



Comhairle Contae Thiobraid Árann
Tipperary County Council

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2360068

16/03/2023

Colm Quigley
C/o Martin Shinnors
Albany House
Summerhill
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E45 TE82

RE: PERMISSION FOR RETENTION for 2 number Holiday chalets for short term rental, 2 number aerated sewerage treatment systems pumped to existing tertiary distribution field, Hot tub, access roadways and all ancillary works at Cornode, Portroe, Nenagh, Co, Tipperary

A Chara,

With reference to the above application I am to inform you that the information submitted is not adequate to enable a decision to be made.

In accordance with the provisions of Article 33 of the Planning and Development Regulations, 2001, as amended, you are hereby required to submit the additional information as set out on the attached Schedule.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted. Please note that the planning portal will now allow you to upload your response <https://planning.localgov.ie>

As a result of this Request the appropriate period for making a decision on your application is now the period of 4 weeks from the date upon which you comply with this Request. Should you fail to comply with this Request your planning application shall be declared withdrawn after a period of six months from date of this Request.

Please note that in accordance with the provisions of Article 35 of the Planning & Development Regulations 2001, as amended you may be required to give notice in an approved newspaper and erect a new site notice following the submission of the further information or revised plans if it is considered that the information, evidence, revised drawings, plans or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment. You will be informed of any requirements regarding publication of a newspaper notice following inspection of the information submitted. Your response in this regard will be required within a very short timeframe. The period for determining the application will run from the date of receipt by the Planning Authority of the revised notices.

Mise le meas,


For Director of Services

TIPPERARY COUNTY COUNCIL

REF: 23/60068

SCHEDULE OF FURTHER INFORMATION REQUIRED

1. The applicant is requested to demonstrate that the existing domestic effluent treatment system is adequate to cater to the proposed development in accordance with the EPA Code of Practice 2021.

The documentation shall be submitted in accordance with the EPA Code of Practice 2021 and the Site Assessor's report shall be informed by a Site Suitability Assessment with test results undertaken in accordance with the EPA Code of Practice 2021.

2. The development occurs adjacent to Lough Derg Special Protection Area (SPA) (Site Code: 004058). Bearing this in mind please submit a revised Screening Report to address the following :-

- a) It is unclear from the Screening report if adverse impacts of the waste water treatment facilities have been ruled out, without mitigation. If mitigation is required then a Natura Impact Statement is required.
- b) The Screening report has not adequately addressed the impact this development will have in terms of disturbance on the wetlands and water birds, for which the site is designated. The development has resulted in the permanent loss of riparian woodland adjacent to the SPA. You are advised the disturbance comes in many forms via human incursion, artificial light at night (ALAN), habitat fragmentation etc. The woodland was acting as a buffer to that disturbance. Please demonstrate that the development has not had an adverse impact on the SPA and its qualifying interests. You are requested to consider when addressing this matter that broadleaf semi natural woodland in its own right is a scarce habitat in Ireland, accounting for less than 2% of forest cover in Ireland. The habitat impacted by this development would be locally important to biodiversity. This development has resulted in a permanent loss of that habitat and the species which rely upon it. There is also a larger footprint associated with this development due to disturbance from the associated use of the site.

3. The Planning Authority is not favourably disposed to the development of tourism facilities outside existing settlements and at a remove from public services, infrastructure and facilities. The applicant is invited to submit a detailed narrative regarding the siting, need and benefits of this development in compliance with the policies of the North Tipperary County Development Plan 2022 including the demonstration of a clear need and benefits to the local community and also the demonstration that the development is compatible with the policies set out for the protection of the environment. The submission should also demonstrate how the proposed development will link with existing tourism facilities and amenities in the area.

