



An
Coimisiún
Pleanála

Inspector's Report ABP-322436-25

Development	Erection of house with garage, domestic well, onsite wastewater treatment plant. all associated site works, and a new farmyard.
Location	Coppenagh , Tullow , Co Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2460432
Applicant(s)	Robert Dawson
Type of Application	Permission.
Planning Authority Decision	Granted with Conditions
Type of Appeal	Third Party
Appellant(s)	Melanie Doyle
Observer(s)	Russell Dagge
Date of Site Inspection	9 th of July 2025
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site, 0.71ha, is located 2.46km in a rural area north of Tullow town. It is located in a townland called Coppenagh, which is an agricultural area northeast of the National Secondary Road, N81.
- 1.2. The site is situated in the middle of a large barely field. It is accessed from an unsurfaced agricultural lane, which serves the large field. The site is rectangular in configuration. It is setback circa 200metres from the local road.
- 1.3. Along the local road there is extensive linear developments of one-off housing. The general topography falls gently back from the local road towards the site, i.e. in an easterly direction.
- 1.4. The site boundaries are open onto a large tillage field, apart from the south-east boundary which is the farm laneway giving access to the site, and there is a mature hedgerow along this boundary.

2.0 Proposed Development

- 2.1. The proposed development includes for:
 - a) A four bedroomed single storey dwelling (232sq.m.) and a detached garage (48sq.m.);
 - b) A reconfiguration of the vehicular entrance onto the local road;
 - c) A proposed farmyard with 2No. horse stables, machinery shed, paddock, livestock shed with calving pen, livestock laybacks, hay storage and a slatted tank. According to the documentation there will be 18No. livestock.
 - d) Landscaping, roadways and concrete yard areas.
- 2.2. Further information was requested regarding the piecemeal siting of the development in an open field contrary to Policies RH, P6 and Section 13.2 of the CDP. In addition to RH P9 relating to backland development.
- 2.3. A response was received from the applicant on the 23rd of March 2025. The applicants presented a case to retain the dwelling and the farmyard in the original

position and offered to sterilise the remainder of the land prohibiting further development.

3.0 Planning Authority Decision

3.1. Decision

Carlow Co. Co. granted the proposed development subject to 17No. conditions on the 17th of April 2025. The conditions were standard planning conditions for a rural dwelling and farm buildings.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The applicant complies with Categories 1 and 2: Criteria for Functional Social Requirement.
- The farm developments are acceptable
- Section 13.2 of the CDP cited that house sites should be tucked into the landscape close to existing features. The site is an overdevelopment area in terms of rural housing and is located in an exposed field. It is also considered to be backland development. Revised drawings are required.

3.2.2. *Other Technical Reports*

- Municipal Engineer: No objections
- Environment Section; No objections. The reinstatement of native hedges is noted. No soiled water from farmyard to discharge onto the access farm lane. In order to allow for Completion of the Water Framework Directive assessment the applicant shall submit stocking plans for next 3 years and maps of all lands related to submitted Fertiliser Plan 2025.
- Executive Scientist: The agricultural development will be in accordance with SI 11302022 EC (Good Agricultural Practice for Protection of Waters) Regulations 2022. The proposed stocking rate of 72kg/N/ ha is well below the

limit of 170kg/N/Ha. There is surplus slurry storage proposed. Conditions are recommended.

- Drainage Department (Environment) The sewage treatment proposal area acceptable. The water supply is from a new well 50m upstream of the proposed percolation area. Conditions recommended.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 There were a number of third-party submissions. The following concerns were expressed:

- *Visual Amenity:* It's a significant backland development within the current settlement pattern. The contemporary design looks incongruous to the rural area. Contrary to the Rural Design code.
- *Local housing Needs:*
- *Set a precedent* for further development along the lane
- *Drawings*
- *Agricultural Aspect :* Is the applicant a farmer, it seems speculative inconsistent with the scale of the agricultural activity.
- *Increased noise, odours, traffic*
- Contrary to the landscape character of Chapter 9 CDP
- There are too many dwellings in the area. This is haphazard development. Policy RH. P9 of the CDP seek to 'discourage the development of rural housing in the countryside located on backland to the rear of an existing house(s) with road frontage

