



An
Bord
Pleanála

Inspector's Report ABP-320531-24

Development	Construction of a house and all associated works.
Location	Ballymalone More, Ballina, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2360871
Applicant(s)	Evelyn Hartigan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Patrick Daly.
Observer(s)	None
Date of Site Inspection	11 th of March 2025
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in a rural area 2.4km east of Ballina/ Killaloe. The general area is under considerable pressure from one-off housing. It is located in the townland of Ballymalone More, on a corner site embracing two local roads.
- 1.2. The site area is 0.17ha. It is a relatively flat site with a slight gradient to the south-east. There are 2No. ruins on the subject site, a former dwelling and an outhouse. The wall of the original dwelling on the site forms the northern site boundary. The site is overgrown and in a neglective state covered in briars and derelict buildings. There are a number of mature trees along the southern and western site boundaries.
- 1.3. To the east is a communal field boundary of earth and stone with a mature hedgerow. The southern site boundary is raised up above the level of Boher Road by circa 3metres. The western site boundary is the access to the site from the local road.
- 1.4. The site is firm and dry with no evidence of wet soil conditions.

2.0 Proposed Development

- 2.1. The public notices describe the proposal as a replacement single storey house, a wastewater treatment system and all associated works.
- 2.2. The gross floor area of the existing buildings on site is 128sq.m. The floor area of the proposed dwelling is 164sq.m. The dwelling is single storey with access off the local road along the western site boundary.
- 2.3. The proposal will be served by the public water mains.
- 2.4. The planning application documentation included a number of reports regarding the Architectural Siting and Design Statement, Structural Inspection of the existing structures on site, Site Suitability Report, and detailed drawings.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. made a *Decision to Grant Planning Permission* for the proposed development by Manager's Order signed on the 15th of July 2024. There were 16No. conditions attached. The conditions were standard conditions apart from Condition No. 2 which is site specific and relates to the southwestern site boundary setback at the junction of the local primary and tertiary road (Section 3.2.3 below).

3.2. Planning Authority Reports

3.2.1. *Planning Report (No. 1 20/12/2023)*

- The reporting officer was satisfied the structure on the site was in tact and the proposed development is a replacement dwelling.
- The siting and design of the proposed dwelling is acceptable.
- Concern regarding the northern boundary wall requires further consideration.
- The percolation pipes and the retention of mature trees conflict and this requires further consideration.
- Furthermore information required regarding sightlines.
- Further information required regarding the high-water table.
- AA screening report.
- EIA Preliminary Examination

Planning Report (No. 2 12/07/2024)

Following receipt of the further information on the 5th of June 2024 the reporting officer indicated the following:

- District Engineer still had issues over sightlines
- The third parties still had concerns regarding works to Boher Road junction
- The existing dwelling is structurally unsound and not fit for human habitation.

- Northern wall to be stabilised, reduced in height, and retained to be used as part of a walled garden area
- No bats or roosting found on site
- Sewage treatment and disposal proposals are acceptable.
- Visibility/ sightlines splay acceptable on the local road/ laneway.
- Further details can be conditioned reagridng the works to be carried out at the Boher Road junction.
- Permission is recommended.

3.2.2. Other Technical Reports

- ***Nenagh District Engineer***
 - (i) The applicant is proposing to use an existing entrance onto the local tertiary roads. The sightlines are severely impacted by a line of existing buildings to the north of the site access. The site layout drawing indicates that a section of gable wall will to be lowered but does not indicate what sightlines are achievable. Signifigant works are required beyond the planning site to achieve a 70 metre sightline.
 - (ii) The development site is located at the junction of the L-2128 local primary road and L-21282 local tertiary road. The sightlines at the junction are extremely substandard, particularly for traffic approaching from the east (Boher). It is estimated that the existing sightlines are less than 10 metres. The applicant is proposing to construct a 2 metre high gabion wall at the junction to improve sightlines. The details of the gabion wall construction will be developed at a later date. Any improvement to the sightlines should be welcomed. However, the installation of a 2 metre high gabion wall at a junction with poor alignment is a major undertaking and problematic from a road safety perspective. The design details for the gabion wall should be developed to show the alignment and height of the wall and the expected sightline improvement. Any design should be accompanied by a stage 1 Road Safety Audit to address concerns with the construction of a 2 metre high wall within the clear zone of a public road where the horizontal alignment is poor.

