



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321579-25**

### Development

Construction of a 4 bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works.

### Location

Rossestown, Thurles, Co. Tipperary.

### Planning Authority

Tipperary County Council.

### Planning Authority Reg. Ref.

24/60555.

### Applicant(s)

James Burke.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party.

### Appellant(s)

Aidan Brennan.

### Observer(s)

None.

### Date of Site Inspection

11<sup>th</sup> March 2025.

### Inspector

Kathy Tuck.

## 1.0 Site Location and Description

- 1.1. The subject site, which has stated area of 0.411ha, is located within the rural townland of Rossestown, Thurles, Co. Tipperary. Rossestown is situated c.6km to the north of Thurles town.
- 1.2. The site is irregular in shape and currently undeveloped. The northern boundary of the site is formed with the local road L8017.

## 2.0 Proposed Development

- 2.1. Permission is sought for the provision of a single storey 4-bedroom dwelling, new entrance, garage, wastewater treatment system and all associated site works. The proposed dwelling is finished with a pitched roof profile with a ridge level of c.5.049m, has a length of 19.6m and a width of 8.5m. Plans submitted indicate that it is proposed to finish the dwelling with a nap Plaster finish painted in white.
- 2.2. The proposed dwelling has been set back c.27.916m from the road and 17.821m from the western boundary. It is proposed to locate the garage to the rear of dwelling. The garage has a width of c.6m a length of c.8.225 and is finished with a pitched roof with a ridge level of c.4.491m and is finished with a nap plaster identical to that of the proposed dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for Further Information, the Planning Authority issued a decision to grant planning permission subject to 14 no. conditions on the 2<sup>nd</sup> December 2024. Conditions to are as follows:

#### Condition no. 2

- a) The proposed dwelling when completed shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of at least seven years thereafter.

- b) Within two months of the occupation of the proposed dwelling a written statement of confirmation of the first occupation of the dwelling shall be submitted to the Planning Authority in accordance with paragraph (a) and the date of such occupation.
- c) This condition shall not affect the sale of the dwelling to a mortgagee in possession or by any person deriving title from such a sale

Reason: To ensure that the proposed house is used to meet the applicants' stated housing need, and, to ensure that development in this rural area is appropriately restricted to meeting essential economic and social need in the interest of the proper planning and sustainable development of the area.

Condition No. 6

Prior to development commencing on the proposed dwelling the roadside boundary shall be setback behind the required sight triangle which is taken from a point 2.4 metres back from the road edge at the centre of the proposed entrance for a distance of 90m in both directions at the nearside road edge.

- a) Where roadside hedge is removed a new roadside boundary hedge shall be constructed, the new roadside boundary shall compose of an earthen bank to a consolidated height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.) All landscaping and planting shall take place in the first planting season following occupation of the dwelling.
- b) Alternatively, the new front boundary fence shall be of stone and sod, stone-faced masonry or dry stonewall. The stone used shall be indigenous to the area. The wall shall not be more that 1.2 metres in height over road level.
- c) The area between new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.

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

Condition No. 7

The vehicular access shall be recessed 5 metres from the existing roadside boundary and shall have a minimum width of 3 metres at the inside piers increasing via splay

walls to a maximum opening of 13 metres at the existing roadside boundary. The height of the splay walls shall not exceed 1.2m. At the entrance, a drainage kerb / cattle grid or approved equivalent surface water cut-off drain shall be set back a minimum distance of 3 metres behind the roadside boundary, the surface level of which shall be a minimum of 100mm below the level of the edge of the adjacent public road and it shall discharge to a stone filled sump located within the site. The access, driveway and hard surfaced areas within the site shall be surfaced using permeable finishes. Wing walls shall be of sod and stone, stone faced masonry or dry stone masonry and shall not exceed 1.2m in height over road level.

Reason: In the interest of traffic safety.

#### Condition No. 14

Prior to the commencement of development, a payment of a financial contribution shall be paid to the Planning Authority in respect of public infrastructure and facilities benefiting development in the administrative area of Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act, 2000 (as amended). The amount of the development contribution under this condition is €4,843.44 which is calculated as follows: Total €4,843.44.

#### 3.1.1. Planning Reports

The first report of Planning Authority notes the site location, description of the development, the planning history, internal and external reports, a summary of submissions and all relevant planning policy,

The report noted concern over compliance with policy 5-11 of the Tipperary County Development Plan 2022-2028 which related to the Rural Housing Policy; sightlines and the surface water drainage proposal. The items request can be summarised as follows:

1. Submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:500 illustrating the required sight lines as per Section 6.1

and Tables 6.1 and 6.2 of Volume 3, Appendix 6 of the Tipperary County Development Plan 2022.

2. (a) The Planning Authority has concerns in relation to the proposal to fill the existing land drain along the western site boundary, and the absence of measures to mitigate the loss of such drainage to serve both the subject site, adjacent fields and the public road. The impact of filling in this drain is not clear and may give rise to water management issues or flooding of the site, adjoining lands or public road. The Planning Authority cannot support its infilling unless same is supported by report prepared by a suitably qualified hydrologist assessing the impact of same noting the foregoing concerns.

(B) The applicant is requested to submit, for the consideration of the Planning Authority, a revised site layout plan indicating proposals to collect and dispose of surface waters on the site.

