



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320766-24

<b>Development</b>	Construction of a house with all associated site works.
<b>Location</b>	Rossoulty, Upperchurch, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360941
<b>Applicant(s)</b>	Michael O Brien.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ben O Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> of May 2025
<b>Inspector</b>	Caryn Coogan

## **1.0 Site Location and Description**

- 1.1. The subject site is located in the rural area, north Co. Tipperary, called Rossoulty. It is to the west of Thurles town in elevated countryside 4km south of Upperchurch.
- 1.2. The site is 0.37Ha located in the west side of Local Road, L-8040. It has a regular configuration being a corner patch of a large agricultural field. The site has a number of open boundaries, with the roadside boundary (eastern) been defined by a mature indigenous hedgerow with a deep drain running along the edge of the road.
- 1.3. The site is elevated with expansive views to the west. However, there are no steep gradients within the site itself, it ascends gently from the roadside boundary. The views are a result of the site been located on elevated countryside.
- 1.4. I noted vegetative evidence on the site that would which suggests poor drainage capabilities. The site was been harvested at the time of inspection.

## **2.0 Proposed Development**

- 2.1. The planning application is for a single storey dwelling (192sq.m.), effluent treatment system on 0.370 hectares.
- 2.2. The site has been gifted to the applicant from his father who owns 30hectares in Rossoulty.
- 2.3. The applicant was requested by way of Further Information to relocate the dwelling on the site and reduce the scale and massing. Also a Visual Impact Assessment was to be carried out, a landscaping plan and to demonstrate connections to the area over 10 years.
- 2.4. The further information was received on 27<sup>th</sup> of June 2024. The dwelling was relocated 3m in a westerly direction. The ridge height was reduced from 6.75m to 5.55m. The dwelling was reduced in size from 192sq.m. to 119sq.m. Photomontages were prepared to present the dwelling on the dwelling on the landscape.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Tipperary Co. Co. granted planning permission for the dwelling house subject to 12No. standard rural housing planning conditions.

2. Occupancy agreement for at least 7 years.

4. Potable water supply

5. Effluent treatment and disposal

6. Splayed access

12. Development contribution of €3689

#### 3.2. Planning Authority Reports

##### 3.2.1. *Planning Reports*

The First Planning Report considered the sightlines/ access is acceptable;

Services are acceptable;

There were a number of outstanding issues that required Further Information:

- A visual impact assessment
- Compliance with Local Needs policy.

AA and EIA Screening;

The Second Planning Report followed receipt of the further information in June 2024 stated:

- The dwelling has been reduced in size from 192m<sup>2</sup> to 119m<sup>2</sup> and the height from 6.75m to 5.55m. The dwelling has been relocated c 3m in a westerly direction which further reduces the proposed finished floor level by 200mm. It is considered the size and massing of the dwelling is acceptable.
- The Visual Impact Assessment (VIA) is to the satisfaction of the Planning Authority. The VIA demonstrates from 5 vantages points from the surrounding

road network that the proposed dwelling would only be viewed from the front boundary.

- The applicant has now submitted additional educational records spanning from 1989 -2002 and a birth certificate which demonstrates compliance with Policy 5-11 to satisfaction of the Planning Authority.
- It is confirmed that there is no public water supply and a private well is proposed.
- The dwelling is modest in height and scale.
- The applicant has provided information that demonstrates compliance with the requirements of Policy 5-11 for a dwelling at this location
- Permission is recommended.

#### **3.2.2. *Other Technical Reports***

District Engineer: No objection subject to conditions.

#### **3.3. Prescribed Bodies**

No response from Irish Water after a referral letter was issued by the planning authority.

#### **3.4. Third Party Observations**

There was an observation submitted regarding the design, visual impact and scale/ siting of the proposed dwelling.

The house is very much at the most elevated position of the site with it being in excess of 3m above some parts of the site as existing ground levels at the front/Southeast of the site are in the region of 96.333m.

It is clear that there is ample room to locate the dwelling house with a much lower floor level which would site the house much more appropriately within the landscape.