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Carlow County Development Plan 2022-2028

5.1.2 Chapter 3: Housing

3.16 Single Housing in the Countryside

The countryside is a source of some of the County's most valuable assets and resources, including land, landscape and water resources, and natural and cultural heritage features. In accordance with the NPF and RSES, the Council recognises that the countryside of County Carlow will continue to be, a living and lived-in landscape, with a focus on the requirements of its rural economy and its rural communities, based on agriculture, forestry, tourism, and rural enterprise. A recognition of the need for housing for people to live and work in Carlow's countryside requires careful planning to:

- Ensure that demand, particularly in the most accessible areas around towns villages and rural settlements, can be managed to avoid ribbon and over-spill development;
- Support revitalised towns, villages, and rural settlements;
- Achieve sustainable compact growth targets; and,
- Protect the County's countryside assets, resources, and environmental qualities.

The subject site is located in ***Rural Housing Zone 1 Rural Area Under Urban Influence.***

Having regard to:

- the viability of smaller towns and rural settlements in County Carlow; and,
- the need to protect the County's key economic, environmental, natural resources and heritage assets, such as important landscapes, habitats and built heritage, water quality, and the public road network,

- the Council shall consider a single house in the countryside for the permanent occupation of an applicant in ***Rural Areas Under Urban Influence*** where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5. **Please note that compliance with only one of the Categories must be demonstrated.**

RURAL AREAS UNDER URBAN INFLUENCE		
CATEGORY 1: CRITERIA FOR FUNCTIONAL ECONOMIC REQUIREMENT	OR	CATEGORY 2: CRITERIA FOR FUNCTIONAL SOCIAL REQUIREMENT
<p>The applicant shall demonstrate with relevant documentary proof, that they have a functional economic requirement to live in this rural area and wish to build a home for their own use. This includes persons who:</p> <p>(i) have existing occupational or employment related ties to the rural area, such as those involved in full-time agriculture, horticulture, forestry, as well as similar rural-based occupations, and where it can be adequately demonstrated to the satisfaction of the Planning Authority that it is their predominant occupation;</p>		
<p>The applicant shall demonstrate with relevant documentary proof that they have a functional social requirement to live in this rural area, and wish to build a home for their own use. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, 'local rural area' is defined as a site within an 8km radius of where the applicant is living or has lived.</p>		

RH.P2

Restrict the occupancy of a rural house as a permanent place of residence for a period of 7 years to the applicant/occupant who demonstrate compliance with the rural housing policy criteria

RH.P6

Ensure, in addition to the requirement to comply with the rural housing policy criteria, that applicants demonstrate compliance with all normal siting and design requirements. The siting, layout and design of a new rural house shall appropriately integrate with its physical surroundings, including the natural and built heritage of the area, taking account of:

- i. The Rural Housing Design Guidelines in Chapter 13.
- ii. The character, sensitivity and capacity of the County's landscape as detailed in Chapter 9.
- iii. The capacity of the area to absorb further development, taking account of the extent of existing development in the area, the extent of ribbon development in the area, the degree of existing haphazard or piecemeal development in the area, and the degree of development on a single original landholding.
- iv. The protection and preservation of features in the landscape that contribute to local distinctiveness, attractiveness, and ecology, and which can assist in visually absorbing rural housing into its countryside. These features include hedgerows, trees, sod/stone banks and stone walls, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features and important views and prospects. Recessed development located / set back into the landscape away from the public road may be considered where the siting is appropriate to the rural context and provides for the protection of environmental, visual and residential amenities.
- v. The ability to provide a safe vehicular entrance in accordance with Transport Infrastructure Ireland publications (Refer Section 16.10.7) and without the need to remove an extensive amount of hedgerow or trees to achieve sightlines.
- vi. The ability of a site to accommodate an on-site wastewater treatment system in compliance with the *EPA Code of compliance with the 2021 EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses p.e. ≤ 10*.