3. Submit further information demonstrating compliance with the requirements of Tables 5.2 and 5.3 and Policy 5-11 of the Tipperary County Development Plan 2022

The applicant submitted a response to the request for Further Information request which can be summarised as follows:

1. Submitted a revised site layout plan to a scale of 1:500 illustrating sight lines from a setback of 2.4m of 90m in both directions.
2. Submitted that the existing open drain on the western site boundary is no longer planned to be infilled and shall be maintained with a low-level fence erected along same, annotated in yellow on the revised plan. Same is acceptable. The applicant has indicated the position of soakpits to BRE 365 standards on the site layout plan.
3. The applicant submitted the following documentation:
  - a. completed Part B of the Planning Application Form, detailing the applicant's previous residences and confirming that they have never owned a dwelling.
  - b. A map showing the applicants family home/place of residence within 1km of the proposed site. o Birth Certificate.

- c. Primary and secondary school records for the applicant, with the applicants home address noted.
- d. A financial statement as proof of address.

The second report of the Planning Authority considered that the response provided was acceptable and a recommendation to grant permission in line with the decision issued was recommended.

#### 3.1.2. Other Technical Reports

No reports received.

#### 3.2. **Prescribed Bodies**

No reports received.

#### 3.3. **Third Party Observations**

The Planning Authority received 1 no. submission the contents of which can be summarised as follows:

- Subject site not in applicants' ownership and the applicant has not demonstrated a rural need.
- A site within this landholding would be a more suitable location for an additional dwelling in the area.
- Design does not comply with rural design guide. - proposed dwelling appear to be very much "off-the-shelf" and are not designed with the specific site in mind.
- Proposal fails to comply with all 13 criteria listed within Volume 3 of the Development Plan
- Policy 5-9 of the Development Plan includes a note requiring "that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity" - the application as submitted includes none of this information.

## 4.0 Planning History

No planning history pertaining to the subject site.

## 5.0 Policy Context

### 5.1. National Planning Policy

#### 5.1.1. National Planning Framework (NPF) – Project Ireland 2040

National Policy Objective 19 states that ‘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

#### 5.1.2. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

### 5.2. Ministerial Guidelines

#### 5.2.1. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

### 5.3. Tipperary County Development Plan 2022-2028.

The site is located within an area defined as being an Area Under Urban Influence as per Figure 5.3 of the current development plan. Section 5.5.1 of the County Plan recognises that the approach to areas identified as being under Urban Influence shall be to “*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 settlement”.*

Section 5.5.2 of the County Plan sets out the rural housing policy and the following tables and policies are noted:

- Table 5.2 - Rural Housing Technical Principles for Applicants
- Table 5.3 - Housing Need Definitions .

The applicant is seeking permission based upon a social need. Table 5.3 defines a social need as:

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:

b) 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.

- Policy 5-1:

Have regard to the County Housing Strategy (or any amendment thereof), when implementing housing programmes, and when assessing proposals for both private and public residential development, to ensure that new housing is provided, and located in a manner that caters for the diverse housing needs of the community, suitable for households of a range of incomes and in tandem with the delivery of social and community infrastructure and amenity.

- Policy 5-9:

Require that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity.

- 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 demonstrate that they have been engaged in farming 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.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/bloodstock 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),
  - iv. The applicant must be actively engaged in farming.
- 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.

Other relevant policies:

#### *Chapter 15 – Water and Energy*

- 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 waste water treatment systems (EPA, 2021) (and any amendment) and the development management standards of this Plan as set out in Volume 3.
- Policy 15-4

Collaborate with Irish Water in contributing towards compliance with the European Union (Drinking Water) Regulations Drinking Water Regulations 2014 (as amended) and compliance of water supplies with the parameters identified in these Regulations. Where new developments cannot be served by public water supply, the Council will consider a private water supply where the developer can demonstrate that any new supply is adequate to serve the proposed development and that for domestic use; it is safe to be consumed as drinking water. Groundwater abstractions must comply with EPA policies and guidelines.

- Policy 15-7

Require all new development to provide a separate foul and surface water management system and to incorporate nature-based water sensitive urban design, where appropriate, in new development and the public realm.

#### Volume 3 Appendix 6 Development Management Standards

- Section 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.

- Section 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.

- Section 4.14 Domestic Garages

The scale and detail of domestic garages shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm and should be discreetly located on the site to compliment the dwelling appearance and finish.

- Section 6.1 Road Design & Visibility at a Direct Access

#### 5.4. **Natural Heritage Designations**

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c6.55km to the north-east of the Lower River Suir SAC (Site Code 002137).

### 6.0 **EIA Screening**

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

### 7.0 **The Appeal**

#### 7.1. **Grounds of Appeal**

A third-party appeal was received by An Bord Pleanála. The grounds of the appeal can be summarised as follows:

- Rural Housing Policy
  - Policy 5-9 requires that applicant provide for climate change actions- no information provided by the applicant or sought by the Planning Authority.
  - While it is proposed to provide for 7 PV panels – passive house guidance recommends 11 PV Panels for a 4 bed dwelling.
  - No rainwater harvesting/green roof/waste reduction measures proposed – Planning Authority have failed to enforce their own policy.
  - Policy5-11 Facilitate proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19.