There are other lands available to the applicant which would also site of the dwelling house at a lower position.

## 4.0 Planning History

There is no relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 *Tipperary County Development Plan 2022-2028*

The relevant section **5.5.2 Rural Housing Policy**

***The subject site is located in a designated rural Area under Urban Influence.***

The Housing Need definitions are outlined in Table 5.3 under Economic and Social Needs.

#### ***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 5.4, 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 1: 'Economic Need'***

A: The applicant must demonstrate an economic need to reside in the area through active employment in farming/agricultural activity (farming, horticulture, forestry, bloodstock). The farm must exceed 20ha in total.

And all the criteria below is met:

- (i) The applicant must be actively engaged in farming,
- (ii) The applicant must demonstrate that they have been engaged in farming at that location for a continuous period of over 5 years prior to making the application,

(iii) The applicant does not, or has never owned a house in the open countryside.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/livestock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment.

And all the criteria below is met:

(i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purposes of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application

(ii) The applicant does not, or has never owned a house in the open countryside,

(iii) A detailed 5-year business plan will be required to demonstrate 'compliance with Section (i)

### ***Policy 15 - 2***

Require that all new septic tanks, proprietary effluent treatment systems and percolation areas to be located and constructed in accordance with the Water Services Guidelines for Planning Authorities (and any review thereof) and the Code of Practice for Domestic wastewater treatment systems (EPA, 2021) (and any amendment) and the development management standards of this Plan as set out in Volume 3.

## **Volume 3 Appendix 6 Development Management Standard**

### **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 Design Guideline for one-off houses in the open countryside set out in Appendix 4 of the Plan.

#### 4.3.1 New Rural Houses

Connections to public services shall be made where available. For an on-site wastewater disposal system, the standards, guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021), shall be met. A report prepared by a qualified site assessor in accordance with the standards shall be submitted with the planning application

### 5.2 **National Planning Framework**

National Policy Objective 19 makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

### 5.3 **Sustainable Rural Housing Guidelines for Planning Authorities**

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

### 5.4 **Natural Heritage Designations**

The nearest designated sites are:

Lower River Suir SAC (site code 002137) is 1.16km from the site  
Anglesey Road SAC (site code 002125) is 9.67km from the site  
Slievefelim to Silvermines Mountains SPA (site code 004165) is 9.5km from site.

There are no proposed Natural Heritage Areas in the general area of the site.

## **5.5 EIA Screening**

Schedule 5, Part 2, Class 10 (b)(i) provides that EIA is required for the construction of more than 500 dwellings units. Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km. Class (dd) of Part 2 relates to private roads exceeding 2000 metres in length. The proposed development falls significantly below these thresholds comprising a development of a single dwelling unit, limited removal of roadside boundary for new entrance and length of driveway which is approx. 58m.

Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The appellant resides on the opposite side of the road to the subject site, and he made a number of submissions during the assessment of the planning application. His appeal can be summarised as follows:

- The planning authority required revisions to the dwelling house and its relocation to utilise the existing topography. In response to the further information, the relocation and reduction in scale was so minimal it was insignificant. The request by the planning authority to use the existing topography was not met. The subject dwelling was not relocated 3metres in a westerly direction. It is not clear how planning permission could be granted when the applicant did not comply with the request for further information.
- The visual impact assessment requested does not assess the visual impact of the dwelling on the landscape as requested by the planning authority.
- There were no details of the qualifications of the landscape architect who prepared the landscape scheme for the site. This was ignored by the planning authority even though it granted planning permission for the development.



- Once the applicant reached 18 years of age he moved out of the area. If the housing needs policy and requirements can be satisfied by a child residing in the area for a continuous period of 10 years then effectively there is no rural housing need policy because every child that grew up in their local area and finished secondary school, is eligible for a rural house. That is not a rural housing need policy.
- There has been no water quality analysis to determine whether there is a potable water supply in the area.

