Inspector's Report
PL-501692-TY-26

Development	Permission for retention for revised boundary, extension to carpark and all associated site works. Temporary permission sought for change of use of carpark to storage area.
Location	Plunkett Street Tullaheady, Nenagh, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2561201
Applicant(s)	William Ryan
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Noel Kennedy
Observer(s)	None
Date of Site Inspection	15th September 2026

Inspector	Emma Gosnell

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1.0 Site Location and Description

1.1. The subject site, which has a stated area of 0.404ha, is located at Plunkett Street in the townland of Tullahedy, c. 3.5km to the south-west of Nenagh town in Co. Tipperary.

1.2. The site is adjoined to its north-west, west and south by a mix of undeveloped lands and agricultural fields, with Plunkett Street (L-5145-0) being located to the immediate north-east of the site. There is a blocked off access/ haul-road leading to a large compound area located c. 25m to the south of the site and the Tullahedy roundabout, which connects Plunkett Street to the N52 and the M7 motorway (which runs to the south), is located c. 50m to the site's south-east. There are a breakdown recovery service and a storage yard located further to the north of the site, in addition to various one-off rural dwellings which are located in the vicinity to its north and north-east. There is also a TII maintenance depot c. 180m to the south-east of the site on the opposite side of the Tullahedy roundabout and N52 road.

1.3. The site itself is brownfield and comprises of an existing dwelling, a garage and a building containing a single storey workshop/ store (c. 250sq.m) all within an enclosed, gated compound. The existing buildings on the site amount to 479.5sq.m of gross floor space. There is a large yard located at the forefront of the site that was observed to be in use predominantly for the storage of empty skips of various types and sizes. A further gate leads to the rear of the site which is given over to residential use (comprising of a bungalow, a large area of lawn and a further standalone structure to the rear). The residential portion of the site is accessed independently via a separate vehicular entrance and gravelled driveway located on the south-east/ south of the site.

1.4. The commercial part of the site is enclosed by a c. 1.9m high precast concrete post and panel fencing, with a 7m wide timber sliding gate providing access to the yard from the road.

1.5. There are no RPS or NIAH on site and it does not come within an Architectural Conservation Area or Zone of Archaeological Potential and is also not subject to any Protected Views.

2.0 Proposed Development

2.1. The proposal comprises of:

- Retention permission for a revised boundary, a c. 355sq.m extension to an existing carpark/ commercial yard and all associated site works.

- Permission for the temporary change of use of carpark to use for the storage of skips (applies to an area of 827sq.m).

2.2. Changes made at Further Information (FI) stage comprised of proposals for re-levelling within the site, re-siting of an existing soakaway and the restoration and enclosure of an existing Waste Water Treatment System (WWTS) on the south side of the site with a post and concrete fence.

2.3. The following documentation is submitted in support of the proposal: a Noise Impact Assessment and a Speed Test.

3.0 Planning Authority Decision

3.1. Decision

Permission granted on 11/06/2026 subject to 7 no. conditions, generally of a standard technical nature. Conditions of note were as follows:

"***2.*** *a) The development hereby permitted shall be used for the storage of empty skips only.*

b) No change of use shall take place without a prior grant of Planning Permission, (notwithstanding the exempted development provisions of the Local Government (Planning and Development Regulations 2001, as amended).

Reason: *To clarify the terms of the permission and in the interest of proper planning and sustainable development.*

3. *The temporary change of use to a storage area for empty skips shall be for a period of two years from the date of the final grant of planning permission.*

Reason: *To clarify the terms of the permission and in the interest of proper planning and sustainable development.*

4. *a) Within 3 months of the date of the final grant of planning permission, the site shall be laid out in accordance with the Site Layout Plan (drawing no 3), received by the Planning Authority on 30/04/2026.*

b) The area where the wastewater treatment system is located shall be fenced off and restored in accordance with the details approved under planning application reference

19600577. The restoration works shall be completed within 3 months of the date of the final grant of planning permission.

***Reason:** To clarify the terms of the permission and in the interest of proper planning and sustainable development.*

***5.** a) The number of empty skips stored on site shall not exceed 29 at any one time.*

b) The washing of skips and the emptying of skips on site is expressly omitted from this grant of planning permission

c) The hours of operation shall be restricted to between 9:00 to 17:00 Monday to Friday.

d) Traffic movements associated with the development hereby permitted shall be restricted to between 9:00 to 17:00 Monday to Friday.

e) Floodlighting of the site is expressly omitted from this grant of planning permission

***Reason:** To clarify the terms of the permission and in the interest of proper planning and sustainable development."*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3 no. planning reports formed the basis of the planning authority's (PA) assessment:

Planner's Report (16/01/2026) – Initial Application Stage

- **Principle of Development** – use of site for commercial purposes has been established under previous permissions. Notwithstanding, development plan policy pertaining to 'non-conforming use' is a relevant consideration.
- **Siting/ Layout** – general layout of the site was established under a previous permission. However, given proposed temporary use and extension to parking area, clarity is required in respect to number of skips capable of being stored on site at any one time. **Further Information** Recommended.
- **Enclosure** – general enclosure of the site was established under a previous permission. Whilst fencing proposals are visually acceptable, their visual impact is required to be softened by greater use of soft landscaping/ supplementary planting. **Further Information** Recommended.

- **Noise** – impact arising acceptable on basis of baseline/ background noise level.
- **Odour** – noted that proposal is for storage of 'clean skips' only with no evidence of waste compactor infrastructure on the site.
- **Storage** – concerns raised regarding 'other' equipment being stored on the site. **Further Information** Recommended.
- **Dumping/ Anti-Social Behaviour** – not considered to be planning matters.
- **Traffic –** trips arising comparable to those generated by previous permissions on site. No concerns arise.
- **Parking –** submitted plans do not reflect arrangements on site. **Further Information** Recommended.
- **Access –** sightlines achieved, no concerns arise.
- **Services** – site is already serviced and its use for storage of skips etc. will not materially impact on water supply or foul drainage capacity.
- **WWTS** – a raised polishing filter was previously permitted and constructed on site. Level changes and works arising from subject proposal may impact on WWTS despite installation of protective fence. **Further Information** Recommended.
- **Surface Water** – proposal to install aco and French drains at entrance to yard and along perimeter is acceptable.
- **Flooding** – the southernmost part of the site is at fluvial flood risk. The proposal would not give rise to an exacerbation of flood risk as no new buildings proposed.
- **EIA Screening** – proposal is not a class of development. No EIA is required.
- **AA Screening** – proposal not likely to have a significant effect on a Natura 2000 site on account of its nature, scale and the absence of pathway(s) to same. AA not required.