- Application as submitted fails to adhere to the Rural housing design guide of the County Plan.
- Siting of dwelling does not respect the landscape/environment/road traffic safety/surroundings.
- Dwelling orientated directly north-south even though site boundaries rub at an angle to this – sits at an oblique angle to the hedge when viewed from the road.
- House is sited c.550m from nearest dwelling – greater car dependence. If located within the rural cluster the environmental impact would be reduced both at construction and habitation phase.
- Sightlines
  - Drawing submitted as part of Further Information response is not satisfactory – fails to comply with the requirements of DMURS to undertake a survey over a period of three days (excluding a weekend).
  - Further information attempts to justify the deviation with reference to the low-speed limit and physical characterisation of the road – this is an attempt to rely on both situations set out in the development plan however both are mutually exclusive.
- Location of the site
  - No objection to the applicant obtaining permission for a dwelling but would question the appropriateness of the location of the site being proposed.
  - The subject site is noted and being one under urban influence.
  - The landholding document demonstrates a more favourable location could have been selected while also complying with development plan criteria relating to ribbon development.
- Rural Housing Design Guide
  - The guide lists 14 considerations that should inform design and the proposal fails in the following way:

- Site selection – more appropriate options in family landholding.
- Proximity to amenities: site selection reduces applicant to rely on /help neighbours.
- Orientation, Energy Efficiency, Solar Gain – all primary living rooms are orientated in a northern direction. Location of garage will cast shadow over rear elevation of dwelling/amenity space.
  - Cumulative glazing area on southern façade c.8sq.m V's c.14..5sq.m on northern elevation – layout counter intuitive in terms of solar gain.
  - Other than PV panels no other information provided with regard to renewable energy sources.
- Infrastructure and Services: site is not serviced. Alternative sites are connected to a group water scheme and also served with broadband and electricity cables.
- Entrance Safety – entrance fails to meet sightlines and justification provided not adequate.
- Landscape and Planting – No landscape plan submitted, and dwelling would raise more than 5m above existing ground level. NO landscape plan conditioned – paving the way for a standalone dwelling to sit isolated and exposed in the middle of a field. Dwelling would be visually incongruous with the surrounding landscape.
- Security – 550m to the nearest dwelling. The proposal is isolated and vulnerable.
- Rural design guide states:
  - If a potential site does not satisfy most of these essential criteria, then alternative locations should be sought.
- The proposal fails to comply with 7 criteria of rural design guide. Therefore, should be refused.
- Telephone/electricity services - the nearest telephone/electricity services is at a distance of c.550m. Condition no. 10 only serves to

undermines the unsuitability of the site given the core aspect of modern living – Remote Working.

- Vehicular entrance – guideline states driveway should be indirect, gently crossing the natural contours of the site. The driveway is proposed as a straight line perpendicular to the road.
- Recommend that off the shelf design is avoided – proposal is not site specific in terms of its design and does not enhance Tipperary countryside.
- Requires applicant to demonstrate compliance with the Building Regulations, aim to enhance ensure that your dwelling will be an NZEB dwelling – not submitted or requested.
- Overall hard to see how the Planning Authority considered that the overall design, scale, orientation and material finishes of the proposed dwelling e proposed dwelling is satisfactory and is considered to meet the requirements of Appendix 4 of TCDP 2022-2028.
- Wastewater treatment /Water Supply
  - Proposal provides for a new well which is located less than c.2m from the site boundary which does not accord with EPA- suggests 3m fenced off distance from animals.
  - Discrepancies between Engineering drawings and site layout plan in terms of the Wastewater treatment plant:
    - Polishing filter length – required to be c.9.375m long by engineer on site plan indicated to be c.8.1m.
    - Distance from polishing filter to boundary – c.5.6m on engineers drawing and c.3.58m on site layout plan.
    - Distance from treatment plant to dwelling – c.14.31m on engineers drawing and c.11.3m on site layout plan.
  - Site characteristic report references a number of documents that have been included in various appendices which have not been attached/submitted.

- 3 no. soak-pits proposed – soak-pit identified as no. 3 is set c.3.5m from eastern elevation of the dwelling. This separation distance not in accordance with BRE 365 – requires a 5m separation distance.
- Water supply/wastewater treatment system/SUDs proposals all present conflicting or lacking information.
- Other issues
  - Application was not assessed correctly – validation list there are a number of inconsistencies.
  - Term sustainable development is referenced 30 times within the Tipperary County Development Plan. Numerous references are also made to Climate Action and targets – all failed to be considered as part of the assessment of this application.
  - The application was not accompanied by a section 5 declaration.

## 7.2. Applicant Response

Response from the applicant was received by An Bord Pleanála on the 25<sup>th</sup> January 2025. The comments made can be summarised as follows:

- **Point 1 - Housing Need being social rather than economic.**

The Planning Authority applied the requirements of Section 5.5.1 – Rural Area Designations and the principles set out in table 5.2 Rural Housing Technical Principles for Agents which the applicant demonstrated compliance with.

- **Point 2 – Location of site**

All other site possibilities on landholding were considered but deemed not suitable due to sightline issues.

- **Point 3 – Section 5.6: Planning Policy County Development Plan**

- Appellant is taking literal reading of policy which is a guidance.
- Reader has misunderstood how guidance in County Plan and accordance of building regulations are applied – design meets county development plan and NZEB standards.

- Not a requirement to have permission for solar panels since October 2022.
- Reference to u-values of windows, green roofs and solar panels are all moot as they will be submitted at commencement notice stage.
- Not an absolute requirement of the County Plan to provide for a passive standard house.
- **Point 4 – Policy 5-11**
  - Siting and design – all reference to the manual has forgotten that it is a guide not absolute. Orientation and layout was considered in terms of solar gain – kitchen and dining rooms are one most utilised.
  - Layout accord with the manual and the development management standards.
- **Point 5 – Sight lines.**
  - Information provided is not vague – cutting back the ditch is consistent with the request from the Planning Authority.
  - Suggestions that 31m of hedging to be cut back is not the case – 63.3m is what is required as indicated on plan.
  - While survey was undertaken on a Saturday – given the rural context it would have been the same during a weekday.
  - Survey determined that the road speed was 60 km/hr and 90m sightlines required were provided for.
- **Point 6 - Waste Water Treatment Plant**
  - It is clear on site plan that details of engineer drawings are to be followed.
  - Condition no. 5 ensures WWTP will be installed and supervised by engineer.
  - Soak pits on site plan are indicative – can be slight differences between various drawings.
- **Point 7 – Utility Services**

Not all services need to be provided via cable – services available via satellite.
- **Point 8 – Passive Solar Gain**

The design is not off the shelf – the dwelling and site layout (orientation) was considered by the applicant and agent in some detail.

