



An
Coimisiún
Pleanála

Inspector's Report

PL-501332-TY-26

Development

Permission for retention of a hard surfaced yard area for vehicle parking and equipment storage and permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silos and a section of internal roadway, including associated site works.

Location

Gorteenakilla, Newtown, Nenagh,
Co. Tipperary.

Planning Authority

Tipperary County Council.

Planning Authority Reg. Ref.

2561073.

Applicant(s)

Paul Cahalan

Type of Application

Retention Permission and Permission.

Planning Authority Decision

Refuse Retention Permission and Permission.

Type of Appeal

First Party.

Appellant(s)

Paul Cahalan.

Observer(s)

None on file.

Date of Site Inspection

31st July, 2026.

Inspector

Aiden O'Neill.

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1.0 Site Location and Description

- 1.1. The proposed development site is c.0.628ha in area, and is located in the townland of Gorteenakilla c.3.67km to the west of Nenagh, Co. Tipperary. The site, which is well screened from the surrounding public roads, is accessed via a relatively long gravelled road, c. 200m in length, from the local road L6054 to the south. This access road is located between 2no. dwellings, both of which are bounded by a low hedge. There is a sliding security gate to the front of this access road.
- 1.2. The site contains 2no. silos, 1no. of which is 12.45m in height and the other is 10.45m in height, both on a concrete base. Adjacent to the 2no. silos is a large mobile conveyor, and a separate external concrete storage area. There is also an existing single-storey shed, in use as a small workshop. A number of lorries and other vehicles are parked around the boundaries of the site. There are also some stacked containers and a diesel generator.
- 1.3. The L6054 in the vicinity of the site access has been set back to allow for a passing area along the frontage of the site.
- 1.4. There is an existing gated agricultural access road to the site from the R494 Newtown Road to the north. The R494 has a speed limit of 80kph.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of a hard surfaced yard area for vehicle parking and equipment storage.
- 2.2. The proposed development will also consist of permission to construct a pitched roof storage shed c. 443.2m in area, c. 9.7m in height to ridge level, 47.8m FFL, with lower concrete perimeter wall and green cladding to the roof and sides, with roller shutter front and side doors.
- 2.3. It is also intended to carry out improvement works to an existing private access road and entrance from the site to the R494, and the formation of an access.
- 2.4. The existing storage silos be are to be removed. The part gravel access road connecting the site to the L6054 is also to be removed and replaced with soil for agricultural use.

- 2.5. It is stated in the application that the activity on site is a vehicle, plant & equipment parking compound. It is also stated that 3no. employees travel to site daily to collect work vehicles, plant & equipment for use off site. The compound operates Monday to Saturday, 6am to 6pm. The traffic movements are 6 truck movements per day and 3 employee personnel vehicle movements per day. It is also stated that materials are to be stored in the proposed shed.

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council refused planning permission on 16th April, 2026 for 2no. reasons as follows:

1. Policy 8.5 of the Tipperary County Development Plan 2022 seeks to support and facilitate small scale start-up rural enterprise in the countryside within and/or adjoining the owner's home where the development does not have an adverse impact on the residential, environmental and rural amenity of the area and does not detract from the rural setting and landscape character of the area.

It is considered that the proposed development, by virtue of the lack of demonstrated justification for its location in the open countryside, the negative impact of the proposed development on the residential amenity enjoyed by the nearby residential properties and the substandard nature of the proposed access to the site from the R494, would fail to satisfy the criteria under Section 8.4.4 and Policy 8.5 of the Tipperary County Development Plan 2022 as it relates to enterprises in the open countryside.

2. Having regard to:

- The nature and extent of the proposal for which permission for retention / permission is sought.
- The requirement to provide sightlines at the site entrance to the public roadway in accordance with the provisions of Section 6.1 and Tables 6.1 and 6.2 of Appendix 6, Volume 3 of the Tipperary County Development Plan 2022.

- The extent of the application site boundary which does not include for the works required to achieve and maintain the required sight lines indefinitely.