- ***Environment Section***

The presence of a high water table on the site with potential to rise up by 350mm (1.15m bgl) and to the fact that said water table is perched above and in close proximity to the public road to the front of the site gives cause for concern. One remedy to this situation is to ensure that the treated effluent is evenly distributed over the width of the site before flowing along the hydraulic gradient i.e. downhill towards the south.

3.2.3. Conditions

Condition No. 2

Prior to the commencement of development, design details for the south western site boundary setback (adjoining the junction between L-2128 local primary road and L21282 local tertiary road) and any retaining wall structures shall be submitted for written agreement to the Planning Authority. The developer is advised to contact the Nenagh Municipal District Engineer prior to submitting proposals in compliance with this condition.

REASON: In the interest of traffic safety.

3.3. Prescribed Bodies

Following a referral to the Department of Environment, Heritage and Local Government a bat survey was carried out at the site. There was no evidence of bats or bat roosts on the site.

3.4. Third Party Observations

There were two third party submissions received. One was an observation and the other was an objection citing the following concerns.

- Modifications should be made on the applicants side of the Boher Road exit off the lane onto Boher Road to improve the sightlines.
- The applicants father sought planning permission for a dwelling on the opposite side of the road which was refused around 1990-91.

- The site is approximately 3-4m above the Boher Road and the sightlines are poor.
- There are farm buildings and a concrete yard immediately north of the subject site, some of which are not indicated on the submitted drawings.
- The common dividing wall between the farmyard and the site is a wall approximately 2m in height, this will impact on his farm. The wall cannot be removed without his consent. He objects to the removal of the wall/development.

4.0 Planning History

4.1 *Planning reference 5114052*

Outline permission for a dwelling refused on 23/05/1991. Application form referred to demolition of existing dwelling. Reason for refusal related to wastewater treatment.

5.0 Policy Context

5.1. Development Plan

5.1.1 *Tipperary County Development Plan 2022-2028*

The site is located in the Area under Urban Influence and 'Primary Amenity Area' under the provisions of the Tipperary County Development Plan 2022-2028

5.1.2 Section 5.52 Rural Housing Policy

Table 5.2

Housing Need and Occupancy An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own a dwelling in a rural area. An application for a dwelling in the rural area must be made in the name of the person for whom it is intended, and an 'Occupancy Condition' 41 will be attached to any grant of permission requiring that the applicant must live in the dwelling for the first 7 years after its construction.

Table 5.3 Housing Need Definitions

(a) A person who has resided in a rural area (as defined in Table 2.4 Chapter 2 Core Strategy): (i) Within 5km of the site where they intend to build for a substantial period of their lives (10 Years) within a 'Primary Amenity Area', (ii) Within 10km of the site where they intend to build, for a substantial period of their lives (10 Years) within an 'Area of Urban Influence' Or (a) A person with a demonstratable housing need on the basis of exceptional medical circumstances. Any planning application must be supported by documentation from a registered medical practitioner and disability organisation, proving that a person requires to live in a particular environment, and in a dwelling designed and built purposely to suit their medical needs.

5.6 Planning Policy

5 – 11 Facilitate proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside, and designations illustrated in Section 5.5.1, and Table 5.2: Rural Housing Technical Principles for Applicants.

In 'Areas Under Urban Influence' and 'Primary Amenity Areas', the Council will consider single houses for persons where the criteria set out in Category 1A or B, or Category 2 hereunder are met:

Category 2: 'Social Need'

The applicant must demonstrate a social need to reside in the local rural area for social purposes in line with Table 5.3.

And all the criteria set out below is met:

- (i) Within a 'Primary Amenity Area', the applicant must have resided within 5km of the site where they intend to build for a substantial period of their lives (10 years),
- (ii) Within an 'Area of Urban Influence', the applicant must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years), And
- (iii) The applicant does not or has never owned a house in the open countryside.

