



An
Coimisiún
Pleanála

Inspector's Report PL-501287-TY-26

Development	RETENTION: a) the as-constructed western boundary, b) the as-constructed southern boundary and c) the as-constructed soakaway for the public road, including all associated site development works.
Location	Abbey Lawn Abbey Road, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2660144
Applicant(s)	Mulcahy Properties Limited
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Mulcahy Properties Limited
Observer(s)	None
Date of Site Inspection	23 rd of July 2026
Inspector	Caryn Coogan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
6.0 EIA Screening	8
7.0 The Appeal	9
7.1. Grounds of Appeal	9
7.3. Planning Authority Response	9
8.0 Assessment	10
9.0 AA Screening	11
10.0 Water Framework Directive	12
11.0 Recommendation	13
12.0 Reasons and Considerations	13
13.0 Conditions	13
Appendix 1: Form 1 EIA Pre-Screening	15

1.0 Site Location and Description

- 1.1. The subject site, 0.23 Ha, is a newly constructed development consisting of 10No. semi detached dwellings, called Abbey Lawn, off Abbey Road in Clonmel town (permitted under Plan reg no. 23/60241).
- 1.2. Abbey Lawn is a backland residential development in a mature residential area. There are adjoining dwellings to the east, south and west.
- 1.3. Abbey Road forms the southern site boundary and this is the entrance to the estate with footpaths.
- 1.4. The western site boundary is a laneway, with a hedge, which is the subject of this appeal.

2.0 Proposed Development

- 2.1. The development consists of planning permission for retention of:
 - a) the as-constructed western boundary,
 - b) the as constructed southern boundary and
 - c) the as-constructed soakaway for the public road, including all associated site development works at Abbey Lawn, Abbey Road, Clonmel, Co. Tipperary.
- 2.2. The covering letter states the soakaways are designed in accordance with BRE 365 for a 100 year storm event increased by 10% for climate change with the 100 year storm to be stored in the trench soakaway as required by GDSDS and SUDS.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. issued a split decision. It granted planning permission for retention of the southern boundary wall and the soakaways.

There were 3No. conditions. One of which is site specific:

In advance of the Local Authority taking the surface water drainage system in charge the developer shall:

a) Fully clean, flush and de-silt all aquacell /attenuation units, associated pipework and flow-control devices, ensuring they are free of debris, silt, construction material and blockages.

b) Carry out a full post-construction CCTV survey of the complete surface water drainage network serving the aquacells, including inlet and outlet pipes, manholes, and flow-control structures.

Any defects, blockages or construction-related issues identified in the CCTV survey shall be remediated at the developer's expense to the satisfaction of the Planning Authority prior to taking in charge.

Reason: In the interest of orderly development

Retention permission for the as-constructed western boundary is refused to the applicant for the following reason:

The application seeks permission to retain the as constructed western boundary treatment to a permitted residential estate. The boundary treatment as constructed includes a 1.8 m wire mesh fencing with laurel hedge with a laurel hedge further south. The Planning Authority has previously advised in response to compliance submitted under Condition 9 of PI. Ref. No. 18/601464 that the subject boundary treatment as erected was not an acceptable long-term, durable, boundary treatment. The subject boundary treatment also impacts negatively on the amenity of the estate. The retention of this inappropriate boundary treatment would, by itself or by the precedent which the grant of permission for it would set for other relevant development, adversely affect the visual character of the receiving environment, would injure the amenity of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning permission was granted on the subject site under Plan Reg no 18/601464 for the provision of 10 single storey units. This permission was amended under Plan reg no 23/60241 with the house type changed.
- In correspondence issued on the 28th of February 2024, the Planning Authority advised that the proposed 1.8 m wire mesh fencing between points a and b on the western boundary was not an acceptable long-term boundary treatment. The developer was advised that a boundary wall capped and rendered on both sides is required from Point A-B. The Planning Authority is consistent in its approach to requiring a permanent and durable boundary treatment to residential developments and proposals for wire mesh fencing are not considered to be an acceptable boundary treatment in this regard. The wire mesh fence is also considered to impacts negatively on the residential amenity of the estate.
- With respect to the southern boundary, as illustrated in figure 6 above, this boundary, from points E to J was to be defined by a 2 metre high block wall. The applicant is proposing to retain a 2.4 metre high boundary comprising of a 1.4 metre high retaining wall with a 1 metre high timber fence set atop. This boundary treatment is acceptable as it does not have an adverse visual impact nor does it impact the residential amenity of adjoining properties.
- As set out in the planning history there is a current enforcement file in relation to noncompliance with boundary proposals on the eastern site boundary. This issue was raised in the public submission on file. This boundary is not within the redline boundary of the application nor does it appear to be on lands under the applicant's control. This issue is currently being addressed under TUD-26-071. It is reasonable to allow for same to be resolved through the enforcement process
- Under this application the applicant is proposing to retain the as-constructed soakaway for the public road (includes an overflow mechanism to the public sewer). The parent permissions for the site required that same discharged to

