



An
Bord
Pleanála

Inspector's Report

ABP-320501-24

Development	House and associated site works.
Location	Ballynoran, Carrick-on-Suir, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2460400
Applicant(s)	Shane O' Donoghue
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Shane O' Donoghue
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	13 th November 2024
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.162 hectares, and is located on a private lane on the northern side of the N24 in the townland of Ballynoran, Carrick on Suir, Co. Tipperary. It is c. 3.5 kilometres west of the town on Carrick on Suir.
- 1.2. The appeal site is broadly rectangular in shape and relatively flat. It is set back c. 167m from the N24 Waterford – Limerick National Primary Route at a point where the 100 km/hr speed limit applies.
- 1.3. The private lane serves a second dwelling in the ownership of the applicant's parents and an apple farm. The site is a triangular plot of land enclosed by low level hedging. The site is located in a rural area under urban influence as defined in the Tipperary County Development Plan 2022-2028. Another dwelling is located directly at the junction of the N24 and the private access lane. The site is also within the planning area of interest for the N24 Waterford to Cahir project. The Dove Hill Retail Centre which includes Meadows and Byrne and a number of restaurants is located c. 380m to the west of the existing entrance off the N24.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Single storey dwelling with two bedrooms and a stated floor area of 104m². External finishes include sand and stone render and natural limestone.
 - Wastewater treatment plant with soil polishing filter.
 - Water supply is by public mains.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated the 17th of July 2024, Tipperary County issued a notification to refuse permission for one reason only as follows:

This application pertains to the construction of a one-off residential property in a rural area to the west of Carrick-on-Suir. The site is to be served by an existing private entrance onto the N24 Waterford – Limerick National Primary Road at a location where the 100 kmh speed limit applies. It is an objective of Policy 12-4 of the Tipperary County Development Plan 2012 and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, to avoid the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 60 kmh applies. Furthermore, Policy 12-4 aims to protect the safety, capacity and efficiency of Tipperary's roads network. It is considered that the proposed development would endanger public safety by reason of traffic hazard as the site is to be accessed from the heavily trafficked N24 Waterford – Limerick National Primary Road at a point where a speed limit of 100 km/h applies and within a stretch of road identified as a High Collision Location. It is considered that the traffic turning movements generated by the development would interfere with the capacity, efficiency, safety and free flow of traffic on this strategic route. The proposal would, therefore, conflict with the provisions of Policy 12-4 of the Tipperary County Development Plan 2022 and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report considers that design is acceptable. It is considered the applicant has demonstrated a social need. However, it is considered that the intensification of the use of this entrance and the associated vehicular movements presents a road traffic concern.

3.2.2. Other Technical Reports

- **Area Engineer:** Requires Further Information in relation to sightlines.
- **Roads Design:** Notes that the site layout drawings included with the application indicates that a 215m sightline is achieved in both directions from the access point with the N24, however the drawing does not show the full extent of the sightlines. When they are drawn the sightline from the entrance

looking toward the east crosses to the opposing lane to achieve the full 215m, as shown in the figure below.



- **Tramore House Regional Design Office:** 'The boundary of the proposed development is located adjacent to the existing N24 and is directly adjacent, albeit just outside, the Preferred Transport Solution Corridor currently being progressed for the N24 Waterford to Cahir project. Although we see no direct conflict with the N24 project on this basis, we would make the observation that the Preferred Transport Solution for the N24 at this location includes upgrades to the existing N24 at the current access point from the proposed development, and the Preferred Transport Solution corridor goes offline just to the east of the access point. There is therefore the potential for revised access arrangements onto the N24 from the proposed development. There could also be indirect impacts such as noise and visual impacts, given the close proximity of the Preferred Transport Solution Corridor to the proposed development.'
- It also notes that TII carry out a Network Safety Analysis periodically. The most recent report available covers the period 2018-2020 which identifies an 860m section of the N24, extending from the Dove Hill Shopping Centre to the Ballinderry Rail Bridge, as a High Collision Location. The property access is approximately midway along this section. Three specific incidents, including

one fatality, have been recorded within the section of road. The TII report notes that these incidents had no identifiable pattern and it is considered that there are no practical engineering solutions identifiable.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: TII will rely on the Authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. The planner's report provides a number of history files and a map of history files in the area. There is no planning history on the site. I do not consider that any of the history files in the area are relevant in this instance.