A request for Further Information (FI) issued on 22/01/2026 in relation to 5 no. items: site layout; maximum skip storage; intended use of site; application form omission; and, impact of proposal/ site level changes on existing WWTS.

The applicant's response to the FI request was received on 30/04/2026.

The FI response included a cover letter which addressed each item in turn.

The FI response resulted in some changes to the nature of the proposal and was determined to be significant.

Planner's Report (18/05/2026) – Further Information Stage

- **FI Item 1** – revised layout illustrating quantum and location of staff parking, provision of circulation and turning movements and the location of skip storage on site is acceptable. Restriction on location of skip storage on site to be **conditioned**.
- **FI Item 2** – 29 is max. number of skips to be stored on site. This can be **conditioned**.
- **FI Item 3** – all machinery stored onsite will be removed. **Condition** to be attached restricting the use of the site to the storage of empty skips only.
- **FI Item 4** – completed application form B (relating to commercial/ industrial developments) now provided.
- **FI Item 5** – levels in WWTS area will be restored and it will be fenced off (concrete post and panel fence) with these works to be carried out within 3 months. To be **conditioned**.

The report concluded that, whilst the response to the FI was acceptable, it contained significant additional information (revised plans and updated/ additional information in relation to the proposal) and was therefore required to be readvertised.

Planner's Report (10/06/2026) – Significant Further Information Stage

The report noted the public consultation procedure undertaken and the receipt of a further public submission which raised issues the planning authority were satisfied had been generally previously addressed at earlier stages in the process and/ or were capable of being addressed by condition.

It concluded by recommending that permission be granted, subject to amending conditions, as detailed in Section 3.1.

3.2.2. Other Technical Reports

District Engineer (06/01/2026) – considered sightlines, access arrangements and circulation internal to the site to be adequate and recommended attachment of **condition**: no set-down outside the site and no reversing in/ out of the site permitted.

The file was referred to Nenagh Environment Section, but no report was subsequently received.

3.3. **Prescribed Bodies**

No submission received.

3.4. **Third Party Observations**

2 no. third party observations were received from the same individual (Noel Kennedy – the Appellant) on 03/01/2026 and 08/06/2026. These raised the following issues:

- Traffic impact and road safety.
- Overspill parking and vehicular manoeuvres – impact on sightlines.
- Use of site for overnight storage of waste/ as a transfer station.
- Storage of waste compactors on site.
- Use of site goes beyond permitted light industrial use.
- Layout/ arrangement of site is not as shown on permitted plans.
- Public safety issues re: ability to access the site.
- Flood risk to adjoining properties.
- Impact on public health and water quality.
- Non-compliance with EPA Code of Practice for WWTS.
- Malodours arising from use of site for skip storage.
- Noise impact.
- Days and hours of operation go well beyond that proposed.
- Negative impact on visual amenity.
- Issues raised with basis for noise assessment.
- Drawing inaccuracies re: setback and sightlines.
- Procedural issues re: application form Part B.
- Contradiction in statutory notices re: ‘emptying’ and ‘empty’ skips.

The earlier submission (03/01/2026) is accompanied by a series of date and time stamped photographs of the subject property which are stated to illustrate the use/ operation of the

site after hours; the stacking of skips; its use for storage of waste materials/ as a transfer station; the existence of gaps in the compound fence; the parking of vehicles on the L-5145-0 adjoining the entrance (obstructing sightlines); and, the storage of skips atop the raised polishing filter.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 2560102 – application by William Ryan for 1) revised boundary types and location, 2) extension to carpark area and 3) all associated site works and PERMISSION for temporary change of use of existing car parking area to storage area for empty skips. Application declared **Withdrawn** on 29/10/2025 prior to a decision being made by planning authority.

P.A. Ref. 2260189 - application by William Ryan for retention for a newly constructed driveway to existing dwelling house and for permission to erect new fencing to site boundaries and associated site works, **granted** on 24/10/2022 subject to 5 no. relatively standard conditions.

P.A. Ref. 19600577 – application by Pat Carroll for (a) permission to retain single storey dwelling house as constructed and revised layout and position of workshop/store, both as previously permitted on foot of permission 517372, (b) permission to retain domestic garage & store to the rear of dwelling and (c) permission to replace existing septic tank and percolation area with a proprietary wastewater treatment system and soil polishing filter together with associated site works, granted on 30/09/2019 subject to 6 no. conditions, including:

5. Within three months of the date of this order, the dwelling shall discharge to a packaged wastewater treatment and polishing filter (DWWTS). The DWWTS shall be designed, located and constructed in accordance with the requirements of 'EPA 2009' Code of Practice-Wastewater Treatment and Disposal Systems serving Single Houses and as per details submitted.

   A Certificate of Compliance (including photographs), prepared and signed by an Architect, Engineer, Surveyor or Technician to state that the DWWTS and associated works have been installed in accordance with EPA 2009 Code of Practice requirements fully shall be submitted to the Planning Authority within 3 months of installation.
   The owners/occupiers of the subject site shall be responsible for the maintenance of their DWWTS, and shall undertake regular sampling of the effluent to ensure the effluent quality adheres to the manufacturer's guidelines.

   The existing septic tank and percolation area shall be decommissioned once the proposed system is operational, the subject area backfilled and all contaminated soil removed to a licensed operator.
   REASON: In the interests of public health.

6. Prior to the re-occupation of the light industrial building but no later than 12 months from the date of this order, a defined entrance achieving the best possible sightlines from a 4.5m setback shall be erected following the submission of proposals to receipt of written agreement from the Planning Authority in advance of the date for compliance.
   REASON: In the interests of road safety.

It is noted that the FI response in respect of this application stated that the store/ workshop building was no longer in use and was previously in use for the limited storage, assembly or fabrication of milking machines.