The Planning Authority is not satisfied that the works proposed to achieve the required sightlines can be undertaken notwithstanding the details submitted. Having regard to the foregoing it is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction to road users.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.1.1. Conditions

N/A.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Senior Executive Planner's report dated 10th December, 2025 states the following:

- No justification on the locational need or need to locate at a home base has been provided. It is not clear whether other sites have been considered. The settlement strategy contained in the TCDP 2022 seeks to locate such enterprises on appropriately zoned lands within settlements.
- The development is not a small scale rural enterprise and is not served by an adequate standard of road / access infrastructure.
- The proposed development presents impacts on nearby residential amenity through disturbance from operational and traffic noise.
- The Senior Executive Planner is not satisfied that the proposal meets the criteria under Section 8.4.4 and Policy 8.5 of the Tipperary County Development Plan 2022.
- The proposed development is not an established non-conforming use.
- The structures currently on the site do not have the benefit of planning permission and retention of same is not proposed. Planning permission for retention of these structure is required whether for a temporary or permanent period and this is not accounted for in the application.

- The shed has a floor area of 442.3 sq m and height of 9.1 metres, which is visually acceptable given the set back of the site from the public road.
- The proposed commercial use of the site, the times of use and disturbance from traffic movements impact on residential amenity.
- The site is currently accessed from the L6054. The application proposes that the site will be accessed from the R494 via an existing private access road that is to be improved.
 - Sight lines of 160 metres are required at the junction of the private road and R494, which will require works to lands either side of the junction. These lands are not within the application site boundary or under the applicants control.
 - The private access lane is narrow in width and substandard in surface to cater for the traffic movements proposed. While the application references improvement works no widening is proposed. It is not clear what other landowners or users this lane serves.
 - The submission received advises that consent has not been given from all owners of the lane for improvement / maintenance works.
- The site plan indicates a drainage channel to a silt chamber and outfall to a drain and a soakaway located at the northeast corner of the site. The drainage management measures require clarification as does the capacity of the drain to accept discharge. No drainage management measures have been indicated for the laneway.
- The Senior Executive Planner's further report dated 14th April, 2026 notes that a time extension was allowed on the period for the making of a decision pursuant to Section 34(9) of the Planning and Development Act 2000, as amended.
- Unsolicited further information was submitted on 14th April, 2026 consisting of revisions to the site boundary; consent from the effected landowner to cut and maintain the roadside boundary to the R494; and commentary on the development against Section 8.4.4 of the Tipperary County Development Plan 2022 and details of other locations sought for the enterprise.

- The Senior Executive Planner notes that the changes to the site plan are significant changes that cannot be facilitated at this stage. The commentary regarding the enterprise is noted, however, it does not change the considerations and recommendations set out in the original planner's report.

The Senior Executive Planner's report is the basis for the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

It is stated in the Senior Executive Planner's report that a report was received from the District Engineer, but there is no report on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

2no. observations are included in the file, and make the following points:

- There is no consent to use the existing laneway and maintain hedgerows.
- It is not appropriate for heavy good vehicles to be used on such a small private roadway, the increase in traffic would be detrimental to the area, and lead to a loss of privacy as a result of overlooking.
- The applicant was previously refused permission by Tipperary County Council and by An Coimisiún Pleanála, on grounds that it was contrary to Section 8.5 and Policy 8-9 of the Tipperary County Development Plan 2022 and therefore contrary to the proper planning and sustainable development of the area.
- The proposed development does not constitute a small rural enterprise.
- The design and appearance of the development are inconsistent with the character of the area and a blot on the landscape.
- The existing development is unauthorised.
- It is unclear what specific items or materials are proposed to be stored on the site and whether any business activities will be undertaken there.
- Concerned that industrial or commercial operations would be carried out.

- The surface water drainage maps do not provide sufficient information or demonstrate how surface water from the applicant's property will be managed or where it will flow. Based on local topography it is likely that surface water will discharge to the adjacent stream which flows into Lough Derg SPA and SAC. Appropriate Assessment would be required.
- The private roadway often floods in the wintertime.
- Fails to see how hedgerow maintenance could be carried out during the nesting and breeding season. Hedgehogs also use the private roadway.
- There is a persistent issue with dust, and there are concerns about noise, including impulsive noise.
- The private roadway is not designed to accommodate HGV movements.
- The proposed development will devalue property.
- It is not clear what the shed is to be used for and it is also not clear if trucks will be coming and going as they are at present.
- There is strong floodlighting on the site.
- Trucks are using the premises late at night.