5 - 15 Facilitate, where it is demonstrated by an applicant that a dwelling is no longer suitable for habitation, its replacement with a new dwelling. (my emphasis)

5.1.3 **Appendix 6- Development Management Standards**

4.1 Rural Residential Development The design, orientation, landscaping and other features of all new one-off houses outside designated settlements shall comply with the relevant policies of the Plan and the 'Rural Housing Design Guideline' for one-off houses in the open countryside set out in Volume 3 of the Plan.

4.2 Replacement Dwellings The Council supports the refurbishment of structurally sound, habitable dwellings as opposed to their demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The Council will apply the following minimum standards to proposals for the replacement of rural dwellings:

- a) The structure was last used as a dwelling and is substantially intact and this is demonstrated by the existence of features such as roof, internal and external walls, entrance doors, windows, chimney, fireplace etc. In the assessment of whether a house which it is proposed to replace is habitable or not, the Planning Authority will rely on the definition of a "habitable house" as defined in Section 2 of the Planning Act.
- b) Existing access on to the public roadway can meet the minimum standards for domestic entrances or can be upgraded to meet the satisfaction of the Council, and,
- c) The on-site wastewater disposal system meets the minimum standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), or can be upgraded to meet these standards.

5.2. **Natural Heritage Designations**

Lower River Shannon SAC (Site Code 002165) c. 3.8km to the west of the proposed development site. There is no hydrological link between the subject site and the European site.

5.3. EIA Screening

The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant was born in Limerick and went to school in Limerick, and her fulltime job is in Limerick. She does not comply with the relevant rural housing needs policy and has no housing need pursuant of these policies.
- There is a watercourse i.e. a drain directly behind the eastern boundary which is in his land. This could affect the percolation of the applicants site. There is also a ringfort about 30feet from the site on his land behind the eastern boundary of the site.
- If the development is permitted, the applicant's new dwelling will be 15feet from a working farmyard. The yard is used to manage his livestock. His normal farming activities will be severely affected by the proximity of the house and the enjoyment of his framing business.
- The back wall of the old dwelling house at the northern boundary between the applicants site and his farmyard is to be removed under the proposal. This will stop him from working in his own farmyard. The applicant does not have permission to interfere with this boundary other than to maintain it properly.

6.2. Applicant Response

It is submitted the appeal is vexatious, frivolous and disingenuous because the applicant did not agree to the appellant's demands regarding the side site boundary between their two properties. The appellant wanted a 2m high reinforced concrete wall the two properties, 1m inside the applicant's property. The applicant was not willing to forfeit the land or build a reinforced concrete wall. The applicant did offer to

build a 2m block wall on the land registry site boundary. This did not satisfy the appellant and this is the reason he took the appeal.

- The existing site boundary between the applicant and appellant's site is the rear wall of the derelict house on the applicant's site. It is not the appellant's wall. Having met and spoken with the appellant, the side wall was the only issue raised by the appellant to the applicant.
- This is an existing residential site, and the application is for a replacement dwelling, therefore the local needs policy does not apply. The applicant does not own a dwelling house, only this site. The applicant needs a dwelling house. The applicant's family previously owned land and lived in the house immediately west of the subject site, up until the applicant was aged 9. The only parcel of land they did not sell was the subject site, and the applicant's father left her the site in his will. The appellant is well aware of the background to the site, he knew the applicant's family.
- The applicant is a primary school teacher and is currently on a career break from her job in Limerick and working as a substitute teacher at Boher N.S. approximately 3.2km from the site. She wishes to live in the area and work in the area.
- The proposed wastewater treatment system on the subject site, complies with all the relevant separation distances stated in the EPA Code of Practice including distances from streams and watercourses. Given the gradient of the site, there will be no impact on the stream referenced in the appeal. The ringfort is 32metres from the eastern site boundary and 38metres from the proposed dwelling.
- The concern of the proximity of the appellant's yard is understandable. The proposed dwelling will be 6.2m from his yard and not 4.5m as suggested by the appellant. The applicant has no intention of interfering with his farming activities or the enjoyment of the use of his property. Her hope was they would be good neighbours which is why she offered to build the boundary wall.
- The boundary wall is owned by the applicant and not the appellant.