The proposal provides for solar panels and will be fully compliant with NEZB standard.

Part V exemption for a one of rural house is not required.

- **Point 9 – conclusion**

3<sup>rd</sup> party appeal relies on misinterpretation of planning policy – conflating issues to suggest applicant does not have a housing need and that the design hasn't considered best practice in terms of siting an design.

Proposal does not directly impact upon the appellant – however it may have implications for speculative development in which the appellant is involved with.

### **7.3. Planning Authority Response**

None received.

### **7.4. Further Responses**

A further response was received from the appellant on the 20<sup>th</sup> February 2025 and notes the following:

- Response to point 2 of applicant's submission: Ribbon Development.

Applicant has a misunderstanding of what ribbon development is – defined in Tipperary Rural Housing Design Guidelines define ribbon development as 5 or more dwellings along any one side of a 250m stretch of road.

No houses within applicants' family land holding is accessed from eastern side of the road – applicant family home at the Cross roads is accessed from L8017 and the 1<sup>st</sup> house on the road north of the cross roads is located on the eastern side. There are 7 houses along the western side of this stretch of road – not relevant to any ribbon development that may occur on the opposite side of the road.

- Response to point 5 of applicant's submission: Sight lines.

Calculation of distance of sightlines was inherently flawed – Section 6.1.1 of Appendix 6 of the County Plan states operational speed shall be determined by

measurement of actual speeds between 07:00 am and 07:00 pm over a period of three days, excluding weekends or public holidays.

Applicant by own omission did not comply with Section 6.1.1 – survey undertake on Saturday and were only taken on one day.

Planning Authorities decision is also flawed based on this survey.

Reliance on less hedge removal having less environmental impact – Section 6.1.1 concerned with traffic safety not environmental issues.

Applicant accepts that they have only applied one metho for calculating the operational speed of the road – does not rely on methodology described in 10.2 of DN GEO 03031: Rural Road Link Design (TII April 2017) to determine a design speed on the physical characteristics of the road section.

- Response to point 8 of applicant's submission: Part V.

With regard to Part V exemption – every local authority around the county requires the provision of a Part V exemption certificate with all applications for a single dwelling.

- Response to point 9 of applicant's submission: Conclusion.

Comments relating to the proposed wind farm development is irrelevant to the appeal submission.

Appellant is a neighbouring landowner and has a legitimate interest.

## 8.0 **Assessment**

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 local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Rural Housing Policy.
- Rural Housing Design Guidelines.
- Access.
- Public Health.
- Other matters.

## 8.1. Rural Housing Policy

- 8.1.1. The appellant has raised concerns over the applicant's compliance with the rural housing policy, namely Table 5-2 of the Tipperary County Development Plan 2022-2028 which provides for a Rural Housing Technical Principles for Applicants and requires the applicant to demonstrate compliance with 'Tipperary Rural Housing Design Guidelines' as set out in Volume 3 of the County Plan. The appellant also raises concerns with regard to Policy 5-9 of the Tipperary County Development Plan 2022-2028 which requires that "*climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity*".
- 8.1.2. While the appellant notes that the applicant has indicated the provision of 7 PV solar panels on the roof profile and the provision of windows with a u-value of 1 or more, no further provisions have been included. It is contended that the Planning Authority in their assessment of the planning application, who remained silent in their report on Policy 5-9, failed to enforce their own policy.
- 8.1.3. The applicant in their response considers that the appellant is applying Policy 5-9 literally as opposed to reading it as a guidance. It is contended that the appellant has misunderstood how guidance set out within Tipperary County Development Plan 2022-2028 should be applied. The applicant states that the design meets all the requirements of the county development plan and NZEB (Nearly Zero Energy Build) building regulations. The applicant asserts that it is not an absolute requirement of the County Plan to provide for a passive house.
- 8.1.4. While I note the main concern of the appellant relates mainly to the design and siting of the proposed dwelling in terms of the requirements of the 'Tipperary Rural Housing Design Guidelines' as set out in Volume 3 of the County Plan, in the first instance, it is important to assess whether or not the applicant can demonstrate that they have a rural housing need. I have undertaken an assessment of the Tipperary Rural Housing Design Guidelines under the next section of this report – Section 8.2.
- 8.1.5. The subject site which is located within the rural townland of Rossestown is identified on Figure 5.3 of the Tipperary County Development Plan 2022-2208 as being within an area under Urban Influence. In the first instance the applicant failed to provide any

documentation to prove their connection with the area or housing need. In addition, Form B of the Planning Application form was not submitted either.