4.0 Planning History

4.1. The following history pertains to the proposed development site.

- ABP-317606-23 (22/377): The refusal of permission for retention and permission for development including the retention of access road, hard surfaced area and two storage silos, and construction of a storage shed was upheld on appeal on 4th September, 2024 for 2no. reasons as follows:
 1. Having regard to the location of the site in the rural area on unzoned and unserviced land outside of a designated settlement, and to the nature and scale of the industrial type operations on the site, it is considered that it has not been satisfactorily demonstrated that the development proposed to be retained and the proposed development would constitute a small scale rural enterprise or that it could not be located on

appropriately zoned land within towns or villages. Therefore, the proposed retention would be contrary to Section 8.4.4. and Policy 8-5 (Start-up Enterprise in the Open Countryside) of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. It has not been demonstrated that this is a long established non-conforming use that would not result in loss of amenity to adjoining properties, and would not have an adverse impact on the receiving environment or seriously injure the visual amenities of the area. The development proposed to be retained and the proposed development would, therefore, be contrary to Section 8.5 and Policy 8-9 of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

It is stated in the Inspector's report that Premier Screed Floor Ltd operates the supply and installation of finishes poured floor screed to the construction industry, and that the site provides the base depot for the bulk material/plant storage associated with the business.

It is also stated that the business was established in 2019.

- Warning Letters dated 9th March, 2022 and 11th March, 2022, ref. TU-22-027, are on file in relation to the alleged unauthorised laying out and use of lands for an Industrial Production Yard associated with the storing and processing of a concrete floor screed product for the construction industry and erection of silos.
- A further Warning Letter dated 7th November, 2022, also ref. TU-22-027, is on file in relation to development work to an unauthorised access road to an unauthorised Industrial Production Yard associated with the storing and processing of a concrete floor screed product.
- A further Warning Letter dated 15th October, 2024, also ref. TU-22-027, is on file in relation to:
 - Unauthorised access roadway.

- Unauthorised laying out and use of lands for an Industrial Production Yard associated with the storing and processing of a concrete floor screed product for the construction industry.
- Unauthorised erection of silos.
- Parking of trucks /vehicles on the lands.
- An Enforcement Notice dated 6th February, 2025, also ref. TU-22-027 requires the cessation of the Unauthorised access roadway; Unauthorised laying out and use of lands for an Industrial Production Yard associated with the storing and processing of a concrete floor screed product for the construction industry; Unauthorised erection of silos; and Parking of trucks /vehicles on the lands by 5pm on 30th May, 2025. The Notice also requires:
 - The removal of all vehicles and mobile plant and machinery from the lands associated with the unauthorised industrial use.
 - The deconstruction and removal from the lands of fixed plant and machinery and storage structures and containers associated with the unauthorised industrial use.
 - Break up and removal of laid concrete surfaces from the lands and remove any concrete structures laid on the lands.
 - Restore the area infilled with stone and occupied by the unauthorised industrial use inclusive of the access way through spreading a layer of topsoil 150mm deep on said areas, rake and remove unsuitable debris and seed with grass.
- PA Ref. No.16601043: Permission granted on 17th February, 2017 for the provision of an agricultural entrance including associated site works.
- PA Ref. No. 09510296 – Permission granted for an agricultural entrance (not constructed).

5.0 Policy Context

5.1. Development Plan

The provisions of the Tipperary County Development Plan 2022-2028 refer.

According to Figure 5.3 of Volume 1 of the Plan, the proposed development site is located in a Rural Area under Urban Influence in rural housing terms. The R494 is designated as a 'Strategic Transport Corridor' in Figure 5.3. Section 5.5.1 states that Strategic Transport Corridors include national routes and strategic regional roads which, in order to protect public investment, carrying capacity and the safety of road users, are considered generally unsuitable for new housing development. Strategic regional roads have been identified as such due to the high traffic volumes they carry on an annual basis.