6.3. Planning Authority Response

The Planning authority has made the following comments to the third-party appeal:

- The proposal is a replacement dwelling and is therefore assessed against Policy 5-15 and Section 4.2 of Volume 3 Appendix 6 of the Tipperary County Development Plan. The application must meet the requirements of a replacement dwelling. Compliance with rural housing policy requirements does not arise with an application for a replacement dwelling.
- The Environment Section examined the wastewater treatment proposals and it was satisfied with the proposal.
- The site previously contained a dwelling house, it is not considered the proposal will impact on the farmyard.
- The rear and side walls of the existing house are to be retained and stabilised. The legal authority to undertake the works to structures along the common boundary is a matter for the respective property owners.
- The impacts on the enclosure (TN-25-013-enclosure), has been taken into consideration and can be addressed by condition requiring archaeological supervision.

7.0 Assessment

7.1. Having inspected the subject site and considered the appeal file, I will examine the proposed development under the following headings:

- Principle of the Development
- Design and Siting
- Sewage Treatment
- Traffic
- Impact on neighbouring farmyard
- Boundary wall
- Other

- Appropriate Assessment

7.2. Principle of the Development

7.2.1 The applicant owns the subject site (0.17ha). The subject site was left to her by her late father. Her family had owned land in the area including the family home west of the subject site, which was subsequently sold apart from the subject site. She does not own a house and intends building an energy efficient dwelling on the subject site.

There is a ruin of a dwelling house on the northern site boundary. The rear wall of the former dwelling forms the communal wall with the adjoining farmyard immediately to the north of the site. The third-party appellant owns the farmyard. He maintains the applicant does not meet with the local need criteria of the current county development plan. I have examined the relevant policies and the submission made by the planning authority on appeal. I concur with the planning authority's assessment on this case that the proposal is a replacement dwelling. Therefore **Policy 5 - 15 Facilitate**, where it is demonstrated by an applicant that a dwelling is no longer suitable for habitation, its replacement with a new dwelling of the Tipperary County Development Plan 2022-2028, is applicable. The applicant is not required to meet with the local needs policy in this regard. However, she is returning to her original home place on a site left to her by her father. She does not own a house and is currently working locally as a substitute teacher, 3.4km from the site, as Boher National School. The structure on the site is in poor condition and uninhabitable. However, the structure is still intact and its rear wall forms the boundary with the farmyard. According to Section 4.2 of the Development Management Standards of the development plan, **4.2 Replacement Dwellings**: *The Council will apply the following minimum standards to proposals for the replacement of rural dwellings:*

a) The structure was last used as a dwelling and is substantially intact and this is demonstrated by the existence of features such as roof, internal and external walls, entrance doors, windows, chimney, fireplace etc.

7.2.2 Therefore, I consider the applicant complies with Tipperary County Development Plan policies regarding replacement dwellings in rural areas.

7.3. Siting and Design

7.3.1 The planning application documentation includes a detailed 'Site Analysis and Design Statement'. The site is accessed from a side local access road off the Boher Road that serves a number of dwellings and farms. The outhouse is to be removed entirely. The proposed dwelling is a single storey two-bedroom dwelling with an L-shaped layout. The dwelling has a low-profile mono-pitch roof with solar panels. The proposed external finish for the building is timber cladding, with a dark finish, in a vertical format. A corrugated metal clad roof is proposed with a dark finish. These proposed finishes will minimise the visual impact of the building on the site and distinguish it from the white-plastered conspicuous vernacular examples in the immediate locality, ensuring it is visually subordinate in its rural setting. I am satisfied the proposed dwelling will be discreet and contemporary on the rural landscape and will not detract from the visual or residential amenities of the area.