- vii. The ability of a site to accommodate an appropriate on-site surface water management system in accordance with Carlow County Council SuDS Policy and the 'SuDS Manual' CIRIA C753.
- viii. The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities DoEHLG and OPW (2009).
- ix. The need to comply with the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG (2012).

RH.P7

Control the level of piecemeal and haphazard development in rural areas close to towns, villages and rural settlements having regard to potential impacts on:

- i. The orderly and efficient development of newly developing areas on the edges of towns and villages; and
- ii. The future provision of infrastructure such as roads and electricity lines etc.

RH.P9

Discourage the development of rural housing in the countryside located on backland to the rear of an existing house(s) with road frontage. This form of backland development is inconsistent with the recommendations of the Sustainable Rural Housing Guidelines (2005), militates against the preservation of the rural environment, represents piecemeal and haphazard development in the countryside, and can negatively impact on the residential amenity of neighbouring houses.

5.1.3 Chapter 6: Infrastructure

WW.P1:

Require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) Serving Single Houses (population equivalent less than or equal to 10) or any updated version during the period of this Plan, the Water Framework Directive, the National River Basin Management Plan 2018-2021 (as maybe updated) and the Habitats Directive.

Chapter 10: The Natural Environment

Chapter 13: Rural Design Guide

5.1.4 **Chapter 14: Rural Development**

AG.P1

Support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area.

Chapter 16: Development Management Standards

5.1.6 Castle Tower a National Monument is 400metres of the subject site.

5.2 **National Planning Framework**

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

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

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

5.2. **Natural Heritage Designations**

5.2.1 River Slaney valley SAC 1.3km west of the subject site (road) and 1.5km from the site boundary in the field.

5.3. EIA Screening

Schedule 5, Part 2, Class 10 (b)(i) provides that EIA is required for the construction of more than 500 dwellings units. Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km. Class (dd) of Part 2 relates to private roads exceeding 2000 metres in length. The proposed development falls significantly below these thresholds comprising a development of a single dwelling unit and a new farmyard . Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 *Visual and Landscape Impact – Policy Conflict*

The proposed development is sited in a visually exposed, elevated, open field no existing natural boundaries. It directly conflicts with Policy LA P3 and RH P6 of the Carlow County Development Plan. The landscaping proposals at further information stage were cosmetic and fail to mitigate against the visual dominance of the dwelling.

6.1.2 *Backland Development and Excessive Rural Density*

The proposal is haphazard and located directly behind existing dwellings, and this is not a long established farmstead as stated by the applicant. It contributes to excessive density in a rural area contrary to Policies RHP7, RHP9 and RHP10 and RH P11.

6.1.3 *Misuse of Precedent Argument*

Backland farm developments are historic and developed before modern planning controls. The proposal would establish a dangerous precedent for unstructured infill behind roadside houses, especially in areas under strong urban influence.

6.1.4 *Traffic and Road Safety*

The site is accessed via a substandard rural road incapable of accommodating increased traffic.

6.1.5 *Unclear compliance with Local Need Housing Policy*

The applicant's local need remains opaque and unverified. A fulltime agricultural need must be demonstrated. There have been no audited farm accounts, Department of Agriculture payments, herd numbers, Teagasc certification or evidence of primary agricultural activity provided.

The proposal does not comply with National Policy Objective 19.

6.1.6 *Planner and Environmental Reports*

The concerns expressed in the reports on file only partially address the highlighted concerns such as high groundwater vulnerability, inadequate resolution of wastewater and effluent risks, visual and landscape sensitivity and reliance on future mitigation.

6.1.7 *In the event of a grant of permission:*

The landscaping, boundary planting and agricultural elements should be completed prior to the construction of the dwelling. The applicant should reside in the dwelling a minimum period as per the local needs, and the entrance be upgraded to meet safe sightline requirements.

6.2. Applicant Response

6.2.1 The applicant's agent has responded to the appeal on behalf of the applicant. The following is a summary of the relevant issues raised in the response.