## 6.1 Applicant Response

- The applicant, Ben O'Brien, grew up on the local road less than 1km from the subject site. He attended college for a few years after school, and came home every summer and worked in Thurles. There were no available jobs in his field in the local area. His job will transfer down to Thurles as he does not want to live in Dublin. It has always been his intentions to live in the area after finishing his education.
- The third party appellant is not from the locality. He is from a different parish, Hollyford, which is 20 minutes from his home. To say that he has a less right to build a house on the road than the applicant is ridiculous.
- His grounds for appeal is either to delay or end his interest on building on the subject site because he does not want a neighbour on the opposite side of the road to his dwelling. The applicant's family welcomed the appellants into the area when he constructed his dwelling a few years ago, and they did not object to his enormous house being constructed across from their land.
- The applicant has several siblings that were promised land also. Other lands are currently being farmed. The applicant is happy with his site, and it is suitable for the proposed dwelling.
- There has been a visual impact assessment, photomontages and a detailed landscaping scheme using the instructions given by Tipperary Co. Co. in the further information. The works submitted by the applicant's architects were accepted by the planning authority. It was satisfied with the photo vantage

points and concluded the proposed dwelling does not impact on the surrounding landscape. The qualifications of the architect are included.

- Following a request of further information by the planning based on the requirements of the third-party appellant, the proposed dwelling was reduced in size, lowered the finished floor level, and repositioned the dwelling. As requested. The third-party appellant has failed to mention his own dwelling house which is appropriately named 'The Height' which is 3-4 times bigger than the proposed development. His house is enormous and does not blend into the landscape. It is built above the level of the road, and is known as The Height, which demonstrates the appellant is contradicting himself.
- Tipperary Co. Co. carried out a rigorous assessment of his planning application, from pre-planning right through to the decision to grant permission.

## 6.2 Planning Authority Response

There was no further comment from the planning authority.

## 7.0 Assessment

7.1 I have inspected the site and considered the content of the appeal file. The appeal will be examined under the following headings:

- Compliance with Rural Housing Policy
- House Design and Impact on the landscape
- Sewage treatment and disposal
- Traffic
- Other Matters

## 7.2 Compliance with Rural Housing Policy

7.2.1 In the ***Tipperary County Development Plan 2022***, the subject site is located in an *Area Under Urban Influence*. I note the relevant Rural Housing Policy as detailed under **Section 5.5.2** of the development plan and the relevant section cited under Section 5 of this report. There are two housing needs classified in the CDP to live in a rural area as defined by **Table 5.3**, Economic and Social. The applicant falls under

the category of 'Social' need. According to the submitted documentation the applicant's family home is at Knockaun, Upperchurch which is 1.1km north of the subject site. A letter from the local national school and his birth certificate were submitted in order to demonstrate compliance with **Category A of Policy SS4**. The applicant is a son of the landowner, Michael O'Brien, who owns 30Ha in the Rossoulty area. The extent of the family landholding in the area has been outlined on an O.S map with the planning application documentation. The applicant is currently living in rented accommodation in Templemore. The submission documents state he currently works in Dublin (Tallaght) and is transferring to Thurles. It has always been his intention to return to his family's landholding following college.

7.2.2 In my opinion, the applicant has demonstrated in full, that he complies with the adopted Rural Housing Need policy outlined in section 5-11 of the county development plan. He has resided within 5km of the site for over ten years of his life and he has never owned another dwelling in the open countryside.

7.2.3 The planning authority was satisfied the applicant represents genuine local need as defined under the provisions of Tipperary County Development Plan based on the documentary evidence submitted. I concur with this conclusion.

### **7.3 House Design and Impact on the Landscape**

7.3.1 The third-party appellant who resides in the dwellinghouse on the opposite side of the local road to the subject site, had made objections at the planning application stage and on appeal, regarding the potential visual impact of the proposed dwelling, its insensitive siting on the landscape and the lack of suitability qualified reports relating to the proposed development. The appellant is concerned about the visual impact of the proposed development, it's incongruous and obtrusive siting on landscape.

7.3.2 The issue of the design, siting and visual impact is a subjective planning issue. A new dwelling house on the open countryside within an elevated landscape, such as the subject site, will create a visual impact. The deciding factor is whether the impact is so significant, that it would militate against the rural landscape and seriously injure the visual amenities of the area.

