek their comments. No response to this request was received from the authority within the relevant period.

## 9.0 Assessment

9.1. This is a first party appeal under S.48(13)(a) against a special development contribution condition (no. 8) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision, or observations thereon. In this regard and in accordance with s.48(13)(a), this report confines its consideration to the matters under appeal only.

## 9.2. Section 48(2)(c) of the Planning and Development Act 2000.

This sub-section of the act provides that payment of such a special contribution may be required in respect of:

- (a) a particular development, in circumstances where,
- (b) specific exceptional costs are incurred in respect of public infrastructure and facilities which benefit the proposed development, and where,
- (c) these costs are not covered by a scheme made under this section.

Section 48(12)(a) provides that where payment of a special contribution is required in accordance with subsection (2) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

### 9.3. **Nature of the proposed development:**

The proposed development comprises an extension to the existing secondary school on these zoned lands in Newport. The extension will replace the existing temporary accommodation on the site, which appears to have been originally approved under PA ref. 18600877 and 20724. No contributions were charged in respect of those applications. The existing school has a population of 260 students, while the proposed extended school is stated in file correspondence to have a planned capacity of 360 no. pupils (+38%), with a maximum *theoretical* future capacity of 500 no. pupils arising from the proposed development.

The development will consolidate current uses on this site, replacing existing temporary accommodation. The site is connected via the footpath network with the wider town to the south, however, there are currently no pedestrian crossing facilities at this location. While internal planning authority reports suggest that the requirement for a pedestrian crossing may not arise were the school not at this location, the school has been in existence at this location for many years and the safety need already exists regardless of the proposed development.

### 9.4. **Scope of public infrastructure and facilities:**

The condition requires a special contribution toward the provision of a controlled pedestrian crossing on Black Road. All parties appear to be in agreement that there

is an existing safety concern at this location, with reference made to two accidents in recent years. The referenced Road Safety Audit was not submitted with the planning application, however, the Road Safety Audit Feedback Form was submitted. This form identifies a response to item no. 3.2.2 as follows - *“This pedestrian crossing is to be a controlled/signalised crossing, mitigating hazard of overshoot collisions with pedestrians, highlighted in the RSA”*.

The report of the Municipal District Engineer identifies an awareness of traffic hazards at this location from speeding and unauthorised parking on footpaths. It refers to the hope to develop a traffic calming scheme along Black Road and noted that the pedestrian crossing proposed for the development is likely to be incorporated into such larger traffic calming scheme. Later planning reports note that the subject development may occur before such traffic calming scheme which has not yet been funded, and therefore there remains a requirement to provide the controlled crossing. While earlier planning reports on the application considered the requirement to provide the crossing as unreasonable, the final planning report notes that, noting that the crossing will primarily serve the school and other users, it would be reasonable that 75% of the recommended costs be apportioned to the school.

#### **9.5. Development Contribution Scheme**

Section 7.0 of the Tipperary County Development Contribution Scheme 2020, identifies classes of public infrastructure and facilities to be funded under the Scheme, including Roads and Public Infrastructure.

*“Roads infrastructure expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of roads, .....cycle and pedestrian facilities and traffic calming measures, the associated acquisition of land and ancillary matters including investment in infrastructure that would provide an economic, social and/or community benefit to a locality.”*

Section 10 provides for a 100% reduction in contributions payable in respect of development, by a voluntary organisation, and which in the opinion of the Planning Authority is designed or intended to be used for educational purposes.

Appendix 1 sets out the Capital Work Programme for 2020-2025 benefitting new development. The identified works do not specifically include works on Black Road. Notwithstanding the first party arguments, it is not clear that the subject works are covered under the general contribution scheme, and I note that there is no specific development plan objective for road improvements / traffic calming at this location. I do not therefore concur with the first party that the subject works would be clearly covered by the General Development Contribution Scheme.

#### 9.6. **S.48 Compliance**

I am satisfied that the works referenced in condition no. 8 are specific enough to meet the requirements of s.48(12)(a) of the act.