Section 8.4 of Chapter 8 of the Plan sets out the Rural Development Strategy, that the Council will seek to protect high-quality agricultural lands and to support a diverse and sustainable rural economy.

Section 8.4.4 applies to Start-Up Enterprise in the Open Countryside. It is recognised that the viability of start-up enterprises is often dependent on the use of a home base. It is stated that, on a case-by case basis, the Council will seek to facilitate small-scale enterprise developments outside of settlements, to facilitate a start-up entrepreneur in or adjacent to their own home. Proposals will be balanced with the need to protect the residential amenities of adjoining landowners, and the visual amenities of the area. In this respect, proposals for new buildings should be of domestic proportions and capable in time of returning to a domestic use. It should be noted for clarity, that uses that would entail significant customer draw, including non-farm related shops/retailing will not be considered appropriate in the open countryside. Furthermore, if the enterprise needs to expand significantly and has no operational need to be located in a rural area, it will be expected to locate to a settlement with the appropriate level of infrastructure and services.

Section 8.5 of the Plan in relation to non-conforming uses states that in cases where authorised long established commercial activities are in operation at locations that are not compatible with current planning objectives, the Council will support their continued operation and expansion, provided that it does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the area or creation of a traffic hazard.

Policy 8-5 of the Plan seeks to support and facilitate small-scale start up-rural enterprise in the countryside within and/or adjoining the owner's home. Development proposals will be required to meet the following criteria:

- a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;
- b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area;
- c) Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will encourage its relocation to a more suitable location on zoned land within towns and villages, and,
- d) Uses that would entail significant customer draw, including non-farm related shops/retailing will not be considered appropriate.

Policy 8-9 states that where commercial/industrial enterprises exist as non-conforming but long-established uses, to support their continued operation and expansion, provided such does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.

Tables 6.1 and 6.2 of Volume 3 of the Plan highlight the required forward visibility requirements. For a speed limit of 80kph on a regional road, the X distance is between 2.4-3m (depending on whether it is a stop or yield control) and the Y distance is 160m.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

The National Planning Framework (NPF) First Revision seeks to put in place planning and investment policies to support job creation in the rural economy. National Policy Objective 24 seeks to support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

Section 7.3.3 of the Development Management Guidelines 2020 states that conditions should be capable of being complied with. It is doubtful that a condition requiring the

maintenance of sightlines by the removal or trimming of hedges or trees on a neighbour's property is within the applicant's power to fulfil: even where the neighbour has given consent that consent may subsequently be withdrawn. The Law Society has advised that such conditions may create difficulty as to title and have advised that in such cases the applicant be required to obtain an easement over the neighbour's property thus obtaining the legal right to maintain the sightline.

5.3. Natural Heritage Designations

The proposed development site is c. 3.02km to the south-east of the Lough Derg (Shannon) SPA (Site Code: 004058). The proposed development site is also c. 2.90km to the south-east of the Lough Derg pNHA (Site Code: 000011).

6.0 EIA Screening

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The First Party appeal sets out the following grounds:

- The proposed site is located on lands that contain the business owners' home.
- The business is a small-scale micro enterprise that has developed from the owner's long established profession of plastering and flooring contractor.
- The site is used as a depot/base for the business plant and machinery.
- There is minimal daily on site activity, other than vehicles travelling out to site in the morning and returning in the evening.

- The proposal seeks to utilise an alternative vehicle entrance, located on a straight section of road, to remove any impact of any additional traffic on the local Gurteenakilla Road, by connecting the site via an existing land and entrance (proposed to be upgraded) directly to the R494.
- There is no customer draw to the site. The company workforce operate on the client site, installing floor screed and associated work. The site is generally unmanned during the day, except for the movement of work vehicles to the site.
- The owner has a requirement, similar to small building contractors, to provide a yard area to park and store work related vehicles, equipment and materials.
- The site is not contrary to development in rural areas.
- The proposed development does not have an adverse impact on the residential, environmental and rural amenities of the area, and assimilates into the rural setting.
- The proposed development is located at the furthest location from adjoining residences.
- Structures are of a scale and size that comparable to common agricultural structures.
- The existing access road has been upgraded for approximately 60% of its length. The remaining section is proposed to be upgraded. The existence of this access road is a significant infrastructural benefit for the development.
- The applicant has sought to secure alternative site locations without success.
- The applicant submitted additional unsolicited information to satisfy requirements for adequate sightlines at the existing entrance.
- The applicant has the written consent of the landowner of the entrance and lands adjoining to cut and maintain roadside verge.
- The reason for refusal on endangerment of public safety or traffic hazard grounds is unfounded:
 - The proposal includes an upgrade to the entrance width and depth, eliminating road obstruction.