6.2.2 Rural Housing Need

The applicant has demonstrated that they meet with Category 1 of the Rural Housing Policy. The applicant's father is transferring c.30acres to the applicant to commence his beef enterprise. The remainder of the farm will be transferred once the dwelling house, slatted unit and stables are constructed, and the beef herd is established. The applicant is involved in the hoof care business and has been involved in the welfare of cattle for the past six and a half years, and it is the main reason he wants to start a pedigree suckler herd. His father has owned the lands for 51years.

The applicant is self-employed in his hoofcare business covering a large geographical area in the southeast. He has attached the relevant qualifications and proof of his business. Dairy and suckler herds require hoof trimming pre-calving, post calving etc and in the event of lameness. There is a shortage of hoof care professionals. He will still be able to work his farm because he is self-employed. The job requires a jeep and a trailer crate, it needs a secure storage place beside the applicant's house.

The applicant was raised c.2km due southwest from the site. He is engaged and they both want to live in the area. The applicant and his fiancé hope to start a family.

6.2.3 Site Selection and Layout

At the present time, the entire host field under crop represents the entire family landholding. Appendix 7 are the land registry maps of the family land holding. The applicant wishes to establish a suckler herd. The host field is 70 acres the boundaries were removed in the 1990s for tillage farming. The hedgerows will be re-introduced starting with the proposed site.

The proposed site is separated back 160m from the nearest dwelling, to mitigate odours, noise and any disturbance from the farming activities from existing houses. Certain livestock buildings are exempt and they must be 100metre from any house.

The applicant has to reside beside the farmyard in the interests of animal welfare.

There are 5 No. existing farms in the immediate area setback from the public road.

The significant recess will enable the house and farm to integrate into the host landscape. There is a gradual fall in levels from the public road towards the site.

This will enable mitigation of the visual impact of the development.

6.2.4 Response to Appeal Statement

- There will be minimal visual impact due to separation distances, the topography, and the landscaping.
- The development does not add to linear development. The site layout is similar to traditional farms in the area.

- The setback allows the applicants farm to peacefully co-exist with neighbouring properties and would not result in any significant loss of visual or residential amenity.
- The planning authority accepts the applicant has a bon fide need to live in the area linked to the family landholding. This is not an urban generated dwelling.
- The Engineering Department of the planning authority were satisfied with the road proposals and considered the access to be acceptable in terms of sightlines, splays, surface water treatment. The applicant attends farms within a considerable radius, his business does not generate traffic.
- There was a site suitability report prepared with the application. In addition, a sewage treatment system was designed in accordance with the EPA guidelines.

6.3. **Planning Authority Response**

Carlow Co. Co. is satisfied the proposed development is in accordance with the Carlow County Development Plan 2022-2028.

The visual impacts will be addressed by the landscape plan submitted with the further information.

The proposed dwelling and farmyard is setback adequately and its placement is typical of the area.

The applicant has successfully demonstrated compliance with rural housing policy. He has an agricultural business, 75acres which he plans to farm, and the applicant's family home is located within 3.2km of the site.

6.4. **Observations**

Russell Dagge has submitted an observation on appeal which includes the same content as the third-party appeal submission, as outlined above. The content is substantially identical . The following documents accompany his observation:

6.4.1 *Visual and Landscape Impact – Policy Conflict*

- The proposed development is sited in a visually exposed, elevated, open field with no existing natural boundaries. It directly conflicts with Policy LA P3 and RH P6 of the Carlow County Development Plan. The landscaping proposals at the further information stage were cosmetic and fail to mitigate against the visual dominance of the dwelling.

6.1.2 *Backland Development and Excessive Rural Density*

- The proposal is haphazard and located directly behind existing dwellings, and this is not a long established farmstead as stated by the applicant. It contributes to excessive density in a rural area contrary to Policies RHP7, RHP9 and RHP10 and RH P11.

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- Backland farm developments are historic and developed before modern planning controls. The proposal would establish a dangerous precedent for unstructured infill behind roadside houses, especially in areas under strong urban influence.