5.0 Policy Context

5.1. **National Planning Framework (NPF) – Project Ireland 2040, Department of Housing, Planning and Local Government, 2018.**

5.1.1. The NPF in relation to rural housing includes objective 19 which states:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural

housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; and

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- 5.2.1. The Sustainable Rural Housing Guidelines require planning authorities to differentiate between rural housing demand arising from rural housing need and housing demand arising from proximity to cities and towns. Additionally, development plans should distinguish rural areas under strong urban influence, stronger rural areas, structurally weak rural areas and areas with clustered settlement patterns. The guidelines state that development management policy should be tailored to manage housing demand appropriately within these areas.

5.3. Spatial Planning and National Roads Guidelines for Planning Authorities, 2012.

- 5.3.1. Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.4. Development Plan

Tipperary County Council Development Plan 2022-2028

- 5.4.1. Relevant sections include the following:

Chapter 4 - Settlement Strategy

Policy SO-3 – To support the implementation of the County Settlement Hierarchy, in regenerating our towns and villages, creating vibrant town centres, attracting new residents and delivering quality residential neighbourhoods.

Section 4.6.4 refers to the Council's policy for housing in the countryside. In this respect, the Council has made distinction in line with NPF policy NPO19 between rural 'Areas under Urban Influence' and 'Open Countryside' areas having consideration to demand for 'urban generated' housing in certain areas and having consideration to the protection of the viability of smaller towns and rural settlements.

Section 4.7 provides the Planning Policy and Policy 4-1 supports and facilitates the sustainable growth of the county's towns and villages as outlined in the Settlement Strategy Chapter 4.

Chapter 5 Housing

Section 5.5 refers to Residential Development in the Open Countryside. 'Areas under Urban Influence' 'Open countryside' and 'Primary Amenity Areas' along with the 'Strategic Transport Corridors' are illustrated in Figure 5.3.

The Core Strategy makes distinction between rural 'Areas under Urban Influence' and the areas outside of these or 'Open Countryside' as part of its overall approach to strengthening rural fabric and communities and protection of the environment i.e:

The site is located in an Area of Urban Influence on a designated Strategic Transport Corridor.

- In 'Areas under Urban Influence', facilitate the provision of single housing in the countryside based on the core consideration of demonstrable 'economic or social' need to live in a rural area, and siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- Table 5.2 outlines Rural Housing Principles for Applicants
- Table 5.3 outlines Housing Need Definitions to include definitions of 'Economic' and 'Social' need in the context of the rural housing policy.

Policy 5-11 provides local need policies for housing in the rural areas 'the open countryside' and distinguishes between Areas Under Urban Influence and Primary Amenity Areas, Economic and Social Need.

Policy 5-13 is relevant to this site.

5 - 13	<p>Preserve the carrying capacity of strategic regional roads, identified at Figures 5.3 and 12.2, and safeguard the investment in such infrastructure. The Council will facilitate proposals for new dwellings on strategic routes in the countryside outside of settlements in accordance with the following criteria:</p> <p>a) Where the applicant meets an 'Economic Need' (see Table 5.3 and Planning Policy 5 - 11), and there is no availability of alternative sites to the applicant away from the strategic route. An existing and/or shared domestic dwelling entrance of the applicant's family dwelling should be used where practicable and it will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design and Visibility at a Direct Access.</p> <p>OR</p> <p>b) The applicant shall be a son or daughter of a person who meets and 'Economic Need' Category A (i) and (ii) and Category B (i), AND, the applicant meets a</p>
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	<p>'Social Need'. The new dwelling must share the existing domestic entrance of the applicant's family dwelling and will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design and Visibility at a Direct Access and there is no availability of alternative sites to the applicant away from the strategic route.</p> <p>OR</p> <p>c) Where an applicant meets a Social Need and the proposed site has been in the ownership of immediate family members for a minimum of 10 years, and there is no availability of alternative sites to the applicant away from the strategic route. The new dwelling must share the existing domestic entrance of the applicant's family dwelling and will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design & Visibility at a Direct Access.</p>
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5.5. Section 12.5.1 outlines the importance of the N24 corridor and states that it is a key regional transport priority for Tipperary, the southern region and nationally, as supported by the RSES (RPO 30, RPO 166(b) and RPO 167 (b)) and NPF to strengthen the Limerick to Waterford connectivity and the N24 upgrade project (N24 Cahir to Limerick Junction and N24 Waterford to Cahir). The N24 corridor forms part of the strategic link between Shannon Foynes Port, Rosslare Europort and the Port of Waterford. The N24 also provides strategic inter-regional connectivity between the