- Clear unobstructed sightlines can be achieved.
- The existing entrance is located within an extended straight area of public road.
- The Commission is asked to overturn the refusal of permission
- A copy of the letter of consent from the landowner of lands surrounding the existing lane entrance onto the R494.
- It is also stated that the appeal includes details pertaining to lighting design and proof of business connection to the adjoining rural residence.
- The appeal includes a copy and detail of the Site Layout Plan showing sightlines of 160m in each direction 4.5m from the road edge. The red line boundary is stated to have been extended to include the area of hedgerow and road verge area to be cut and maintained by the applicant. The drawing also shows the widening of the entrance and the widening of the entrance gate.

7.2. Applicant Response in the case of a 3rd Party Appeal

- N/A.

7.3. Planning Authority Response

- None on file.

7.4. Observations

- None on file.

7.5. Further Responses

- N/A

8.0 Assessment

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Unauthorised Development.

- Compliance with the Plan.
- Access road to the R494.

8.3. Unauthorised Development

- 8.3.1 I note the current open enforcement file on the site. In particular, I note the Enforcement Notice dated 6th February, 2025, ref. TU-22-027, which required the cessation of the unauthorised access roadway; unauthorised laying out and use of lands for an Industrial Production Yard associated with the storing and processing of a concrete floor screed product for the construction industry; unauthorised erection of silos; and parking of trucks /vehicles on the lands by 5pm on 30th May, 2025.
- 8.3.2 I note that the development requiring cessation in accordance with the Enforcement Notice still remains in situ, well past the 30th May, 2025 deadline.
- 8.3.3 I note, however, that, in attempt to address the unauthorised status of the site, the current application and appeal relate to the retention of a hard surfaced yard area for vehicle parking and equipment storage, and permission for the construction of a storage shed, and the removal of the existing storage silos and a section of internal roadway.
- 8.3.4 Ordinarily issues relating to enforcement by the Planning Authority would generally be outside the scope of an appeal.
- 8.3.5 However, in this instance, I note that a single-storey shed-like structure has been erected at the general location of the proposed shed for which permission is sought.
- 8.3.6 This shed, which appears to be in use a workshop, further adds to the extent of unauthorised development, and unauthorised use, at the site. This is a matter of concern in the assessment of the appeal.
- 8.3.7 In the circumstances, the applicant has not demonstrated that the plans and particulars that accompany the planning application sufficiently correspond with the actual development on site to be retained.
- 8.3.8 In addition, there is no permission in place for the shed that has been erected on site, and it is not included in the extent of development to be retained.
- 8.3.9 In this case, it would appear that the subject shed is unauthorised and does not form part of this application or appeal. This element is therefore outside the scope of this report and remains a matter of enforcement for the Planning Authority.

8.4. Compliance with the Plan

- 8.4.1 The principal reason for refusal from the Planning Authority is that the proposed development would fail to satisfy the criteria under Section 8.4.4 and Policy 8.5 of the Tipperary County Development Plan 2022 as it relates to enterprises in the open countryside.
- 8.4.2 The proposed development was previously refused under ACP Ref. No. ABP-317606-23 (22/377) on 4th September, 2024, with the principal reason also being that the proposed retention would be contrary to Section 8.4.4. and Policy 8-5 of the Plan.
- 8.4.3 While I note the updated policy provisions of the NPF First Revision, which generally seek to support the sustainable development of rural areas, there has been no change in local planning policy to warrant overcoming the previous reason for refusal on policy grounds.
- 8.4.4 I acknowledge the arguments put forward by the applicant in the application and appeal that the activity on site is a vehicle, plant & equipment parking compound to support a concrete flood screed product enterprise for the construction industry.
- 8.4.5 However, as was the case with ACP Ref. No. ABP-317606-23 (22/377), it has not been established that the development to be retained and the proposed development needs to operate in the rural area of Gorteenakilla, Newtown, Nenagh, Co. Tipperary. It is located in a rural area on unzoned and unserviced land. It is not related to agriculture nor site dependant on being located within this rural area. In this respect it is noted in the appeal that the business has developed from the owner's long established profession of plastering and flooring contractor. It is an activity more suited to an urban area.
- 8.5. In addition, the presence of is a large mobile conveyor, the existing single-storey workshop shed, the stacked containers and the diesel generator would lend the site to being described as more than just a vehicle, plant and equipment parking compound, and would indicate that a processing activity occurs on the site.
- 8.4.6 While noting that section 8.4.4 and policy 8-5 of the Plan supports a start-up entrepreneur in or adjacent to their own home, and that the applicant lives to the immediate south of the proposed development site, it is also noted that the proposed