6.1.4 *Traffic and Road Safety*

- The site is accessed via a substandard rural road incapable of accommodating increased traffic.

6.1.5 *Unclear compliance with Local Need Housing Policy*

- The applicant's local need remains opaque and unverified. A fulltime agricultural need must be demonstrated. There have been no audited farm accounts, Department of Agriculture payments, herd numbers, Teagasc certification or evidence of primary agricultural activity provided.
- The proposal does not comply with National Policy Objective 19.

6.1.6 *Planner and Environmental Reports*

- The concerns expressed in the reports on file only partially address the highlighted concerns such as high groundwater vulnerability, inadequate resolution of wastewater and effluent risks, visual and landscape sensitivity and reliance on future mitigation.

6.1.7 *In the event of a grant of permission:*

- The landscaping, boundary planting and agricultural elements should be completed prior to the construction of the dwelling. The applicant should reside in the dwelling a minimum period as per the local needs, and the entrance be upgraded to meet safe sightline requirements.

6.1.8 A copy of his original submission on the planning application

- A copy of the Planning Report on the planning application file (24/02/2025)
- A copy of the Planning Report on the planning application file (17/04/2025)
- A copy of the Environment Report on the planning application file (14/01/2025)
- A copy of the Executive Science Report on the planning application file (08/01/2025)
- A copy of the Environment Report on the planning application file (11/01/2025).

7.0 **Assessment**

7.1. I visited the subject site and considered the content of the appeal file. The Commission should note I consider the planning authority's assessment of the proposed development to be comprehensive and included a multi-disciplinary assessment of the planning and environmental issues arising.

I intend examining this appeal under the following headings:

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

7.2 Compliance with Rural Housing Policy

- 7.2.1 According to the Carlow County Development Plan 2022 -2028, the subject site is located in a Rural Area Under Urban Influence. The relevant policies relating to this rural area are cited in Section 5 of this Report. There are two housing needs which need to be complied with in order to construct a new dwelling in a rural area as defined by Table 3.5, Economic and Social (in line with the National Planning Framework and government guidelines). From my assessment of appeal documentation and the planning authority's assessment, the applicant falls within both of these categories.
- 7.2.2 According to the submitted documentation the applicant's family home is located 2.3km from the subject site. The large landholding where the subject site located (28.23Ha) is owned by his father, Mr. John Lawson. The planning application stated his father was transferring ownership of 1.22ha to the applicant. On appeal the proposed land transfer has been increased to c.12.14 hectares. A Draft Folio has been submitted on appeal. However, this is not signed or dated, and I do not believe it can be used as evidence to support his case. There is a letter from the landowner's solicitor stating that the 12.14 hectares will be transferred for the commencement of the applicant's beef enterprise. The appeal file states, the applicant, Mr. Dawson is going to start a small pedigree suckler herd. This is a basis for the proposed agricultural structures and farmyard to the front of the proposed dwelling. Having regard to the nature and scale of the agricultural structures proposed on the subject site, it makes more sense to transfer 12.14ha than to transfer only 1.2ha to support a small suckler herd. Therefore, I am satisfied that proposed structures will support agricultural activities on the 12.14ha.
- 7.2.3 The applicant is currently self employed in his own bovine hoofcare business. He covers an expansive area in the south-east, visiting farms on a daily basis to repair and maintain the hooves of cattle and dairy cows. The proposed farmyard will accommodate livestock and the equipment/ machinery associated with his hoofing business. In my opinion, the applicant has submitted sufficient evidence on appeal to demonstrate his employment, association with the landholding and future plans for the farm.

7.2.4 I do not consider the proposed development to be an urban generated dwelling. The applicant has a genuine need to reside in a rural area, and he is the son of the land owner. In my opinion, the applicant has demonstrated in full, that he complies with the adopted Rural Housing Need policy outlined in section 3.16.2 of the Carlow County Development Plan. His family home within 3km of the site where he resided for over ten years of his life.