cities of Limerick and Waterford and movement east to west of the country, and traffic flows between Waterford City, Clonmel and the settlements of Carrick-on-Suir, Cahir and Tipperary Town. However, the function of the N24 is undermined by its current route through the towns of Clonmel, Tipperary Town and Carrick-on-Suir, in addition, the impact on these towns as a result of road traffic is significant. The Council will seek to upgrade the existing strategic intra-urban road network in the county.

- 5.6. Section 12.5.2 states that it is a key aim of the Council to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads. New development proposals will be assessed having regard to Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG, 2012). The Council will seek to restrict access onto national routes in order to protect critical investment in infrastructure, route carrying capacity and the safety of road users. The Council has identified routes of strategic importance, by virtue of their significance in terms of connectivity between settlements, traffic volumes and role as scenic tourism routes within the county. These routes include all motorways, all national primary and secondary routes and heavily trafficked regional routes.
- 5.7. Objective 12-4 Maintain and protect the safety, capacity and efficiency of Tipperary's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, (DECLG, 2012) and the Trans-European Networks Regulations and to avoid the creation of additional access points to national roads to which speed limits greater than 60kmh apply.
- 5.8. Appendix 6 Development Management Standards - Section 6 outlines requirements for Parking, Traffic and Road Safety.

5.9. **Natural Heritage Designations**

- 5.9.1. The site is not within or adjoining any designated site. The nearest European Site is the Lower River Suir SAC (Site Code: 002137), which is located c. 680m to the south

of the site, whilst the Slievenamon Bog NHA is located c. 7.4km to the northwest of the site.

5.10. EIA Screening

5.10.1. Refer to Form 1 in Appendix 1. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings. Refer to Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- Applicant is seeking permission for a modest home for his family.
- A revised site layout plan submitted with the appeal indicates that sightlines of 215m are available in both directions.
- The applicant has demonstrated a social and economic need for a dwelling at this location.
- The applicant has grown up on this apple farm and as noted in the succession plan submitted with the application, has a 50% shareholding, is a Director in and is also the Secretary of the Longways Cider Company Limited.
- A copy of the annual return for this company is attached to the appeal.
- It is proposed to transfer the company to the applicant in 2026 when his parents retire.

- Night time spraying of orchards is required by many EU orchards and it is anticipated that this will also apply to orchards in Ireland requiring the need to be on site.
- There is no mention of avoiding the intensification of existing accesses to National Roads in Policy 12-4 of the Tipperary County Council Development Plan.
- As the applicant currently lives at this location, there would be no intensification of use. The refusal of permission in this instance will in fact have the opposite effect as the applicant will have to substantially increase his use of the existing access.
- The appeal refers to other commercial premises on the N24 in close proximity to the site where the intensification of use has been granted permission in recent years.

6.2. Planning Authority Response

6.2.1. The Planning Authority response refers to Policy 12-4 of the Tipperary County Council Development Plan and the Spatial Planning and National Roads Government Guidelines 2012.