P.A. Ref. 517372 – application by Patrick Carroll for erection of bungalow & store (with the stated intent of the store being used for "*milking machines and parts and for preparing milk plants for erection on farms")* at Plunkett St., granted conditional permission on 29/09/1979.

P.A. Ref. **S5/22/19** Section 5 Declaration of 16/03/2022 determined that the extension of a yard area at the appeal site by c. 360sq.m was development but was exempted development on the basis that it came within the meaning of a hard surfaced area used for the purposes of or in connection with the industrial process that takes place within the existing permitted building, and that the provision of a new access road to access the existing dwelling to the rear of the property is development and is not exempted development.

It is noted that, in seeking this declaration, the applicant (William Ryan) stated that the store/ workshop building was in use for the storage, hire and maintenance of light plant and tools.

Enforcement:

TUD-22-149 – Warning letter issued:

1. Change of use and enlargement of the hard-standing yard / car parking area adjoining the existing workshop from industrial to the use for storage of waste skips associated with waste collection industry giving rise to a material change of use of the lands.

2. Erection of a concrete panel boundary fence to surround the commercial enterprise (not in compliance with the shared entrance arrangement as approved under permission ref. 2260189).

3. Creation of new entrances from the public road to serve the dwelling and commercial enterprise on the site and (not in compliance with the shared entrance arrangement as approved under permission ref. 2260189).

4.2. Neighbouring Sites

Site to South/ South-West

P.A. Ref. 15600341 (PL92.245200) – application by Topaz Energy Ltd. for development of an off-line motorway service station and all related works, **refused** permission on appeal on 26/11/2015 for 4 no. reasons relating to noise and impact on siting not being in an area identified as being suitable for an off-line motor service area, substandard access, residential amenity and wastewater treatment and disposal.

Site to immediate North-East (Opposite Side of Road)

P.A. Ref. 19601289 – application by Noel Kennedy for demolition of existing dwelling house and garage and for construction of replacement dwelling house, upgrade existing wastewater treatment system and all associated site works, **granted** permission on 25/02/2020 subject to 12 no. conditions.

5.0 Policy Context

5.1 Development Plan

Tipperary County Development Plan 2022-2028 applies.

Volume 1 – Written Statement

The site is unzoned and is located in a rural area which is under urban influence.

Section 8.5 - Non-conforming uses: 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 8-9 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.

Section 10.8 - The Circular Economy and Sustainable Waste Management.

Policy 10 - 4 Ensure the sustainable management of waste and the application of the 'Circular Economy' concept in line with the provisions of the National Waste Management Plan for a Circular Economy and the Waste Management Infrastructure – Guidance for Siting Waste Management Facilities, (Government of Ireland, 2022) in the development and management of new development.

Section 11.8 - Noise and Light Emissions

Policy 11-18 Ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2018 and relevant standards and guidance that refer to noise management.

Policy 11-19 Ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2018 and relevant standards and guidance that refer to noise management.

Volume 3 – Appendix 6: Development Management Standards

Sections 3.5 Lighting and 3.6 Noise.

Section 5 Commercial & Employment Development, Sections A – E.

Section 5.7 Industrial Development, Table 5.1: Minimum Standards for Industrial Developments.

Section 6.1 - Road Design & Visibility at a Direct Access: A direct access is a vehicular access from any residential, commercial or agricultural property to and from a public road. New direct accesses shall not be permitted within 90m of the exit of a roundabout on a national road, or within 50m of the exit on a non-national road.

Tables 6.1: X-Distance Requirements and 6.2: Design Speeds and associated Y-Distances.

Section 6.5.1 Car-Parking and Table 6.4: Minimum Car Parking Standards.

Section 6.6 Loading and Circulation: Commercial and industrial proposals shall ensure that adequate loading/unloading bays are provided and that the site can accommodate manoeuvring of vehicles including heavy good vehicles if appropriate. Loading and unloading areas shall be discreetly located and located in a manner to reduce impact on residential amenity. 1) Loading bays shall be generally 9m x 5m (but at least 6m x 3m), and 2) The provision of circulation and designated loading space will be assessed on a case by case basis depending on the nature and scale of the proposed use.

Volume 5 – Environmental Reports: Consolidated SFRA

5.1. **Technical Guidance**

The Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10) (2021) - Sections 6.3 (Minimum Separation Distances) and 11.5.1 (Location of Infiltration/Treatment Area) and Table 6.2: Minimum separation distances.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- Lough Derg (Shannon) SPA (Site Code 004058) – c. 6km to north-west of site.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) – c. 6km to south of site.
- Silvermines Mountains West SAC (Site Code 002258) – c. 6km to south of site.
- Silvermine Mountains SAC (Site Code 000939) – c. 7km to south of site.
- Lough Derg, North-East Shore SAC (Site Code 002241) – c. 11km to north of site.

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- Lough Derg pNHA (Site Code 000011) – c. 6km to north-west of site.
- Silvermine Mountains pNHA (Site Code 000011) - c. 7km to south of site.

7.0 EIA Screening

The proposed development and development to be retained has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 of this report).

Having regard to the characteristics and location of the 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 and development to be retained, therefore, does not trigger a requirement for an environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive Screening

In light of the information on file it has not been possible to conclude, on the basis of objective information, that the proposed development and development to be retained 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 that it can be excluded from further assessment (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

One third party appeal was received on the 07/07/2026 from Noel Kennedy. The grounds of appeal were as follows:

Impact on Character of Area

Proposal represents a significant intensification of commercial activity at the site (over previous four years) and is a significant move away from previous/ historic and modest commercial/ residential use.

Proposal not in-keeping with the character of the area/ has fundamentally altered same.

Proposal has given rise to loss of local mature tree and planting and substantial grasses areas etc. – no visual softening or appropriate transition between uses provided for and permitted landscaping not implemented.

Adverse Impact on Residential Amenity

HGV traffic movements, noise and disturbance associated with the operation of the proposal (operation of HGVs, loading & unloading and stacking of skips, electric gate movement etc.),

together with its visibility/ visual impact on account of floodlighting and stacking of skips etc., has given rise to a diminution in residential amenity.

Planning impacts of subject proposal are materially different to those arising from previous/ historic use of the site.