7.2.3 The planning authority was satisfied the applicant represents genuine local need as defined under the provisions of Carlow County Development Plan based on the documentary evidence submitted, which has been reinforced by the submission on appeal. I concur with this conclusion.

7.3 House Design and Impact on the Landscape

7.3.1 The third-party appellant, who resides in the area, had made objections at the planning application stage and on appeal, regarding the potential visual impact of the proposed dwelling, its insensitive siting on the landscape and the extensive setback from the public road, considered to be backland development, which she considers has resulted in a haphazard piecemeal form of development been permitted by Carlow Co. Co.. The appellant is concerned about the visual impact of the proposed development, and it's incongruous and obtrusive siting on landscape.

7.3.2 The issue of the design, siting and visual impact is a subjective planning issue. A new dwelling house on the open countryside within an open landscape, such as the subject site, will create a visual impact. The deciding factor is whether the impact is so significant, that it would militate against the rural landscape and seriously injure the visual amenities of the area. I note, the general area is not located within any designated High Amenity Areas nor is the local road a designated Scenic Route. According to Section 9.4 of the Carlow County Development Plan, it is considered to be the Eastern Rolling Landscape rated 2 out of 5 with 1 being the least sensitive. The general topography falls away from the public road to the east, there are levels supplied with the submitted documentation illustrating the gentle slope. The landholding is an extensive tillage landholding (28ha) where the hedgerows were removed, and there are expansive views of the Wicklow Mountains in the distance to the east.

7.3.3 There is a high concentration of linear development along the eastern side of the local road alongside the subject site entrance. The site entrance is currently the field entrance onto a farm laneway. The laneway will give access to the proposed development circa 220metres from the edge of the road. As stated, there are panoramic views to the east from within the site. The site cannot be seen from other approach roads, the only view into the site is from a narrow section along the roadside boundary and this located between two one-off dwellings.

7.3.4. The appellant has submitted the overall siting and layout is incongruous to the area. It is further submitted the proposed development is backland and haphazard in terms of location. By way of further information the applicant was told by the planning authority that it was concerned about the proposal setback behind dwellings in the open countryside and non-compliances with policy RH. P6 of the county development plan. I do accept the siting of the dwelling setback 220metres from the roadside to the rear of other residential properties aligning the road is irregular in comparison to the one off residential layouts and sitings along the roadside. The applicant has argued that the farmyard should be located a certain distance from residential properties under planning legislation, and the significant setback is to protect existing residential amenities from noise, odours and environmental concerns. In addition, due to the supervisions required with calving and managing a suckler herd, the applicant considers it necessary for him to reside in close proximity to the farmyard. In respect of the development plan policies cited by the appellant from the development plan relating to rural housing design and siting, the farmyard and its intended use is also a serious material consideration in this appeal, therefore, I consider the policies cited to be 'partially' relevant to this development. The proposed development consist of a rural dwelling AND an agricultural farmyard, therefore it cannot be considered under the rural housing policies only.

7.3.5 I would consider the reasoning for siting the proposed development in the middle of a large field to be reasonable in the context of the farm structures to be built. Farm developments and agricultural related developments need to be located in rural areas. In such locations as Coppenagh, there has been an excessive amount of one-off houses permitted, with no association with agriculture. It is inevitable that traditional rural landuses will conflict with residential amenities under certain circumstances. In this particular instance, I consider siting of the dwelling and new

farmyard a considerable distance from existing dwellings is to be encouraged and accepted as a mitigation measure against issues that may arise during the operational stage of the farm.

7.3.6 The appellant is concerned the proposed development, a single storey low profile dwellinghouse, will have an adverse impact on the landscape. It is my opinion, the overall visual impact of the proposed dwelling on the area and the landscape, has been greatly exaggerated by the appellant. The topography slopes away from the road and the existing houses. The single storey dwelling will create a low visual impact. The agricultural structures will have the background of the mature hedgerow along the southeast boundary. There is landscaping to be planted to screen the farmyard from the proposed dwelling and the dwellings to the west, in addition to additional planting along the western site boundary. The stable block and machinery store is a low-profile unit and will be screened from view by the building envelop of the livestock shed. In addition, a mature hedge is to be reinstated along western site boundary across the entire field.

