



An
Bord
Pleanála

Inspector's Report

ABP-322086-25

Development	To construct new dwelling, attached carport/store, septic tank and percolation area, vehicular entrance and all associated site works.
Location	Knockanacree Townland, Cloughjordan, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	2460720.
Applicant(s)	Mariola Casey.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Mariola Casey.
Observer(s)	None.
Date of Site Inspection	26 th May 2025.
Inspector	Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site has a stated area of c.1.064ha and located within the townland of Knockanacree approximately 1km north of Cloughjordan, Co Tipperary. The subject site is access from the L1060.
- 1.2. The site is currently undeveloped and set back approximately c.420m from the L1060. The site shares its northern boundary with the Knockanacree forest which provides for a number of public walkways.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey dwelling and a car port. The proposed dwelling is elongated in form having a length of c. 37.3m and a width of c.12.7m. The proposed dwelling is finished with a flat roof profile with a mono-pitch feature which has a maximum ridge level of c.4.15m which reduces to c.2.93m.
- 2.2. The proposed car port projects c.7.1m from the northern elevation of the proposed dwelling and provides car parking for 2 no. cars.
- 2.3. Permission is also sought for a septic tank, vehicular entrance and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information, the Planning Authority issues a decision to refuse planning permission on the 19th February 2025 for the following reason:

1. *The application site is located in a rural area designated as 'Open Countryside' under the Tipperary County Development Plan 2022-2028. Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 set out the following requirements (inter alia) for new rural dwellings:*
 - *An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own or have never owned a dwelling in a rural area.*

The Planning Authority is not satisfied, having regard to the information submitted as part of this application, including further information submitted, that the applicant satisfies the requirements of Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location, as the applicant, or spouse, currently owns a dwelling in the rural area. The proposed development would contravene the stated policies and objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer notes the location of the site, details of the proposed development, relevant planning history pertaining to the site, details of reports received from internal and prescribed bodies, relevant local planning policy and provides or an EIA and AA Screening determination.

The assessment considered that the applicant should be requested to provide further information to demonstrate compliance with the rural housing policy. A request for further information was issued on the 24th October 2024 and requested the following:

- 1. The applicant is requested to submit, for the consideration of the Planning Authority, information that substantiates the housing need circumstances outlined in the documentation submitted on behalf of the applicant. In this regard the documentation must clearly demonstrate the applicants current housing need noting the applicants' personal circumstances and residence history. In this regard it is a requirement under Policy 5-11 that an applicant does not or has never owned a house in the open countryside.*

The applicant submitted a response on the 20th January 2025 which reiterated the applicants personal circumstances and housing need.

The second report of the Planning Officer considered that the further information response only confirmed the information originally presented and did not demonstrate further compliance with the rural housing policy. Therefor the report concluded that the applicant failed to demonstrate compliance with the requirements of Policy 5-11 for a

rural dwelling at this location and a recommendation in line with the decision issued was made.

3.2.2. Other Technical Reports

- District Road Engineer: Report dated the 9th October 2024 recommended that permission be granted subject to condition.
- Water Services: Report dated the 4th September 2024 recommended that permission be granted subject to condition.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

PA Ref 23284: Permission REFUSED for the construction of a dwelling house, attached carport/store, installation of new wastewater treatment plant with percolation area, new entrance and all associated site works. The reason for refusal was as follows:

1. The application site is located in a rural area designated as 'Open Countryside' under the Tipperary County Development Plan 2022-2028. Section 5.5.2, Table 5.2 and Policy 5-1 1 of Tipperary County Development Plan 2022-2028 set out the following requirements (inter alia) for new rural dwellings:

- *An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own or have never owned a dwelling in a rural area.*

The Planning Authority is not satisfied, having regard to the information submitted as part of this application, including

further information submitted, that the applicant satisfies the requirements of Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 of the Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location, as the applicant, or spouse, currently owns a dwelling in the rural area. The proposed development would contravene the stated policies and objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

PA Ref 22392 Permission sought for new dwelling house, attached car port and store, install ETU with percolation area, form new entrance and all associated site works. The application was subsequently withdrawn on 22/02/2023.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework (NPF) – First Revision.

National Policy Objective 28 states:

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

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. 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 subject site is located outside of the development boundary of Cloughjordan and is designated on Map 5.3 of the Tipperary County Development Plan 2022-2028 as being within the open countryside.