- It is considered that the intensification of the use of the existing entrance onto the N24 at this location where the maximum speed limit applies has the potential to impact upon the safety and operation of the N24 by facilitating additional turning movements along a stretch of the Roads Capital section of Tipperary County Council (dated the 6th of June 2024).
- Notwithstanding the applicant's association to this local rural area, the Planning Authority remains of the opinion that intensification of the use of the existing entrance onto the N24 is a concern and could impact on the safety and operation of the N24. The proposal therefore conflicts with a stated objective of the Tipperary County Development Plan 2022 (Policy 12-4) and is contrary to Section 28 Guidelines issued by the Department of Environment, Community and Local Government on 'Spatial Planning and National Roads' 2012.

- Tipperary County Council asks the Board to uphold the decision of the Planning Authority.

6.3. Observations

6.3.1. An observation was submitted by Transport Infrastructure Ireland (TII) as follows:

- The proposed development relies on the use of a shared private direct laneway onto the critical and heavily trafficked N24 where a 100kph speed limit applies and also within a stretch of road identified as a High Collision Location.
- TII considers that the provision of new additional house accessing onto a private laneway directly onto the national road, regardless of the housing circumstances of the applicant, will inevitably bring about additional vehicular turning movements resulting in intensification of access onto and off the N24, contrary to Section 28 Ministerial Guidelines.
- It is noted that this particular stretch of road has been identified as a 'High Collision Location'.
- TII advises that it concurs with the decision of the Planning Authority and recommends a refusal of permission in this instance.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in this appeal are as follows:

- Rural Housing Policy
- Intensification of Access onto N24
- Waste Water
- Appropriate Assessment

7.2. Rural Housing Policy

- 7.2.1. The applicant is seeking permission for a dwelling in a rural area under urban influence as designated in the Tipperary County Development Plan 2022- 2028. The adjoining public road (N24) is a designated strategic road (See Figure 5.3 and 12.2) As such I consider that the provisions of Policies 5-13 of the Development Plan applies in this instance. The Plan provides that applicants seeking permission for a dwelling on a designated strategic road are required to demonstrate compliance with the criteria contained in Policy 15-13 of the Development Plan, that being 'economic need' or 'social need'.
- 7.2.2. The Planning Authority has determined that the applicant complies with the social need criteria set out in the plan. The information submitted indicates that the applicant has lived in this area since 2004 and has never owned a house in the countryside. The applicant lives in a neighbouring dwelling served by the same private access lane with his parents. Details in relation to the secondary school attended have been submitted to the Planning Authority.
- 7.2.3. The appeal contends that the applicant also complies with the economic need criteria set out in the plan. It is the policy of the Council to facilitate proposals for new dwellings on strategic routes in the countryside outside of settlements in accordance with the following criteria: a) Where the applicant meets an 'Economic Need' (see Table 5.3 and Planning Policy 5 - 11), and there is no availability of alternative sites to the applicant away from the strategic route. An existing and/or shared domestic dwelling entrance of the applicant's family dwelling should be used where practicable and it will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design and Visibility at a Direct Access.
- 7.2.4. In terms of the information presented, the applicant is currently training as a mechanic with Bus Eireann in Waterford City c. 35km from the site. He has grown up on the family horticultural unit and has been actively engaged for many years in the business. He is currently a 50% shareholder and his work as a mechanic will help the automation of the business. It is stated in the appeal documentation that the apple business is seasonal with its busy and quiet times. A succession plan has been submitted which indicates that the applicant will take over the business from his father c. 2029. It is stated that the economic need for the applicant to live at the site

is due to the changing regulatory framework that applies to apple production as in many parts of the EU apples need to be sprayed at night and this will be applicable to Ireland in the future. Certificates in both Level 5 and Level 6 Agriculture, and an accountants letter detailing a 50% shareholding and a director of the business (Longways Cider Company Ltd.) have been submitted with the appeal documentation.

- 7.2.5. In terms of the information presented in the application and appeal, I am satisfied that the application complies with the requirements set out in the Development Plan for 'social need'. I do not consider that the applicant has submitted sufficient information to adequately demonstrate that the seasonal business of less than 20 hectares is a significant part of the livelihood of the applicant. I note however that the requirements set out for Policy 5-13 of the Development Plan for strategic routes, require the applicant to demonstrate either economic need or social need. As such the applicant does in my view, comply with the policy as sufficient information has been submitted to demonstrate compliance with 'social need'. Should the Board be minded to grant permission for the proposed development I recommend that an occupancy condition is attached.