Inaccuracies in Submitted Documentation

Concerns raised regarding inaccuracies and inconsistencies with regard to site layout, parking arrangements, road geometry, access arrangements, operational use and intensity, technical reports and supporting documentation – which it is argued are material and undermine the planning assessment of the proposal.

Submitted noise assessment cannot be relied upon to assess level of impact.

Traffic Safety

Drawings submitted do not accurately reflect geometry of adjoining road or existing site access arrangements and should not be used as a basis for assessment re: sightlines and traffic safety etc.

Adjoining road is not a 2-lane carriageway adjoining the site entrance – three lanes operate in practice.

Concerns raised regarding setback of site entrance and stopping distance provided for commercial vehicles entering the site and related collision risk/ obstruction on road.

Required visibility splays are obstructed by site roadside boundary treatment.

Inadequate information provided in order to establish operational parking requirements and overspill parking giving rise to impacts on the local road.

Traffic generation has not been adequately addressed.

Wastewater Issues

Insufficient evidence provided in respect to whether or not existing WWTS can cater for greater intensity of commercial development at the site.

Environmental Impact

No evidence of specialist environmental input (from planning authority's Environment Section) is provided notwithstanding cumulative effects of noise, odour, risk of vermin, traffic and commercial use intensity arising from the proposal.

Procedural Issues

Planning authority erred in their assessment of the proposal.

Planning authority conditions lack sufficient clarity and cannot be enforced.

Conditions do not address the cumulative impacts arising or the number and type of skips permitted on site, skip stacking, storage of waste compactors, operational practices, floodlighting, cleanliness of skips or compliance responsibility.

Conditions cannot satisfactorily mitigate degree of impact in this case.

Matters raised in third party submissions have not been adequately considered.

Alleged Unauthorised Development

The appellant states that the existing commercial building is operating as a separate business (i.e. to the operation of the skip yard) and also that additional residential accommodation has been created on the site in a former domestic garage.

Related commentary is also provided on the site's planning enforcement history.

The following documents are provided as part of the grounds of appeal:

- A copy of the planning authority's decision document.
- A copy of appellant's observation on the application.
- A series of site photographs (mostly undated) showing views of the site from Plunkett Street and the Tullahedy roundabout. These show the existing site boundary treatment, stacked skips and skips containing waste material.
- Photographs (undated) of the adjoining road network (taken from north and south) including one showing the measurement between the sliding access gate and the carriageway of the public road.
- Comparative aerial photographs of site over period 2021 to present day which illustrate the change that has taken place in the site layout and conditions.

9.2. **Applicant Response**

None received.

9.3. Planning Authority Response

None received.

9.4. Observations

Uisce Eireann (14/08/2026) – confirms that it does not own or operate water or wastewater infrastructure on or in the vicinity of the appeal site. Notes proposal relates to a private wastewater treatment and disposal system and that water supply in the area appears to be from a local group water scheme.

10.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site and, having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Wastewater Treatment (New Issue)
- Water Supply
- Traffic Impact
- Visual and Residential Amenity
- Other Matters

10.1. Principle of Development

10.1.1. Permission is sought for the temporary change of use of the existing yard/ car park area to use for the storage of empty/ out of service skips with retention permission being sought for the extension to the existing yard/ car park area, for revised boundary types and locations and for all ancillary works.

10.1.2. I note that the description of development applies for at SFI stage refers to the action of ‘emptying’ skips. However, based on the planning application statutory notices and the

totality of the information on file, I am satisfied that the proposal relates to the storage of empty skips only.

10.1.3. The development plan provides general policy support for sustainable waste management in line with the circular economy concept (Sections 10.8 and Policy 10-4) in line with regional and national policy under the National Planning Framework and the Regional Spatial & Economic Strategy for the Southern Region 2020-2032.

10.1.4. The development subject of this appeal is located on unzoned lands, in an area under urban influence and relates to an established commercial compound.

10.1.5. The planning authority considered that, whilst relating to a non-conforming use, the proposed works were to acceptable in principle on the basis that the use of the site for commercial purposes had been established under previous permissions, with its siting and layout also being generally established under same.

10.1.6. The previous permissions referred to in this regard are P.A. Refs. 19600577 and 517372 which are detail in Section 4.1 of this report, with the declaration under P.A. Ref. S5/22/19 also being a relevant consideration.

10.1.7. Sections 8.5 and Policy 8-9 (Non-conforming uses) of the development plan relate to authorised long-established commercial activities which are not compatible with current planning objectives. This policy generally provides that the continued operation and expansion of the said use will be supported in circumstances only where they do not result in loss of amenity to adjoining properties, to an adverse impact on the environment, to visual detriment to the area or to the creation of a traffic hazard.

10.1.8. Whilst I agree that the proposal would constitute the continued use of the front portion of the appeal site for a commercial purpose, having regard to its nature and extent I am not satisfied that the proposed temporary use of, and expansion of, the yard area for the storage of empty skips constitutes the continued use of the site in connection with its permitted and authorised use ancillary to the operation of the previously permitted workshop/ store on the site. I therefore consider that the proposed use for the temporary storage of skips constitutes a material change of use and, for this reason, I consider that, the aforementioned conditional policy support re: non-conforming uses would not apply in this instance.

10.1.9. Furthermore, whilst I consider that the site is located in a transitional area i.e. between significant road infrastructure and other rural enterprises and one-off dwellings, I consider

the nature and pattern of the development that has taken place on the site in recent years (in order to facilitate the commercial storage/ distribution of empty skips), to be unacceptably ad-hoc and piecemeal and, now measuring c. 1529sq.m, to constitute the material change and intensification in the commercial use of the site with a corresponding loss in landscape/ amenity areas (c. 355sq.m) which previously served the existing residential dwelling on the site. I am also concerned with regard to potential damage to on-site infrastructure as discussed further in Section 10.2 of this report.

10.1.10. In light of the foregoing, I am not satisfied as to the principle of the development of the site for the purpose proposed.

10.2. **Wastewater Treatment (New Issue)**

10.2.1. The appellant has raised concerns regarding the capacity of the site's existing WWTS to cater for the proposal together with issues related alleged unauthorised uses and activity.