4. On-site facilities and Management of the proposed development
 - (a) The Planning Authority is concerned that the proposed development does not include the necessary on-site facilities to serve the development, and in particular in relation to facilities for linen storage, cleaning supplies, etc. The applicant is invited to submit proposals to address such concerns
 - (b) The Planning Authority is concerned that the proposed development does include comprehensive proposals for the Management of the facilities on site, particularly given the remote nature of the site and lack of supervision. The applicant is

requested to submit a Management Plan for the operation of the site, to include proposals in relation to (but not limited) to the following:

- Proposals for operational and management presence and on-site security and supervision when pods are occupied
- Noise monitoring and management of the site - submission should have regard in particular to the closest noise sensitive locations
- Waste management and litter management of the site. The submission should include details outlining proposals for the secure storage of all wastes on site and for the disposal of same, including opportunities for recycling. Submission should include details in relation to the predicted nature and volume of wastes
- Proposals in relation to Health and Safety including fire safety

5. The applicant is requested to submit a site layout plan (scale 1:500) including the section of the access laneway from the public road to the development site. The site layout plan should demonstrate proposals for sightlines in both directions from the access laneway entrance on the Local Road, L7082 which accord with the requirements of the Tipperary County Development Plan 2022. Such sightlines are measured from a point **4.5m** (having regard to the shared access for the proposed development and existing properties on this laneway) from the road edge at the centre of the access laneway to a point at the near edge of the approaching carriageway for a distance which accords with the requirements of the Tipperary County Development Plan 2022. Drawings should be submitted to a scale of 1:500 indicating any revisions and/or treatment of the site boundary and entrance. The response is to include a 1:500 Site Layout Plan and sections where appropriate, accurately showing:

- the existing carriageway,
- the existing carriageway-verge,
- the existing roadside boundary,
- visibility sightlines
- identification of roadside boundary removal required to achieve sightlines (if required).
- written consent from any landowner whose property would be affected

Sight Line Assessment

Y-Distance Sightline Check for Direct Accesses to Non-National Rural Public Roads

Table 6.2: Design Speeds and associated Y-Distances			
Mandatory Speed Limit	Design Speed (operational Speed)	Rural Non-National Road	Urban Non-National Road
km/h	km/h	Y-Distance (m)	Y-Distance (m)
30	40	N/A	33
40	50	70	45
50	60	90	59
60	70	120	72
80	85	160	N/A
100	100	215	N/A

Road Number: _____

Check box for road type:

National Road ☐ Regional Road ☐ Local Road ☐

Mandatory Speed limit for road: _____(km/h)

Y- Distance required in Table 4 based on **Mandatory Speed** limit: _____(m)

Y- Distance available from proposed entrance (as measured): Left _____(m) Right _____(m)

If a lower **Operational Speed** is proposed to be used in lieu of the **Mandatory Speed** please complete the table below.

Speed Measurement over a distance of 1000m (500m either side of proposed entrance).

	Approach From Left Direction (secs)	Approach From Right Direction 2 (secs)
Run 1		
Run 2		
Run 3		
Average Time for runs		
Speed (m/s)		
Operational Speed (km/h) (to convert m/s to km/h multiply by 3.6)		

Date of Survey _____ Time of Survey _____

Y- Distance corresponding to Operational Speed (taken from Table 4 above):

Left _____ (m) Right _____(m)

Note: The minimum Y-Distance on a Rural Non-National Road shall be 70m, corresponding to an Operational Speed of 50km/h.

Justification for use of a lower speed: _____

Survey completed by: _____

Guidance Note:

The Y-Distance will, by default, be that corresponding to the Mandatory Speed limit for that road, ie National Roads generally have a speed limit of 100km/h, Regional and Local Roads generally have a speed limit of 80km/h. Only in exceptional circumstances may a lower speed be proposed to determine the Y-Distance. The use of a lower speed must be justified by the Applicant in the Planning Application. The sightlines should always be indicated on the drawings accompanying the Application. This should include the sightline corresponding to the Mandatory Speed limit as well as any proposed sightline, if different. These should be indicated in different colours for clarity, with the distances indicated on the drawing.

When carrying out a speed survey, the driver should drive normally within the traffic flow or at a comfortable speed for the road geometry. Driving at an inappropriately slow speed for the purpose of reducing the Y-Distance will not be accepted.

Tipperary County Council shall determine whether the appropriate speed and sight distance has been used for each planning application.