7.3.7 I refer to Drawing No. 23026 PL008, where a number of photomontages illustrate the proposed development, in terms of its massing, scale and visual impact. The overall design and layout has been carefully considered and I believe the proposed development will not impact negatively on the landscape or the visual amenities of the area.

7.3.8 The applicant had offered to signed a Section 27 Agreement to sterilise the remainder of the landholding from further housing. The planning authority imposed an occupancy condition. Having regard to the excessive concentration to one off houses in the general area served by individual sewage treatment systems, I would not accept the current proposal as a precedent for further rural housing developments in the area or along the laneway. The applicant has presented an exceptional case. He is starting a new farm on the family landholding and is currently self-employed in a rural based agri-business. Therefore, a new dwelling house and farmyard off the laneway and unique to the general pattern of development in the area is acceptable, and not considered to be haphazard.

7.4 Sewage Treatment and Disposal

7.4.1 The site suitability report on file states the water supply is to be a private well.

7.4.2 The Site Suitability report submitted with the planning application, indicating the underlying soil is brown podzolics. The underlying aquifer is of local importance and is considered to be highly vulnerable. The overall site is relatively flat and free draining with no evidence of poor percolation capabilities. It is proposed to install a septic tank and percolation system followed by discharge to groundwater via percolation trenches with an invert level of 0.6m below ground level.

7.4.3 The wastewater proposals satisfy EPA 2021 Code of practice requirements in accordance with Site Suitability Report.

7.5 Traffic

7.5.1 In terms of access to the subject site, an existing farm laneway will provide access to the site. There is an existing agricultural entrance at the roadside boundary junction, which is to be realigned under the current proposal in order to provide adequate sightlines in both directions.

7.5.2 The Area Engineer in his report has no objection to proposed development including the sightlines are to be established before the construction works commence on site, and the access lane shall be constructed to a high specification for a distance of 6metres from the edge of the public road.

7.6 Agricultural Development

7.6.1 There is a new agricultural farmyard proposed to the front of the proposed dwelling which consists of one shed with an underground slatted tank within a portion of it, a livestock layback, calving pen, hayshed within the shed, then a separate small stable block and machinery store along with dungstead, baled silage stand and hard standing areas.

7.6.2 Although the application was referred to two environmental departments within the planning authority only one condition, No. 10 was imposed relating to the agricultural developments. Condition No. 9 restricted the use of the agricultural structures to agricultural purposes only and should not be used for business, trade, commercial purposes, which I concur with.

7.6.3 I would recommend a more comprehensive set of standard agricultural development planning conditions in line with Commission's normal approach to these developments.

7.7 Other Matters

- An occupation condition should be attached.
- Development contributions are payable in this instance in accordance with the adopted Scheme.
- The third parties requested that the landscaping be provided prior to the construction of the development, however, the landscaping may get damaged during the construction works therefore it is more appropriate to carry out the landscaping in the first planting season following completion of the development.

8.0 AA Screening

- 8.1. At the outset, for the purposes of clarity, the Commission should note that land spreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period.

There was no A.A. screening report submitted by the applicant. I note the planning authority carried out a Habitats Directive Appropriate Assessment Screening report, dated 24/02/2025.

8.2. European Sites

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

The subject site is located approximately 1.7km east of the nearest European site:

Slaney River Vally SAC (site code 000781)

The other European sites are in excess of 10km from the subject site with no hydrological link between the site and the European sites.

The nearest water course, which is an open drainage ditch is 365m to the southeast of the site.

8.3. Likely Impact of the project (alone or in combination)

The development comprises the construction of a dwelling house, sewage treatment and site development works along with a new farmyard to include a livestock shed with an underground slatted tank, a small stable block and dungstead, outdoor silage storage and hardstanding area. I noted from my site inspection that there were no open water drains contiguous to the site. As stated the nearest water course, which is an open drainage ditch, is 365m to the southeast of the site.