10.2.2. Alleged unauthorised activity does not come within the remit of the Commission who must make a determination on the proposal subject of the appeal only. In this respect, given that no additional buildings which would give rise to an increase in the PE/ foul loading are proposed, I am generally satisfied that the proposal would have no material impact on the operational capacity (4-10 P.E.) of the foul system.

10.2.3. However, as detailed in Section 2.0 of this report, retention permission is sought for the extension of the hardstanding storage yard/ car parking area in order to better facilitate its use for the storage and delivery/ distribution of skips (for which temporary planning permission is sought). I note from the site planning history that this c. 355sq.m area for expansion conflicts with the location of a pre-existing WWTS serving the site and also with that of a stormwater soakpit (all previously as permitted under P.A. Ref. 19600577).

10.2.4. The appellant is of the opinion that the impact of the development on the site's existing WWTS has not been adequately addressed and they argue that the increased intensity of use, potential damage to the treatment area, and lack of an updated technical assessment mean that it cannot be concluded that the existing wastewater infrastructure remains suitable.

10.2.5. I note that there is no report on file from the planning authority's Environmental Section.

10.2.6. The yard extension subject of this appeal is acknowledged by all parties to conflict with the location of the raised polishing filter system of the WWTS permitted and constructed on the

south-east side of the site in compliance with the development permitted under P.A. Ref. 19600577. It is further acknowledged, in the applicant's cover letter, that it also conflicts with a percolation area which serves the existing dwelling house.

10.2.7. I note the applicant's replacement soakaway proposal within the lawn area on the south-west side of the site (relatively close to that of the existing SuDS feature/ soakaway which will need to be replaced) which would be designed to BRE 365 standards. I consider this compensatory element of the proposal to be acceptable.

10.2.8. The siting and profile of the existing raised polishing filter system serving the site is shown on the submitted plans and also in planning compliance photographs which are reproduced in the Case Planner's reports. The photographs illustrate that the polishing filter system presented as a raised mound on the south-east side of the site with the Site Suitability and Assessment Report submitted in respect of P.A. Ref. 19600577 clarifying that the area affected was approximately 10m x 6m and involved a c. 1m localised raising of ground levels.

10.2.9. During my site inspection, I observed that the local ground levels around the soil polishing filter have been raised (i.e. to meet the level of the hardstanding area extension deemed exempted under S5/22/19) and that the subject area was being used for the storage of a large number of empty skips. I also observed that the fence line shown on the submitted plans to separate the polishing filter system from the main storage yard was not in existence on the ground.

10.2.10. The applicant proposes the installation of a new timber post and rail fence in order to delineate and protect the existing polishing filter and its service pipework from the skip storage and related activities taking place in the adjoining hardstanding area. The applicant also states that "*The waste water treatment system will be restored as detailed on previously granted application*". This proposal was acceptable to the planning authority with condition No. 4(b) attached to their grant of permission requiring that these works be completed within 3 months of the date of the final grant of planning permission.

10.2.11. Notwithstanding the foregoing, I consider that it is not clear from the information on file what extent of groundworks or reprofiling is required to the south of the site in order to reinstate the raised polishing filter as was. It is also not clear what impact the existing, localised site build-up around, and also storage of skips on top of, the pre-existing polishing filter has had on the structural integrity, maintenance and ongoing operation of the site's WWTS. In light

of the foregoing, it is not clear whether or not the impact of the works on the site (e.g. damage to the pipework or compaction of the filter materials etc. resulting in ponding or escape of inadequately treated wastewater) has given rise to a localised risk of groundwater contamination and to a negative impact on groundwater quality (I refer the Commission to Appendix 3 in this regard).

10.2.12. Furthermore, in respect to the impact of the proposal on the compliance of the WWTS with Sections 6.3 (Minimum Separation Distances) and 11.5.1 (Location of Infiltration/Treatment Area) and Table 6.2: Minimum separation distances from the entire DWWTS of the EPA Code of Practice, I note that the proposal subject of the appeal brings the hardstanding/ internal road network area and a new site boundary to immediately adjoin the soil polishing filter where the guidance in the COP requires minimum separations of 4m and 3m respectively. For this reason, I am of the view that the proposal brings the siting of the WWTS into conflict with EPA guidance on same.

10.2.13. Overall, for the reasons discussed above, I consider that the current site arrangement and specifically the 'extension to the car park area' and 'all associated site works' for which retention permission is sought to be fundamentally unacceptable and I recommend to the Commission that retention permission is refused on this basis.

10.3. **Water Supply**

10.3.1. A concern has been raised regarding the impact of the proposal on a well which exists below the site, however no additional details are supplied in this regard.

10.3.2. I note the submission on file from Uisce Eireann which acknowledges that the area is most likely served by a public/ group water scheme. This is confirmed by information provided on the application form and also by publicly available information on the National Federation of Group Water Schemes website (accessed 06/10/2026) which illustrates that the source of the scheme is groundwater.

10.3.3. The Site Suitability and Assessment Report submitted in respect of P.A. Ref. 19600577 states that the site is served by the Plunkett Street/ Guerteenakilla Group Water scheme, which provides potable water via a public main and is located within 1km of the site. This would appear to negate the need for houses in the locality to be served by private wells. The report also provides that the borewell and pumphouse serving this scheme is located c. 80m to the north/ northeast of the subject site, with publicly available information on the EPA

Water Maps showing that the site comes within the NFGWS Group Scheme Source Protection Area associated with the 'Plunkett SO M' scheme.

10.3.4. In light of the foregoing, and having regard to the serious concerns in respect to the impact of the site works on the site's wastewater infrastructure outlined in Section 10.2 above, I consider that the proposal does have some potential to give rise to a negative impact on local drinking water/ a public health risk by way of localised groundwater contamination arising from the issues identified in respect to its WWTS.

10.4. **Traffic Impact**

10.4.1. The impact of the proposal on traffic and road safety is of serious concern to the appellant who considers that overspill parking and inadequate provision for HGV vehicular movements is significantly impacting on road capacity and safe levels of driver visibility on the entrance to the yard from Plunkett Street.