Section 5.5.1 of the Plan states that In 'Open Countryside', facilitate the provision of single housing in the countryside based on siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Policy 5-11 of the County Plan seeks:

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

In the Open Countryside' areas, the Council will consider single houses for persons where the development meets other relevant policies set out in the Plan, and where the proposed development is in accordance with all the criteria set out hereunder.

- I. The proposed development must meet the normal planning and environmental criteria and development management standards.
- II. The applicant does not or has never owned a house in the open countryside.
- III. To prohibit speculative development in these areas, any application for a single permanent dwelling must be made in the name of the person for whom it is intended. An occupancy condition will be attached to any grant of permission.
- IV. An alternative site is not available within a settlement within 5km of the proposed site.

Other relevant sections and policies include:

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 5-12 - 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) The 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 dwellings.

Chapter 6 – Parking, Traffic and Road Safety.

Section 6.1 Road Design & Visibility at a direct access.

Table 6.1 – X-Distance Requirements.

Table 6.2 – Design speeds and associated Y-distances

Chapter 15 – Water and Energy Facilities

Policy 15-2

Policy 15-6

Policy 15-7

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 Housing Design Guideline' for one-off houses in the open countryside set out in Volume 3 of the Plan.

5.4. Natural Heritage Designations

The subject site is not located within or adjacent to any Natura 2000 sites. The subject site is located c.2.504km to the south of the Scohaboy (Sopwell) Bog SAC (Site Code SAC 002206) and c.1.374km to the south of the Scohaboy Bog NHA (Site Code pNHA 000937). In addition, the site is located c.8.535km to the south-west of the Sharavogue Bog SAC (Site Code 000585) and the Cangort Bog NHA (site code pNHA 000890).

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

This is a 1st Party Appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

1. Background

- Applicant has resided in Modreeny, Cloughjordan since 2008.
- Applicant is not the owner of the existing dwelling – husband is the freehold owner of existing dwelling. The dwelling was bought by the applicant husband prior to meeting the applicant.
- Applicant is currently in the process of a divorce and as such can no longer reside in the family home and has a housing need.
- Appeal site is in the ownership of in-laws and will be deeded to the applicant on foot of permission being granted.
- Evidence was provided to the Planning Authority and at further information stage with respect to the applicants housing need and proof that they do not own any dwellings within the area which included a solicitor's letter confirming same.
- The Planning Officer considered that no new information was provide in response to the further information request and as such an issue to refuse permission was issued.
- It is unclear what further proof the applicant could have submitted.

2. Rural Housing Policy

- Appeal site is located in an area which is designated as 'Open Countryside' and as such policy 5.11 applies which requires compliance with 4 no. criteria.
 - Item (i) of Policy 5.11 requires the proposal to meet the normal planning and environmental criteria and development management standards – implied in the Planning Officers report that the proposal was acceptable in this instance.

- Item (ii) of Policy 5.11 requires the applicant to not already own a home in the rural area. The applicant resides in Modreeney with her husband and children – as part of the separation agreement the applicant has to be provide with a dwelling. A solicitor’s letter has been included with appeal to demonstrate that applicant is not the owner of the dwelling they currently live in. As such item (ii) is satisfied.
 - Item (iii) of Policy 5.11 requires that the application for the dwelling must be made in the name of the person for whom it is intended to reside in it – it is intended that the applicant and her children will reside there.
 - Item (iv) of Policy 5.11 that there is no available site within a settlement within 5km of the proposed site. The only settlement within 5km is Cloughjordan – as f the 7th August 2024 there were no sites available for sale in Cloughjordan. This was accepted by the Planning Officer in their assessment.
- Therefore considered that applicant complies with Policy 5.11 of the Tipperary County Development Plan 2022-2028.
- The reason for refusal also refers to section 5.5.2 of the County Plan and Table 5.2. –
- Section 5.2 refers to NPO 19 (National Policy Objective 19 now replaced by National Policy Objective 28 within the National Planning Framework (NPF) – First Revision.) and that the rural housing policy of the County Plan has been established in line with same.
 - The applicant has established a housing need in line with Table 5.2 with particular reference to item 2 – housing need and occupancy.

3. Development Management Criteria

It is noted that the only reason for refusal relates to the rural housing policy – issues with respect to standard development management parameters were deemed to be acceptable by the Planning Authority.

In the instance of completeness, it is considered that the development management matters should be addressed:

- Siting and design – proposed house is not visible in the wider landscape.
- Sustainability – compliant with Building Regulations and will achieve BER Energy Rating of at least A2.
- Traffic Safety – Required sightlines available as set out by Road Engineers.
- Env/Flooding/Cultural Heritage – Wastewater treatment plant in accordance with EPA code of Practice, 2021. Site not within a flood zone.