- 7.3.3 I note, the general area is not located within any designated High Amenity Areas nor is the local road a designated Scenic Route. The immediate vicinity of the site is open countryside and it does not include a concentration of rural houses. The general area is unspoilt rolling countryside, apart from the appellants large two storey dwelling on the opposite side of the road to the subject site. However, the landscape in this area is not of high scenic value or exceptional amenity value. I noted from my inspection, the subject site is screened from public view from the adjoining road by a tall mature hedgerow. The site does rise gradually away from the public road, in a westerly direction. There are panoramic views to the west from within the site. The site cannot be seen from other approach roads, only the stretch fronting the site.
- 7.3.4 The appellant's dwelling is located on the opposite side of the road to the subject site. According to Planning Reference 08510341, the appellant's dwelling known as 'The Height', is a split-level dwelling, covering a significant building envelop on the site (i.e 381sq.m) with a considerable ridge height on the two storey elevations, (see the last photo plate appended to this report and Photo No. 10 from my site inspection). The appellant's dwelling has an irregular configuration and external finish. It is setback deep into the site from the public road, it includes a mature landscaped garden. I note, the house is not directly orientated towards the public road or the subject site and is facing south. The proposed dwelling will not hinder views or impact on the residential amenity of the appellant's existing dwelling.
- 7.3.5 The appellant is concerned the proposed development, a single storey low profile basic dwellinghouse, will have an adverse impact on the landscape. The planning authority agreed with the appellant and requested applicant to revise the overall design and layout of the original dwelling submitted to reduce its visual impact on the landscape. On appeal the appellant indicated that his suggestion at the planning application stage, to re-locate and integrate the proposed dwelling elsewhere on the landholding, had been ignored by the applicant and planning authority. His appeal indicated that the revisions submitted by way of further information did not address his original concerns regarding the negative impact the proposal will have on the landscape.
- 7.3.6 I examined the original submission documents and housing design/ layout, I inspected the site, walked the site and viewed the site from the surrounding area. It

is my opinion, the overall visual impact of the proposed dwelling on the area and the landscape, has been greatly exaggerated by the appellant at the planning application stage. Furthermore, the planning authority agreed with the third party residing opposite the subject site, and requested revisions to the original proposal to reduce its visual impact, and to include a visual impact assessment and landscaping proposals. The most prominent and clear view of the proposed dwelling will be from the public road fronting the site to the east, and yet, the line of vision into the site is screened and disrupted by the mature indigenous hedgerow fronting the site, which is circa 2m in height. There was no section of the line of vision from this vantage point provide, by my rough estimations on site, only the roof of the dwelling will be visible from the public road when the proposal is complete.

7.3.6 Following receipt of the further information from the applicant, the proposed dwelling was reduced in scale from 192sq.m. to 119sq.m. and from 6.75sq.m to 5.55m in height. Having regard to the scale and visual impact of the appellant's existing dwelling called '*The Height*' on the opposite side of the road, east of the site, I consider the proposed dwelling in comparison, to be discreet in terms of siting and scale, unobtrusive on the landscape when complete, and in full compliance with the planning authority's request for further information. The proposed dwelling is a modest single storey, low profile dwelling (5.5m in height) on a large 3.7Ha site. The planning application includes a landscaping scheme and a visual impact assessment, which reveals the minimal visual impact the proposed dwelling will have on the receiving rural environment. I would accept the landscaping scheme and the visual impact assessment presented by the relevant professionals on behalf of the applicant.

7.3.4 The elevational design of the dwelling is simple and contemporary. The exterior specification is nap plater and a slate/ tile roof. I consider the overall design and layout to be appropriate for this rural area. The proposed dwelling will not impact negatively on the landscape or the visual amenities of the area.