10.4.2. As detailed in Section 1.0 of this report, the site fronts the L-5145 where a 7m wide vehicular access with sliding gate is provided. Retention permission is sought for same. There is also an area of hardstanding in excess of 2m provided between the gate and the public carriageway. This intermediate area is not shown to be in the applicant's ownership.

10.4.3. The planning authority's District Engineer considered that the sightlines, access arrangements and circulation internal to the site were adequate and recommended attachment of a condition ensuring no set-down outside the site and no reversing in/ out of the site could take place.

10.4.4. A 60km/h design speed applies to the L-5145 and a speed survey is provided as part of the application. Having considered the site access arrangements against the requirements of Tables 6.1 and 6.2 of Volume 3 of the Development Plan, I am generally satisfied that the required sightlines of 70m are achieved.

10.4.5. I did not observe any overspill parking on Plunkett Street during my site inspection and within the site I observed an area to the north-east of the yard (in front of the existing building) being given over to parking, with a large area to the centre of the yard being kept free of skips and vehicles, therefore allowing space for turning manoeuvres inside the gate. Notwithstanding, I recommend that where the Commission are minded to grant permission a condition is attached prohibiting the hardstanding area adjoining the site to be used for set-down purposes etc.

10.4.6. The Case Planner was satisfied that vehicular trips arising from the proposal were comparable to those generated by previous permissions on site. Whilst I would note that the 2 no. previous grants of permission did not relate to development of the same nature or extent, I consider that the nature (mix of HGVs and small vans) and quantum (max. of 4 no. HGV movements daily) are not likely to give rise to a significant, material increase in traffic volumes at this location.

10.4.7. The entrance to the site is located c. 50m from the Tullaheedy roundabout and on a local road where a 60km/h speed limit applies. Whilst I acknowledge the observations made by the appellant in respect to the site access and use and geometry of the adjoining road network etc., I observed the adjoining (single carriageway) road to be very lightly trafficked with good visibility on approach to and from the site. Therefore, whilst I acknowledge that HGV/ other vehicular turning movements (into/ out of the site) are likely to give rise to short-term traffic disruption, I do not consider that there is significant risk of rear-end collision or other serious road safety impacts. This is on account of the design speed and condition of the road (not high speed) and the likelihood that drivers will slow on exiting the roundabout onto the local road and also on approach to the roundabout.

10.5. **Visual and Residential Amenity**

10.5.1. The appellant raises significant concerns regarding the proposal's negative impact on visual amenity and on the character of the rural area in which it is situated.

10.5.2. Having considered publicly available imagery of the site's roadside boundary/ presentation to the L-5145 over the period 2009 – present day, I am of the opinion that the progressive commercial intensification in the use of the site over a number of years, and specifically the significant increase in the area of the yard/ car park to the south/ south-east of the existing store/ workshop building, has given rise to a significant change in the visual and landscape character of this portion of Plunkett Street, from rural, sylvan and soft/visually open to distinctly industrial/ commercial and closed-off by a solid, hard boundary. I consider that this has given rise to an unacceptable diminution in visual amenity which has been exacerbated by the choice of boundary treatment (to the commercial yard) and also by the planting proposals which were conditioned under previous permissions not being implemented. I further consider that the planting which has been completed adjoining the residential access to the south, together with the delivery of those proposed as part of the scheme subject of this appeal, is not capable of addressing or mitigating this issue nor is a change in the nature

of the boundary treatment to the site. It is also my view that the visibility and stacking of skips above the boundary of the commercial yard, as observed during my site inspection, further exacerbates the site's already negative and unacceptable visual impact on the character of the area.

10.5.3. Significant disturbance impacts arising from the proposal have been raised by the appellant. These relate to noise, malodours, days and hours of operation and lighting.

10.5.4. The grounds of appeal state that neighbouring properties experience significant noise and disturbance on account of the site's HGV traffic movements, the unloading/ loading and stacking of skips – with same giving rise to a recent diminution in residential amenity which is compounded by the alleged operation of the facility in the evening and overnight etc.

10.5.5. A Noise Assessment provided with the application, which is based on a point in time noise survey carried out on 7th August 2025, addresses the matter of noise nuisance and states that the background noise level in the area of the site is significantly influenced by off-site sources (specifically traffic along the M7 and N52) and was determined to be above 55 dB(A) and that activities at the subject site do not result in an adverse noise impact at nearby sensitive receptors. Policies 11-18 and 11-19 of the development plan seek to ensure that new development minimises and does not result in significant noise disturbance. Whilst I note the concerns the appellant has raised in respect to the survey and report, in light of the foregoing, I consider that it is not likely the proposal gives rise to significant levels of disturbance and I consider that, in principle, the impact of resulting noise is capable of being addressed by controls on the storage of skips and operation of the facility.

10.5.6. The planning authority sought to condition the maximum quantum of empty skip storage that could be facilitated at the premises. In this respect, it is stated in the application cover letter that the skips will be stored singly and not stacked, with the FI response cover letter and site layout plan clarifying that 29 no. is the maximum empty number of skips that could be accommodated on the site (i.e. when the southern portion is fenced off from the existing WWTS). Despite the foregoing, I observed multiple examples of empty skips being stacked during my site inspection.

10.5.7. The planning authority also sought to condition the days and hours of the site's operation and traffic movements (i.e. both 9am – 5pm inclusive Monday to Friday only) in order to mitigate impacts on neighbouring amenities. I consider such conditions to be a reasonable and proportionate response to the matters raised regarding HGV and skip movements at

the site were the principle of development to be acceptable. However, given the concerns raised in Section 10.1 of this report, and in respect to the impact of the proposal on the character and visual amenity of the area, I do not consider this to be the case.

10.5.8. In respect to the issue of odours, I note that the c. 827sq.m yard/ open air facility is to be used for the (temporary/ time limited i.e. for 18 months only) storage of empty skips only as per the development applied for and not for the storage of waste materials. It is also confirmed in the application cover letter than no washing of skips will take place on site. Notwithstanding, I consider the matter of malodours and the implementation of a cleanliness regime (e.g. requiring the washing and cleaning of skips to be undertaken elsewhere and prior to their delivery at the site) is capable of being addressed by condition where the Commission are minded to grant permission.