development, given its nature and extent, could not be considered to constitute small-scale enterprise development.

8.4.7 While I note that the location and configuration of the proposed development will not give rise to significant visual impacts, and that the proposed development does not entail customer draw, I also note the concerns raised by observers during the planning process, and the Planning Authority itself, that there are noise and dust impacts arising which would not be characteristic of, and appropriate in, the rural area.

8.4.8 While it is noted that the activity commenced on site in 2019, as it is an unauthorised use, the provisions of policy 8-9 of the Plan in relation to non-conforming but long-established uses would not apply.

8.4.9 In this context, the proposal remains contrary to Section 8.4.4. and Policy 8-5 of the Plan. There is no policy basis to overturn the Planning Authority's first reason for refusal.

8.5 Proposed Access Road

8.5.1 It is also noted that it is intended to carry out improvement works to an existing private access road and entrance from the site to the R494, and the formation of an access.

8.5.2 The appeal states that it is proposed to utilise this alternative vehicle entrance, using an existing lane entrance located on a straight section of the R494, with the existing lane and entrance proposed to be upgraded. A copy of the letter of consent from the landowner of lands surrounding the existing lane entrance onto the R494 is provided. The applicant makes the case that this alternative will remove any impact of any additional traffic on the L6054.

8.5.3 The appeal includes a copy and detail of the Site Layout Plan showing sightlines of 160m in each direction 4.5m from the road edge. The red line boundary is stated to have been extended to include the area of hedgerow and road verge area to be cut and maintained by the applicant. The drawing also shows the widening of the entrance and the widening of the entrance gate. It also shows the existing lane connection between the R494 and the compound to be improved and surfaced in stone. A typical cross section of the access road indicates a width of 3.5m.

8.5.4 While it is noted that consent has been given by the owner of the lands surrounding the existing lane entrance onto the R494 to include such lands in the extended red line

boundary, the provisions of Section 7.3.3 of the Development Management Guidelines 2020 are of relevance. In the absence of a legal right to maintain the sightlines, it is doubtful that a condition could be attached requiring the maintenance of sightlines on a neighbour's property that is not within the applicant's power to fulfil.

- 8.5.5 It is also noted that the R494 is a Strategic Transport Corridor, so defined due to the high traffic volumes they carry on an annual basis. There has been no comment from the Planning Authority on the suitability of this connection in the context of the Strategic Transport Corridor designation. While it is noted that the proposed alternative vehicular access arrangement does meet the requirements of the Plan with respect to forward visibility, based on the information submitted, including the absence of a road safety audit, it is not possible to determine that the use of this access onto a defined Strategic Transport Corridor, which is a material change to the proposed development, is acceptable in terms of traffic safety and convenience,
- 8.5.6 In addition, there is minimal detail provided on the access road connection between the R494 and the development to be retained, including drainage, landscaping, sustainable transportation, and impact on existing vegetation.
- 8.5.7 On this basis it is not considered that the applicant has fully addressed the key aspects of the Planning Authority's second reason for refusal in relation to sightlines, and that this reason for refusal should be upheld

9.0 AA Screening

- 9.1. I have considered the permission for retention of a hard surfaced yard area for vehicle parking and equipment storage and permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silo's and a section of internal roadway, including associated site works at Gorteenakilla, Newtown, Nenagh, Co. Tipperary in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 3.02km to the south-east of the Lough Derg (Shannon) SPA (Site Code: 004058). The nearest water body is the Ardgregane Stream, c. 0.691km to the north-east.

