

**An  
Coimisiún  
Pleanála**

**Commission Order  
ABP-320778-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 2481**

**Appeal** by John Ryan of Corrolough, Old Dublin Road, Cashel, County Tipperary against the decision made on the 16<sup>th</sup> day of August, 2024 by Tipperary County Council to grant, subject to conditions a permission, to Marcus O'Dwyer and Lina Prisginaite O'Dwyer care of Brian D. Grace Engineering Consultancy of Rathnaleen, Nenagh, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing house and outbuildings, construction of a dwelling house, septic tank and percolation area, detached domestic garage and all ancillary sit works at Corrolough, Cashel, County Tipperary.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the nature and extent of the replacement dwelling, the structural condition of the existing dwelling and its location within the subject site in close proximity to the roadside boundary, the design and poor condition of the existing waste water treatment system, the design characteristics and site development works associated with the new dwelling, and the provisions of the Tipperary County Development Plan 2022-2028, in particular Policy 5-15 which seeks to facilitate the replacement of an existing dwelling where it is demonstrated by an applicant that it is no longer suitable for habitation, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety, public health and visual amenity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received on the 23<sup>rd</sup> day of July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the materials, colours and textures of all the external finishes to the proposed dwelling.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection onsite, at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

4. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

5. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.



6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) the establishment of a hedgerow along the western and norther site boundaries with native hedgerow species interspersed with native trees at five metre intervals,
  - (b) 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, and
  - (c) the existing roadside boundary hedgerow shall be retained except at the location where the proposed entrance is to be provided. The hedgerow shall be trimmed back at regular intervals to maintain the required sightlines of 70 metres in both directions at the entrance.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity

7. 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.

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

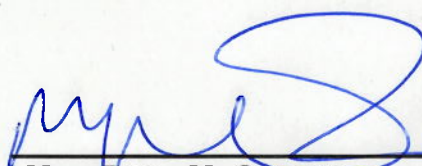
8. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 9th day of April 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems– Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems– 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.
- (d) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a plan for the decommissioning of the existing septic tank and percolation area, including all appropriate backfilling and the removal of contaminated soil to a licensed operator.

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



9. The developer shall pay to the planning authority 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 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.



Mary Rose McGovern

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 14<sup>th</sup> day of July 2025.