The costs associated with the works have been apportioned 75:25 between the school and the wider community. This apportionment does not reflect the nature and extent of existing uses on the school site, or the nature of the development the subject of this application and appeal, being an extension and replacement of existing school accommodation. The basis for the 25% community allocation is also unclear, however, this would suggest works serving a wider community need which are suitable for inclusion within a development contribution scheme. It is not clear that the costs are covered by the current development contribution scheme, however, if not then they are considered to be suitable for inclusion.

The exceptional nature of the works and associated costs is not established. Having regard to the documentation on the file, I am satisfied that the provision of a pedestrian crossing is required in the interests of public safety, and that such need exists in the current scenario regardless of the proposed development. The existing school and associated sports facilities, are long established at this location.

I would concur with the first party that this would comprise a standard safety feature provided adjacent to schools. The development plan recognises the need to support a planned approach to location of school facilities or any amendment thereof, to ensure that both proposed and existing schools are accessible by cycling/walking from their main catchment areas with appropriate safe facilities supporting active travel modes. The proposed development consolidates the current use on zoned

lands at this site but does not in itself generate the need for the proposed pedestrian crossing, notwithstanding that it will benefit therefrom.

9.7. Having regard to the pre-existing need for the works at this time, I am not satisfied that they can be described as exceptional or can be assigned to the proposed extension development so as to satisfy the requirements of S.48(2)(c) of the act in this regard.

#### 9.8. **Other matters**

9.9. While at Further Information stage the applicants referred to constraints on the payment of such contributions under DoE rules, I consider that this constraint is a matter which is outside the scope of this appeal.

9.10. While there may be alternative funding streams under which such works may be undertaken, it is clear from correspondence on the file that there is no such funding confirmed at this time. It is also the case that the first party advise that the school is not covered by any Safe Routes to School scheme at this time. It cannot be established therefore that there would be doubling charging of contributions in this regard.

### 10.0 **AA Screening**

10.1. The appeal has been made under the provisions of section 48(13)(a) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a special development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

### 11.0 **Water Framework Directive**

11.1. The appeal has been made under the provisions of section 48(13)(a) of the Planning and Development Act, 2000, as amended. The Commission shall therefore

determine only the matters relating solely to a condition dealing with a special development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

## 12.0 Recommendation

12.1. Having regard to the foregoing I recommend that the planning authority be directed to omit condition no. 8.

## 13.0 Reasons and Considerations

Having regard to the nature of the proposed development, comprising an extension to an established secondary school, including replacement of existing classroom accommodation and other ancillary works, to the accepted existing public safety issues arising from the absence of a controlled pedestrian crossing at this location and to the provisions of the development plan for the area, the Commission is not satisfied that the public infrastructure and facilities the subject of the special development contribution condition are so exceptional as to meet the requirements of the section 48(2)(c) of the Planning and Development Act 2000, as amended. The planning authority are therefore directed to remove condition no. 8 from the decision to grant permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Conor McGrath

Assistant Director of Planning

24/03/2026

Appendix 1: Form 1 EIA Pre-Screening

|   |   |
|---|---|
| <b>Case Reference</b>   |   |
| <b>Proposed Development Summary</b>   | Construction of 13 no. classrooms, 8 no. specialist classrooms, 1 no. SET room, a 2 classroom SEN unit, demolition of prefabs and lean-to unit and all associated site works. A Natura Impact Statement was submitted with Further Information. |
| <b>Development Address</b>  | Newport College Black Road , Newport , Co. Tipperary  |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>  |   |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>  | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.  |
|   | <input checked="" type="checkbox"/> No. No further action required.   |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |   |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |   |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.  | <b>State the Class here</b>   |

**EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**

No, it is not a Class specified in Part 1. Proceed to Q3

**3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?**

No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  
**No Screening required.**

Yes, the proposed development is of a Class and meets/exceeds the threshold.  
**EIA is Mandatory. No Screening Required**

Yes, the proposed development is of a Class but is sub-threshold.  
**Preliminary examination required. (Form 2)**  
**OR**  
**If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**

|   |  |
|---|--|
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |  |
| Yes <input type="checkbox"/>  | Screening Determination required (Complete Form 3)                 |
| No <input checked="" type="checkbox"/>  | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: Conor McGrath Date: 24/03/2026