the public drain. The correspondence from the District Engineer, and the condition set out therein, is noted. The revised surface water containment measures are acceptable.

3.2.2. Other Technical Reports

- Engineering: No objections and 2No. conditions are recommended, which formed Condition No. 3 of the permission.

3.3. Prescribed Bodies

There were no submissions received.

3.4. Third Party Observations

There were objections to the development expressing the following concerns:

- Loss of privacy to adjoining dwelling at 4 St. Stephen's Avenue to the east of the development.
- The fence provided does not address the direct overlooking of his garden and main living areas.
- His hedging is within his own site boundary and cannot be relied upon to provide privacy.

4.0 Planning History

4.1 Enforcement: TUC-26-071

A letter issued from Tipperary Co. Co. to the applicant on the 7th of April 2026 regarding non-compliance with conditions 1, 9 and 20 of Planning Reference 18601464.

4.2 Planning Ref 23/60241

Modifications granted planning permission to the existing permitted development for 10 semi-detached single storey dwellings under planning file reference number 18601464 by a) changing the permitted house types to one type and style, b) use of

surface water soakaways for drainage and c) changing the entrance arrangement to Congress House -

- 4.3 **Planning Ref 18/601464** permission granted to demolish existing bungalow and construct 10 no. semi-detached single storey dwelling houses with all associated site development works to include, new site entrance, modification to existing site boundaries and entrances and connection to all underground service

5.0 Policy Context

5.1 Development Plan

Tipperary County Development Plan 2022-2028

Appendix 6 (Development Management Standards) Volume 3 sets out minimum design standards for residential schemes under Table 4.1 i.e. phasing, public open space, private open space, separation distances, public infrastructure, waste etc.

7.2.3 Greening of our Urban Areas

An 'Urban Greening' approach supports compact growth and quality placemaking and helps ensure the health and wellbeing of communities and builds resilience to climate change. The Council will seek to support compact growth in settlements, with a greener public realm and the greening of buildings (such as living/green roofs and living/green walls). The Council will support investment in natural and indigenous planting and landscaping in urban areas, in accordance with the approach set out in the All Ireland Pollinator Plan. New developments shall include urban greening as a fundamental element of site and building design, incorporating measures such as high-quality, bio-diverse landscaping (including tree planting), nature-based solutions to SUDS and provision of attractive routes and facilities for the pedestrian and cyclist.

11.2 Biodiversity

Trees and hedgerows are important components of the local landscape/ townscape. The protection and support of existing trees and hedgerows will be a consideration in the assessment of development proposals by the planning authority. Where trees or hedgerows are of particular local value, the Council may seek their retention, or

where retention is not feasible, their replacement and will seek a proactive focus on new tree-planting as part of new development.

11-4

(d) Where trees or hedgerows are of particular local value, the Council may seek their retention, or where retention is not feasible, their replacement and will seek a proactive focus on new tree-planting as part of new development.