The 1st party appeal was accompanied by a letter from a solicitor acting on behalf of the applicant's husband setting out details of the separation agreement. It was also accompanied by a letter from the solicitor acting on behalf of the applying stating that they do not currently own a home within the rural area and details of the applicants children's school attendance.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having reviewed the 1st party appeal and all-other documentation on file including the reports and responses of the local authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Policy.

8.2. Rural Housing Policy

- 8.2.1. The appellant contends that the Planning Authority has not accepted the applicants rural housing need and that the bone fide situation as set out with evidence provided to that extent would comply with requirements of point 2 of Table 5.2 and policy 5.11 of the County Development Plan 2022-2028. The appellant has set out their marital circumstances which has now necessitated for them to obtain a place to reside within the immediate vicinity of their current dwelling. It is further contended that the dwelling they currently reside in is not and has never been in their legal ownership.
- 8.2.2. The subject site which is located at Knockanacree approximately 1km north of Cloughjordan, Co Tipperary and identified as being within the Open Countryside as per Map 5.3 of the Tipperary County Development Plan 2022-2028. Therefore, any application for permission for a dwelling need to comply with the requirements of Policy 5-11 of the Tipperary County Development Plan 2022-2028. It is noted that while the applicant is not required to demonstrate that they have a social or economic need, they do need to demonstrate that he/she does not, or has never, owned a house in the open countryside and there must not be a site available in a settlement within 5km of the site.
- 8.2.3. Policy 5-11 sets out 4 no. criteria which an applicant for permission for a rural dwelling in the open countryside must comply with. The first requires the proposal to accord with principles of normal planning and environmental criteria and development management standards. The Planning Officer in their assessment raised no concern with regard to the design idiom, the siting or layout, the services, sightlines available, wastewater proposal, and flood risk. I note that the appellant has addressed this issue further within the appeal submitted. I accept that the design and layout would not be injurious to the current level of visual or residential amenities of the surrounding area and would not be out of character with the established rural character of this area. I therefore accept that the proposal would comply with point (i) of Policy 5-11.
- 8.2.4. Point (ii) of Policy 5-11 stipulates that any applicant for permission for a rural dwelling must not already own a home in the rural area. The Planning Authority in their assessment stated that on examination of the details submitted as part of the planning application relating to the personal and housing circumstances, further information is required to demonstrate compliance with Policy 5-11. The further information request

issued stated: *The applicant is requested to submit, for the consideration of the Planning Authority, information that substantiates the housing need circumstances outlined in the documentation submitted on behalf of the applicant. In this regard the documentation must clearly demonstrate the applicants current housing need noting the applicant's personal circumstances and residence history. In this regard it is a requirement under Policy 5-11 that an applicant does not, or has never owned a house in the open countryside.*

- 8.2.5. This was the principal concern of the Planning Authority that the applicant is the owner of the dwelling where they currently reside. On foot of the receipt of the further Information, the Planning Authority remained of the opinion that the dwelling was in the applicants ownership and information provided failed to demonstrate otherwise.
- 8.2.6. The appellant has submitted as part of the appeal documentation a letter from the solicitor acting on behalf of her husband which confirms the current marital status/situation and the requirement of their client to provide for a dwelling for the appellant and their children. A further letter from the appellants solicitor confirms that she does not have any legal interest or ownership over the dwelling where she currently resides. As part of the application documentation the appellant submitted a copy of the purchase agreement of the site where the appellant now resides. I note that the appellants name does not appear on this document and that it was made on the 4th Oct 2004. The appellant contends that her husband lived in the house before they had met. All other documents submitted such as tax certs and bank statements are dated post 2004.
- 8.2.7. I note from a review of landdirect.ie that the deeds associated with the dwelling where the appellant currently reside have not been registered and that there is no planning history available on Tipperary County Councils GIS mapping system relating to same.
- 8.2.8. Notwithstanding the letters submitted from the parties' legal representatives, I have concern over the wording and details included in such. I note that the solicitors letter issued on behalf of the applicant states that they were 'instructed' by the appellant that it is the case that she has never owned a property within the state. While the solicitor was instructed to say such no further comments were made to that extent in terms of a statutory declaration.