7.3. Intensification of Access onto N24

- 7.3.1. The sole reason for refusal in this case by the Planning Authority relates to the intensification of an existing access off the N24.
- 7.3.2. The site is accessed off the N24 and therefore Policy 12-4 of the Tipperary County Development Plan 2022 and the Spatial Planning and National Roads Guidelines 2012 are relevant. The above guidelines clearly state that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. Policy 12-4 of the Tipperary County Development Plan 2022 states that it is a policy to maintain and protect the safety, capacity and efficiency of Tipperary's roads network and to avoid the creation of additional access points to national roads to which speed limits greater than 60kmh apply.

- 7.3.3. Notwithstanding the applicants demonstrated social need, the Planning Authority considers that the intensification of the use of an existing entrance onto a National Road would give rise to additional traffic movements that may compromise the safety and efficiency of the National Road network.
- 7.3.4. The grounds of appeal note that ‘there is no mention of avoiding the intensification of existing access to National Roads where a speed limit of greater than 60kmh applies.’ It is considered that the Planning Authority have erred as there is no policy in the Tipperary Co. Co. Development Plan which seeks to avoid the intensification of use of the existing accesses onto National Primary routes. Further it is stated that there is no intensification as the applicant already resides at this location. In contrast, it is stated that if he is denied permission, intensification of use will occur as he will be forced to travel from offsite to work in the horticultural business growing apples.
- 7.3.5. Transport Infrastructure Ireland are clear in their observation to the Board and consider that the provision of an additional house at this location is contrary to policy guidelines and will result in additional traffic movements onto the N24 regardless of the housing circumstances of the applicant. Further, it is considered that the proposed development would endanger public safety by reason of traffic hazard as the site is to accessed from the N24 at a point where a speed limit of 100km/h applies and within a stretch of road identified as a High Collision Location. It is therefore considered that the traffic turning movements generated by the proposed development would interfere with the capacity, efficiency, and free flow of traffic on this strategic route.
- 7.3.6. The Planning Authorities Roads Design Engineer notes that the site layout drawings included with the application indicates that a 215m sightline is achieved in both directions from the access point with the N24, however the drawing does not show the full extent of the sightlines. When they are drawn the sightline from the entrance looking toward the east crosses to the opposing lane to achieve the full 215m. I note that a drawing has been submitted with the appeal which also indicates that the sightline looking east crosses to the opposing lane to achieve the requirement of 215m.
- 7.3.7. The Regional Design Office notes that the site was outside the Preferred Transport Solution Corridor currently being progressed for the N24 Waterford to Cahir project

and did not see a direct conflict with the N24 project on this basis. However, it noted that the Preferred Transport Solution for the N24 at this location includes upgrades to the existing N24 at the current access point from the proposed development, and the Preferred Transport Solution corridor goes offline just to the east of the access point. It considered that there was potential for revised access arrangements onto the N24 from the proposed development.

- 7.3.8. It also noted that TII carry out a Network Safety Analysis periodically. The most recent report available covers the period 2018-2020 which identifies an 860m section of the N24, extending from the Dove Hill Shopping Centre to the Ballinderry Rail Bridge, as a High Collision Location. The property access is approximately midway along this section. Three specific incidents, including one fatality, have been recorded within the section of road. The TII report notes that these incidents had no identifiable pattern and it is considered that there are no practical engineering solutions identifiable.
- 7.3.9. Whilst I concur with the applicant that Policy 12-4 does not specifically mention the intensification of existing accesses, the very clear purpose of this policy is to maintain and protect the safety and capacity and efficiency of Tipperary's road network in accordance with the Spatial Planning and National Roads Guidelines. As such, the intensification of the existing access is contrary to both Policy 12-4 and the Spatial Planning and National Roads Guidelines.
- 7.3.10. I am satisfied that the proposed development will lead to the intensification of an existing access with additional turning movements with normal day to day movements and patterns of activity associated with same and trips generated by other services, utilities, deliveries, visitors etc. The First Party appeal has not demonstrated the required sightline of 215m to the east as it crosses the opposing lane. I therefore agree with the concerns of the Regional Design Office in this regard.
- 7.3.11. Having regard to the forgoing, I consider that the proposed development, if permitted, would be contrary to the policy contained in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 as it relates to access to national roads, specifically paragraphs 1.5 and 2.5 and Policy 12-4 of the Tipperary County Council Development Plan. I consider that the proposal would endanger public safety by reason of traffic hazard due to the additional traffic,

including turning movements, that would be generated onto the national route N24 at this location.