Clonmel and Environs Local Area Plan 2024

Under the LAP the subject site is zoned for “existing residential (R1)” land use the land use zoning objective of which is to “Provide for residential development and protect and improve residential amenity”.

5.2 Natural Heritage Designations

The site is not located within or near any pNHA site.

The site is 160m north of the Lower River Suir SAC (Site Code 002137)

Two sites, The Nire Valley SAC (site code 000668) and Comeragh Mts (Site Code 01952) are over 10km from the subject site.

6.0 EIA Screening

The proposed development does not come within the definition of a ‘Project’ for the purposes of EIA. The development is not a class specified in Part 1, Schedule 5 or 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. The need for environmental impact assessment can, therefore, be excluded at

preliminary examination and a screening determination is not required. I refer the Commission to the EIA pre-screening form contained in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1 The planning authority have refused part of the development applied for because it requires a permeant and durable boundary treatment to residential developments, and the proposal for a wire-mesh fence is not considered to be acceptable boundary treatment in this regard.
- 7.1.2 There are no policies in the Tipperary County Development Plan 2022-2028 nor in the Clonmel and Environs LAP 2024-2030 supporting such a stance. The wire fencing is temporary. It is strongly contended the retention of the existing hedgerow is supported in the County Development under a number of sections including Volume 1 – Section 11.2 Biodiversity, Volume 1 – Section 7.2.3 Greening of Urban Areas, Policy 11.4(d) and Policy 11.17(c). There has been no consideration given to the merits of retaining the hedge.
- 7.1.3 The appeal includes submission from Hedgerow Ireland, Ash Ecology prepared an Ecological Appraisal with Bat Survey, supporting the retention of the hedge.
- 7.1.4 The residents from Abbey Lawn have submitted letters stating they do not want to see blockwork forming the eastern (which I am assuming has been incorrectly stated, the appeal relates to the western boundary) and are satisfied with the hedgerow.

7.2. Planning Authority Response

It is considered that the western boundary treatment as constructed is not acceptable in the long-term, durable, boundary treatment to a residential development.

The subject boundary also impacts negatively on the amenity of the estate. The tension on of the boundary treatment would set a precedent for other relevant developments, and injure the amenity of property in the vicinity.

8.0 Assessment

- 8.1. The planning authority made a split decision regarding retention of minor alterations to as constructed housing scheme of ten dwellings at Abbey Lawn, Clonmel. I considered the appeal file and inspected the subject site. The completed scheme consists of ten semi detached single storey units with shared facilities. It is a very compact, neat and attractive development within a mature residential area of Clonmel.
- 8.2. The applicant applied for retention of two as constructed boundary treatments, and an as constructed soakaway. The planning application was considered by the technical officers of the planning authority. A spit decision was made by the P.A., permitting the soakaway and southern boundary treatment. However, the as constructed western boundary treatment of the site was refused. On appeal, the single reason for refusal, is the only element of the decision under appeal. I wish to examine the planning application in it's entirety before addressing the crux of this appeal.
- 8.3. The retention of the southern boundary and the soakaway system was accepted and granted by the planning authority subject to conditions. The soakaway system was examined by the relevant engineering department and deemed to be acceptable subject to two conditions. I have considered the content of the relevant reports and the conditions attached. I consider the assessment to be acceptable. The applicants provided satisfactory technical evidence justifying the soakaway and I consider the decision to grant with the specified conditions to be appropriate in this instance.
- 8.4 The issue regarding the western site boundary treatment, (Photo Plates 5, 6, and 7) relates to retention of a wire mesh fence and a laurel hedge. I viewed the western boundary from Abbey Road, inside of the Abbey Lawn development and from the adjoining access lane to the west of the site. I note from the first party appeal, the residents of Abbey Lawn are in support of the hedgerow and mesh fence. The planning authority requires a wall along this boundary. The planning authority considers the existing western boundary treatment as constructed, is not acceptable in the long-term, as a durable, boundary treatment to a residential development.

