

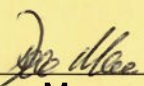
An
Coimisiún
Pleanála

Direction
CD-021073-25
ACP-322920-25

The submissions on this file and the Inspector's report were considered at a meeting held on 28/10/2025.

The Commission decided to grant outline planning permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning Commissioner:


Deelan Moore

Date: 28/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the context and location of the site together with the site layout plan in addition to the applicant's compliance with Policy 5-11, it is considered that the proposed development would be in accordance with the policies and objectives of the Tipperary County Development Plan 2022-2028. It is considered that, subject to compliance with the Environmental Protection Agency Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) and conditions set out below, the proposed development would not give rise to undue environmental impact in the form of flooding and water contamination.

Furthermore, having regard to the Archaeological Impact Assessment received, no undue impact to the proximate recorded monuments would arise. It is considered that the modest nature of the proposed development including the amendments to the southeastern boundary would integrate appropriately with no significant impact to the visual or residential amenities of the area. The principle of the proposed development seeking outline planning permission would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include.
 - (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features.
 - (b) A site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways, landscaping, including sightline requirements and on-site wastewater treatment system. The site layout plan shall be reflective of the revised Site Layout Plan lodged to the planning authority on the 16th day of April, 2025.
 - (c) The finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance. The proposed dwelling shall be single storey and shall not exceed six metres in height over ground levels at the lowest point of the dwelling.
 - (d) Proposals for the landscaping of the site (including planting).
 - (e) Details of external finishes.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

2. Any permission consequent granted to this subject application shall include a condition which requires that;

- (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Any permission consequent granted to this subject application shall include a condition which requires that; The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS). Prior to the commencement of such works the archaeologist shall consult with and forward to the planning authority or the National Monument Service as appropriate a method statement for written agreement.

The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 12th day of December, 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

5. At the stage of permission consequent on this grant of outline permission, a detailed surface water drainage proposal shall be submitted.

All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. At the stage of permission consequent on this grant of outline permission, a detailed landscaping scheme shall be submitted which shall detail the use of only indigenous deciduous trees and mature hedging species. Compensatory replacement tree planting shall be provided for within the site. The landscaping plan shall be reflective of the sightline requirements as set out on the Site Layout Plan submitted to the planning authority on the 16th day of April, 2025. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: Planting of mature hedging in recognition of the 70 metres of hedgerow being removed, otherwise in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. At the stage of permission consequent on this grant of outline permission, a condition shall be included requiring that the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the provision of the agreed landscaping under condition number six above, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory provision of landscaping. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To secure the provision of landscaping on the site.

8. At the stage of permission consequent on this grant of outline permission, a condition shall be included requiring the payment to the planning authority of a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.