## 7.4 Sewage Treatment and Disposal

7.4.1 The site suitability report on file states the water supply is to be a private well. This conflicts with the application form details which state the proposed water supply with

be by public mains. However, this issue was later clarified that there will be a private water supply on site. The appellant stated that there have been no tests carried out on site to ensure the water supply is potable. It is not normal practice to require these tests pre-planning. Having regard to the lack of private septic tanks within 100metres of the subject site, and details outlined in the Site Suitability Report, I am satisfied with the proposals regarding the water supply.

7.4.2 The Site Suitability report submitted with the planning application, correctly indicated there are rushes growing on the site, as I noted the same during my site inspection. It is proposed to install a 6PE Effluent Treatment System followed by discharge to groundwater via percolation trenches with an invert level of 0.8m below ground level to ensure there is a minimum of 900mm of unsaturated soil between the base of the trench and the fractured bedrock encountered at 2.2m. This system is considered suitable for soils with poor drainage capabilities.

7.4.3 A new effluent treatment system and polishing filter are proposed for the site. The wastewater proposals satisfy EPA 2021 Code of practice requirements in accordance with Site Suitability Report.

## **7.6 Other Matters**

- The sightlines (70m in each direction) at the subject entrance are acceptable in both directions. There is a deep ditch fronting the site along the roadside boundary, that will need to be culverted to provide a splayed entrance.
- An occupation condition should be attached.
- Development contributions are payable in this instance in accordance with the adopted Scheme.

## **8.0 AA Screening**

8.1 I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. 8.1.2. The proposed development comprises a single dwelling house and wastewater treatment system and percolation area as described in section 2 of this report.

- 8.2 The subject site is not located within or adjacent to a European Site. The Lower River Suir SAC (Site Code 002137) is located 1.6km to the south and east.
- 8.3 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 effect on a European Site.
- 8.4 This determination is based on:
- Small scale and domestic nature of the development
  - Distance from European sites.
  - Likelihood of indirect connections to the European sites.
- 8.5 I conclude, 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.
- 8.6 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is 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 sites location in a rural area under strong urban influence and the applicant's demonstrated need for rural housing in accordance with the criteria set out in Section 5-11 relating to Rural Housing in Areas Under Urban Influence in the current Tipperary County Development Plan, together with the nature, scale and design of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health or the environment, and would be an acceptable form of development at this location. 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, the further information received on the 27<sup>th</sup> of June 2024 and 18<sup>th</sup> 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter (unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant). Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

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



3. 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.

(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 70metres 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

4. (a) The entrance gates to the proposed house shall be set back not less than 2.4 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1.1 metres in height.

(b) The existing front boundary hedgecvfg. shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

**Reason:** in the interest of traffic safety and visual amenity.

5. (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

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

7. (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 27<sup>th</sup> of November 2023 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.

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

8. 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 Bord 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.

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.

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Caryn Coogan  
Planning Inspector

28<sup>th</sup> of May 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP 320766-24		
<b>Proposed Development Summary</b>	Construction of a single storey dwelling, entrance, effluent treatment system and all associated site development works		
<b>Development Address</b>	Rossoulty, Upperchurch, Co. Tipperary		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveway	
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	<p>Class 10(b)(i) of Part 2 (dwelling units) - Less than 500 dwelling units.</p> <p>Class 1(a) of Part 2 (rural restructuring/hedgerow removal) - Length of field boundary to be removed is less than 4km.</p> <p>Class 10(dd) of Part 2 relating to private roads in the form of driveways - Private road would not exceed 2000metres in length.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	
<b>Yes</b>		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-320766-24</b>
<b>Proposed Development Summary</b>	Construction of bungalow, a wastewater treatment system and percolation area.
<b>Development Address</b>	Rossoulty, Upperchurch, Co. Tipperary
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>The site is currently agricultural land. The proposed development has a total floor area of 119sqm and is not significant in size or scale. Excavation works are required for the construction of the dwelling and the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.</p>
<p><b>Location of development</b></p> <p>(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</p>	<p>The proposed development does not have the potential to have likely significant effects on these European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		The construction impacts which would arise on foot of the development reflect typical residential developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed through planning conditions. The proposed development does not have the potential to result in cumulative effects with likely significant effects on the environment during the operational stage.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)