- 8.1.6. On foot of a request for further information, the appellant submitted a completed Part B of the Planning Application Form, detailing the applicant's previous residences and confirming that they have never owned a dwelling; a map showing the applicants family home/place of residence within 1km of the proposed site; a Birth Certificate; primary and secondary school records for the applicant, with the applicants home addressed noted; and a financial statement as proof of address.
- 8.1.7. The applicant has indicated under question 7 of Part B of the Planning Application Form that they have a specific need to live at this location as it is the most appropriate site for development available from the family's land holding. It is further stated that under question 12 that the applicant is a son of a local farmer, and that the applicant currently resides with parents. It is his intention to work from his new home remotely 4 days a week and travelling to Dublin 1 day a week. As such, it is asserted that the applicant has social and economic need to live at this location.
- 8.1.8. With regard to demonstrating 'social need' Policy 5-11 states that *"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 that the applicant does not, or has never owned a house in the open countryside.*
- 8.1.9. The applicant has submitted a letter from Rahealty National school which demonstrates that he resided at the home address for a period of 7 years, from 1988 to 1996. The applicant has also submitted a letter from the Christian Brothers School, Thurles which demonstrates that he resided at the home address for a period of 6 years, from 1996-2002. This demonstrates that the applicant resided at the home address for a period of 13 years. The applicant has also submitted a letter from a banking institution addressed to him at the family home address, an OSI map which demonstrates that the subject site is within the family ownership and also a copy of his birth certificate.
- 8.1.10. Having regard to the documentation submitted, I consider that the applicant has clearly demonstrated that they have a rural housing need and are therefore in compliance with the requirements of Policy 5-11 of the Tipperary County Development Plan 2022-2028.

- 8.1.11. With regard to Policy 5-9 of the Tipperary County Development Plan 2022-2028, the plans submitted have indicated the provision of a number of PV solar panels which will provide for solar gain and also the provision of windows with a u-value of 1. While the applicant has not provided for any documentation with regard to provision of Policy 5-9, I consider that the efforts have been made by the applicant in an effort to comply with Policy 5-9 in terms of minimising energy use. Furthermore, on review of the specific wording of policy 5-9, I consider that the development plan remains silent on what is required to demonstrate compliance with the subject policy.
- 8.1.12. The appellant has further questioned the appropriateness of the location of the subject site and argues that the family landholding document submitted to the Planning Authority demonstrates a more favourable location could have been selected while also complying with development plan criteria relating to ribbon development. It is contended that the subject site is isolated in nature being located c.550m from the nearest dwelling and that the location of the proposed dwelling will create greater car dependency than if it was located within the nearest rural cluster. It is further stated that the environmental impact would be reduced both at construction and habitation phase if it was to be located elsewhere within the family landholding.
- 8.1.13. The applicant in their response stated that while other sites within the family landholding were considered during the design period none were deemed to be as appropriate as the subject site as issues arose with regard to sightlines and access.
- 8.1.14. While I note the appellants concerns over the suitability of the site selection in terms of sustainability, I consider that the applicant has undertaken due diligence when it came to site selection and demonstrated this site to be the most appropriate. From undertaking a site visit I do note that there is a rural cluster of dwellings located to the east of the subject site. There are no services in terms of a local shop or education facilities located within this cluster and as such the residents of these dwellings are all car reliant. The subject site, being located c.550m to the west of this rural cluster is at a similar distance to local services as those dwellings located within the rural cluster.
- 8.1.15. Furthermore, I note that Policy 5-12 of the Tipperary County Development Plan 2022-2028 states “*Where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting ‘ribbon development’ the Council will seek to resist further development in the interest of road traffic safety, visual amenity*”

*and groundwater quality. An additional individual dwelling, either within, or extending the existing ribbon pattern, will be facilitated in the following circumstances: (i) he applicant can demonstrate an Economic or a Social Need (as outlined in Table 5.3), existing or shared accesses are used where practicable, and it is demonstrated that no alternative exists outside of Ribbon Development. (ii) Where the site is a 'Gap Site', defined as a site located within a line of existing and permitted dwellings, one dwelling site only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwelling."*

8.1.16. The ribbon development located at the cross-roads within Rossestown currently comprises c.8 no. dwelling units along a stretch of road which measures at c.500m. The same situation applies to the land in the family ownership located at Garranroe. While I note that the applicant would be able to demonstrate a social need to live on a site within the ribbon development, he would not be able to demonstrate that there would be no alternative site that could facilitate a dwelling outside of the ribbon development. As such, in the instance that the applicant was proposing to locate the proposed dwelling within this rural cluster they would not be in compliance with Policy 5-12 of the County Plan.

8.1.17. Therefore, in conclusion I consider that the applicant has demonstrated that the subject site is acceptable in terms of its location.

## **8.2. Rural Housing Design Guidelines**

8.2.1. The appellant contends that the proposal submitted has failed to adhere to the Rural Housing Design Guide of the Tipperary County Development Plan 2022-2028. The appellant considers that the siting of the dwelling does not respect the landscape/environment/road traffic safety/surroundings. With regard to orientation of the dwelling, the appellant states that the proposed dwelling sits at an oblique angle to the hedge when viewed from the road.

8.2.2. The appellant makes further reference to the Tipperary Rural Housing Design Guide which forms Appendix 4 of the County Plan. It is contended that the proposal fails to comply with step 1 of the Manual (Rural Housing Design Guideline) which sets out 14 considerations which should inform the design of the dwelling. The appellant has set

out how they consider that the proposal has failed in terms of site selection, proximity to amenities, orientation, energy efficiency, solar gain, infrastructure and services, entrance safety, landscape and planning and security.