The applicant's have presented extracts from the **Tipperary County Development Plan 2022-2028** which support the use of hedgerows in urban areas. In particular

Section 7.2.3 Greening of our Urban Areas, whereby it is stated ‘the Council will seek to support compact growth in settlements, with a greener public realm and the greening of buildings (such as living/green roofs and living/green walls). The Council will support investment in natural and indigenous planting and landscaping in urban areas, in accordance with the approach set out in the All Ireland Pollinator Plan.’ In addition, under Section 11.2 Biodiversity, it is stated the protection and support of existing trees and hedgerows will be a consideration in the assessment of development proposals by the planning authority. It should be noted there is no requirement to provide boundary walls in new residential estates in Appendix 6 (Development Management Standards) Volume 3 of the Plan.

Having considered the relevant extracts from the county development plan cited by the applicant, I consider the retention of the mesh fence and the hedgerow to be in keeping with development plan policy and objectives.

- 8.5 In my opinion, the boundary treatment as constructed along the western boundary creates a visually pleasing boundary which is compatible with the hedgerow along the laneway to the west of the site. Furthermore, hedgerows, once maintained are durable and provide a longterm boundary treatment. The mesh fencing is discreet and durable, and hedging provides a softness to the landscaping within the overall scheme.

9.0 AA Screening

- 9.1. Having regard to the development which involves the retention of a number of minor alterations to an as constructed housing estate, with no construction additions to the existing built envelop on the site in Clonmel town and on zoned lands. The nearest European Site is Lower River Suir SAC (Site Code 002137) which is 160m south of the site. It is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The nearest designated sites are listed below:

The site is 160m north of the Lower River Suir SAC (Site Code 002137)

Two sites, The Nire Valley SAC (site code 000668) and Comeragh Mts (Site Code 01952) are over 10km from the subject site.

No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The simple nature and limited scale of the proposed works.
- The distance from the nearest European site and lack of connections.
- The outcome of the screening report/determination by Tipperary County Council.

9.2. I conclude, on the basis of objective information, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is in a serviced urban area and is connected to the existing public infrastructure. The proposed works comprise minor alterations to as constructed housing estate of ten dwellings within a built up residential area of Clonmel town. No significant construction works are anticipated.

There are no water courses in the immediate vicinity of the appeal site. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale and location of the proposal it is concluded that the

proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the subject development is considered to be compliant with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

- 11.1. I recommend planning permission for retention of the southern and western boundary treatment be granted planning permission and the as-constructed soakaway for the public road.

12.0 Reasons and Considerations

It is considered that the development to be retained complies with the policies and objectives of the Tipperary County Development Plan 2022 and the Clonmel and Environs Local Area Plan 2024, and that the development does not have an adverse impact upon the character of the area or the visual amenities of adjoining properties and is in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development for retention shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by the planning authority on the 19th of February 2026, and the terms and conditions of the original planning permission granted for the overall development under Pl. Ref. No. 18/601464, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Prior to the planning authority taking the surface water drainage system the developer shall:
 - a) Fully clean, flush and de-silt all aquacell/attenuation units, associated pipework and flow-control devices, ensuring they are free of debris, silt, construction material and blockages.
 - b) Carry out a full post-construction CCTV survey of the complete surface water drainage network serving the aquacells, including inlet and outlet pipes, manholes, and flow-control structures.

Any defects, blockages or construction-related issues identified in the CCTV survey shall be remediated at the developer's expense to the satisfaction of the Planning Authority prior to taking in charge.

Reason: In the interest of orderly 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Caryn Coogan
Planning Inspector

13/08/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501287-TY-26
Retention Development Summary	a) the as-constructed western boundary, b) the as-constructed southern boundary and c) the as constructed soakaway for the public road, including all associated site development works
Development Address	Abbey Road, Clonmel, Co. Tipperary
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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.	
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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____