10.5.9. It is stated in the appeal that floodlighting on the site has given rise to negative impacts on residential amenity. Whilst I observed an elevated external light on the front of the existing workshop/ storage building, I did not observe any such floodlighting internal to the site. The prohibition of floodlighting on the site is capable of being addressed by condition notwithstanding.

10.5.10. A safety issue arising from members of the public being able to access the site is raised. Whilst I consider that the matter of trespass is a civil/ criminal matter which is outside the remit of this appeal, I note from my inspection that the commercial section of the site is, for the most, part fully enclosed by precast concrete post and panel fencing and gated, with the access to the existing residential dwelling also being gated.

10.6. **Other Matters**

Procedural Issues

10.7. Various procedural issues have been raised regarding inaccuracies in the description of development applied for and in the submitted documentation; the non-completion of required application documentation; the basis for the planning authority's assessment and decision; and, inadequate (specialist environmental) input from technical departments. Concerns have also been raised regarding the nature and extent of the planning conditions attached to the planning authority's grant of permission.

10.8. Whilst I note and acknowledge the concerns raised in this regard, I am satisfied that I have sufficient information on file with which to continue to assess the proposal and make a

recommendation to the Commission. Furthermore, where I consider an inaccuracy or omission of information to material to my assessment, I have flagged it as such to the Commission for their further consideration.

10.9. In respect to the concerns raised regarding the planning authority's decision and the conditions attached to same, I would note that given that this decision is now under appeal by the appellant, the forthcoming Commission decision will supersede same.

Unauthorised Development

10.10. The appellant raises the issue of unauthorised development on the site – I refer the Commission to Section 9.1 of this report for details of same – with the concerns most pertinent to the proposal being that the site is alleged to be in use as an operational support facility for AES Bord Na Mona's principal waste depot in Solsborough, for the transfer of skips and other machinery between vehicles and also for the overnight storage of machinery and waste processing equipment.

10.11. It is stated in the applicant's cover letter that their proposal for the temporary storage of empty skips has arisen on account of an agreement with Board Na Mona which would involve the site operating between 9am and 5pm Monday to Friday only (the submitted noise report states that it operates until 6pm).

10.12. Whilst I note the concerns raised regarding the two latter issues (transfer and storage), I did not see any evidence that would substantiate same during my site inspection, and I also note that these matters were not raised as part of the warning letter issued by the planning authority. Notwithstanding, I do draw the Commission's attention to date and timestamped photographs which the appellant provided as part of their submission at FI stage which appear to show the yard being used outside of its operational hours and for the storage of waste materials within skips and also item no. 3 in the applicant's CFI cover letter which states that "*Any compactors which were stored on site will be removed. Also any other items stored on site other than skips will be removed*."

10.13. The appellant also seeks to draw the Commission's attention to separate/ third party commercial vehicular activity on the same site associated with a vehicle repair business which is alleged to be operating from the existing workshop building on site and the potential for cumulative impacts with the proposal in this regard. Again, I did not observe any evidence of a separate business in operation at the premises during my visit to the property and I note that there is no information on file that illustrates same.

10.14. A concern is also raised regarding alleged non-compliance with landscaping proposals conditioned under previous permissions. I have dealt with this matter separately under Section 10.5 of this report.

11.0 Recommendation

I recommend that permission be REFUSED for the following reasons:

12.0 Reasons and Considerations

1. Having regard to the size and configuration of the site, and to the nature and form of the proposed development and the development to be retained, it is considered that the proposal constitutes a material change and intensification in the nature of the use of the site and also constitutes ad-hoc, piecemeal development which is out of character with the pattern of existing and permitted development at this location on Plunkett Street. In this regard, the proposed development and development to be retained would be contrary to Section 8.5 and Policy 8-9 of the Tipperary County Development Plan 2022-2028, and would therefore, contrary to the proper planning and sustainable development of the area.

2. Having regard to the absence of information in respect to the condition/ structural integrity and impact of the development to be retained on the raised polishing filter element of the Waste Water Treatment System previously permitted and constructed on site, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent is being satisfactorily treated and disposed of onsite in accordance with the provisions of the Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10) (2021) and that no risk of groundwater pollution arises. The proposal would, therefore, be prejudicial to public health and therefore, contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

_____

Emma Gosnell

Planning Inspector

12th October 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	**PL-501692-TY-26**
Proposed Development Summary	Permission for retention for revised boundary, extension to carpark and all associated site works. Temporary permission sought for change of use of carpark to storage area.
Development Address	Plunkett Street Tullaheady, 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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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.**	
☒ 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 (b) (iv) – urban development – 20 ha elsewhere – site is 0.404ha.

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: _____

Form 2 - EIA Preliminary Examination

Case Reference	**PL-501692-TY-26**
Proposed Development Summary	Permission for retention for revised boundary, extension to carpark and all associated site works. Temporary permission sought for change of use of carpark to storage area.
Development Address	Plunkett Street Tullaheady, 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	The area of the site is given as 0.040ha, there are no significant demolition works involved, and there is no identified risk of accidents or disasters, nor is there any obvious significant risks to human health that result from the proposed development and development to be retained.

resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Given the size of the overall development and site area the development will not give rise to the production of significant waste, emissions or pollutants.
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, cultural or archaeological significance).	The development site constitutes a brownfield site located within a rural area at the outskirts of Nenagh in Co. Tipperary. The prevailing context of the area is utilitarian to the south and mixed rural elsewhere. The Ardgregane Stream_010 is located within c. 30m of the appeal site to the south, being separated from same by the blocked-off haul road and a bank of undeveloped land/ a vegetative buffer. As detailed in Section 3.2.1 of this report, a small are to the south of the site is subject to fluvial flood risk arising from this watercourse. This stream flows eastwards and then north-westwards before ultimately discharging into Lough Derg and therefore to Lough Derg (Shannon) SPA (Site Code 004058) – c. 6km to north-west of site. The development is generally removed from sensitive natural habitats and designated sites identified significance in the County Development Plan and there is no evidence of archaeology or sites of historic or cultural significance within or close to the site. Whilst material concerns are raised regarding the impact of the proposal on existing wastewater and water supply infrastructure, having regard to the above and the nature and limited scale of the development, I am satisfied that impacts on environmental sensitivities can be adequately assessed and dealt with in this case as part of the Inspector's report without the need for EIA.
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).	Due to the nature and scale of the development, the construction/ operational stage will not be significant in terms of duration or complexity. Having regard to the location of the subject site, noise, dust and vibration emissions are likely during the construction (further works) phase with any impacts being local and temporary in nature. The implementation of standard construction practice measures would satisfactorily mitigate potential impacts. The main operational impacts would be limited to residential amenity, traffic and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment/design and I am satisfied that these matters

	can be assessed without potential for significant environmental effects that would require EIA. There would be no significant cumulative impacts with other projects. Having regard to the nature of the proposed development and development to be retained, 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.
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.**

Inspector: _____Date: _____

DP/ADP: _____Date: _____
(only where Schedule 7A information or EIAR required).