- 8.2.3. The appellant concludes that the proposal is not site specific in terms of its design and appears to read as an off the shelf design which the Manual seeks to avoid and does not enhance Tipperary countryside. The appellant has asserted that they consider that the proposal fails on 7 criteria set out within the Rural Housing Design Guide and as such it should have been refused.
- 8.2.4. The applicant in their response notes that the Rural Housing Design Guide is a guide and not an absolute. It is stated that the orientation and layout was considered in terms of solar gain and that the site layout accords with all the requirements of the Rural Housing Design Guide and the development management standards.
- 8.2.5. From assessment of Appendix 3 of the Tipperary County Development Plan 2022-2028 which sets out the Rural Housing Design Guide, referred to as the Manual, I note that this document aims to provide guidance on planning a one-off house in the countryside and sets out the importance and relevance of the site selection and appropriate sustainable design for one-off houses in rural areas.
- 8.2.6. Step 1 of the manual relates to assessing the requirements of the applicant and provides for a list of 14 considerations which should be included in the design brief stage. It is these criteria that the appellant considers that the proposal fails to comply with. I have set out below an assessment of the concerns raised by the appellant with regard to the 7 no. criteria they consider the proposal fails to address:
- Site location and planning policy: The appellant contends that there is more appropriate options within the family landholding of the applicant. I have considered this concern in sections 8.1.12, 8.1.13, and 8.1.4 above and I concluded that the site selected is appropriate for development.
  - Proximity to amenities: The appellant contends that the site selected reduces the applicant's ability to rely upon or help neighbours. The subject site is located c.550m to the west of the nearest rural cluster of dwellings. Again, as stated above there are no services in terms of a local shop or education facilities located within this cluster and as such the residents of these dwellings are all car reliant. The subject site is at a similar distance to local services as those

dwellings located within the rural cluster and as such, I do not accept the appellants concerns with regard to proximity to amenities.

- Orientation, Energy Efficiency, Solar Gain: The appellant contends that all primary living rooms are orientated in a northern direction and that the location of the proposed garage will cast shadow over rear elevation of dwelling/amenity space. It is further stated that other than UV panels no other information has been provided with regard to renewable energy sources. The proposed dwelling has been orientated on site in a manner to allow for the rear private amenity space to have a southern orientation. The Kitchen/dining room has been located at the north-eastern side of the dwelling with the living room located to the front having a northern orientation. While I note that the layout is more traditional in form, I consider that the inclusion of solar panels will allow for the dwelling to be energy efficient and the solar gain to the private amenity space will make this area more pleasant for the future occupant.
- Infrastructure and Services: The appellant states that the site is not serviced and other sites within the family landholding closer to the rural cluster could avail of access to a group water scheme, broadband and electricity cables. While I note the comments made, the proposal would still have to provide for a wastewater treatment plant and no evidence has been presented to demonstrate that there is capacity in the group water scheme to serve another dwelling.
- Entrance Safety: The appellant contends that the entrance fails to meet sightlines and justification provided does not accord with the requirements of Section 6.1.1 of appendix 6 of the Tipperary County Development Plan 2022-2028. This is discussed further within section 8.3 of my report.
- Landscape and Planting: The appellant states that no landscape plan has been submitted as part of the planning application documentation and no landscaping condition has been included by the planning authority. The proposal would raise more than 5m above existing ground level would be visually incongruous with the surrounding landscape. I consider that in the event the Board were minded to grant permission for this development, a condition should be included to require the applicant to submit a landscaping

plan for the written agreement of the Planning Authority, that would be undertaken during the first planting phase after commencement of works on site.

- Security – The appellant states that the proposal is isolated and vulnerable. I note that the subject site is located c.550m to the west of the nearest dwelling which would equate to a 1-minute drivetime. As such, I do not consider that the proposed dwelling would be isolated. Furthermore, security measures such as CCTV or connected alarm systems could be easily implemented.

8.2.7. While the design of the proposed dwelling is consider to be traditional in form, I consider that it is in keeping with the context of the surrounding area noting the single storey nature together with the material proposed, would not be visually dominant upon the L8017 Rossestown Road, will provide for a sustainable form of development having regard to the proposed inclusion of PV solar panels and as such would be in accordance with requirements of the Rural Housing Design Guide – Appendix 4 of the Tipperary County Development Plan 2022-2028.

### **8.3. Access**

8.3.1. The appellant contends that drawing submitted as part of the response to further information in terms of sightlines is not satisfactory as the findings are based on a survey which was not undertaken over the required 3-day period. It is further asserted that while attempts to justify the deviation in the required sightlines with reference to the low-speed limit and physical characterisation of the road, it would appear that the assessor is attempting to rely on parts of both situations set out within Section 6.1 of the Appendix 6 “Development Management Standards” of the Tipperary County Development Plan 2022-2028, however both are mutually exclusive and therefore should not be interchanged.

8.3.2. The applicant in response recognises that the survey was undertaken on a Saturday but considers that having regard to the rural nature of the subject road, findings would be the same during the week. The applicant argues that the survey undertaken has demonstrated that the road speed was 60km/hr and as such sightlines of 90m are required and it has been demonstrated to be obtainable without the requirement to undertake work to the front boundary of the site.

