



An
Coimisiún
Pleanála

Inspector's Report

ABP-322731-25

Development	House and domestic garage and waste water treatment system and all associated site works.
Location	Togher, Rhode, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2515
Applicant(s)	Orla Jones
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Orla Jones
Observer(s)	N/A
Date of Site Inspection	28 th August 2025
Inspector	Barry Diamond

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1.0 Site Location and Description

- 1.1. The subject site has an area of c. 0.21ha and is located in a rural area to the northeast of County Offaly c. 3.33 km to the southwest of the village of Rhode along the L1010 local road. The site is a roadside plot cut out of a larger agricultural field which slopes downwards from south to north.
- 1.2. The roadside boundary has a mixed species hedge while the southeastern boundary has a post and wire fence which partially defines the curtilage of an adjoining recently constructed dwelling. The remaining boundaries are undefined as the site is a portion cut out of a larger agricultural field.
- 1.3. There is a linear row of 4 No. roadside dwellings to the southeast along the same side of the road as the application site and there are 5 No. roadside dwellings in a linear row on the opposite side of the road.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for a mix of elements including:
 - A single storey dwelling
 - Detached single storey garage
 - Waste water treatment works
 - A new vehicular access
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 21st May 2025, the Planning Authority refused permission for the subject development for the following reasons stated:

The proposed development would contravene materially policy SSP-33 of the Offaly County Development Plan 2021-2027, which states that “It is Council policy to

consider applications for housing that fall under the description of 'ribbon development' against Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, or any subsequent Guidelines." The proposed dwelling, when taken in conjunction with existing development in this rural area, would give rise to a pattern of undesirable ribbon development as defined in the guidelines and the application has not meet (sic) the requirements of Appendix 4 to support the proposed development.

The proposed development would therefore if permitted, be contrary to the provisions of the above Ministerial Guidelines and Policy SSP-33 of the Offaly County Development Plan 2021-2027. Accordingly the proposed development is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports form the basis of the planning authority's assessment and decision. The first report indicates that the applicant demonstrated compliance with policy SSP-27 relating to local housing need, the design of the dwelling was broadly acceptable, subject to a detailed cross sections of the roof pitch. The Area Engineer and Environmental Water Services had no objections, further information was required regarding landscaping and information is requested to address concerns that the development of the site would result in ribbon development.

The second report indicates that details of the roof pitch and additional landscaping were submitted and were considered acceptable. The applicant did not meet the exception to the ribbon test, i.e that the applicant does not have a family relationship with the landowner nor did they provide any documentary evidence having regard to Appendix 4 of Sustainable Rural Housing Guidelines for Planning Authorities 2005.

3.2.2. Other Technical Reports

- Area Engineer indicated that they had no objection subject to conditions.
- Environmental and Water Services had no objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann - No comments received.

3.4. Third Party Observations

None

4.0 Planning History

4.1 Site

No Relevant History

4.2 Setting

20/481: Permission granted for the construction of a two-storey dwelling and a domestic garage and a wastewater treatment system and vehicular entrance and all associated site works.

20/219: Permission refused for the construction of a two-storey dwelling and a domestic garage and a wastewater treatment system and vehicular entrance and all associated site works.

11/197: Permission granted for the construction of a dormer dwelling garage & effluent treatment system.

5.0 Policy Context

5.1 Sustainable Rural Housing Guidelines for Planning Authorities 2005

The guidelines seek to encourage and support appropriate development at the most suitable locations. A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations.

Section 4.3 refers to Assessing Housing Circumstances. This includes exceptional health circumstances.

Appendix 4 addresses ribbon development.

- 5.2 **The Offaly County Development Plan 2021-2027** is the operative plan. As shown in Figure 2.6 'Open Countryside Housing Policy Map' the subject land is identified as being within a Stronger Rural Area. SSP-27 is therefore applicable and sets out four criteria which must be satisfied. One criterion which must be satisfied is that the applicant is born within the local rural area or is living / has lived in the local area for a minimum of 5 years. A second criterion is the applicant should not already own a home or has not owned a home in the local rural area, while a third criterion is that the site is located within an Area of Special Control and if so, there is no alternative site outside of Areas of Special Control. The fourth criterion relates to the need for high quality siting and design to be demonstrated.
- 5.2.2 **Chapter 2** sets out the Core Strategy, Settlement Strategy and Housing Strategy for County Offaly. The following are pertinent to the consideration of a dwelling in the countryside: (D) Open Countryside Housing in Rural Areas under Strong Urban Influence and Stronger Rural Areas, and Areas of Special Control
- 5.2.3 **SSP-33** Ribbon Development states that housing that falls under the description of 'ribbon development' will be assessed against Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, or any subsequent Guidelines.
- 5.2.4 **Chapter 12** sets out policies for the provision of water services for the sustainable growth of the county and delivering on the key principles of environmental protection and climate action as a backdrop to sustainable growth:
- 5.2.5 **ENVP-03** It is Council policy to support the implementation of the Water Framework Directive, the River Basin Management Plan and the Local Authority Waters Programme in achieving and maintaining at least good environmental status for all water bodies in the county. Development proposals shall not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands.
- 5.2.6 **WSP-22** It is Council policy to ensure adequate surface water drainage systems are in place which meet the requirements of the Water Framework Directive and the River Basin Management Plan and to promote the use of Sustainable Drainage Systems.
- 5.2.7 **Chapter 13** sets out Development Management Standards for County Offaly. The following are pertinent to the consideration of a dwelling in the countryside:

- 5.2.8 **DMS-44-** On-site Wastewater Treatment requires that all individual on-site wastewater treatment systems meet the standards of Environmental Protection Agency (EPA) 'Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses' (October 2009) or any later version.
- 5.2.9 **DMS-45** Site Size - requires that a minimum site size of 0.2 hectares (0.5 acres) is required to accommodate a dwelling in the open countryside.
- 5.2.10 **DMS-46** Road Frontage - states that dwellings in the open countryside shall provide a minimum of 30 metres road frontage unless on a case-by-case basis and it is desirable to maintain existing boundary or landscape features.
- 5.2.11 **DMS-48** Design and Siting - states that all planning applications for single houses in the countryside shall demonstrate a high standard of siting and design.
- 5.2.12 **DMS-52** Water Supply - relates to the provision of a safe and reliable water supply and that where a site is served by mains water, a connection must be made.
- 5.2.13 **DMS-53** Surface Water Drainage - broadly requires that surface water is not permitted to flow on to the public road from any rural residential site.
- 5.2.14 **DMS-57** Domestic Garage / Stores - requires that the development of a domestic garage/store for use ancillary to the enjoyment of the dwelling house should have a maximum floor area of 100sqm, a maximum height of 5m and the design and external finishes shall match the main dwelling.
- 5.2.15 **DMS-97** Safe Site Distances requires access onto National, Regional and Local Roads and states that. A sightline of 60m from vehicular entrances for tertiary roads is 60 metres.

5.3 **Natural Heritage Designations**

None relevant to this site.

6.0 **EIA Screening**

- 6.1 Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Schedule 5, Part 2, Class 10b Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwelling units.

6.2 Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that there is no real likelihood of significant effects on the environment arising. The proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2, Class 10b and I do not consider that any characteristics or locational aspect (Schedule 7) apply. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination (see Form 1 and Form 2 appended to the report).

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The applicant details their personal and domestic circumstances, including their living conditions, their sons medical condition and the attendance of the applicant's children at Croghan National School which they state helps to maintain staffing levels. It is also stated that the applicant has local ties to the area and her brother and sister live in close proximity to the application site. The policy on ribbon development is not absolute and needs to be looked at on a case-by-case basis, especially where the development does not compromise road safety, landscape or the character of the area. There is an absence of property's available for sale and when they do come on the market they exceed the asking price. Article 40 of the Irish Constitution entitles every individual to private and family life and to secure shelter. An additional letter from the acting Principal of Scoil Bhride Croghan was included detailing the importance of maintaining school enrolment and the consequences to the school and sustaining rural communities.

7.2 Planning Authority Response

Reference was made to the technical reports included in the assessment of the application and that planning permission should be refused.

7.3 Observations

None

7.4 Further Responses

None

8.0 Material Contravention

- 8.1 I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes Policy SSP 33 Ribbon Development of the Offaly County Plan 2021-2027. This policy refers to applications being assessed against Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, or any subsequent Guidelines, which is not, in my view, sufficiently specific and allows for a range of considerations to be taken into account in assessing whether a proposal would exacerbate ribbon development and would not justify the use of the term "materially contravene" in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

9.0 Assessment

- 9.1 Having examined the application details and all other documentation on the file including the appeal file, having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the principle of development, design, siting, landscaping and waste water treatment system are acceptable.
- 9.2 The issue of the principle of development has been sufficiently demonstrated as the applicant has provided evidence from local schools that she has previously resided in the local area and meets with SSP 27. I am of the view that the design and siting of the dwelling, the size of the site and the frontage width are compliant with the policies within the Plan. The proposed landscaping would be of an acceptable standard and the existing topography and intervening vegetation would assist in integrating the dwelling into the landscape. I consider the single means of access to be acceptable and no objections have been raised by the area engineer. A Site Suitability Assessment was submitted to demonstrate the suitability of the proposed waste water treatment system and I am of the opinion that it is in accordance with Policies

WSP-22 and EVP-03 and no objections were raised by the Councils Environmental and Water Services.

