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**Planning and Development Act 2000, as amended**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 25/60241**

**APPEAL** by Willie Carrigan and Susan Maher against the decision made on the 11<sup>th</sup> day of November, 2025 by Tipperary County Council to refuse permission.

**Proposed Development:** Construction of a dwellinghouse, treatment system, driveway, entrance and all associated site development works, all at Grange, Clonmel, County Tipperary, as revised by the further public notices received by the planning authority on the 15<sup>th</sup> day of October, 2025.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the nature of the proposed development, the provisions of the Flood Management Guidelines (The Planning System and Flood Risk Management, Guidelines for Planning Authorities, November 2009), the stated provisions of the Tipperary County Development Plan 2022-2028, the detailed site-specific flood risk assessment, which was peer reviewed by a recognised independent expert, and the recommendations contained therein, the advice of the planning authority's District Engineer and the Commission's Inspector with respect to the findings of the flood risk assessment, the Commission is satisfied that, subject to compliance with the conditions set out below, the proposed development would not give rise to potential increased surface water run-off from hard and soft surfaces and that treated effluent can be managed on-site in accordance with the EPA Code of Practice (2021). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission agreed with the recommendations of the submitted site-specific flood risk assessment and concluded that the provision of permeable surfaces to the entrance and driveway, together with a suitable soakaway system designed and constructed in accordance with BRE365, would ensure that surface water could be managed so as to ensure that the proposed development would not have an adverse impact on the existing pluvial regime of the area. Similarly, the Commission was satisfied that any potential concern with respect to on-site effluent treatment could be addressed by conditions in relation to the management of surface water and compliance with the 2021 EPA Code of Conduct for wastewater treatment systems.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7<sup>th</sup> day of October, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) 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.
- (b) 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.
- (c) The entrance and access driveway for the proposed development shall be established and maintained as permeable surfaces to ensure that surface water run-off from the entrance and driveway does not have the potential to result in an adverse impact to the existing pluvial regime of the area.

- (d) The surface water run-off from the proposed dwellinghouse shall discharge to a soakaway system designed and constructed in accordance with BRE365 to ensure that surface water run-off across the site does not have the potential to result in an adverse impact to the existing pluvial regime of the area.

Prior to commencement of development, detailed plans/specifications demonstrating compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority. In default of such agreement, the matter(s) shall be referred to An Coimisiún Pleanála to determine.

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

3. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

4. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" 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 Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwellinghouse, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

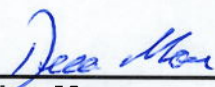
6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

7. Prior to commencement of development, the developer shall submit a landscaping plan for the written agreement of the planning authority which shall include retention of the front boundary hedgerow/plantings save for that approved for removal to achieve the required sightlines. The site shall be landscaped, using only indigenous deciduous trees and hedging species, including the establishment of a hedgerow along all side and rear boundaries of the site, and the planting of trees at five-metre intervals along the rear and side boundaries, unless otherwise agreed with the planning authority. 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:** In order to screen the proposed development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.
8. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. **Reason:** In the interest of public safety and residential amenity.

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.



Declan Moore

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 26<sup>th</sup> day of MARCH 2026.