7.4. Sewage Treatment

7.4.1 A detailed Site Suitability report accompanied the planning application with a sewage treatment system designed in response to the findings of the report. However, the Environmental Health Officer had concerns regarding the high-water table found during the site inspection. The applicant was requested to revise the design of the wastewater treatment system having regard to the high-water table and the proximity of the public road.

7.4.2 A revised site suitability report was submitted to the planning authority on 5th of June 2024. The submission also included a revised proposal to install a package treatment unit, utilising low pressure dosage to 6 No 4m long narrow, shallow percolation trenches (option 4) with all trenches located 400mm below raised ground level, parallel to the existing site contours. The location of the treatment tank and the trenches are as required in Table 6.2 of the EPA Code of Practice 2021. This revised proposal is also indicated on the revised Site Layout Plan 2306/003 Revision B FI.

7.4.3 The concerns of the appellant regarding the watercourse on his lands east of the site are not a concern due to the southward gradients of the site and separation distance from the watercourse in line with the EPA Guidelines.

7.5. Traffic

7.5.1 I note the Engineering reports on the planning file. The reports followed a site inspection and detailed recommendations to be incorporated into the overall design

of the proposal relating to both the tertiary road providing direct access to the dwelling, and the junction of the tertiary road with Boher Road.

- 7.5.2 In terms of the access onto the tertiary road, the sightlines are currently restricted to the north because of building lines of the existing structures built in close proximity to the road. The applicant was requested to submit a detailed drawing demonstrating how a 70-metre sightline can be achieved at the proposed access to the dwelling. The visibility to the north is compromised, primarily by the gable wall of the existing derelict house on site. By way of further information, it is proposed to take down a section of the wall to a minimum of height of 1m, which will significantly improve sight distances from the subject site entrance to the north.
- 7.5.3 The development site is located at the junction of the L-2128 local primary road and L-21282 local tertiary road. The sightlines at the junction are extremely substandard, particularly for traffic approaching from the east (Boher). I noted the site is positioned above the level of the main road at the junction. The estimated existing sightlines are less than 10 metres to the east. The applicant is proposing to construct a 2 metre high gabion wall at the junction to improve sightlines. According to the application, the details of the gabion wall construction will be submitted at a later date. The District Engineer considered the installation of a 2 metre high gabion wall at a junction with poor alignment is a major undertaking and problematic from a road safety perspective. The design details for the gabion wall should be developed to show the alignment and height of the wall and the expected sightline improvement. Any design should be accompanied by a stage 1 Road Safety Audit to address concerns with the construction of a 2metre high wall within the clear zone of a public road where the horizontal alignment is poor. A request for further information was issue was forwarded to the applicant.
- 7.5.4 In response, the applicant submitted Drawing No. Revised 'Site Layout Plan - 2306/003 Revision B, which indicated the proposal involves tiering back the corner in a minimum of 2 tiers, each approximately 1m high, using either retaining walls or gabions, to later detail. The works will require removal of trees, as indicated on the drawing, as the trees currently compromise visibility. The trees on the corner are mostly Ash trees and are suffering from Ash die back so in any event, these will be removed.

7.6. Impact on Neighbouring Farm

7.6.1 The appellants concern regarding the close proximity to a working farmyard is a valid concern. However, the historical maps illustrate the farmyard/ farm house were always in close proximity to each other. Under the new proposals the house will be repositioned away from the farmyard. The proposed dwelling will be 6.2m from his yard and not 4.5m as suggested by the appellant. The applicant has no intention of interfering with his farming activities or the enjoyment of the use of his property. The boundary wall between the properties will remain and will be stabilised.

7.7. Boundary Wall

7.7.1 The boundary wall referred to in the appellant's submission, is owned by the applicant. It is to be retained and established. The retention of the rear and side stone walls of the existing house, as site boundary walls (which will require consolidation, repair and stabilisation), forming a south facing walled garden, will pay homage to the traditional farmhouse and the history of the site. It is intended a wall garden will be created between the old wall and the new dwelling.

7.8 Other Matters

7.8.1 The proposal is located a significant distance from the ringfort to the east of the subject site. There are no material impacts to the ringfort envisaged.