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case file:** PL-501692-TY-26	
Brief description of project	Normal planning appeal. Permission for retention for revised boundary, extension to carpark and all associated site works. Temporary permission sought for change of use of carpark to storage area. Plunkett Street Tullaheady, Nenagh, Co. Tipperary – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	The site is located in a rural townland adjacent to local and national roads and proximate to a motorway c. 3.5km to the south-west of Nenagh town in Co. Tipperary. The surrounding area is mixed in character as detailed in Section 1.0 of the Inspector's report. The development involves retention for works to extend and enclose an existing and permission for its use for the storage of empty skips. There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. The Ardgregane Stream_010 is located within c. 30m of the appeal site to the south, being separated from same by the blocked-off haul road and a bank of undeveloped land/ a vegetative buffer. As detailed in Section 3.2.1 of this report, the site is subject to fluvial flood risk arising from this watercourse. This stream flows eastwards and then north-westwards before ultimately discharging into Lough Derg and therefore to Lough Derg (Shannon) SPA (Site Code 004058) – c. 6km to north-west of site. The site's surface water management measures and existing WWTS discharge to groundwater (Nenagh groundwater body) which is of Good Status and Not At Risk. The drainage management measures on the appeal site are integral to the design and to compliance with sustainable drainage policy guidance and with the Environmental Protection Agency Code of Practice for Domestic Waste Water Treatment Systems (2021) and not therefore as mitigation measures for the purposes of avoiding or preventing impacts to European sites.

	In respect to the potential of groundwater to act as a pathway to European sites, I consider that given the nature and scale of the proposal, it could not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited zone of influence on any ecological receptors.
Screening report	No
Natura Impact Statement	No
Relevant Submissions	No
Planning Authority	No objections raised on AA grounds – determined that Stage 2 assessment not required on basis that there were no pathways to European sites.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Having regard to the source-pathway receptor-model, I consider that there is 1 no. European site which has the potential to be affected by the proposal. I have excluded all other European sites on the basis of their physical separation from the appeal site, the nature and extent of intervening land uses and due to the absence of realistic pathways connecting the appeal site to same.

European Site (code)	**Qualifying interests[1]** **Link to conservation objectives (NPWS, date)**	**Distance from proposed development**	**Ecological Connections [2]**	**Consider further in screening [3]**
Lough Derg (Shannon) SPA (Site Code 004058)	Cormorant (Phalacrocorax carbo) [A017], Tufted Duck (Aythya fuligula) [A061], Goldeneye (Bucephala clangula) [A067], Common Tern (Sterna hirundo) [A193], Wetland and Waterbirds [A999]. Source: NPWS website accessed 06/010/2026.	approx. 6km to north-west.	**Yes** Potential indirect hydrological connection via Ardgregane Stream_010 and groundwater emissions.	Yes

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site Name	**Possibility of significant effects (alone) in view of the conservation objectives of the site***

	Impacts	Effects
Lough Derg (Shannon) SPA (Site Code 004058)	Direct: None Indirect: potential weak, indirect hydrological connection via the Ardgregane Stream which ultimately discharges into Lough Derg. This may lead to a potential impact on water quality in terms of increased nutrients.	The contained nature of the site (serviced, defined site boundaries), no direct ecological connections or pathways and distance from receiving features connected to the SPA which would give rise to dilution effects are all factors which make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCIs listed in the table above at either construction or operation stage. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): **No**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? **No**	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No further assessment is required for the project. No measures specifically intended to avoid or reduce harmful impacts of the proposed development on European sites were taken into account in reaching this conclusion.

Screening Determination

Finding of no likely significant effects

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 European Sites, namely Lough Derg (Shannon) SPA (Site Code 004058), in view of this site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The mixed rural location, relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European Sites.
- No potential for ex situ impacts.

Appendix 3 – Water Framework Directive Determination

Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501692-TY-26	**Townland, address**	Plunkett Street Tullaheady, Nenagh, Co. Tipperary.
Description of project		Permission for retention for revised boundary, extension to carpark and all associated site works. Temporary permission sought for change of use of carpark to storage area. Soakpit/soakaway and permeable paving etc. and connection to Group Water Scheme and WWTS already in-situ.	
Brief site description, relevant to WFD Screening,		Commercial development in a rural setting with fluvial flood risk.	
Proposed surface water details		Existing soakpit and proposed new soakaway and permeable paving/ french drain etc.	
Proposed water supply source & available capacity		Existing connection to group water scheme.	
Proposed wastewater treatment system & available capacity, other issues		Existing WWTS – issues affecting same outlined in Section 10 of Inspector's Report.	
Others?		n/a	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)**	**Mitigation Measures proposed**	**Is mitigation sufficient? Will there be any residual impacts?**
River	Ardgregane Stream	Poor	At Risk	UWW and Agriculture	Fluvial flooding and WWTS (to groundwater) which may not be operating to required design standards.	Confirmation that WWTS is operating to required standard/ in compliance with EPA Code of Practice.	Cannot be determined at this stage on basis of inadequate information on file.
Groundwater	Nenagh	Good	Not at Risk	None	Discharges to groundwater from existing soakpit/ new SuDS measures and from WWTS.	Continued operation of soakpits on site supplemented with bespoke new SuDS measures. Confirmation that WWTS is operating to required standard/ in compliance with EPA Code of Practice.	Yes – no residual impacts predicted in respect of soakpit/ new SuDS measures. WWTS - cannot be determined at this stage on basis of inadequate information on file.