9.3 I consider that the main issues to be considered in this appeal are as follows:

- Ribbon Development
- Other Matters

9.4 **Ribbon Development**

9.4.1 Policy SSP-33 'Ribbon Development' states that housing that falls under the description of 'ribbon development' will be assessed against Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, (SRHGPA) or any subsequent Guidelines. The SRHGPA defines a ribbon of development as comprising five or more houses along 250 metres of one side of a road frontage. The application site is located to the northeast of a linear row of four existing dwellings which all share a common roadside frontage along the L1010. The development of the application site would be the fifth dwelling in the row and would result in a road frontage of circa 162 metres. The proposed development would therefore result in the creation of a ribbon of development as defined within SRHGPA.

9.4.2 There are no buildings immediately to the northeast of the site and therefore no opportunity for infill development exists. The SRHGPA allows for the circumstances of the applicant to be taken into account in determining whether the proposed development would exacerbate ribbon development. I have read the personal circumstances information submitted by the applicant in both the application and the appeal submission which also included a letter from the acting principal of an Scoil Bhride Croghan.

9.4.3 The applicant has no family ties to the application site although it is stated that her brother lives adjacent to the site and her sister resides some 0.5km away along the same road. I consider that the personal circumstances, the children's attendance at the local school, the applicants support from her family are all area specific matters as opposed to site specific. I do not consider that based on the information available to me that the personal circumstances raised would warrant setting aside the general

presumption to refuse development which would give rise to ribbon development on the application site.

9.5 Other Matters

- 9.5.1 Reference was made to Article 40 of the Irish Constitution and that it entitles every individual to private and family life and to secure shelter. Refusing planning permission generally does not directly conflict with the right to shelter under the Irish Constitution because the right to shelter is not explicitly protected by a constitutional right to housing, and planning decisions are made for the "proper planning and sustainable development of the area" rather than to provide housing for individuals.
- 9.5.2 There was reference made to the lack of properties available for sale in the area, however, this is not considered to be a material consideration in the determination of the planning application.

10.0 AA Screening

- 10.1 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 Raheenmore Bog SAC (Site Code 000582) in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required. The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Distance from nearest European site and lack of connections (5.3km).
- 10.2 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive

11.1 The subject site is located at Togher, Rhode, Co. Offaly which is located 0.2km from the nearest known watercourse.

11.2 The proposed development comprises proposed house, domestic garage, waste water treatment system and all associated site works.

11.3 No water deterioration concerns were raised in the planning appeal.

11.2 I have assessed the 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.

11.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest water bodies and lack of hydrological connections.

11.4 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.

12.0 Recommendation

That planning permission be refused for the reasons and considerations set out below.

13.0 Reasons and Considerations

The proposed development would be contrary to Policy SSP-33 of the Offaly County Development Plan 2021-2027 and Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, as the proposed dwelling, when taken in conjunction with existing development in this rural area, would give rise to a pattern of undesirable ribbon development and the application has not met the requirements of Appendix 4 to support the proposed development. Accordingly, the proposed development is contrary to 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.

Barry Diamond
Planning Inspector

12 September 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ABP-322731-25
Proposed Development Summary	House and domestic garage and waste water treatment system and all associated site works.
Development Address	Togher, Rhode, Co. Offaly
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, Class 10b (i) Construction of more than 500 dwelling units.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322731-25
Proposed Development Summary	House, domestic garage, waste water treatment system and all associated site works.
Development Address	Togher, Rhode, Co. Offaly
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 consists of the construction of one number single storey dwelling and domestic garage. The development will consist of typical construction and related activities and site works. This will not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to an on-site soakaway. Wastewater will be discharged to an on-site wastewater treatment system.
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 development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the Offaly County Development Plan.
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 site size measures 0.21ha. The size of the development is not exceptional in the context of a rural environment. There are existing dwellings adjacent to the proposed site. No concerns were raised in relation to the location of the proposed dwelling to the existing dwellings. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features,

cumulative effects and opportunities for mitigation).	likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case File: ABP 322732-25				
Brief description of project	House and domestic garage and waste water treatment			
Brief description of development site characteristics and potential impact mechanisms	Permission is sought for the construction of a dwelling house, detached garage, new waste water treatment system and all associated site works. Surface water is proposed to discharge to soakpits. There are no water courses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	N/A			
The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. The Planning Authority has considered the same 5 sites in their screening.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Raheenmore Bog SAC (Site Code 000582)	Active raised bogs. Degraded raised bogs still capable of natural regeneration. Depressions on peat substrates of the Rhynchosporion. https://www.npws.ie/protected-sites/sac/000582	5.16KM	None	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Raheenmore Bog SAC (Site Code 000582)	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Habitat modification
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	I conclude that the proposed development (alone) would not result in likely significant effects on Raheenmore Bog SAC (Site Code 000582). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	

Screening Determination

Finding of no likely significant effects

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 Raheenmore Bog SAC (Site Code 000582) in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Distance from nearest European site and lack of connections