- 8.3.3. I note that since the Planning Authority issued their decision, Tipperary County Council have stated on their web page that in line with requirements of the Department of Transportation and the Road Traffic Act 2024 that the speed limit of all Local Roads including the L8017 will be reduced to 60km. This came into force on Friday the 7<sup>th</sup> February 2025.
- 8.3.4. As such, having regard to the mandatory speed limit of 60km posted for the L8017 the proposed vehicular entrance needs to provide for sightlines of 120m in both directions from a 2m set back position in accordance with Section 6.1 of Appendix 6 “Development Management Standards” of the Tipperary County Development Plan 2022-2028. Section 6.1.1 of Appendix 6 provides details of what is required for undertaking an operational speed survey. It states that *“operational speed shall be determined by measurement of actual speeds between 07:00 am and 07:00 pm over a period of three days, excluding weekends or public holidays.”* It further states that *“as an alternative, the applicant may use the methodology described in Section 10.2 of DN GEO 03031: Rural Road Link Design (TII, April 2017) to determine a design speed based on the physical characteristics of the road section.”*
- 8.3.5. On foot of a request for Further Information the applicant submitted a sight line assessment. The speed survey was undertaken on the 21<sup>st</sup> September 2024 at 16:15 and found that the operation speed from the left direction was 55.65km/hr while it was recorded as 52.41km/hr from the right. I note that the 21<sup>st</sup> of September was a Saturday and that this was the only day the survey was indicated as having been undertaken on.
- 8.3.6. I have significant concern over the speed survey as submitted. In the first instance the methodology applied, with the survey having been undertaken on one day which was a Saturday, fails to comply with Section 6.1.1 of Appendix 6. The applicant has also not sought to apply the alternative methodology described in Section 10.2 of DN GEO 03031: Rural Road Link Design (TII, April 2017). As such, I do not consider that this assessment can be relied upon to determine sightlines at this location and the assessment undertaken is therefore considerable flawed.
- 8.3.7. I note from undertaking a site visit that I observed cars traveling on this section of the L8017 at some speed which I would consider to be in excess of the posted 60km speed limit. Furthermore, while standing at the point of where it is proposed to locate

the vehicle entrance to serve the subject site there are a number of severe bends on the road within 200m of the entrance both to the right and left. While the assessment submitted states that these bends will act as a natural calming effect, I consider that they would only exasperate and reduce further the sightlines available.

- 8.3.8. On balance, I do not consider that the speed survey assessment provided by the applicant to be robust or in accordance with Section 6.1 of Appendix 6 “Development Management Standards” of the Tipperary County Development Plan 2022-2028 and as such cannot be relied upon to ascertain the vehicular safety and visibility splays available to cars egressing the subject site. The applicant has failed to demonstrate what the actual speed limit of the L8017 is and as such what sightlines would be required. In the absence of an accurate speed survey the applicant would be required to provide for sightlines of a distance of 120m, in accordance with Table 6.2 of Appendix 6 of the County Plan, in both directions. Plans submitted only indicate the provision of 90m sightlines.
- 8.3.9. Therefore, on the basis of the information submitted an available I am not satisfied that the applicant has clearly demonstrated that the proposed access would not result in the creation of a traffic hazard due to limited sightlines at the proposed entrance due to the horizontal alignment of the road and on that basis, I recommend that permission be refused.

#### **8.4. Public Health**

- 8.4.1. The appellant has raised a number of concerns over the proposed wastewater treatment plant and proposed well that will serve the proposed development. Primary the concerns relate to discrepancies between distances and dimensions shown on the site layout plan and engineering drawings submitted with the application.
- 8.4.2. With regard to the provision of the proposed well, the appellant notes its location which has been set c.2m from the eastern boundary of the subject site which is not in accordance with the EPA Code of Practice, 2021 which requires a minimum 3m separation distance from any boundary of a site. It is further asserted that the site characteristic form submitted makes reference to a number of documents which have been included as appendices to such, however these have not been submitted.

- 8.4.3. The appellant also raises concern over the 3 no. proposed soakpits. It is contended that soakpit no. 3 is set c.3.5m from eastern elevation of the dwelling and that this separation distance not in accordance with BRE 365 which requires a 5m separation distance from the main dwelling. As such the appellant concludes that the water supply/wastewater treatment system/SUDs proposals all present conflicting or lacking information.
- 8.4.4. The applicant in their response states that it is clear on the site layout plan submitted that details of engineer drawings are to be followed and that Condition no. 5 of the grant of permission ensures that the installation of the wastewater treatment plant must be installed and supervised by engineer. Furthermore, it is asserted that the location of soakpits on the site plan are indicative and can differ slightly between various drawings.
- 8.4.5. I note that the well as proposed well to serve the dwelling is located c.2m from the eastern boundary of the site. While the appellant has made reference to a requirement of the EPA Code of Practice and separation distances of wells from boundary of a site, I have not found any guidance to that extent being present in either the EPA Code of Practice 2021 or the EPA Advice Note No. 14: Borehole Construction and Wellhead Protection. As such, I consider that the proposed location for the well, which is in excess of c.30m to the east of the waste water treatment plant, to therefore be acceptable.
- 8.4.6. The applicant as part of the planning documentation submitted a Site Characterisation Report that identifies that the subject site is located in an area with a 'Locally Important Aquifer' (LI) where the bedrock vulnerability is 'Medium'. A ground protection response of 'R1' is noted. Accordingly, I note that the suitability of the site for a treatment system is therefore, in line with EPA Code of Practice, subject to normal good practice.
- 8.4.7. The trial hole depth referenced in the Site Characterisation Report was 1.8 metres with the water table being encountered at 1m below ground level. The assessment notes that no rock was encountered in the trial hole. The trial holes were dug on the 8<sup>th</sup> May 2024 at 09.45 and examined the next day at 09.30. I note that the trial holes were soaked three times on the 9<sup>th</sup> May 2024 and re-soaked on the same day with no time given for any soaks undertaken. On site inspection I found the ground to be dry and firm underfoot with a dry ditch running along the front boundary of the site.