Having viewed the Environmental Protection Agency's AA Mapping Tool, and having visited the site, I note that there are no direct hydrological connections between the development proposed, the subject site and the European Sites.

I note that the Planning Authority undertook a screening for Appropriate Assessment and concluded that there would be no potential for significant effects on any European Site.

There is no hydrological connection between the subject site and the watercourse to the south-east.

There is no hydrological connectivity between the site and the nearest European site to the west, or any other European sites within a 15km Zone of Influence.

During the construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water. The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. The separation distance between the proposed building works and surface water drains offers a considerable buffer area to ensure the existing drains will not be impacted upon the proposed construction works.

8.4. Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SACs due to separation distance and lack of meaningful ecological/ hydrological connections. There will be no changes in ecological status of the European sites due to construction related emissions.

8.5. In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.6. Overall Conclusion – 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 any European Site and is therefore excluded from further consideration. Appropriate Assessment Stage 2 is not required.

The determination is based on:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the planning authority.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the sites location in a rural area under strong urban influence and the applicant's demonstrated need for rural housing in accordance with the criteria set out in Section 3.16 relating to Rural Housing in Areas Under Urban Influence in the current Carlow County Development Plan, together with the nature, scale and design of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health or the environment, and would be an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, the further information received on the 23rd of March 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter (unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant). Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

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

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

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) The establishment of a hedgerow along the western and norther site boundaries with native hedgerow species interspersed with native trees at five metre intervals

(b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity

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

(b) The surfacing of the recessed access and the access lane to the development shall be a minimum of 6metres from the edge of the public road. The full details of specification and surface water collection and disposal of the proposed entrance shall be agreed in writing with the planning authority prior to the commencement of the development.

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

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties;

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage

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

6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 23rd of December 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems– Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems– Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance

with the standards set out in the Environmental Protection Agency document referred to above.

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

7. The proposed development agricultural development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The land spreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

Reason: In order to avoid pollution and to protect residential amenity.

8. The proposed farm buildings, stables, machinery shed shall be used for agricultural purposes only and shall not be used for any business, trade or other commercial purposes, other than a purpose that has been outlined in the submission documents accompanying the planning application.

Reason: In the interest of traffic safety and residential amenity.

9. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

10. a) The developer shall ensure that all construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
- b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the planning authority.
- c) All construction and demolition activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 8.00a.m. and 6.00p.m, Monday to Friday (inclusive) and to the hours between 8.00a.m. and 2.00pm (inclusive) on Saturdays (excluding Bank/Public Holidays).

Reason: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning ABP-320766-24 Inspector's Report Page 19 of 23 authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanala to determine the proper application of the terms of the Scheme.

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector

24th of July 2025

Form 1 - EIA Pre-Screening

Case Reference	322436-25
Proposed Development Summary	Construction of a single storey dwelling, entrance, effluent treatment system, farm buildings, farmyard, slatted unit and all associated site development works
Development Address	
	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="checked" type="checkbox"/> <input type="checkbox"/> 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 checked="checked" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveway
<input 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 checked="checked" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveway

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)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322436-25
Proposed Development Summary	New Dwelling House Detached Garage New Farmyard with a livestock shed, slatted tank and a small stable block.
Development Address	Coppenagh , Tullow, Co. Carlow
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 site is currently agricultural land. The proposed development is a single storey dwelling house and new farmyard to the front of it. The overall development is not significant in size or scale. Excavation works are required for the construction of the dwelling, farmyard, small slatted tank and the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.
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).	The proposed development does not have the potential to have likely significant effects on any European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	The construction impacts which would arise on foot of the development reflect typical residential and agricultural developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil

cumulative effects and opportunities for mitigation).	leaks from construction equipment. Such impacts could reasonably be controlled / managed through planning conditions. The proposed development does not have the potential to result in cumulative effects with likely significant effects on the environment during the operational stage provided it complies with planning conditions and Department of Agriculture Guidelines.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>

Inspector: _____ Date: _____