7.4. Waste Water

- 7.4.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a 'Locally Important Aquifer' where the bedrock vulnerability is 'Extreme'. A ground protection response of 'R2¹' is noted. Accordingly, I note the suitability of the site for a treatment system subject to normal good practice. The site is to be served by public water mains.
- 7.4.2. The trial hole depth referenced in the Site Characterisation Report was 2.8 metres. The water table was encountered in the trial hole at a depth of 2.75 metres. The soil conditions found in the trial hole are described as gravelly clay. Percolation test holes were dug and pre-soaked. A T value/sub-surface value of 47.67 and P value/surface value of 28.42 were recorded. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a tertiary treatment system and infiltration area.
- 7.4.3. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water. I am satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. It is proposed to install a packaged tertiary system and infiltration area (60 sqm). Based on the information submitted, I consider that the site is suitable for the treatment system proposed.

7.5. Appropriate Assessment

- 7.5.1. I have considered the proposal to construct a dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located within a rural location c. 680m to the north of the Lower River Suir SAC (Site Code 002137). The development proposal consists of construction of a single dwelling.
- 7.5.2. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

It is considered that the proposed development, which would result in the intensification of use of an access onto the National Primary Road N24 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road. Furthermore, the proposed development would not accord with the Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012, published by the Department of Environment, Community, and Local Government, which seeks to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmph apply. The proposal would also be contrary to Policy 12-4 of the Tipperary County Council Development Plan which seeks to maintain and protect the safety, capacity and efficient of Tipperary's road network and associated junctions. The proposed development would, therefore, be contrary to national and local policy and 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, the exercise of my professional judgement in an improper or inappropriate way.

Emer Doyle
Planning Inspector

16th January 2025

Appendix 1- Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320501-24		
Proposed Development Summary	Dwelling house, wastewater treatment plant and associated works.		
Development Address	Ballynoran, Carrick-on-Suir, Co. Tipperary.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10- Construction of 500 dwelling units	

5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

Appendix 1- Form 2 EIA Preliminary Examination

<u>An Bord Pleanála Case Reference</u>	ABP- 320501-24
<u>Proposed Development Summary</u>	Dwelling house, wastewater treatment plant and associated works.
<u>Development Address</u>	Ballynoran, Carrick-on-Suir, Co. Tipperary.
<p><u>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</u></p> <p><u>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</u></p>	
<p><u>Characteristics of proposed development</u></p> <p><u>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</u></p>	<p>Site size 0.162 hectares in a rural area. Development consists of a single storey dwelling with a floor area of 104m².</p>
<p><u>Location of development</u></p> <p><u>(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).</u></p>	<p>Rural area on outskirts of Carrick-on-Suir, Co. Tipperary.</p> <p>Site is c. 680m from Lower River Suir SAC located on other side of N24. No direct hydrological connection.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, appropriate assessment is therefore not required.</p>

	No protected structures in the vicinity of the site.	
<u>Types and characteristics of potential impacts</u> <u>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</u>	No relevant environmental or cumulative considerations or permitted projects in the vicinity of the site.	
<u>Conclusion</u>		
<u>Likelihood of Significant Effects</u>	<u>Conclusion in respect of EIA</u>	
<u>There is no real likelihood of significant effects on the environment.</u>	<u>EIA is not required.</u>	
<u>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</u>	<u>Schedule 7A Information required to enable a Screening Determination to be carried out.</u>	
<u>There is a real likelihood of significant effects on the environment.</u>	<u>EIAR required.</u>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)