- 8.2.9. Furthermore, the letter from J. Brendan Quigley & Co. Solicitors on behalf of the appellants husband states that Mr. Casey will construct and pay for the new dwelling, with the title being transferred to the appellant in due course. The letter further states “For this purpose, our client (being the appellants husband) is applying to Tipperary County Council for planning permission for the construction of a single residential unit on lands at Modreeny, Cloughjordan, Co. Tipperary. While I note that the applicant for permission under PA Ref 2460720 was Mariola Casey I have concern over the wording of this letter which do not provide any clarity over who the current owner of the dwelling where the appellant resides is.
- 8.2.10. In the absence of any statutory declaration from either the appellant or her husband or a copy of the deeds associated with the dwelling where the appellant currently resides, I consider that the appellant has not clearly demonstrated that they do not currently own a rural dwelling already. As such the appellant has failed to demonstrate compliance with point (ii) of Policy 5-11 of the Tipperary County Development Plan 2022-2028.
- 8.2.11. Point (iii) of Policy 5-11 requires that the dwelling being applied for be made in the name of the person for whom it is intended. The appellant has indicated that it is the intention for them to reside in the proposed dwelling with her children. I consider that this can be achieved by way of an occupancy condition will be attached to any grant of permission.
- 8.2.12. Point (iv) of Policy 5-requires there to be no other site available within any settlement within 5km of the proposed site. The Planning Officer accepted within their assessment that there are no available sites within the settlement of Cloughjordan which is situated within 5km of the subject site. I note from undertaking a review on DAFT (www.daft.ie) that there are currently 2 no. sites available for sale but not within the development boundary of the Cloughjordan Settlement and located in excess of 5km from same. Therefore, the proposal is in compliance with point (iv) of Policy 5-11.
- 8.2.13. Overall, notwithstanding the difficult circumstances that the appellant currently finds themselves in and while the appellant has demonstrated compliance with part of Policy 5-11, ultimately in the absence of any statutory declaration from either the appellant or her husband or a copy of the deeds associated with the dwelling where the appellant currently resides, the appellant has failed to demonstrate that they do not already have

a rural dwelling and as such fail to comply with the policy as a whole. I therefore recommend that the decision of the Planning Authority is upheld and permission be refused.

9.0 AA Screening

9.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Scohaboy (Sopwell) Bog SAC (Site Code SAC 002206), Sharavogue Bog SAC (Site Code 000585) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

10.1. The subject site is located Knockanacree Townland, Cloughjordan, Co. Tipperary. The proposed development comprises the construction of a dwelling, carport, a new wastewater treatment system, site entrance and all associated site works. No water deterioration concerns were raised in the planning appeal. The Ballyfinboy River flows approximate c.1.168km to the south of the subject site. I note from undertaking a site visit that there is a watercourse which abuts the front boundary of the site which is formed with the roadway. This watercourse is not identified on any mapping system available to me.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

Having regard to the above it is recommended that the decision of Tipperary County Council is upheld and be refused based on the following reasons and considerations and subject to the attached conditions.

12.0 Reasons and Considerations

Having regard to the location of the subject site within an area identified as Open Countryside as per Map 5.3 of the Tipperary County Development Plan 2022-2028 where the provision of housing is restricted to persons demonstrating local need in accordance with the Policy 5-11 of the Tipperary County Development Plan 2022-2028, it is considered that the applicant does not come within the scope of the housing need criteria as set in the Development Plan for a house at this location as they have failed to demonstrate that they do not already have a dwelling within a rural location.

The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to NPO 28 of the National Planning Framework – First Revision and Policy 5-11 and Table 5.2 of the Tipperary County Development Plan 2022 – 2028 and would not be 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.

Kathy Tuck
Planning Inspector

11th June 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322086-25
Proposed Development Summary	To construct new dwelling, attached carport/store, septic tank and percolation area, vehicular entrance and all associated site works.
Development Address	Knockanacree Townland, Cloughjordan, Co. Tipperary
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322086-25
Proposed Development Summary	To construct new dwelling, attached carport/store, septic tank and percolation area, vehicular entrance and all associated site works.
Development Address	Knockanacree Townland, Cloughjordan, Co. Tipperary
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposed development is for 1 no. dwelling located within the townland of Knockanacree. It is proposed to service the site with an on-site wastewater treatment plant, water supply is proposed to be provided via a private well.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<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> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	There would be no significant cumulative considerations.

complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Knockanacree Townland, Cloughjordan, Co. Tipperary and situated c.2.504km to the south of the Scohaboy (Sopwell) Bog SAC (Site Code SAC 002206) and C.8.535km to the south-west of the Sharavogue Bog SAC (Site Code 000585) . The proposed development consists of the construction of a new dwelling, attached carport/store, septic tank and percolation area, vehicular entrance and all associated site works.

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 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 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