7.8.1 I recommend an occupancy agreement is attached by way of condition. I noted the rural roads east of Ballina are under severe development pressure for one off housing. An occupancy agreement will ensure the proposal is not a speculative form of development thereby encouraging a precedent under the Replacement Dwelling rural housing policy (5-15).

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 network, is the Lower River Shannon SAC (Site Code 002165) c. 3.8km to the west of the proposed development site.

- 8.3. The proposed development is located in the rural area and comprises the replacement of an existing derelict dwelling and outbuilding with a new contemporary dwellinghouse.
- 8.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. There is no hydrological or ecological link between the subject site and the European site. The Roolagh River network (EPA Code 25R20) is located 240metres east of the site, and the separation distance is significant. There is no hydrological link to the river from the site, therefore there is no target risk arising from the proposed development
- 8.5. The reason for this conclusion is as follows:
- The small scale and residential nature of the development.
 - The established use of the site for residential purposes
 - The distance from European Sites and the absence of ecological pathways.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend the planning authority's decision to grant planning permission for the proposed development be upheld by the Board.

10.0 Reasons and Considerations

Having regard to the nature and scale of the development, the historical use of the site for residential purposes, the policies of the current Tipperary County Development Plan in relation to replacement dwellings in rural areas it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would accord substantially with the criteria under Policy 5-15 of the Meath County Development Plan 2021-2027 and Objective 4.2 in Appendix of the plan, would not seriously injure the amenities of the area, or property in the

vicinity, would not constitute a traffic hazard and would provide an acceptable standard of amenity for future residents. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area

11.0 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 plans and particulars received by the planning authority on the 5th of June 2024 and 13th of June 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 a g r e e d p a r t i c u l a r s .

Reason: In the interest of clarity.

2. Prior to the commencement of development, design details for the southwestern site boundary setback (adjoining the junction between L-2128 local primary road and L-21282 local tertiary road) and any retaining wall structures shall be submitted for written agreement to the Planning Authority. The developer is advised to contact the District Engineer prior to submitting proposals in compliance with this condition.

Reason: In the interest of traffic safety.

3. (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.

4. The landscaping scheme as illustrated on the landscape plan submitted to the planning authority on the 13th of June 2024 shall be implemented during the first planting season following the completion of the dwelling. The existing trees and shrubs on the site boundaries shall be retained and maintained as a feature of the development except where removal is required to comply with the entrance detail and sightline requirements.

Reason: In the interests of visual amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.

Reason: In the interest of public health.

7. (a) Domestic effluent from the proposed dwelling shall discharge to a secondary wastewater treatment system and polishing filter that shall be designed, located and constructed in accordance with the requirements of 'EPA Code of Practice 2021 -Domestic Wastewater Treatment Systems', and as per documentation submitted on 05/06/2024 and as amended by further documentation submitted on 13/06/2024.

(b) Location, construction and commissioning of the secondary wastewater treatment system and polishing filter shall be supervised by a Civil Engineer or appropriately qualified individual, who upon completion of works/commissioning shall submit to the Planning Authority certification (to include photographs) that the system has been laid out and constructed in accordance with the "EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems', within three months of installation.

(c)The owners/occupiers of the subject site shall be responsible for the maintenance of the secondary wastewater treatment system and polishing filter, and shall undertake regular sampling of the effluent to ensure the effluent quality adheres to the manufacturer's guidelines.

Reason: In the interests of public health.

8. All service cables associated with the proposed development (such as electrical, television, telephone cables and broadband) shall be run in underground ducting.

Reason: In the interests of visual amenity.

9. (a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.

(b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the Local Authority.

(c) No construction or demolition activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.

Reason: To prevent a noise nuisance or a traffic hazard.

10. 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 agreed and 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.

Reason It is considered reasonable that a contribution be made in accordance with the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act 2000 (as amended).

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.

Caryn Coogan

Planning Inspector

24th of March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320531		
Proposed Development Summary	Replacement dwelling house, a wastewater treatment system and all associated works		
Development Address	Ballymalone More, Ballina, 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	X.
		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			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Screening Determination required	

Inspector: _____ **Date:** _____