- 8.4.8. The report notes that the calculation of a T value was not possible due to the high-water table and that the provision of a raised solution will therefore be necessary. The Planning Authority notes in their assessment that *“a surface percolation test was undertaken. Subsurface tests were not undertaken due to the highwater table encountered. The surface drainage value recorded was 26 which is within acceptable parameters. A secondary treatment system with raised polishing filter is proposed to ensure an adequate depth of soil is provided over the water table. The wastewater proposals are acceptable and meet EPA 2021 Code of Practice requirements.”*
- 8.4.9. Having reviewed the Site Characteristic forms submitted I would have concern over the adequacy as to how it was completed. I note that the assessor has failed to provide the required details of the soaks which were undertaken with regard to timelines - no times have been provided for. In addition, notwithstanding the high-water level, it is considered that a T calculation should also have been provided. Therefore, I do not accept that the applicant has demonstrated that the proposed treatment plant would accord with the requirements of the EPA 2021 Code of Practice.
- 8.4.10. The EPA Code of Practice notes that *“both a subsurface and a surface percolation test are required to establish percolation value for soils that are being considered to be used for constructing a raised/mounded percolation area, raised intermittent filter, raised polishing filter, low-pressure pipe distribution system or drip dispersal system discharging at or above the ground surface. subsurface test will confirm the suitability of the underlying soil to ensure adequate infiltration through the subsoil”* (pg 26). As such, in the absence of a Subsurface tests I cannot conclude that the proposal to utilise a raised polishing filter is acceptable on this site. Therefore, I cannot conclude that to grant permission for the proposed development would not be prejudicial to public health.
- 8.4.11. Furthermore, I also concur with the concerns raised by the appellant with regard to the discrepancies between the engineer drawings and site layout plan submitted as part of the application documentation. I do not accept the statement of the applicant that this is considered acceptable as a condition of permission ensures that the works will be overseen by a specialist. One specific discrepancy relates to the location of the treatment system (sump chamber and pump). A robust assessment of the proposed wastewater treatment cannot be undertaken if the exact location of the treatment plan is not known. This is ss a result of the discrepancies between these two drawings. I

consider that information provided on all drawings submitted should be consistent and this is not a matter which can be overcome by way of condition.

## **8.5. Other matters**

### **8.5.1. Part V Declaration**

The appellant has stated that the subject application should have been accompanied by a Section 5 declaration and that this is a requirement for all development seeking permission for a one-off rural dwelling. The applicant in their response has refuted this and argues that it is not a requirement.

I note that a Section 97 application, which seek to demonstrate that an applicant is exempt from the requirements of Part V of the Planning and Development Act 2000 (as amended) is a separate process to the submission of a planning application and is usually done prior to the lodgement or can coincide with the lodgement of a application for planning permission. In this instance, the applicant has not submitted a Section 97 application however I consider that this matter can be overcome by way of a condition of planning.

### **8.5.2. Discrepancies in validation of planning application**

The appellant has raised concerns over the validation process undertaken by the Planning Authority. The issues relate to the omission of submission of Part B of the Planning Application Form which is required for an application for a rural dwelling; site plan submitted did not provide for distances to boundary of site from proposed dwelling.

I note that the Planning Authority consider that the application was acceptable in light of the validation processes. I therefore accept that the assessment of the Planning Authority in terms of validity to be acceptable.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located c6.55km to the north-east of the Lower River Suir SAC (Site Code 002137).

9.2. The proposed development comprises of the provision of a 4 bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works located within the Townland of Rossestown, Thurles, Co. Tipperary. 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. The reason for this conclusion is as follows:

- The proposed works are limited in scale.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.3. 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.

## **10.0 Recommendation**

I recommend that the Board overturn the decision of Tipperary County Council and refuse planning permission for the reasons set out below.

## **11.0 Reasons and Considerations**

1. On the basis of the information submitted an available, the applicant has filed to demonstrate that the proposed access would not result in the creation of a traffic hazard due to limited sightlines at the proposed entrance due to the horizontal alignment of the road. Therefore, it is considered that the proposed vehicular be prejudicial to public safety and not be in keeping with the proper planning and sustainable development of the area.
2. Having regard to the soil conditions and high-water table, the Board is not satisfied, on the basis of the site characteristic forms submitted with the planning application, that the proposed raised polishing filter is acceptable on this site. The

proposed development would, therefore, be prejudicial to public health and not in keeping with 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.

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Kathy Tuck  
Planning Inspector

XX March 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-3215579-25		
<b>Proposed Development Summary</b>	Construction of a 4 bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works.		
<b>Development Address</b>	Rossestown, Thurles, 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	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<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	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X	Screening determination remains as above (Q1 to Q4)	

Yes		
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 321579-25</b>	
<b>Proposed Development Summary</b>	Construction of a 4 bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works.	
<b>Development Address</b>	Rossestown, Thurles, 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>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development.</b>  <b>Is the nature of the proposed development exceptional in the context of the existing environment.</b>	The proposed development is for 1 no. dwelling houses. There are existing dwelling houses in the proximity of the site. The proposed development would not be exceptional in the context.	<b>No</b>
<b>Will the development result in the production of any significant waste, emissions or pollutants?</b>	The development would not result in the production of significant waste, emissions, or pollutants.	<b>No</b>
<b>Size of the Development</b>  <b>Is the size of the proposed development exceptional in the context of the existing environment?</b>	The proposed development is 1 no. dwelling. The size is not exceptional.	<b>No</b>
<b>Are there significant cumulative considerations having regard to</b>	There would be no significant cumulative considerations,	<b>No</b>

other existing and / or permitted projects?	notwithstanding the development of an agricultural equipment store on the site.	
<b>Location of the Development</b> <b>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</b>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p>	
<b>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</b>	<p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

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

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

Appendix 2  
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c6.55km to the north-east of the Lower River Suir SAC (Site Code 002137).

The proposed development comprises of the provision of 4 bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works located at Rossestown, Thurles, Co. Tipperary. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

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.

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