- 9.3 The proposed development consists of permission for retention of a hard surfaced yard area for vehicle parking and equipment storage, and will consist of permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silo's and a section of internal roadway, including associated site works. Gorteenakilla, Newtown, Nenagh, Co. Tipperary.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Derg (Shannon) SPA (Site Code: 004058) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 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.
- 9.7 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.
- 9.8 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 proposed development site is located in a rural area to the west of Nenagh. As noted above, the nearest relevant water body is the Ardgregane Stream_020, code IE_SH_251040400, c. 0.691km to the north-east, the status of which is 'At Risk'.
- 10.2 The proposed development consists of permission for retention of a hard surfaced yard area for vehicle parking and equipment storage, and will consist of permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silo's and a section of internal roadway, including associated site works. Gorteenakilla, Newtown, Nenagh, Co. Tipperary.
- 10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of permission for retention of a hard surfaced yard area for vehicle parking and equipment storage, and will consist of permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silo's and a section of internal roadway, including associated site works. Gorteenakilla, Newtown, Nenagh, Co. Tipperary, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4 The reason for this conclusion is as follows:
- The nature and scale of the development proposed.
 - Distance from the nearest relevant water body, and the lack of hydrological connections.
- 10.5 Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission for the proposed development is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the location of the site in the rural area on unzoned and unserviced land outside of a designated settlement, and to the nature and scale of the operations on the site, which cannot solely be characterised as a vehicle, plant & equipment parking compound as described in the application, it is considered that it has not been satisfactorily demonstrated that the development proposed to be retained and the proposed development would constitute a small scale rural enterprise or that it could not be located on appropriately zoned land within towns or villages. Therefore, the proposed retention would be contrary to Section 8.4.4. and Policy 8-5 (Start-up Enterprise in the Open Countryside) of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to:
 - The nature and extent of the proposal for which permission for retention / permission is sought.
 - The requirement to provide sightlines at the site entrance to the public roadway in accordance with the provisions of Section 6.1 and Tables 6.1 and 6.2 of Appendix 6, Volume 3 of the Tipperary County Development Plan 2022.

- The extent of the application site boundary which does not include for the works required to achieve and maintain the required sight lines indefinitely.
- The status of the R494 as a Strategic Transport Corridor in the Tipperary County Development Plan 2022-2028.

Based on the information submitted with the application and appeal, including the absence of a Road Safety Audit, the Planning Authority is not satisfied that the works proposed to achieve the required sightlines can be undertaken notwithstanding the details submitted. Having regard to the foregoing it is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction to road users.

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.

Aiden O'Neill
Planning Inspector

10th August, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501332-TY-26
Proposed Development Summary	Permission for retention of a hard surfaced yard area for vehicle parking and equipment storage and permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silos and a section of internal roadway, including associated site works.
Development Address	Gorteenakilla, Newtown, Nenagh, 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.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
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.	
☐ 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)	Class 10(dd) Schedule 5 Part 2
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 ☐	
No ☒	

Inspector: _____

Date: 10th August, 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501332-TY-26
Proposed Development Summary	Permission for retention of a hard surfaced yard area for vehicle parking and equipment storage and permission to construct a storage shed, to carry out improvement works to an existing private access road and entrance from the site to the connection with R494, the formation of access onto private road, the removal of the existing storage silos and a section of internal roadway, including associated site works.
Development Address	Gorteenakilla, Newtown, Nenagh, Co. Tipperary.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site is located in a rural area generally characterised by low density individual dwellings. The proposed development does not have the potential to result in the production of significant waste, emissions, pollutants or nuisance. The development does not require demolition works. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	The proposed development is situated to the rear of existing dwellings, one of which is owned by the applicant. The site is not located within, or immediately adjoining, any protected areas, or other areas of heritage or cultural interest. The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. There are no significant cumulative considerations having regard to other existing and/or permitted projects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: 10th August, 2026

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)